

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



MONDAY, APRIL 6, 2020

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, April 6, 2020 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

- 1.1 IN ACCORDANCE WITH ORDER OF THE OFFICE OF THE GOVERNOR ISSUED MARCH 16, 2020, THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, WILL CONDUCT THE MEETING SCHEDULED FOR APRIL 6, 2020, 6:00 P.M., AT 401 MARKET STREET, TOMBALL, TEXAS, 77375 – IN ORDER TO ADVANCE THE PUBLIC HEALTH GOAL OF LIMITING FACE-TO-FACE MEETINGS (ALSO CALLED “SOCIAL DISTANCING”) TO SLOW THE SPREAD OF THE CORONAVIRUS (COVID-19), THERE WILL BE LIMITED PUBLIC ACCESS TO THE LOCATION DESCRIBED ABOVE. THIS MEETING AGENDA AND THE AGENDA PACKET, ARE POSTED ONLINE AT <https://tomballtx.gov/Archive.aspx?AMID=38>; A RECORDING OF THE MEETING WILL BE MADE AND WILL BE AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH THE OPEN MEETINGS ACT UPON WRITTEN REQUEST.

The public toll-free dial-in numbers to participate in the telephonic meeting are any one of the following: +1 346 248 7799 US (Houston); +1 253 215 8782 US; +1 301 715 8592 US and enter Meeting ID: 930 709 400 and #. The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting.

2.0 Invocation

- Led by Father Tommy Hopper – St. Anne’s Catholic Church

3.0 Pledges to U.S. and Texas Flags

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

- April 10, 2020 – *Good Friday* – City offices closed
- April 6-11, 2020 – **Tomball Annual Spring Clean-Up and Chipping Week**
- Reports by City staff and members of Council about items of community interest on which no action will be taken:

6.0 Approve the Minutes of the March 16, 2020 Special Joint Tomball City Council and Tomball Economic Development Corporation Meeting, the March 16, 2020 Regular Tomball City Council Meeting, and the March 20, 2020 Special Tomball City Council Meeting

7.0 Old Business:

- 7.1 Adopt, on Second Reading, Ordinance No. 2020-06, 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 CCJ Collaborations LLC to operate a “Distillation of liquors, spirits, etc. (brewery)” facility; said property being approximately 4.65 acres of land legally described as Lot 16 Block 1 Tomball Business and Technology Park Lot 5 Replat, within the City of Tomball, Harris County, Texas, generally located on the west side of South Persimmon Street, North of Spell Road, and is zoned Light Industrial District; providing requirements and conditions for this CUP; containing findings and other provisions relating to the subject; providing a penalty in an amount not to exceed \$2,000 for violations hereof; and providing for severability.

8.0 New Business:

- 8.1 Approve Resolution No. 2020-11, a Resolution of the City Council of the City of Tomball, Texas, Sponsoring the July 4th Celebration, to be Held in Tomball on Saturday, July 4, 2020, Closing State Highway Business 249 from Hicks Street to the North Entrance to the Kroger Parking Lot from 12:00 PM until 11:00 PM, and Authorizing the City Manager to Issue a Letter to TxDOT Requesting the Closure of the Designated Portion of State Highway Business 249
- 8.2 Authorize the City Manager to Execute a Request Letter to TxDOT for the Use of the Detention Pond Behind Lowe's for the Purpose of Launching the July 4th Fireworks Display

- 8.3 Approve Agreement with Developer for Financial Participation to Construct Public Infrastructure Along South Persimmon Road Where it Fronts Lots 6 and 7 of the Tomball Business and Technology Park Subdivision, Situated in the City of Tomball, Harris County, Texas, as Depicted on a Plat Thereof Recorded in Volume 653, Page 006, of the Real Property Records of 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 2nd day of April 2020 by 5:00 p.m., and remained posted for at least 72 continuous hours proceeding 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: April 6, 2020

Topic:

- Led by Father Tommy Hopper – St. Anne’s Catholic Church

Background:

Origination:

Recommendation:

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: April 6, 2020

Topic:

- April 10, 2020 – *Good Friday* – City offices closed
- April 6-11, 2020 – **Tomball Annual Spring Clean-Up and Chipping Week**
- Reports by City staff and members of Council about items of community interest on which no action will be taken:

Background:

Origination:

Recommendation:

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

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: April 6, 2020

Topic:

Approve the Minutes of the March 16, 2020 Special Joint Tomball City Council and Tomball Economic Development Corporation Meeting, the March 16, 2020 Regular Tomball City Council Meeting, and the March 20, 2020 Special Tomball City Council Meeting

Background:**Origination:**

City Secretary

Recommendation:

Approve

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

City Secretary

ACTION TAKEN

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

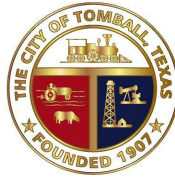
Draft Minutes of the March 16, 2020 Special Joint Tomball City Council and Tomball Economic Development Corporation Meeting

Draft Minutes of the March 16, 2020 Regular Tomball City Council Meeting

Draft Minutes of the March 20, 2020 Special Tomball City Council Meeting

**MINUTES OF SPECIAL JOINT MEETING OF THE
TOMBALL CITY COUNCIL AND THE
TOMBALL ECONOMIC DEVELOPMENT CORPORATION
CITY OF TOMBALL, TEXAS**

MONDAY, MARCH 16, 2020



5:00 P.M.

- 1.0 Meetings of the Tomball City Council and the Tomball Economic Development Corporation were called to order at 5:03 p.m. by Mayor/TEDC President Fagan. Other Council and TEDC members present:

Councilman Ford
Councilman Stoll
Councilman/TEDC Board Member Degges
Councilman Townsend
Councilman Klein Quinn
TEDC Board Member Benson
TEDC Board Member Sumner
TEDC Board Member Jaeger
TEDC Board Member Vaughan

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer
City Attorney – Loren B. Smith
City Attorney – Justin Pruitt
Finance Director – Glenn Windsor
Assistant City Secretary – Tracy Garcia
CSO-Administrative Assistant – Sasha Luna
Executive Director-TEDC – Kelly Violette
Assistant Director-TEDC – Tiffani Wooten
Administrative Assistant-TEDC – Tori Gleason
Senior Vice President, Colliers International – Tom Condon
Branch Manager, Gunda Corporation – Kyle Bertrand

2.0 No Public Comments were received.

3.0 New Business:

3.1 Executive Session: The Tomball City Council and the Tomball Economic Development Corporation entered into an Executive Session at 5:05 p.m., as authorized by Title 5, Chapter 551, Texas Government Code, The Texas Open Meetings Act, for the following purpose:

- * Section 551.072 - Deliberation regarding real property: Deliberate the purchase, exchange, lease, or value of real property.

Upon reconvening at 5:28 p.m., the following actions were taken:

3.2 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve Resolution No. 2020-10-TEDC authorizing and approving an Amendment to the Tomball Economic Development Corporation Fiscal Year 2019-2020 Budget to allow for the expenditure of funds and related project costs for the acquisition of land, buildings, equipment, facilities, targeted infrastructure, and improvements near Old Town Tomball.

Motion carried unanimously.

3.3 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve, as a Project of the Tomball EDC, the Expenditure of Funds and Related Project Costs, and the Execution of Contracts and Documentation by the EDC Executive Director, for the Acquisition of Land, Buildings, Equipment, Facilities, Targeted Infrastructure, and Improvements near Old Town Tomball that Create or Retain Primary Jobs and are Suitable for the Development, Retention, or Expansion of: Manufacturing and Industrial Facilities; Research and Development Facilities; Distribution Centers; Small Warehouse Facilities Capable of Serving as Decentralized Storage and Distribution Centers; Primary Job Training Facilities for Use by Institutions of Higher Education; or, Regional or National Corporate Headquarters Facilities.

Motion carried unanimously.

4.0 Motion was made by Councilman Townsend, second by Councilman Ford, to adjourn the City Council and TEDC special joint meeting.

Motion carried unanimously.

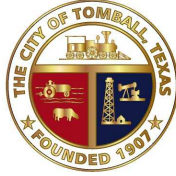
Meeting adjourned at 5:31 p.m.

PASSED AND APPROVED this the 6th day of April 2020.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

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



**MONDAY, MARCH 16, 2020
6:00 P.M.**

1.0 Meeting was called to order at 6:01 p.m. by Mayor Fagan. Other members present:

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer
City Attorney – Loren B. Smith
City Attorney – Justin Pruitt
Director of Public Works – Beth Jones
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Community Development – Craig Meyers
City Planner – Amelia Lindley
Assistant City Secretary – Tracy Garcia
CSO-Administrative Assistant – Sasha Luna
Police Officer-Investigations – Cleo Thomas
Community Center Manager – Rosalie Dillon
Executive Director-TEDC – Kelly Violette
Assistant Director-TEDC – Tiffani Wooten
Administrative Assistant-TEDC – Tori Gleason
Senior Vice President, Colliers International – Tom Condon
Branch Manager, Gunda Corporation – Kyle Bertrand

Mayor Fagan addressed the attendees regarding the City of Tomball's status/response to the current COVID-19 situation.

2.0 The invocation was led by Pastor Greg Jenkins – Tomball Assembly of God

3.0 Pledges to U. S. and Texas Flags were led by Pastor Jenkins.

4.0 No Public Comments were received.

5.0 Reports and Announcements:

- March 21, 2020 – ***Tomball Honky Tonk Chili Challenge Festival*** at the Depot – ***Canceled***
- March 25-26, 2020 – ***“Shattered Lives”*** Program – Concordia Lutheran High School
- March 27-29, 2020 – ***Tomball German Sister City Heritage Festival*** at the Depot – ***Canceled***
- April 22, 2020 – ***Annual Lone Star College-Tomball Career Fair*** – Beckendorf Conference Center, 10:00 a.m.-1:00 p.m., hosted by LSC-Tomball and Tomball Economic Development Corporation
- Reports by City staff and members of council about items of community interest on which no action will be taken:

6.0 Motion was made by Councilman Stoll, second by Councilman Ford, to approve the Minutes of the March 2, 2020 Regular Tomball City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve, on Second Reading, Resolution No. 2020-05-TEDC-R, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Project of the Tomball Economic Development Corporation, the designation of a culinary incubator and food hall, including real and personal property acquisition, for the purposes of promoting new or expanded business development.

Motion carried unanimously.

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

8.1 Adopt, on Second Reading, Ordinance No. 2020-04, an Ordinance of the City of Tomball, Texas, Deleting Division 2, Municipal Court Technology Fund, of

Article II of Chapter 28, Municipal Court, of the Code of Ordinances of the City of Tomball, Texas; Deleting Section 28-34, Municipal Court Building Security Fund, of Article II of Chapter 28, Municipal Court, of the Code of Ordinances of the City of Tomball, Texas; Deleting Division 3, Juvenile Case Manager Fund, of Article 28 of Chapter 28, Municipal Court, of the Code of Ordinances of the City of Tomball, Texas; Providing for the Incorporation of Preamble; Specifically Repealing Ordinance Number 2010-12, as Codified as Division 2, Municipal Court Technology Fund and Section 28-34, Municipal Court Building Security Fund, of Article II of Chapter 28, Municipal Court, of the Code of Ordinances; Specifically Repealing Ordinance 2014-02, as Codified as Division 3, Juvenile Case Manager Fund, of Article II of Chapter 28, Municipal Court, of the Code of Ordinances; Providing a Repealer Clause, a Severability Clause, a Savings Clause and an Effective Date

- 8.2 Approve, on Second Reading, Ordinance No. 2020-05, an Ordinance of the City of Tomball, Texas, Amending Division 1, Article II of Chapter 28, Municipal Court of the Code of Ordinances; Granting the City the Authority to Assess a Fine in the Case of a Person Failing to Appear for a Court Date or Violating a Promise to Appear to a Court Date; Providing a Repealer Clause, a Severability Clause, a Savings Clause, and an Effective Date
- 8.3 Approve, on Second Reading, Resolution No. 2020-06-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Performance Agreement by an between the Corporation and Turnstone Texas Group, LP, to make direct incentives to, or expenditures for, assistance with infrastructure costs required or suitable for the promotion of new or expanded business enterprise related to the construction of a multibuilding office/warehouse park to be located on the west side of State Highway 249, north of Humble Road in Tomball. The estimated amount of expenditures for such Project is \$73,200.00.
- 8.4 Approve, on Second Reading, Resolution No. 2020-07-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Performance Agreement by and between the Corporation and BJ Services for expenditures required or suitable for the promotion of new or expanded business development. The estimated amount of expenditures for such Project is \$57,100.00.

Motion was made by Councilman Stoll, second by Councilman Townsend, to approve all items on the Old Business Consent Agenda in a single motion. Vote was as follows:

Councilman Ford	<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.

9.0 New Business:

- 9.1 Motion was made by Councilman Townsend, second by Councilman Ford, to approve Resolution No. 2020-08, a Resolution of the City of Tomball, Texas, Amending Municipal Court Fees in the Master Fee Schedule for Fiscal Year 2019-2020.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to authorize the City Manager to Execute an Agreement with Tomball Little League for the Maintenance and Operation of the Baseball Fields Located at Wayne Stovall Sports Complex.

Motion carried unanimously.

- 9.3 Consideration to Approve **Zoning Case P20-020**: Request by CCJ Collaborations LLC for a Conditional Use Permit to operate a distillation of liquors, spirits, etc. (brewery) facility. The property is approximately 4.65 acres, legally described as Block 1 Lot 16 Tomball Business and Technology Park Lot 5 Replat, generally located on the west side of South Persimmon Street, north of Spell Road, within the City of Tomball, Harris County, Texas, and is zoned Light Industrial District.

- Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball to consider **Zoning Case P20-020** at 6:16 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:18 p.m.

- Motion was made by Councilman Degges, second by Councilman Stoll, to read Ordinance No. 2020-06 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Degges, to adopt, on First Reading, Ordinance No. 2020-06, 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 CCJ Collaborations LLC to Operate a “Distillation of Liquors, Spirits, Etc. (Brewery)” Facility; Said Property being Approximately 4.65 Acres of Land Legally Described as Lot 16 Block 1 Tomball Business and Technology Park Lot 5 Replat, Within the City of Tomball, Harris County, Texas, Generally Located on the West Side of South Persimmon Street, North of Spell Road, and is Zoned Light Industrial District; Providing Requirements and Conditions for This cup; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; and Providing for Severability. Vote was as follows:

Councilman Ford	<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.

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

Motion carried unanimously.

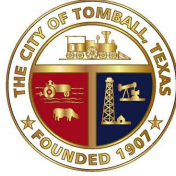
Meeting adjourned at 6:23 p.m.

PASSED AND APPROVED this the 6th day of April 2020.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

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



**FRIDAY, MARCH 20, 2020
2:00 P.M.**

1.0 Meeting was called to order at 2:00 p.m. by Mayor Fagan. Other members present:

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Attorney – Loren B. Smith- Teleconference
Assistant City Secretary – Tracy Garcia
Police Sergeant – Chris Burns

2.0 No public comments were received.

3.0 New Business:

3.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2020-07-E by caption only on First and Only Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Ford, Adopt, on First and Only Reading, Ordinance No. 2020-07-E, an Ordinance of the City of Tomball, Texas Declaring a Public Health Emergency and Declaring a State of Disaster; Providing for a Penalty in an Amount Not to Exceed \$2,000.00 for Every Violation Hereof; Providing for Severability; Making Findings Related Thereto and Providing an Effective Date.

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

9.0 Having nothing further to discuss meeting was adjourn.

Meeting adjourned at 2:07 p.m.

PASSED AND APPROVED this the 6th day of April 2020.

Tracylynn Garcia
Tracylynn Garcia, TRMC, CMC
Assistant City Secretary

Gretchen Fagan
Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: April 6, 2020

Topic:

Adopt, on Second Reading, Ordinance No. 2020-06, 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 CCJ Collaborations LLC to operate a “Distillation of liquors, spirits, etc. (brewery)” facility; said property being approximately 4.65 acres of land legally described as Lot 16 Block 1 Tomball Business and Technology Park Lot 5 Replat, within the City of Tomball, Harris County, Texas, generally located on the west side of South Persimmon Street, North of Spell Road, and is zoned Light Industrial District; providing requirements and conditions for this CUP; containing findings and other provisions relating to the subject; providing a penalty in an amount not to exceed \$2,000 for violations hereof; and providing for severability.

Background:

On Monday, March 9, 2020, after conducting a public hearing, the Planning & Zoning Commission recommended unanimous approval of the Conditional Use Permit.

Origination:

CCJ Collaborations, LLC

Recommendation:

Approval

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

Craig T. Meyers, Director of Community Development

ACTION TAKEN

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

Ordinance No. 2020-06

Staff Report

Public Comment Form

Notice of Public Hearing

Property Owner Notification

ORDINANCE NO. 2020-06

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 CCJ COLLABORATIONS LLC TO OPERATE A “DISTILLATION OF LIQUORS, SPIRITS, ETC. (BREWERY)” FACILITY; SAID PROPERTY BEING APPROXIMATELY 4.65 ACRES OF LAND LEGALLY DESCRIBED AS LOT 16 BLOCK 1 TOMBALL BUSINESS AND TECHNOLOGY PARK LOT 5 REPLAT, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, GENERALLY LOCATED ON THE WEST SIDE OF SOUTH PERSIMMON STREET, NORTH OF SPELL ROAD, AND IS ZONED LIGHT INDUSTRIAL DISTRICT; PROVIDING REQUIREMENTS AND CONDITIONS FOR THIS CUP; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATIONS HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

Whereas, CCJ Collaborations LLC, has requested a CUP to operate a “*distillation of liquors, spirits, etc. (brewery)*” facility on approximately 4.65 acres of land legally described as Lot 16 Block 1 Tomball Business and Technology Park Lot 5 Replat, generally located on the west side of South Persimmon Street, north of Spell Road, in the City of Tomball, Harris County, Texas, (the "Property"), 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 “*distillation of liquors, spirits, etc. (brewery)*” facility at the Property and subject to the terms and conditions set forth below is hereby granted to CCJ Collaborations LLC.

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. The CUP authorized hereby shall be, and is, subject to the following additional limitations, restrictions and conditions:

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

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.

Section 8. 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.

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 MARCH 2020.

COUNCILMAN FORD	<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 THE MEETING OF THE
CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF APRIL 2020.

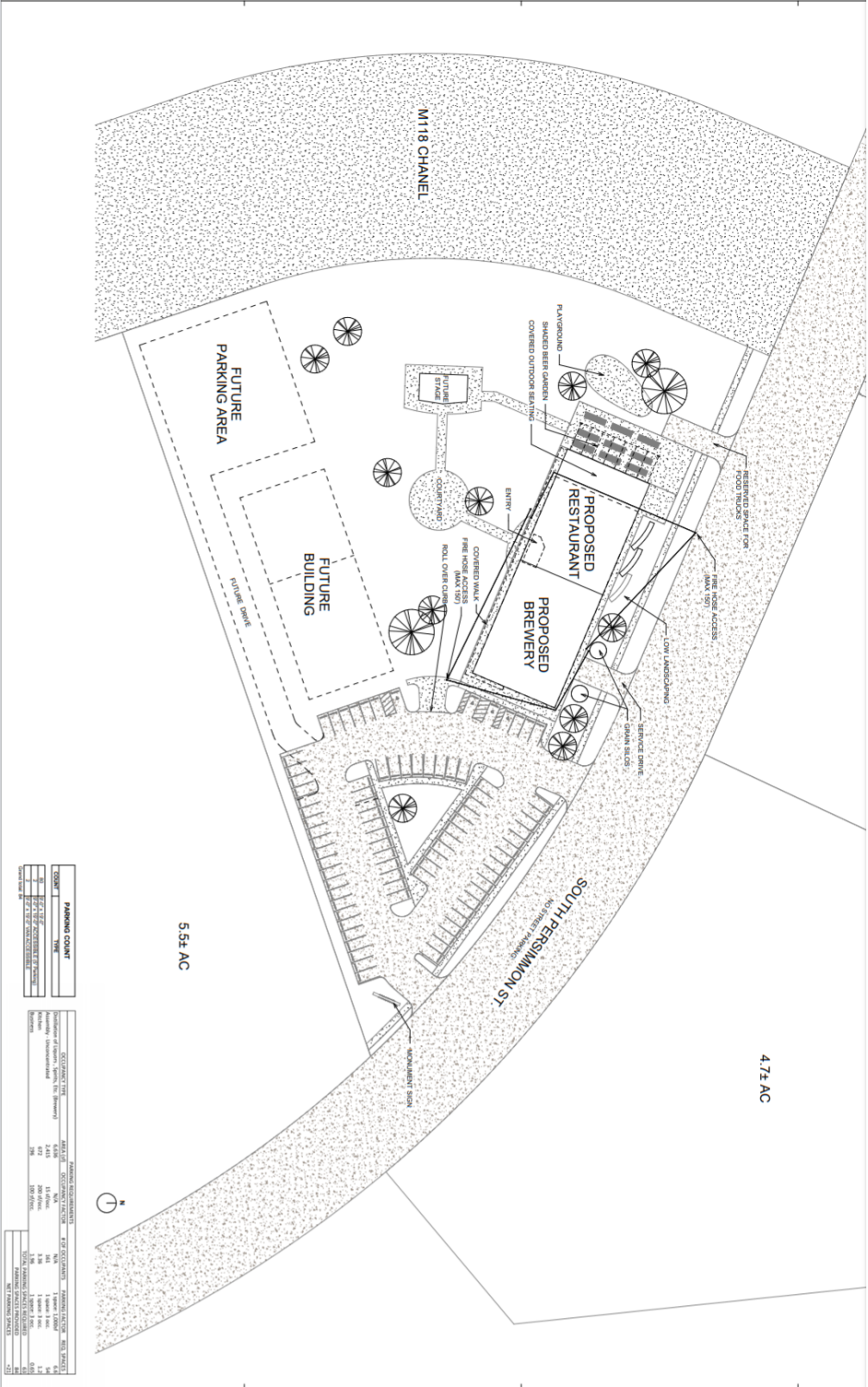
COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

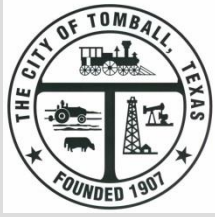
Exhibit "A"
Concept Plan



PARKING COUNT	
TYPE	COUNT
PERMANENT	10
TEMPORARY	10
TOTAL	20

PERMANENT PARKING	
TYPE	COUNT
PERMANENT	10
TOTAL	10

TEMPORARY PARKING	
TYPE	COUNT
TEMPORARY	10
TOTAL	10



Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: March 9, 2020

City Council Public Hearing Date: March 16, 2020

Rezoning Case: P20-020

Property Owner(s): Tomball Economic Development Corporation

Applicant(s): CCJ Collaborations, LLC

Legal Description: Lot 16 Block 1 Tomball Business and Technology Park Lot 5 Replat

Location: West side of South Persimmon Street, north of Spell Road (Exhibit "A")

Area: 4.65 acres

Comp Plan Designation: Business Park and Industrial (Exhibit "B")

Present Zoning and Use: Light Industrial District (Exhibit "C") / Undeveloped (Exhibit "D")

Proposed Use(s): Production brewery (Exhibit "D")

Request: Conditional Use Permit (CUP) to allow the operation of a *distillation of liquors, spirits, etc. (brewery) facility*

Adjacent Zoning & Land Uses:

- North:** Light Industrial District / Undeveloped
- South:** Light Industrial District / Hoelscher Weatherstrip Manufacturing Co.
- West:** Light Industrial District / M118 Drainage Channel
- East:** Light Industrial District / Bimbo Bakery Distribution Center

BACKGROUND

City Staff received a Conditional Use Permit Application from the applicant in January.

ANALYSIS

According to Section 50-81 (f) of the Chapter 50 (Zoning), 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 at the specified location is consistent with the goals, objectives, and policies contained in the adopted Comprehensive Plan;**

The Comprehensive Plan identifies the subject site as Business Park and Industrial. According to Chapter 4 (Vision) of the Comprehensive Plan, the intent of the Business Park and Industrial category is “to create opportunities for employment. This area is intended to be located near adequate thoroughfares which provide convenient access for vehicular traffic including freight.” Appropriate land uses in the Business Park and Industrial category include “office, warehousing, light manufacturing (with indoor operations), breweries/distilleries, equipment sales, contractor services, and corporate campuses.”

The request also meets the following goals, objectives and actions of the Comprehensive Plan:

- Objective LU 2.1, Implement the Future Land Use Plan to promote development that results in desired character of Tomball
 - Action LU 2.1.1, Evaluate new development applications to ensure it results in the desired character areas set out in the Future Land Use Plan.
- Objective ED 5.3, Maintain a balance in the differing economic sectors to promote sustainable economic health for the community.
 - Action 5.3.1, Utilize the intent of the Future Land Use Plan to apply a character-based approach to land use decisions focusing less on use and more on impacts to the built environment.
 - Action 5.3.2, Pursue and encourage entertainment options for local Tomball residents.
- Action 5.4.3, Work closely with the Greater Tomball Area Chamber of Commerce (GRACC) and Tomball Economic Development Corporation (TEDC) to support local businesses and increase employment opportunities.

The proposed use meets the goals, objectives and actions, as well as the Future Land Use Map of the Comprehensive Plan.

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

According to the Zoning Ordinance, “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.”

According to Section 50-78, the purpose of the Light Industrial District is “primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits.” According to the applicant, the site “would include approximately a 10,000 square ft building to house both the brewing operation and restaurant/tap room.” The applicant continues to describe, “approximately 70% of the building would be exclusive for brewing operations. All equipment would be housed inside the building, so noise levels would be minimal.” It appears the proposed use is consistent with the general purpose and intent of the Light Industrial District.

3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in the Zoning Ordinance;

Should the CUP application be approved by City Council, the applicant will be required to submit site and building plan applications and supporting documents to the City for review and approval. Specific details of site modifications will be shown at the time of plan review.

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 the adjacent developments. The property is located within the Tomball Business & Technology Park. Existing uses in the business park include Packers Plus, Suez, Hoelscher Weatherstrip Manufacturing Co., Bimbo Bakery Distribution Center and multiple office/warehouse facilities. The proposed production brewery will add to the diversity of the business park while also adding jobs to the Tomball economy. There are also no residential districts surrounding the property.

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.

Staff does not anticipate any adverse effects on surrounding properties.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on February 21, 2020. A Notice of Public Hearing was published in the paper on February 28, 2020. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P20-020.

EXHIBITS

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

Exhibit "A"
Aerial Photo

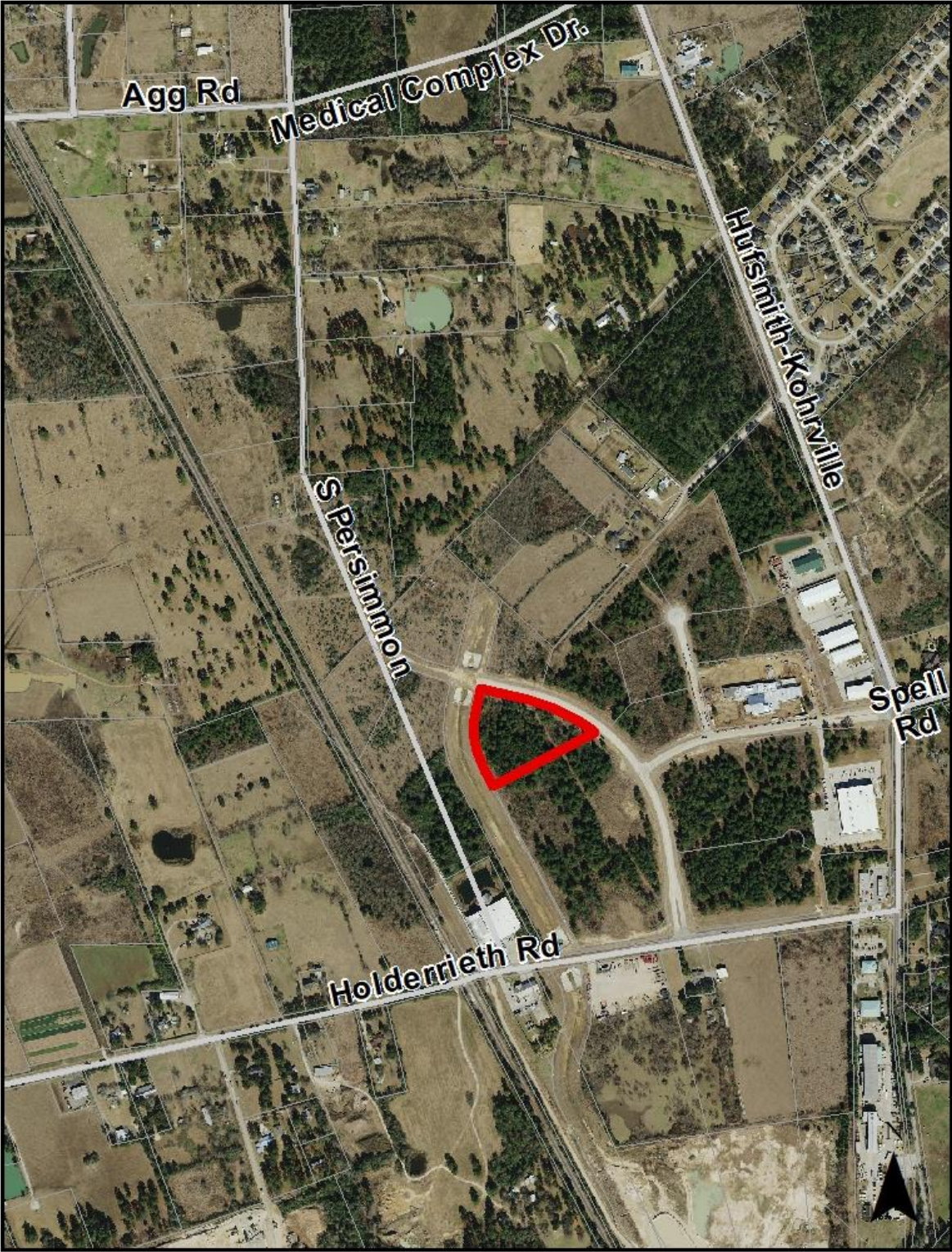


Exhibit "B"
Comprehensive Plan

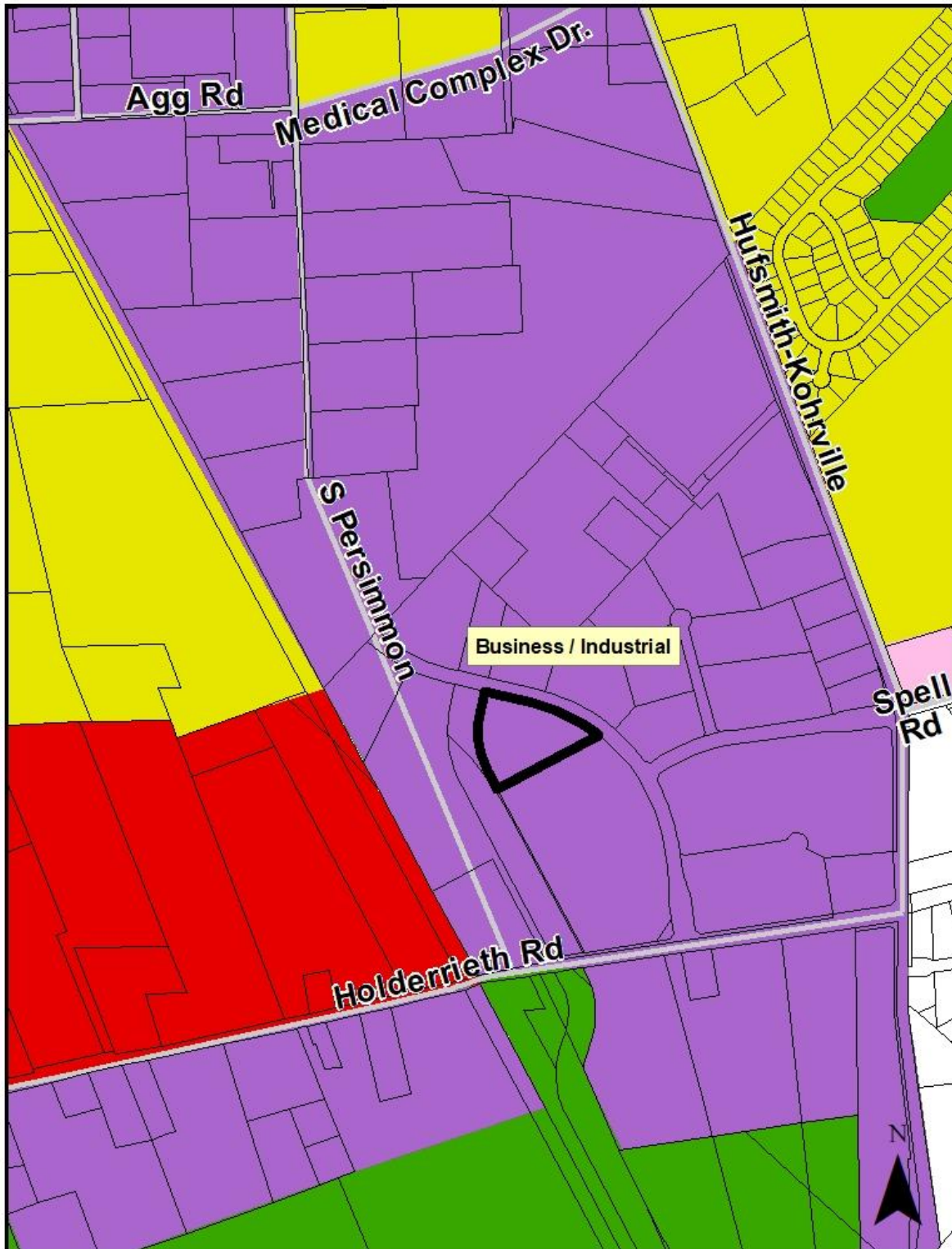
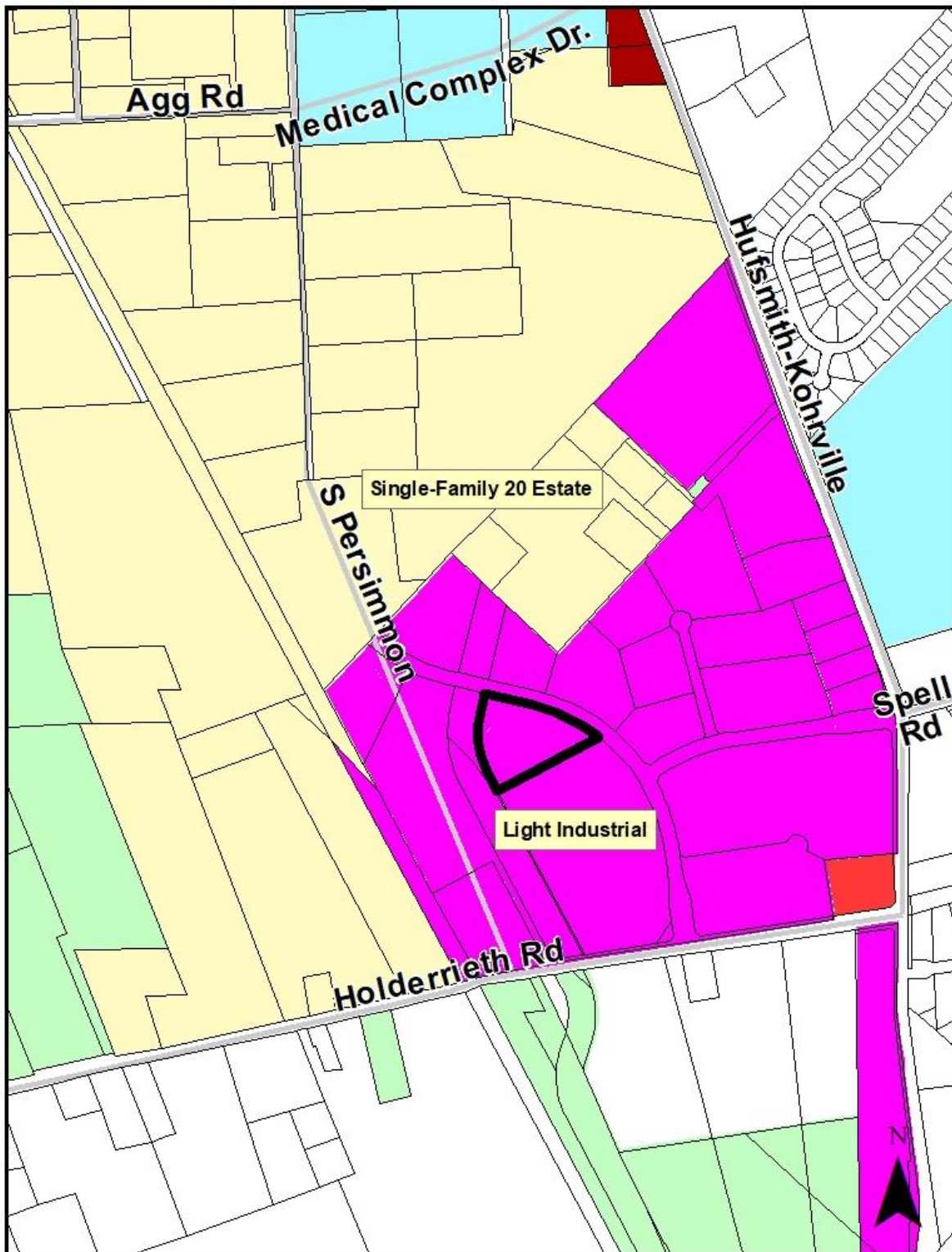


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"

CUP Application



RECEIVED (KC)
01/31/2020 2:40:27 PM

Revised 5/19/15
P&Z Case #20-020

APPLICATION FOR CONDITIONAL USE PERMIT

Community Development Department
Planning Division

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.

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 Section 50.34 of the Code of Ordinances.

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: CCJ Collaborations LLC Title: _____
Mailing Address: 5900 Balcones Dr Suit 100 City: Austin State: TX
Zip: 78731
Phone: (281) 755-1991 Fax: (_____) _____ Email: _____

Owner

Name: Tomball Economic Development Corp Title: _____
Mailing Address: PO Box 820 City: Tomball State: TX
Zip: 77377
Phone: (281) 351-7223 Fax: (_____) _____ Email: kviolette@tomballtxedc.org

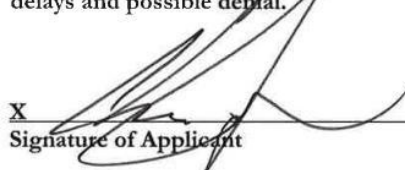
Engineer/Surveyor (if applicable)

Name: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: (_____) _____ Fax: (_____) _____ Email: _____

Description of Proposed Project: Production Brewery
Physical Location of Property: West side of South Persimmon north of Spell Rd
[General Location – approximate distance to nearest existing street corner]
Legal Description of Property: Tomball Business and Technology Park Lot #16
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
HCAD Identification Number: _____ Acreage: 4.63
Current Use of Property: vacant
Proposed Use of Property: Production Brewery

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.

<u>X</u> 	<u>1/31/2020</u>
Signature of Applicant	Date
<u>X</u> <u>Kelly Violette</u>	<u>2/6/2020</u>
Signature of Owner	Date

401 Market Street
401 Market Street
Tomball, TX 77375
(281) 351-5484

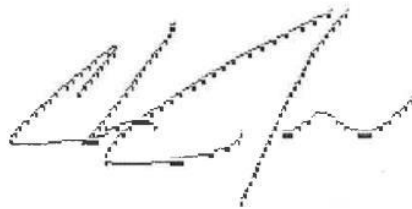
DATE : 1/31/2020 1:42 PM
OPER : DR
TKBY : dr
TERM : 6
REC# : R01210459

130.0000 PLANNING AND ZONING 600.00
0 persimmon production brewery 600.00

Paid By:0 persimmon production brewery
4-CC 600.00AUTH:02020C REF:wvisa815

APPLIED	600.00
TENDERED	600.00
CHANGE	0.00

Cardmember acknowledges receipt of goods
and/or services in the amount of the
total shown hereon and agrees to perform
the obligations set forth by the
cardmember's agreement with the user.



CHASE VISA XXXXXXXXXXXX9288
Entry Mode: CHIP READ
CVM:

EMV Details:
AC: F6248D3B0DAF0342
ATC: 0055
AID: A0000000031010
TVR: 0080008000
TSI: E800

January 29th, 2020

To City of Tomball Planning and Zoning,

CCJ Collaborations is looking to build a production brewery on Track 16 inside the Tomball Business and Technology Park. The site would include approximately a 10,000 square ft building to house both the brewing operation and a restaurant/tap room. Approximately 30% of the building would be an indoor space for dining and beverage experience. The site would also include an outdoor space for customers to relax and enjoy nature while experiencing our beers and will have a covered porch for additional seating. The outdoor space would be available during dining hours, with outdoor festivals, shop local markets, live music and various events occurring from time to time.

Approximately 70% of the building would be exclusive for brewing operations. All equipment would be housed inside the building, so noise levels would be minimal. The brewing operation would have the potential to operate 24 hours a day, 7 days a week. Our product will also be in local distribution at various establishments to drive awareness of the business and bring consumers to the Tomball market.

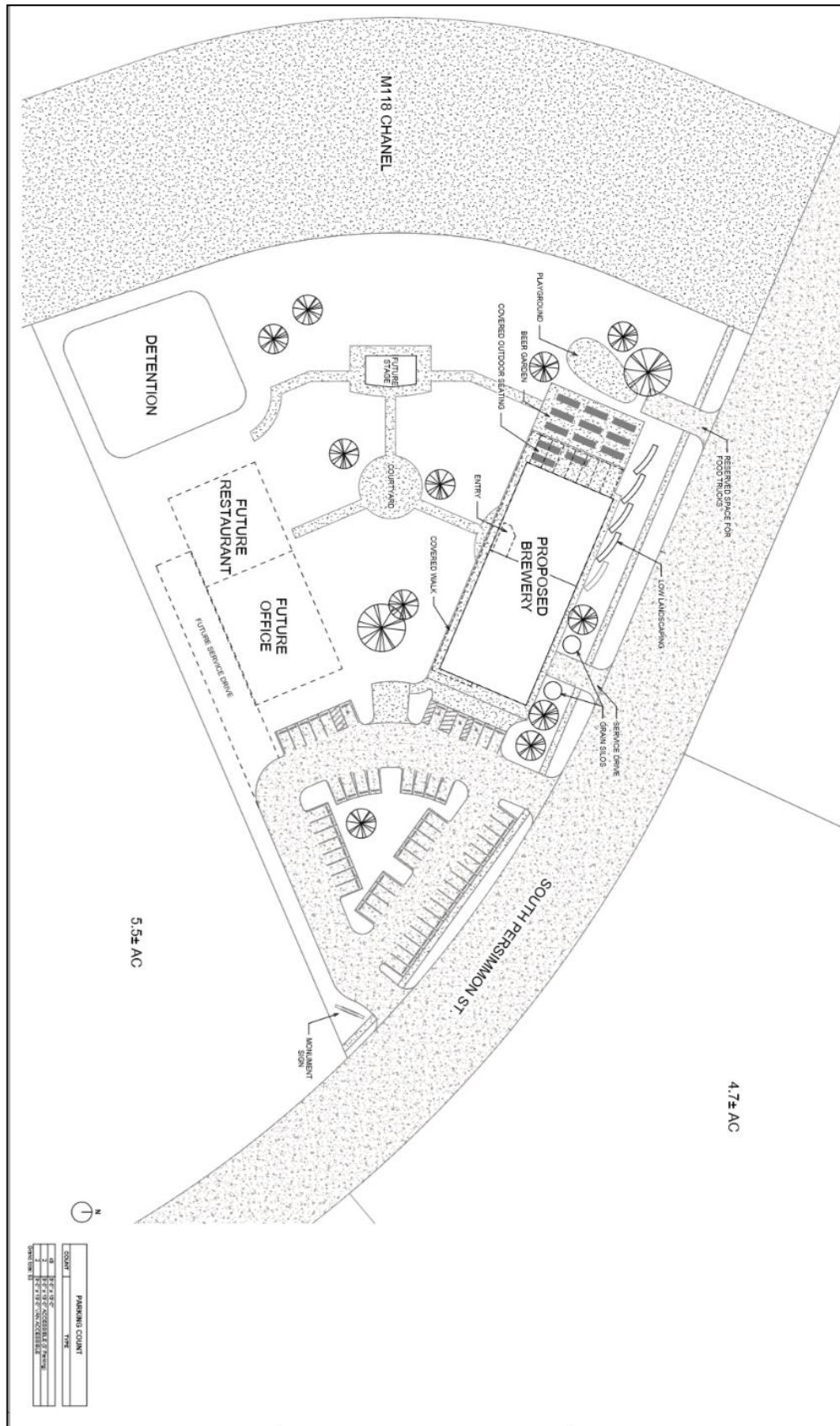
Our goal is to create a family friendly environment welcoming consumers with children and pets alike.

Thank you for your time and consideration in approving our conditional use permit for the property.

Cheers!

CCJ Collaborations

**Figure “F”
Concept Plan**



Amelia Lindley

From: Charlie Hoelscher <Charlie@hoelscherweatherstrip.com>
Sent: Friday, March 6, 2020 2:40 PM
To: Amelia Lindley
Cc: Derek Hoelscher; Mark Hoelscher
Subject: Zoning Case P20-020

Amelia,

I am writing you on behalf of my brothers, Derek and Mark, and myself regarding Zoning Case P20-020.

We purchased the land south of the property described as Block 1 Lot 16 Tomball Business & Technology Park. We had a facility built there and will be moving into it in April. The facility will manufacture and distribute door products.

Our stance at this time is AGAINST the requested Conditional Use Permit for the property in question. Our concerns include the possibility of patrons of the "brewery" using our land and/or our parking lot as well as the street, S. Persimmon St., for parking. The size of the proposed facility and available land for it leaves questions on how much parking space will be left for patrons. Establishments like the one proposed are a popular destination and have the tendency to draw a lot of patrons.

Sincerely,



Charles H. Hoelscher

Vice-President

10111 Houston Oaks Dr
Houston, TX 77064
713/869-6466 Ph
713/869-6469 Fx

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 9, 2020
&
CITY COUNCIL
MARCH 16, 2020**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 9, 2020, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 16, 2020, 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 P20-020: Request by CCJ Collaborations LLC for a Conditional Use Permit to operate a *distillation of liquors, spirits, etc. (brewery)* facility. The property is approximately 4.65 acres, legally described as Lot 16 Block 1 Tomball Business and Technology Park Lot 5 Replat, generally located on the west side of South Persimmon Street, north of Spell Road, within the City of Tomball, Harris County, Texas, and is zoned Light Industrial District.

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 City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

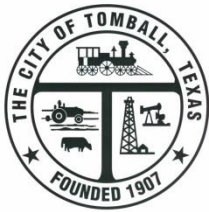
C E R T I F I C A T I O N

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 **March, 2020** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley
City Planner

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



Notice of Public Hearing

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

CASE NUMBER: P20-020

APPLICANT/OWNER: CCJ Callaborations, LLC

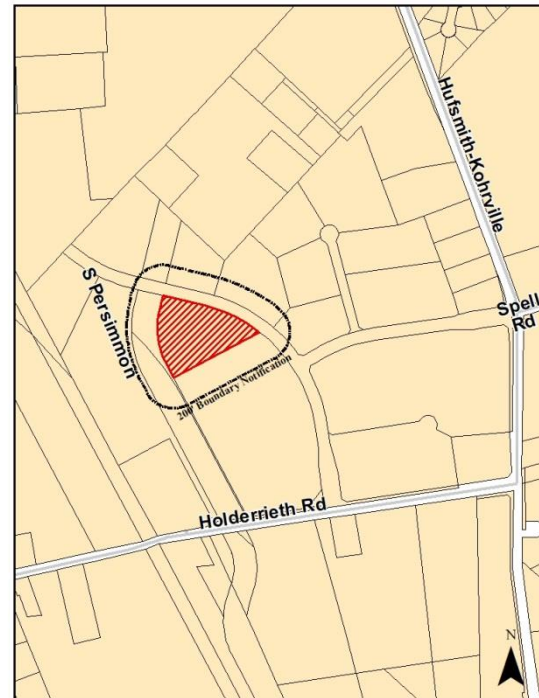
LOCATION: Generally located on the west side of South Persimmon Street, north of Spell Road, within the City of Tomball, Harris County, Texas.

PROPOSAL: A Conditional Use Permit to operate a *distillation of liquors, spirits, etc. (brewery)* facility. The property is approximately 4.65 acres, legally described as Block 1 Lot 16 Tomball Business and Technology Park Lot 5 Replat, within the City of Tomball, Harris County, Texas, and is zoned Light Industrial District.

CONTACT: Amelia Lindley, City Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov



**Planning & Zoning Commission
Public Hearing:**

Monday, March 9, 2020 6:00 PM

City Council Public Hearing:

***Monday, March 16, 2020 6:00 PM**

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

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.

*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

Data Sheet

Meeting Date: April 6, 2020

Topic:

Approve Resolution No. 2020-11, a Resolution of the City Council of the City of Tomball, Texas, Sponsoring the July 4th Celebration, to be Held in Tomball on Saturday, July 4, 2020, Closing State Highway Business 249 from Hicks Street to the North Entrance to the Kroger Parking Lot from 12:00 PM until 11:00 PM, and Authorizing the City Manager to Issue a Letter to TxDOT Requesting the Closure of the Designated Portion of State Highway Business 249

Background:

The City has, for the past several years, requested permission from TXDoT to close Business SH 249 from Keefer to Hicks for the City to use to host the July 4th Fireworks festival and event.

Resolution No. 2020-11 is presented for Council approval for submission in the City's request to TXDoT for the closure of SH Business 249 between Keefer and Hicks on July 4th to host the fireworks and related festival activities.

Approval of Resolution No. 2020-11 will authorize the Mayor to execute the Resolution, authorizing the City to sponsor the event and authorizing the City Manager to issue the letter to TxDOT.

Origination:

Fire/Marketing Departments

Recommendation:

Approval of Resolution No. 2020-11

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

Doris Speer

ACTION TAKEN

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

ATTACHMENTS:

Resolution No. 2020-11

TxDOT Agreement

RESOLUTION NO. 2020-11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TOMBALL, TEXAS, SPONSORING THE CITY'S ANNUAL *JULY 4TH*
CELEBRATION, TO BE HELD IN TOMBALL ON SATURDAY, JULY 4,
2020, CLOSING STATE HIGHWAY BUSINESS 249 FROM HICKS
STREET TO THE NORTH ENTRANCE TO THE KROGER PARKING
LOT FROM 12:00 P.M. UNTIL 11:00 P.M., AND AUTHORIZING THE
CITY MANAGER TO ISSUE A LETTER TO TxDOT REQUESTING THE
CLOSURE OF THE DESIGNATED PORTION OF STATE HIGHWAY
BUSINESS 249**

* * * * *

WHEREAS the City of Tomball annually provides a *July 4th Celebration* for the enjoyment of its citizens and the surrounding community, with a fireworks display under the direction of the Tomball Fire Department; and

WHEREAS the *July 4th Celebration* provides a unique opportunity to showcase Tomball's many attractions and encourage citizens to enjoy the festivities and sales offered by local merchants in Tomball on July 4th; and

WHEREAS the *July 4th Celebration* has become one of the most popular fireworks displays, drawing people from surrounding areas including Magnolia, Spring, Houston and The Woodlands; and

WHEREAS the *July 4th Celebration* plans include many activities sponsored during the day by the Tomball Fire Department and the Tomball Police Department, including a block party; and

WHEREAS the City of Tomball desires and requests the closure of the following portion of State Highway 249 on Saturday, July 4, 2020, from 12:00 p.m. to 11:00 p.m.;

NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body endorses and supports the *July 4th Celebration* as a safe July 4th holiday for its citizens and the surrounding community.

PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 6TH DAY OF APRIL 2020.

GRETCHEN FAGAN, Mayor

ATTEST:

Doris Speer, City Secretary

STATE OF TEXAS §

COUNTY OF TRAVIS §

**AGREEMENT FOR THE TEMPORARY CLOSURE
OF STATE RIGHT OF WAY**

THIS AGREEMENT is made by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the “State,” and the City of Tomball, a municipal corporation, acting by and through its duly authorized officers, hereinafter called the “local government.”

W I T N E S S E T H

WHEREAS, the State owns and operates a system of highways for public use and benefit, including Business State Highway 249, in Tomball, Harris, County; and

WHEREAS, the local government has requested the temporary closure of Business State Highway 249 from the 28800 block to the 29200 block for the purpose of the City of Tomball 4th of July Celebration, from July 4, 2020 at 12:00 p.m. to July 4, 2020 at 12:00 (midnight) as described in the attached “Exhibit A,” hereinafter identified as the “Event;” and

WHEREAS, the Event will be located within the local government’s incorporated area; and

WHEREAS, the State, in recognition of the public purpose of the Event, wishes to cooperate with the City so long as the safety and convenience of the traveling public is ensured and that the closure of the State’s right of way will be performed within the State’s requirements; and

WHEREAS, on the 6th day of April, 2020, the Tomball City Council passed Resolution / Ordinance No. 2020-xx, attached hereto and identified as “Exhibit B,” establishing that the Event serves a public purpose and authorizing the local government to enter into this agreement with the State; and

WHEREAS, 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of a segment of the State highway system; and

WHEREAS, this agreement has been developed in accordance with the rules and procedures of 43 TAC, Section 22.12;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

A G R E E M E N T

Article 1. CONTRACT PERIOD

This agreement becomes effective upon final execution by the State and shall terminate upon completion of the Event or unless terminated or modified as hereinafter provided.

Article 2. EVENT DESCRIPTION

The physical description of the limits of the Event, including county names and highway numbers, the number of lanes the highway has and the number of lanes to be used, the proposed schedule of start and stop times and dates at each location, a brief description of the proposed activities involved, approximate number of people attending the Event, the number and types of animals and equipment, planned physical modifications of any man-made or natural features in or adjacent to the right of way involved shall be attached hereto along with a location map and identified as "Exhibit C."

Article 3. OPERATIONS OF THE EVENT

A. The local government shall assume all costs for the operations associated with the Event, to include but not limited to, plan development, materials, labor, public notification, providing protective barriers and barricades, protection of highway traffic and highway facilities, and all traffic control and temporary signing.

B. The local government shall submit to the State for review and approval the construction plans, if construction or modifications to the State's right of way is required, the traffic control and signing plans, traffic enforcement plans, and all other plans deemed necessary by the State. The State may require that any traffic control plans of sufficient complexity be signed, sealed and dated by a registered professional engineer. The traffic control plan shall be in accordance with the latest edition of the Texas Manual on Uniform Traffic Control Devices. All temporary traffic control devices used on state highway right of way must be included in the State's Compliant Work Zone Traffic Control Devices List. The State reserves the right to inspect the implementation of the traffic control plan and if it is found to be inadequate, the local government will bring the traffic control into compliance with the originally submitted plan, upon written notice from the State noting the required changes, prior to the event. The State may request changes to the traffic control plan in order to ensure public safety due to changing or unforeseen circumstances regarding the closure.

C. The local government will ensure that the appropriate law enforcement agency has reviewed the traffic control for the closures and that the agency has deemed them to be adequate. If the law enforcement agency is unsure as to the adequacy of the traffic control, it will contact the State for consultation no less than 10 workdays prior to the closure.

D. The local government will complete all revisions to the traffic control plan as requested by the State within the required timeframe or that the agreement will be terminated upon written notice from the State to the local government. The local government hereby agrees that any failure to cooperate with the State may constitute reckless endangerment of the public and that the Texas Department of Public Safety may be notified of the situation as soon as possible for the appropriate action, and failing to follow the traffic control plan or State instructions may result in a denial of future use of the right of way for three years.

E. The local government will not initiate closure prior to 24 hours before the scheduled Event and all barriers and barricades will be removed and the highway reopened to traffic within 24 hours after the completion of the Event.

F. The local government will provide adequate enforcement personnel to prevent vehicles from stopping and parking along the main lanes of highway right of way and otherwise prevent interference with the main lane traffic by both vehicles and pedestrians. The local government will prepare a traffic enforcement plan, to be approved by the State in writing at least 48 hours prior to the scheduled Event. Additionally, the local government shall provide to the State a letter of certification from the law enforcement agency that will be providing traffic control for the Event, certifying that they agree with the enforcement plan and will be able to meet its requirements.

G. The local government hereby assures the State that there will be appropriate passage allowance for emergency vehicle travel and adequate access for abutting property owners during construction and closure of the highway facility. These allowances and accesses will be included in the local government's traffic control plan.

H. The local government will avoid or minimize damage, and will, at its own expense, restore or repair damage occurring outside the State's right of way and restore or repair the State's right of way, including, but not limited to, roadway and drainage structures, signs, overhead signs, pavement markings, traffic signals, power poles and pavement, etc. to a condition equal to that existing before the closure, and, to the extent practicable, restore the natural and cultural environment in accordance with federal and state law, including landscape and historical features.

Article 4. OWNERSHIP OF DOCUMENTS

Upon completion or termination of this agreement, all documents prepared by the local government will remain the property of the local government. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

Article 5. TERMINATION

A. This agreement may be terminated by any of the following conditions:

- (1) By mutual written agreement and consent of both parties.
- (2) By the State upon determination that use of the State's right of way is not feasible or is not in the best interest of the State and the traveling public.
- (3) By either party, upon the failure of the other party to fulfill the obligations as set forth herein.
- (4) By satisfactory completion of all services and obligations as set forth herein.

B. The termination of this agreement shall extinguish all rights, duties, obligations, and liabilities of the State and local government under this agreement. If the potential termination of this agreement is due to the failure of the local government to fulfill its contractual obligations as set forth herein, the State will notify the local government that possible breach of contract has occurred. The local government must remedy the breach as outlined by the State within ten (10) days from receipt of the State's notification. In the event the local government does not remedy the breach to the satisfaction of the State, the local government shall be liable to the State for the costs of remedying the breach and any additional costs occasioned by the State.

Article 6. DISPUTES

Should disputes arise as to the parties' responsibilities or additional work under this agreement, the State's decision shall be final and binding.

Article 7. RESPONSIBILITIES OF THE PARTIES

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

Article 8. INSURANCE

A. Prior to beginning any work upon the State's right of way, the local government and/or its contractors shall furnish to the State a completed "Certificate of Insurance" (TxDOT Form 1560, latest edition) and shall maintain the insurance in full force and effect during the period that the local government and/or its contractors are encroaching upon the State right of way.

B. In the event the local government is a self-insured entity, the local government shall provide the State proof of its self-insurance. The local government agrees to pay any and all claims and damages that may occur during the period of this closing of the highway in accordance with the terms of this agreement.

Article 9. AMENDMENTS

Any changes in the time frame, character, agreement provisions or obligations of the parties hereto shall be enacted by written amendment executed by both the local government and the State.

Article 10. COMPLIANCE WITH LAWS

The local government shall comply with all applicable federal, state and local environmental laws, regulations, ordinances and any conditions or restrictions required by the State to protect the natural environment and cultural resources of the State's right of way.

Article 11. LEGAL CONSTRUCTION

In case one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions hereof and this agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

Article 12. NOTICES

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified U.S. mail, postage prepaid, addressed to such party at the following respective addresses:

Local Government:	State:
City of Tomball	Texas Department of Transportation
Robert Hauck, City Manager	<u>QUINCY D. ALLEN, P.E.</u>
401 Market	<u>DISTRICT ENGINEER</u>
Tomball, TX 77375	<u>HOUSTON DISTRICT</u>

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Either party hereto may change the above address by sending written notice of such change to the other in the manner provided herein.

Article 13. SOLE AGREEMENT

This agreement constitutes the sole and only agreement between the parties hereto and supersedes any prior understandings or written or oral agreements respecting the within subject matter.

IN TESTIMONY WHEREOF, the parties hereto have caused these presents to be executed in duplicate counterparts.

THE CITY OF TOMBALL

Executed on behalf of the local government by:

By _____ Date April 6, 2020
City Official

Typed or Printed Name and Title Robert Hauck
City Manager

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By _____ Date _____
District Engineer

Exhibit A

The City of Tomball has, for the past 48 years, sponsored an annual July 4th fireworks display. Over the past six years, the City has expanded its scope of the event to include a street party with live music, children's activities and other events. In doing so, the City respectfully requests permission to close a lightly traveled portion of Business State Highway 249 from approximately Keefer Rd. to Hicks Road.

Exhibit B

RESOLUTION/ORDANCE

See attached City of Tomball Resolution 2020-11.

Exhibit C

TRAFFIC CONTROL

See attached Traffic Control Map.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: April 6, 2020

Topic:

Authorize the City Manager to Execute a Request Letter to TXDoT for the Use of the Detention Pond Behind Lowe's for the Purpose of Launching the July 4th Fireworks Display

Background:

Last year, the City of Tomball Fireworks show was successfully launched form the detention pond behind Lowe's. This removes the proximity of viewers to the shooting site and provides a significantly greater distance from other facilities than what has been available at the First Baptist Church property on the east side of SH 249.

Origination:

Fire Department

Recommendation:

Staff recommends approval

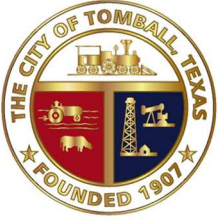
Party(ies) responsible for placing this item on agenda:

Randy Parr, Fire Chief

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

ATTACHMENTS:

COT Request to TxDOT



City of Tomball

Gretchen Fagan
Mayor

Robert S. Hauck
City Manager

April 6, 2020

Mr. Frank Leong, P.E.
Mr. Sylvester E. Onwas, P.E.
Texas Department of Transportation
Traffic Engineering – Houston
P.O. Box 1386
Houston, TX 77251-1386

Re: Access to and Use of Detention Facility
SH 249 North of FM 2920 and West of SH 249 (Behind the Lowe's)

Dear Mr. Leong and Mr. Onwas:

Last year, TXDoT approved the use, by the City of Tomball, of a detention pond area west of SH 249, behind the Lowe's Home Improvement Store on FM 2920 in Tomball, for a fireworks display. We are hopeful that you will again look favorably on our request for the use of the area from which to conduct our show. The northwest corner of the detention pond is an ideal location with the setback distances from roadways and occupied buildings far exceeding the State Department of Insurance requirements.

On an annual basis, the City of Tomball hosts a July 4th Festival that includes live music, children's area, food vendors and a large fireworks display. The festival area is located on the northbound Business SH 249 between Keefer and Hicks and includes the closure of that TXDoT roadway. Upwards of 50,000 visitors from the local area and beyond attend the event each year.

If you have any questions, please feel free to contact Randy Parr, Fire Chief, at 281-290-1063.

Sincerely,

Robert S. Hauck
City Manager

Regular City Council

Agenda Item

Data Sheet

Meeting Date: April 6, 2020

Topic:

Approve Agreement with Developer for Financial Participation to Construct Public Infrastructure Along South Persimmon Road Where it Fronts Lots 6 and 7 of the Tomball Business and Technology Park Subdivision, Situated in the City of Tomball, Harris County, Texas, as Depicted on a Plat Thereof Recorded in Volume 653, Page 006, of the Real Property Records of Harris County, Texas

Background:

Kingham Dalton Wilson, LTD (KDW), Developer of Lots 6 and 7 Tomball Business and Technology Park (the Property), has requested financial participation from the City for the construction of public infrastructure where it fronts the Property. The City anticipates awarding a contract for the construction of Medical Complex Drive Segment 4B and South Persimmon Road, which includes the public infrastructure along the frontage of Lots 6 and 7, in May 2020. The Developer is requesting reimbursement in the event that they need to perform the work ahead the City to meet their schedule for the delivery of Lots 6 and 7 to the proposed buyer.

Origination:

Kingham Dalton Wilson, LTD (KDW)

Recommendation:

Approval

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

Craig T. Meyers, Community Development Director

ACTION TAKEN

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

Development Agreement
Location Map

**AGREEMENT WITH DEVELOPER FOR
CONSTRUCTION OF PUBLIC IMPROVEMENTS**

**THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §**

This Development Agreement executed as of this 6th day of April, 2020 between the City of Tomball, Texas, (“City”) and Kingham Dalton Wilson, LTD, (“Developer”) of certain hereinafter described property located within the City. City and Developer are collectively referred to as “Parties.”

WHEREAS, Developer wishes to develop certain property located within the city limits, which is described as Lots 6 and 7 of Block 1 of the Tomball Business and Technology Park Subdivision, situated in the City of Tomball, Harris County, Texas, as depicted on a plat thereof recorded in Volume 653, Page 006, of the real property records of Harris County, Texas (the “Property”); and

WHEREAS, the Property lies within an area of the City which does not have a paved street and limited storm sewer, water and sanitary sewer facilities; and

WHEREAS, during the development planning stage for the Property, the Developer submitted to the City a request to construct the required paved street, storm sewer, water, and sanitary sewer facilities which will have regional benefits to a portion of the City; and

WHEREAS, the City’s timeline for extension of services may not meet the Developer’s development schedule of the property and required facilities, but the City is willing to participate in the cost of the construction of such facilities if the Developer’s schedule cannot be met, and has funds appropriated and available to do so; and

WHEREAS, Developer has requested that it be allowed to construct the required paved street, storm sewer, water and sanitary sewer facilities to serve the Property, with participation in the costs from the City; and

WHEREAS, Section 212.071, *et. seq.* of the Texas Local Government Code authorizes municipalities to enter into a contract with a developer of a subdivision or land in the municipality to construct public improvements related to the development without complying with the competitive sealed bidding procedures of Chapter 252 of the Texas Local Government Code;

NOW THEREFORE, for and in consideration of the premises and mutual obligations, covenants, and benefits hereinafter set forth, the Parties agree as follows:

ARTICLE I Definitions

The following terms and phrases used in this Agreement shall have the meanings ascribed hereto:

- 1.01. "Agreement" means this agreement, including any amendments hereto, between the City and Developer.
- 1.02. "Improvements" are along the frontage of Lots 6 and 7 of the Tomball Business and Technology Park as designed by the City's Engineer of Record (Exhibit "A").

ARTICLE II Construction of Improvements

- 2.01. Construction of Improvements. Developer agrees to construct the Improvements in accordance with the plans and specifications approved by the City Engineer, and as fully set forth in Exhibit "A" hereto. No change in the construction plans shall be made by Developer without the prior written consent of the City Engineer. The entire cost of the construction of the Improvements shall be the responsibility and obligation of Developer, except as herein provided. Developer further agrees to not initiate a contract for the construction of improvements identified in Exhibit "A" prior to May 19, 2020.
- 2.02. Contracts for Construction. Developer shall contract with qualified Subcontractors to construct the Improvements in accordance with the approved plans and specifications. The City Engineer shall review all contract documents and costs estimates prior to the award of the contract. Developer shall be solely responsible for payment of the work as it is completed, and shall make all payments in a timely manner to the sub-contractors and other parties involved in the construction of the Improvements.
- 2.03. Performance, Payment and Maintenance Bonds. Developer shall post within the City faithful performance, payment, and maintenance bonds for construction of the Improvements to ensure completion of the project. The bond must be executed by a corporate surety in accordance with Chapter 2253, Texas Government Code.
- 2.04. Inspection. The City Engineer shall periodically inspect the construction of the Improvements in the same manner, and shall possess the same authority, as is provided during the construction of subdivision improvements pursuant to the City of Tomball Subdivision Ordinance, as amended.
- 2.05. Insurance. The Developer shall be required to carry Worker's Compensation Insurance on his employees and public liability and property damage insurance on his equipment and employees. The public liability insurance shall be not less than five hundred thousand dollars (\$500,000.00) per person and one million dollars (\$1,000,000.00) per occurrence, with property damage insurance of not less than five hundred thousand dollars

(\$500,000.00). In addition, City shall be furnished with Certificates of Insurance and shall be named an additional named insured on such Certificates, and City shall be notified within ten calendar days of any cancellation of such insurance.

- 2.06. Accounting. The Developer shall submit to City a complete accounting of all costs incurred by Developer in the construction of the Improvements. City will not contribute or pay for any costs incurred by Developer which was not approved by City prior to it being incurred. Developer shall maintain the accounting on this project for a period of two years from the date of acceptance by the City, and the City may inspect the Developer's books and records related to the project at any time with reasonable notice.
- 2.07. Indemnity. The Developer agrees to protect, indemnify, and save City harmless from and against all claims, demands and causes of action of every kind and character arising in favor of any third party on account of, or resulting from, the performance of this Agreement by Developer or Developer's agents, representatives, employees, contractors, or subcontractors.

ARTICLE III. City Obligations

- 3.01. Advanced Construction of City Improvements. The City agrees to allow the Developer to construct certain proposed public improvements within City designated rights-of-way and/or easements in accordance with construction documents prepared by the City's Engineer of Record and as approved by the City. City agrees to promptly respond to request for information (RFI), change order request, etc. during construction.
- 3.02. Payment to Developer. Exhibit "B" attached hereto designates the proportional split in costs for construction of the Improvements. **Maximum reimbursement costs shall be based on unit costs established by the City's contract for the full scope of the City's planned project or the costs listed in Exhibit B, whichever is less. The reimbursement for the Developer's installation of the 10'x8' reinforced concrete box (RCB) is to be determined by utilizing the unit cost of its installation between Stations 4+10.23 and 10+81.00.** City shall deliver to Developer full payment of the City's participation of the costs of construction of the Improvements following submittal and review of documentation showing final, actual construction costs paid by the Developer. The City Engineer shall review the construction documents, conduct a final inspection on the Improvements, noting any required corrections or repairs prior to acceptance of the Improvements. Upon accepting such Improvements, the City will pay to Developer the City's share of the costs. Any additional costs above those enumerated in this section must be approved by the City prior to being incurred.

ARTICLE IV Miscellaneous Provisions

- 4.01. Assignment. This Agreement shall bind and benefit the respective Parties and their legal successors and shall not be assignable, in whole or in part, by any party without first obtaining written consent of the other party.

- 4.02. Amendment or Modification. Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment or modification only in writing, and by the signatures and mutual consent of the Parties.
- 4.03. Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the Parties hereto and shall not be construed to confer any rights upon any third party.
- 4.04. Remedies Not Exclusive. The rights and remedies contained in this Agreement shall not be exclusive, but shall be cumulative of all rights and remedies now or hereinafter existing, by law or in equity.
- 4.05. Waiver. The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.
- 4.06. Entire Agreement. This Agreement constitutes the entire agreement between the Parties related to the subject matter of this Agreement and supersedes any and all prior agreements, whether oral or written, dealing with the subject matter of this Agreement.
- 4.07. Venue. This Agreement shall be performable and enforceable in Harris County, Texas, and shall be construed in accordance with the laws of the State of Texas.
- 4.08. Severability. If any term or provision of this Agreement is held to be invalid, void or unenforceable by a court of competent jurisdiction, the remainder of the terms and provisions of this Agreement shall remain in full force and effect and shall not in any way be invalidated, impaired or affected.
- 4.09. Notwithstanding anything contained in this Agreement, Developer is not obligated to perform under this agreement unless and until it gives notice to the City of its intent to proceed.
- 4.10. Notices. Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above. The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

If to City:

City of Tomball
501 James Street
Tomball, Texas 77375
ATTN: Director of Community Development

If to Developer:

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one and the same instrument.

CITY OF TOMBALL

Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary

DEVELOPER:

Authorized Signature

Name: _____

Title: _____

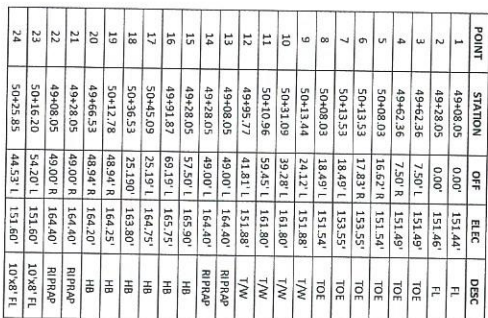
Area of Proposed work

HIPS SMITH KOPRIVILLE ROAD									
SEGMENT	START STA	NORTHING START (SURFACE)	START EASTING (SURFACE)	END NORTHING (SURFACE)	END EASTING (SURFACE)	LENGTH	RADIUS	DELTA	CHORD DISTANCE
L7	259+27.77	13,957,475.33'	3,046,198.90'	13,957,895.08'	3,046,057.14'	406.26'			N20° 25' 16.87"W
C5	280+34.05	13,957,895.08'	3,046,057.14'	13,957,864.19'	3,046,054.16'	8.64'	1000.00'	0° 29' 43"	N20° 10' 25.59"W
L8	280+42.69	13,957,864.19'	3,046,054.16'	13,958,073.64'	3,045,978.23'	222.79'			N19° 55' 34.31"W
L9	282+65.48	13,958,073.64'	3,045,978.23'	13,958,619.34'	3,045,774.48'	582.50'			N20° 26' 23.79"W



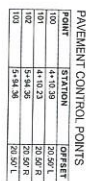
- Slope Pairs & Headwells

— R.i.P Rap



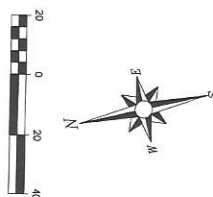
— Sanitary

— 9" Paving, Curbs, Earthwork



POINT	STATION	OFFSET
100	4+10.39	20.50 L
101	4+10.23	20.50 R
102	5+94.36	20.50 R
103	5+94.36	20.50 L

MATCH LINE STA 6+00
SEE SHEET 24



ADDITIONAL INFORMATION:
FLOODPLAIN REFERENCE MARK NUMBER 120315 IS A B.O.S. MARK LOCATED ON THE WEST END OF THE SOUTH BRIDGE OF THE WYATT RIVER, 1.5 MILES E OF THE STATE HIGHWAY 208 IN TOWN OF BARK IN THE WALTON COUNTY, MISSISSIPPI 39260-0000.

ELEV. 160.37 FEET (MAY 1999, 2001 ADJUSTMENT)

ADDITIONAL COMMENT:
ALL HORIZONTAL COORDINATES ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE, NAD 83. ALL VERTICAL COORDINATES ARE BASED ON THE NAVD 83 DATUM. ALL DATA OBTAINED BY SURVEYING BY A SCALE FACTOR OF 0.99999731.

Page 9 of 15

9" Concrete Paving a Curb, earthwork



BID FORM - PART B

1 TOTAL BID PRICE HAS BEEN CALCULATED BY BIDDER, USING THE FOLLOWING COMPONENT PRICES AND PROCESS (PRINT OR TYPE NUMERICAL AMOUNTS):

A. STIPULATED PRICE:

N/A

(Total Bid Price; minus Base Unit Prices, Extra Unit Prices, Cash Allowances and All Alternates, if any)

B1. BASE UNIT PRICE TABLE - GENERAL & SITE PREPARATION ITEMS						
ITEM NO.	CONTROL NO.	ITEM DESCRIPTION	UNIT MEASURE	UNIT QUANTITY	UNIT PRICE IN FIGURES ⁽⁵⁾	TOTAL IN FIGURES
1	01502	MOBILIZATION	LS	1	\$51,477.00 ⁽¹⁾	\$51,477.00 ⁽¹⁾
2	2233	CLEARING & GRUBBING (ROW PREP)	AC	1.23	\$ 7,500.00	\$9,225.00
3	02260	TRENCH SAFETY	LF	1,598	1	\$1,598.00
TOTAL BASE UNIT PRICES - GENERAL & SITE PREPARATION ITEMS						\$62,300.00

B2. BASE UNIT PRICE TABLE - SWPPP & SWQMP ITEMS						
ITEM NO.	CONTROL NO.	ITEM DESCRIPTION	UNIT MEASURE	UNIT QUANTITY	UNIT PRICE IN FIGURES ⁽⁵⁾	TOTAL IN FIGURES
4	01570 01410	STORM WATER POLLUTION PREVENTION (MAINTENANCE)	LS	1	\$ 3,000.00	\$ 3,000.00 ###
#REF!	01573	FILTER FABRIC FENCE	LF	1,600	\$ 1.00	\$ 1,600.00 ###
#REF!	1575	STABILIZED CONSTRUCTION ACCESS	SY	100	\$ 35.00	\$ 3,500.00 ###
TOTAL BASE UNIT PRICES - SWPPP & SWQMP ITEMS						\$ 8,100.00

B4. BASE UNIT PRICE TABLE - SANITARY SEWER ITEMS						
ITEM NO.	CONTROL NO.	ITEM DESCRIPTION	UNIT MEASURE	UNIT QUANTITY	UNIT PRICE IN FIGURES ⁽⁵⁾	TOTAL IN FIGURES
#REF!	02082	5-FOOT DIA PRECAST CONCRETE MANHOLE W/ LINING (UP TO 12 FEET)	EA	2	\$ 8,000.00	\$ 16,000.00 ###
#REF!	02082	EXTRA DEPTH 5-FOOT DIA PRECAST CONCRETE MANHOLE	VF	23	\$ 500.00	\$ 11,500.00 ###
#REF!	02531	8-INCH DIAMETER SAN SEWER, BY OPEN CUT	LF	105	\$ 85.00	\$ 8,925.00 ###
#REF!	02531	12-INCH DIAMETER SAN SEWER, BY OPEN CUT	LF	2,582		\$ - ###
#REF!	02531	18-INCH DIAMETER SAN SEWER, BY OPEN CUT	LF	156	\$ 150.00	\$ 23,400.00 ###
TOTAL BASE UNIT PRICES - SANITARY SEWER ITEMS						\$ 59,825.00

B6. BASE UNIT PRICE TABLE - DRAINAGE ITEMS						
ITEM NO.	CONTROL NO.	ITEM DESCRIPTION	UNIT MEASURE	UNIT QUANTITY	UNIT PRICE IN FIGURES ⁽⁵⁾	TOTAL IN FIGURES
#REF!	02314	CHANNEL EXCAVATION & OFFSITE DISPOSAL	CY	450	\$ 17.00	\$ 7,650.00 ####
#REF!	02611; 02631	36-INCH DIAMETER RCP STORM SEWER, OPEN CUT	LF	120	\$ 150.00	\$ 18,000.00 ####

#REF!	02612	10' X 8' BOX STORM SEWER BY OPEN CUT	LF	1,217	\$ 985.00	\$ 1,198,745.00 ####
#REF!	TXDOT 466	HEADWALL FOR RCB (15" HEIGHT)	EA	1	\$ 5,000.00	\$ 5,000.00 ####
#REF!	TXDOT 466	WINGWALLS W/ TOEWALL	EA	2	\$ 7,500.00	\$ 15,000.00 ####
#REF!	02632	BRICK PLUG	EA	2	\$ 2,500.00	\$ 5,000.00 ####
#REF!	02633	PRECAST TYPE C-1 STM INLET	EA	6	\$ 7,000.00	\$ 42,000.00 ####
#REF!	02081/02082/ 02087	TYPE C MANHOLE FOR 48-INCH TO 72-INCH DIA SEWERS	EA	3	\$ 3,500.00	\$ 10,500.00 ####
#REF!	02751	5" CONCRETE SLOPE PAVING	SY	1,304	\$ 72.00	\$ 93,888.00 ####
#REF!	HCFC 2378	RIPRAP GRADE NO. 1	TON	220	\$ 69.00	\$ 15,180.00 ####
TOTAL BASE UNIT PRICES - DRAINAGE ITEMS						\$ 1,410,963.00
B7. BASE UNIT PRICE TABLE - PAVING ITEMS:						
ITEM NO.	CONTROL NO.	ITEM DESCRIPTION	UNIT MEASURE	UNIT QUANTITY	UNIT PRICE IN FIGURES ⁽⁵⁾	TOTAL IN FIGURES
#REF!	02315	ROADWAY EXCAVATION	CY	2,847	\$ 11.00	\$ 31,317.00 ####
#REF!	02337	FLY ASH (8%) FOR LIME/FLY ASH STABILIZED SUBGRADE (DRY WEIGHT) (6-INCH)	TON	67	\$ 120.00	\$ 8,040.00 ####
#REF!	02337	LIME (4%) FOR LIME/FLY ASH STABILIZED SUBGRADE 6-INCH THICK	TON	34	\$ 183.00	\$ 6,222.00 ####
#REF!	02337	LIME/FLY-ASH STABILIZED SUBGRADE	SY	3,222	\$ 2.30	\$ 7,410.60 ####
#REF!	02751	REINFORCED CONCRETE PAVEMENT 9-INCH THICK	SY	3,228	\$ 51.75	\$ 167,049.00 ####
#REF!	02771	4" X 12" MOUNTABLE CONCRETE CURB	LF	1,400	5	\$ 7,000.00 ####
TOTAL BASE UNIT PRICES - PAVING ITEMS						\$ 227,038.60

B8. BASE UNIT PRICE TABLE - TRAFFIC CONTROL ITEMS:

SUMMARY B1 - B7

B1. BASE UNIT PRICE TABLE - GENERAL & SITE PREPARATION ITEMS

\$ 62,300.00

B2. BASE UNIT PRICE TABLE - SWPPP & SWQMP ITEMS

\$ 8,100.00

#REF!

\$ _____

B4. BASE UNIT PRICE TABLE - SANITARY SEWER ITEMS

\$ 59,825.00

#REF!

\$ _____

B6. BASE UNIT PRICE TABLE - DRAINAGE ITEMS

\$ 1,410,963.00

B7. BASE UNIT PRICE TABLE - PAVING ITEMS:

\$ 227,038.60

B8. BASE UNIT PRICE TABLE - TRAFFIC CONTROL ITEMS:

\$ _____

#REF!

\$ _____

TOTAL B1 - B7

\$ 1,768,226.60

