

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



MONDAY, JUNE 17, 2019

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, June 17, 2019 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Pastor Jason Nelson – Rose Hill United Methodist 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

- ***Tomball City Pool – 2019 Swim Season*** - Jerry Matheson Park Pool will operate with normal hours through August 18. The pool will be open on Saturday and

Sunday only on the weekends of August 24-25 and August 31-September 1. The pool will be closed every Monday during swim season 2019, except July 4th, and Labor Day (September 2). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.

- **TOMBALL KID'S CLUB – Activities: June 18, 20, 25, and 27 and July 2, 9, 11, 16, 18, 23 and 25** from 10:30 a.m. to 12:30 p.m., at the **Tomball Community Center. Backpack Buddy Pickup: June 21, 28 and July 12, 19, 26** from 10:30 a.m. to 12:30 p.m. at **Lone Star College-Tomball Community Library**
- June 27, 2019 – **11th Annual Economic Outlook Luncheon**, sponsored by the Tomball Economic Development Corporation, at LSC – Tomball – Beckendorf Conference Center, 30555 Tomball Parkway, from 11:30 a.m.-1:30 p.m.
- July 4, 2019 – **July Fourth Celebration & Street Festival** – Business 249 at FM 2920
- July 6, 2019 – **2nd Saturday at the Depot**
- August 2, 2019 – **Tomball Night**
- 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 June 3, 2019 Regular Tomball City Council Meeting and the June 10, 2019 Special Tomball City Council Meeting

7.0 New Business:

- 7.1 Approve the Tomball Economic Development Corporation (TEDC) 2019-2020 Strategic Work Plan
- 7.2 Presentation of the Tomball Economic Development Corporation (TEDC) 2018-2019 Annual Report
- 7.3 Approve, on First Reading, Resolution No. 2019-20-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 Century Hydraulics LLC, to make direct incentives to, or expenditures for, the promotion of new or expanded business development associated with the expansion of an office/warehouse facility located at 23706 Snook Lane, Tomball, Texas. The estimated amount of expenditures for such Project is \$44,543.00.
- 7.4 Approve, on First Reading, Resolution No. 2019-21-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 the Texas Railroad Heritage Museum at Tomball to make direct incentives to, or expenditures for, advertising, promotion and marketing assistance for the Museum to be located at 303 South Elm Street in the City of Tomball, as authorized under Sections 505.152 and 505.158 of the Texas Local Government Code. The estimated amount of expenditures for such project is \$10,000.00.
- 7.5 Appoint/Reappoint Members to the Tomball Economic Development Corporation Board of Directors for Terms Expired as of May 31, 2019

- 7.6 Reappoint/Appoint Member to the Planning and Zoning Commission, Position 4, for New Term Expiring June 1, 2022
- 7.7 Consideration to approve **Zoning Case P19-065**: Request by Stan Winter with Jones Carter, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 103.7 acres of land legally described as Lots 338, 339, 341 through 344, 346, 349, 350, 352 through 356, 358, 359, 361 through 365 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the east side of South Persimmon Road from Lizzie Lane to Agg Road, from the Agricultural, Single-Family 20 Estate and Commercial Districts to the Planned Development District.
- Conduct Public Hearing on **Zoning Case P19-065**
 - Adopt, on First Reading, Ordinance 2019-13, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 103.7 Acres of Land Legally Described as Lots 338, 339, 341 through 344, 346, 349, 350, 352 through 356, 358, 359, 361 through 365 Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Agricultural, Single-Family 20 Estate and Commercial Districts to the Planned Development (PD-12) District; Said Property Being Generally Located on the East Side of South Persimmon Road from Lizzie Lane to Agg Road; 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
- 7.8 Award Contract for Pipeline Relocation along the M121 Drainage Channel, Project No. 2003-10005, to MK Constructors, in the Amount of \$2,636,186.70
- 7.9 Appoint Assistant Court Clerk Brandy Oliver as Juvenile Case Manager for the Tomball Municipal Court
- 7.10 Approve Resolution No. 2019-19, a Resolution of the City of Tomball, Texas, Amending Residential Dwelling Building Permit Fees for Fiscal Year 2018-2019
- 7.11 Approve Resolution No. 2019-22, a Resolution of the City Council of the City of Tomball, Texas, Requesting Governor Abbott to Veto House Bill 2439
- 8.0 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 13th day of June 2019 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: June 17, 2019

Topic:

- Led by Pastor Jason Nelson – Rose Hill United Methodist 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: June 17, 2019

Topic:

- **Tomball City Pool – 2019 Swim Season** - Jerry Matheson Park Pool will operate with normal hours through August 18. The pool will be open on Saturday and Sunday only on the weekends of August 24-25 and August 31-September 1. The pool will be closed every Monday during swim season 2019, except July 4th, and Labor Day (September 2). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- **TOMBALL KID'S CLUB – Activities: June 18, 20, 25, and 27 and July 2, 9, 11, 16, 18, 23 and 25** from 10:30 a.m. to 12:30 p.m., at the **Tomball Community Center**. **Backpack Buddy Pickup: June 21, 28 and July 12, 19, 26** from 10:30 a.m. to 12:30 p.m. at **Lone Star College-Tomball Community Library**
- June 27, 2019 – **11th Annual Economic Outlook Luncheon**, sponsored by the Tomball Economic Development Corporation, at LSC – Tomball – Beckendorf Conference Center, 30555 Tomball Parkway, from 11:30 a.m.-1:30 p.m.
- July 4, 2019 – **July Fourth Celebration & Street Festival** – Business 249 at FM 2920
- July 6, 2019 – **2nd Saturday at the Depot**
- August 2, 2019 – **Tomball Night**
- Reports by City staff and members of Council about items of community interest on which no action will be taken:

Background:

Origination:

Various

Recommendation:

N/A

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

City Secretary

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 17, 2019

Topic:

Approve the Minutes of the June 3, 2019 Regular Tomball City Council Meeting and the June 10, 2019 Special Tomball City Council Meeting

Background:**Origination:**

City Secretary

Recommendation:

Approve Minutes

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

City Secretary

ACTION TAKEN

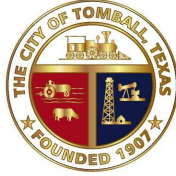
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
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ATTACHMENTS:

Draft Minutes - June 3, 2019 Regular City Council Meeting

Draft Minutes - June 10, 2019 Special City Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, JUNE 3, 2019
6:00 P.M.**

1.0 Meeting was called to order by Mayor Pro Tem Townsend. Other members present:

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Klein Quinn

Members absent:

Mayor Fagan - Excused

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Director of Public Works – Beth Jones
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Planner – Amelia Lindley
Assistant City Secretary – Tracy Garcia
Community Center Manager – Rosalie Dillon
Fire Marshal – Joe Sykora
Warrant Officer/Bailiff – Ron McGullion

2.0 The invocation was led by Pastor Billy Schiel – Bayou City Fellowship, Tomball

3.0 Pledges to the U. S. and Texas Flags were led by Ron McGullion.

4.0 No public comments were received.

5.0 Reports and Announcements:

- **Tomball City Pool – 2019 Swim Season** - Jerry Matheson Park Pool will be open Memorial Weekend, May 25-27, then will reopen on June 4 and will operate with normal hours through August 18. The pool will be open on Saturday and Sunday only on the weekends of August 24-25 and August 31-September 1. The pool will be closed every Monday during swim season 2019, except Memorial Day (May 27), July 4th, and Labor Day (September 2). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- June 8, 2019 – **2nd Saturday** at the Depot
- June 10, 2019 – Special City Council Meeting – Strategic Planning Session – Public Works Building-Training Room, 501-B James Street – 12:00 p.m.
- **TOMBALL KID'S CLUB – Activities: June 18, 20, 25, and 27 and July 2, 9, 11, 16, 18, 23 and 25** from 10:30 a.m. to 12:30 p.m., at the Tomball Community Center. **Backpack Buddy Pickup: June 21, 28 and July 12, 19, 26** from 10:30 a.m. to 12:30 p.m. at Lone Star College-Tomball Community Library
- June 27, 2019 – **11th Annual Economic Outlook Luncheon**, sponsored by the Tomball Economic Development Corporation, at LSC – Tomball – Beckendorf Conference Center, 30555 Tomball Parkway, from 11:30 a.m.-1:30 p.m.
- July 4, 2019 – **July Fourth Celebration & Street Festival** – Business 249 at FM 2920
- July 6, 2019 – **2nd Saturday at the Depot**
- August 2, 2019 – **Tomball Night**
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - * Glenn Windsor presented the Quarterly Investment Report for the period ending March 31, 2019. 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 at the end of the quarter, yield information, and weighted average maturities. On March 31, 2019, the City had total cash and cash equivalents in the amount of \$68,547,364.

6.0 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to approve the Minutes of the May 20, 2019 Regular Tomball City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

- 7.1 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2019-11, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 3.6 Acres of Land, Legally Described as Tracts 6, 7, 8 and 10 and Lot 9, Block 1

Hirschfield Farms Section 1 U/R, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; said Property being generally located at the Northeast corner of SH 249 and Alice Road; 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 Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Mayor Pro Tem Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

8.0 New Business:

- 8.1 Motion was made by Councilman Degges, second by Councilman Stoll, to approve Development Agreement between the City of Tomball and BCDE, Ltd. for the Construction of Improvements in Tomball Public Improvement District Number Four (TPID 4), Alexander Estates Subdivision.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Ford, second by Councilman Stoll, to approve Development Agreement between the City of Tomball and Brown Road, LLC for the Construction of Improvements in Tomball Public Improvement District Number Nine (TPID 9), Tomball Heights Subdivision.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 17th day of June 2019.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

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

MONDAY, JUNE 10, 2019



12:00 P.M.

1.0 Meeting was called to order at 12:20 p.m. by Mayor Fagan. Other members present:

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Klein Quinn
Councilman Townsend

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer
Director of Public Works – Beth Jones
Fire Chief – Randy Parr
Police Chief – Billy Tidwell
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
HR Director – Lisa Coe
IT Manager – Doug Tippey
Director of Community Development – Craig Meyers
Assistant City Secretary – Tracy Garcia
Consultant – Ron Cox

2.0 New Business:

2.1 The Tomball City Council entered into a Strategic Planning Session with City Staff and Ron Cox, Consultant

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

Motion carried unanimously.

Meeting adjourned at 3:55 p.m.

PASSED AND APPROVED this the 17th day of June 2019.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 17, 2019

Topic:

Approve the Tomball Economic Development Corporation (TEDC) 2019-2020 Strategic Work Plan

Background:

The TEDC Bylaws require that the Corporation prepare an annual work plan outlining its goals and objectives for the utilization of funds to promote the expansion and development of a sound economic base for and within the City. The work plan is to be submitted to City Council for approval each year.

The TEDC engaged Opportunity Strategies LLC, an economic development consulting firm, to facilitate the strategic planning process. The TEDC Board, along with staff, members of City Council, and city staff, attended a 1/2-day Economic Development Process Workshop. Attendees learned about the relationship between economic development, community development, and business development, as well as the importance of leadership, workforce, and infrastructure to economic development.

The remainder of the planning retreat was spent developing goals and strategies for the next twelve months. The attached TEDC Strategic Work Plan incorporates the major goals developed by the Board, staff, and other leaders throughout the strategic planning process.

The TEDC Board of Directors approved the Strategic Work Plan on May 14, 2019.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Approve the 2019-2020 Strategic Work Plan

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation

ACTION TAKEN

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

2019-2020 Strategic Work Plan



Tomball Economic Development Corporation

2019-2020 Strategic Work Plan

Prepared by  Opportunity
Strategies LLC

Tomball Economic Development Corporation

Summary

On April 2, 2019 the Tomball Economic Development Corporation began a 1-Year Strategic Planning process for 2019-2020. The following is the process used to reach the conclusions for the plan.

The process began with a preliminary meeting between the facilitator and TEDC staff to discuss key economic development issues facing Tomball, review the programs and projects underway through the Economic Development Corporation, and to prepare the agenda and format for the planning retreat.

During the retreat, the facilitator conducted a half-day “Understanding the Economic Development Process” Workshop with the Tomball EDC board, staff, members of Tomball City Council, and city staff. This session included an overview of the following: economic development, community development, business development, leadership, workforce development, social infrastructure, physical infrastructure, recruitment, retention, expansion, entrepreneurial development, and tourism, etc.

The participants spent the second half of the day reviewing the progress towards the goals outlined in the 2018-2019 Strategic Work Plan, and crafting goals and strategies for the next 12 months. Following the planning session, the staff and facilitator further developed the strategies and formed key performance indicators.

Expectations

The facilitator asked the participants to list their expectations for discussion for the day. The following is what they listed.

- Business Park- next steps
- Where are we financially?
- Where are we headed?
- Better understand the goals/strategies
- Roles
- Continue to relationship build
- Align goals with City
- Be willing to explore various ideas
- Partnership opportunities
- Business Improvement Grants (i.e., downtown)
- TEDC helping with other needs
- Deploy resources
- Collaboration with TISD:
 - Apprenticeships
 - Career Fair/Job Fair
 - Moving cohesively with City
- Connect future workforce already here with local opportunities
- How can we help downtown businesses?

Expectations (cont'd)

- Dialing items into our community risk assessment
- Circulation transportation options
- Co-working space options
- Incubators
- Tap into our new community stakeholder
- Explore public-private partnerships
- Most bang for our buck
- Clear strategies and metrics

Start, Stop, Continue Retrospective

Based on the goals outlined in the 2018-2019 Strategic Work Plan, the facilitator asked the participants to think about what actions they should start, stop, and continue doing as an organization. The following is what they listed.

Start

- Hire a management company for Business Park
- Expand the Economic Outlook Event
- Invest in Old Town projects and improvements
 - Façade grants
 - Alley improvements
 - Railroad Museum
 - Technology at Visitor Center
 - Identify/name downtown boundaries
- Consider Public/Private Partnership opportunities
- Conduct a feasibility study for culinary incubator
- Explore local transit opportunities
- Partner on the development of a Tomball app
- Host a Career Fair/Job Fair
- Develop a Technology/Manufacturing Symposium

Stop

- Planning/discussing Business Park #2

Continue

- Business Recruitment
- BRE efforts and events
 - Economic Outlook Luncheon
 - Business Roundtables
- Coordinate and relationship build
- Continue to sell land in Business Park
- Continue to explore concept of kitchen incubator/food hall
- Consider a Business Service Center/Co-Workspace
- BIG Program
- Develop events/opportunities for Industry Stakeholder partnerships

Tomball Economic Development Corporation

2019-2020 Goals

The following are the list of goals developed by the board, staff, and other leaders throughout the process described above.

GOAL 1: ATTRACTION AND RECRUITMENT

Recruit and secure new businesses/industry that are a good fit for Tomball.

1. Conduct a Target Industry Analysis to determine ideal industry sectors to pursue
2. Develop marketing and branding materials that respond to key information needs of site selectors and appeal to targeted prospects
3. Update TEDC website and increase social media strategies to target key industries and decisionmakers
4. Define and manage incentives to effectively attract businesses that meet community objectives and values
5. Participate in selected trade missions and industry events to attract targeted industries and Foreign Direct Investment
6. To have 90% of available Business & Technology Park property sold or under contract

How will Goal #1 be Measured?

- ☐ Did we develop a Target Industry Analysis?
- ☐ Did we create marketing and branding materials to attract key industries and decisionmakers?
- ☐ Did we update the TEDC website and increase social media presence to target key sectors and site selection consultants?
- ☐ Did we develop a financial incentives policy and establish standards for implementation?

of prospect visits from target industries: _____

of trade missions and industry events attended: _____

% of the Business & Technology Park sold or under contract by 12/31/2019: _____%

GOAL 2: TARGETED DEVELOPMENT OPPORTUNITIES

Identify quality commercial/mixed-use opportunities.

1. Explore Public/Private Partnership options to develop vibrant places that respond to the market preferences of Tomball businesses and their employees
2. Assess opportunities for targeted infrastructure investments to support economic growth
3. Conduct a market analysis to determine mixed use development potential for opportunity/catalyst sites

How will Goal #2 be Measured?

- ☐ Did we explore various Public/Private Partnership options for identifying future commercial and mixed-use opportunities?
- ☐ Did we assess targeted infrastructure investments and determine a priority implementation list?
- ☐ Did we conduct a market analysis to identify mixed use development potential for targeted sites?
- ☐ Did we invest in new development opportunities (or create a plan to) based on our findings?

GOAL 3: BUSINESS RETENTION & EXPANSION (BRE)

To continually engage and assist Tomball businesses.

1. Partner with TISD, LSC-Tomball, City of Tomball, GTACC, and local industries to develop workforce opportunities
 - a. Research and consider apprenticeship programs, internship programs, and scholarship opportunities
 - b. Host a youth job fair at Tomball High School
 - c. Host a career fair in conjunction with LSC-Tomball
 - d. Tour Willis ISD Career Tech Education Center
2. Develop a platform for engaging area manufacturers
 - a. Conduct a BRE survey to identify primary topics for the event
3. Conduct 10 BRE on-site visits per quarter
4. Expand the Economic Outlook Luncheon
5. Host quarterly Business Roundtable meetings to connect local business owners and further develop relationships
6. Develop a business appreciation program

How will Goal #3 be Measured?

- ☐ Did we partner with various organizations to further develop Tomball's workforce opportunities?
- ☐ Did we create a way for area businesses to directly engage in the new workforce initiatives?
- ☐ Did we develop events/opportunities for engaging area manufacturers?
- ☐ Did we expand the Economic Outlook Luncheon?

☐ Did we create a business appreciation program that outlines how we will exhibit gratitude to existing businesses?

of BRE visits completed per quarter: Q3 2019 _____, Q4 2019 _____, Q1 2020 _____, Q2 2020 _____

of Business Roundtables hosted by May 1, 2020: _____

GOAL 4: INNOVATION AND ENTREPRENEURSHIP

To evaluate creating a culinary incubator space to support emerging entrepreneurs.

1. Hire a culinary incubator consultant to determine feasibility of creating an incubator space
 - a. Consider incorporation of a food hall concept
 - b. Explore funding options
 - c. Explore management and operations avenues
 - d. Explore partnership opportunities with Lone Star College – Tomball and Tomball ISD
 - e. Consider a small business services component that houses co-working space, meeting rooms, etc.
2. Visit commercial kitchens/incubators with stakeholders
 - a. Visit Willis ISD commercial kitchen
 - b. Visit Bryan culinary incubator
 - c. Tour successful food halls
3. Partner with the Farmer's Market Association to leverage assets and develop complementary resources/opportunities
4. Explore potential future location options

How will Goal #4 be Measured?

- ☐ Did we hire a culinary incubator consultant to conduct a feasibility study?
- ☐ Did our study include food hall options?
- ☐ Did our study explore how a culinary incubator can be funded and operated?
- ☐ Did our study include other business component options?
- ☐ Did our study consider partnership opportunities?
- ☐ Did we partner with the Farmer's Market Association on this project?

of commercial kitchens/incubators/food halls toured: _____

of potential locations considered: _____

GOAL 5: DEVELOPMENT/REDEVELOPMENT OF OLD TOWN

To encourage quality investment in Tomball's Old Town.

1. Create Old Town-specific façade incentives program
2. Support the development of the Texas Railroading Heritage Museum at Tomball
 - Assist with marketing strategies
 - Partner with City of Tomball to develop the site
 - Facilitate coordination with BNSF
 - Leverage existing relationships to garner additional support and secure project champions
3. Support targeted public infrastructure improvements

4. Explore technology investments to enhance downtown marketing efforts
5. Support a shop local initiative

How will Goal #5 be Measured?

- ☐ Did we create a façade incentive program for Old Town?
- ☐ Did we provide support to the Texas Railroad Heritage Museum at Tomball?
- ☐ Did we support targeted infrastructure improvements in Old Town? How?
- ☐ What technology investments did we make to enhance the marketing of Old Town?
- ☐ Did we support a Shop Tomball or other shop local initiative?

At the end of the strategic planning process, the facilitator reminded the participants that the path to successful implementation of any strategic plan is the rigorous adherence to using the document as a living document and measuring progress throughout the year. She encouraged the participants to benchmark successes along the way and take note of what works and doesn't work as planned. The group committed to using the document regularly. She thanked the Tomball EDC for their dedication to setting and achieving goals and wished them well.



P.O. Box 50101 Austin, TX 78763 | (512) 963-2263

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Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 17, 2019

Topic:

Presentation of the Tomball Economic Development Corporation (TEDC) 2018-2019 Annual Report

Background:

The Bylaws of the Tomball Economic Development Corporation (TEDC) require that an annual report detailing the Corporation's activities and achievements in carrying out the goals outlined in its Strategic Work Plan be submitted to City Council for review.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

As per the TEDC Bylaws, this annual report is for review by the City Council. No action is required.

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation

ACTION TAKEN

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

2018-2019 Annual Report



ANNUAL REPORT



2018-2019

BOARD OF DIRECTORS



Gretchen Fagan, President
Mayor, City of Tomball



Chad Degges
Tomball City Council



Steven Vaughan
Vice-President



Richard Bruce
Treasurer



William E. Sumner
Secretary



Will Benson



Tom Crofoot

A MESSAGE FROM THE BOARD PRESIDENT

Welcome to the 2018-2019 Tomball Economic Development Corporation Annual Report. Having the opportunity to serve as TEDC Board President, Mayor, and a business owner in Tomball, I get to witness every day the positive impact the TEDC and the City have on this community. It is truly a collaborative effort worth celebrating.

All of the exciting things we are experiencing in Tomball are the result of years of hard work and planning. The TEDC's latest strategic plan provides an outline to continue our momentum as we carry sustained growth into future years. I am proud of the TEDC's efforts to address current economic needs while investing in strategies that will fuel economic opportunity for years to come.

It is a great time to be in Tomball. I thank the TEDC team for their efforts in engaging with the TEDC Board, the City, and our local allies. It is an honor and privilege to serve as TEDC Board President.

OPERATING REVENUES (FY 2019 Adopted)

BEGINNING FUND BALANCE

\$18,857,328

INTEREST INCOME

\$250,000

SALES TAX

\$4,000,000

TOTAL AVAILABLE RESOURCES

\$23,112,828

EXPENDITURES

ADMINISTRATIVE

\$544,286

INDIRECT ECONOMIC DEVELOPMENT EXPENSES

\$415,574

CITY DEBT SERVICE

\$1,094,261

GRANTS, LOANS & OTHER EXPENDITURES

\$5,086,750

TOTAL EXPENDITURES

\$7,140,871

ENDING FUND BALANCE

\$15,971,957

EXECUTIVE DIRECTOR'S MESSAGE

I am excited to present to you the 2018-2019 Tomball Economic Development Corporation Annual Report. With our strategic work plan providing the building blocks for the future, the past year was one of growth for the TEDC. Our staff has been working hard to implement the goals laid out in the plan, while continuing to help existing businesses expand their operations and recruiting new businesses from around the world.

Speaking of our staff, it grew with the addition of Tori Gleason as Administrative Assistant. Tori, who previously interned with the TEDC, will help us expand our marketing, communications, and administrative efforts. We are thrilled to have her on board!

The strategic plan presented a goal of having 80% of the Tomball Business and Technology Park sold or under contract by the end of 2019. We are tracking very well toward that goal and I am incredibly pleased to report that the past year was monumental for land sales in the Park.

Another strategic goal, which you will read about, is exploring the creation of an incubator space for emerging food entrepreneurs. A truly exciting venture, the TEDC is working with the Tomball Farmers Market and local culinary community to explore the possibility of a commercial kitchen in Tomball. This ongoing project has the potential to do incredible things in Tomball.

Across the span of economic development strategies highlighted in this report, we have made considerable headway, and I am incredibly proud of the progress we have achieved together. I am grateful for the opportunity to serve Tomball and represent the TEDC. I look forward to continuing to lead this organization into the bright future ahead for our community.

Sincerely,

Kelly Violette, CEcD, PCED, AICP
Executive Director



Kelly Violette
CEcD, PCED, AICP
Executive Director



Tiffani Wooten, CEcD
Assistant Director



Tori Gleason
Administrative Assistant

MISSION

To promote economic development in the City of Tomball through the attraction of new business and industry and the retention of existing businesses by providing the resources that enable and advance the general well-being of the community.

VISION

Tomball is the community of choice, providing opportunities for commercial and industrial development that enable business owners and residents to benefit from Tomball's dynamic economy, strong labor force, and unmatched living and working environment.

TEDC Goals

Economic development is implemented by a process through which the TEDC, city, chamber of commerce, private businesses and other partners work collectively to create better conditions for economic growth and employment generation. Having a strong foundation and clear direction is key to ensuring Tomball's economic future and the quality of life for our residents.

During 2018, the TEDC focused on strengthening its foundation with eyes on sustained future growth. At its core, the TEDC focuses on attracting new business & industry, promoting business retention and expansion, and coordinating economic development efforts in Tomball, the region, and the state. These principles create a foundation for the organization and build upon each other to strengthen the overall economic environment of Tomball.

In May 2018, the TEDC initiated a one-year strategic planning process to guide the Corporation's efforts for the ensuing fiscal year. Joining the EDC Board of Directors and staff in the planning process were representatives from the City of Tomball, Greater Tomball Area Chamber of Commerce, Tomball ISD, Lone Star College, and other community leaders.

Facilitated by consulting firm, Opportunity Strategies, the TEDC crafted a blueprint to define priorities that support entrepreneurship, workforce development and a diverse economy. The blueprint laid out specific goals that the TEDC plans to accomplish. The goals include (1) increased recruitment to the Tomball Business & Technology Park, (2) evaluating future land opportunities, (3) improving business retention efforts and expansion opportunities, and (4) exploring the creation of an incubator to support emerging entrepreneurs. The strong foundation established through strategic goals has Tomball and the TEDC positioned to build for the future.





Economic Development by the Numbers

COMPANY	EXISTING JOBS	NEW JOBS	TOTAL CAPITAL INVESTMENT	TEDC INVESTMENT
Grimes Industrial, Inc.	28	10	\$1,090,000	\$15,485
ARC Management, LLC	0	95	\$8,400,000	\$186,700
The Neutral Nest	0	2	\$15,000	\$6,300
Houston PFG	0	15	\$2,000,000	\$39,097
Houston Poly Bag I, LTD.	65	11	\$1,351,516	\$110,369
Industrial Reserve	0	8	\$2,800,000	\$44,650
Shri Vinyak, LLC	0	13	\$4,300,000	\$149,750
Breaux Machine Works	70	7	\$4,100,000	\$118,908
TOTALS	163	158	\$24,056,516	\$671,259

BUSINESS SPOT

Suez

Culminating years of hard work and planning, the TEDC welcomed their second tenant to the Tomball Business and Technology Park. SUEZ Water Technologies and Solutions held the grand opening of their state-of-the-art research and development laboratory on October 11, 2018.

The SUEZ facility is one of the world's largest research and development analytical testing labs. The 45,000-square-foot facility is home to 80 employees, including over 50 highly trained engineers, chemists, and technicians. The team will process over 100,000 samples and conduct more than 300 customer studies each year.

SUEZ, headquartered in France, built the laboratory to serve its growing client base, including the refining and petrochemical market, as well as oil and gas operations on the gulf coast and beyond.

Soon after the grand opening, United States Congressman Michael McCaul visited the laboratory facility to welcome SUEZ to Tomball. McCaul toured the facility and met with SUEZ leaders to discuss research and development at the site.

The grand opening of SUEZ represents another win for Tomball. Attracting cutting edge companies like SUEZ is a continuing effort of the TEDC to execute its strategic goals and grow the Tomball economy.



d expansion remains

The expansion paid instant dividends with an increase of 50% in shipping and receiving. The additional space has enabled the company to bring their night crew to days, saving on overhead. Those savings allowed the

The company has nearly doubled staff size since arriving in Tomball and is already looking to add 10-12 skilled laborers to meet demand buoyed by the recent expansion. Another phase of expansion is likely on the horizon. Grimes Industrial is a structural steel and industrial sheet metal fabricator specializing in stairways, hand railings, platforms, catwalks, and means of egress in chemical/power plants, substations, wastewater treatment plants, and pipelines.

Grimes sees Tomball as a place with great opportunity in a desirable location. It's why he has chosen to invest and grow on Tomball's Main Street.



Record Land Sales Shows Strength of Business and Technology Park

The TEDC continues to attract new investment to the Tomball Business and Technology Park. With record land sales in 2018, the TEDC is on target to meet its goal of having 80% of available property in the Park sold or under contract by the end of 2019.

The Business and Technology Park has generated interest from local, national, and international companies. Canadian-based Packers Plus Energy Services and French-based SUEZ currently operate in the Park.





Three new projects will soon add to the Park's occupant list and diversify its business mix:

- Hoelscher Weatherstrip Manufacturing Co. purchased 16.8 acres for a 193,000-square-foot office/warehouse facility. The \$10.6 million project is expected to bring 119 new jobs to Tomball.
- Dkota Investments, Inc. purchased four acres in the Park for a build-to-suit project. The 20,000-square-foot distribution center for Bimbo Bakeries USA will bring approximately 14 full-time jobs to the Park.
- Nickson Industrial, LTD, a speculative project developer, purchased two tracts in the Park totaling nine acres. Nickson plans to build two 25,200-square-foot and one 30,600-square-foot single-tenant office/warehouse buildings that will give the TEDC unique inventory to promote.

The master-planned and deed-restricted Park is fully served with all utilities and provides off-site detention. Flexible lot sizes and competitive pricing make the Park an attractive location for new and expanding businesses.

MAKING BIG IMPROVEMENTS

The Business Improvement Grant Program is a matching grant program designed to help commercial property owners and businesses make high quality improvements to buildings and property in Tomball. The BIG Program encourages investments that directly relate to improving aesthetics of the community and increasing commercial property values.

Ideaco Investments, LLC



Tomball residents, Dion Or and Michael Pierce of Ideaco Investments, purchased 311 West Main Street with an eye on renovation. Through a Business Improvement Grant, Ideaco received money to transform the building's façade. Completed in December 2018, 311 West Main Street attracts with its European-style architecture and historic Tomball charm. The couple plans to take on additional buildings in the area and hopes that this transformation will be a catalyst for others to improve building facades on Main Street and beyond.

AFTER



Moffett Productions, Inc.

BEFORE



Audio and video production company, Moffett Productions, utilized the BIG Program to redevelop a dilapidated property in Old Town Tomball into a new studio for the company. The grant allowed Moffett to turn a small abandoned warehouse located at 509 Clarence Street into a 5,300 square foot building with a video production facility, recording studio, editing suites, and offices. Owners, Chris and Jeff Wohrer, used the grant and help of the TEDC to move their business to Tomball from Houston.



27 Businesses were assisted in 2018-19

\$146,901 TEDC Investment



\$186,982
Façade Improvements



\$7,226
Landscaping Improvements



\$307,151
Property Improvements



\$47,774
Signage Improvements



Total Project Capital Investment **\$549,134**

TEDC Exploring Commercial Kitchens as Incubator for Food Entrepreneurs



One of the TEDC's objectives is to support local entrepreneurs and small businesses. A goal highlighted in the most recent TEDC strategic plan includes evaluating the creation of an incubator space to support emerging Tomball entrepreneurs.

A business cluster rich with entrepreneurs and the ability to be an economic driver in Tomball is the food industry. Recognizing an opportunity to continue developing Tomball as a food destination, the TEDC is exploring the possibility of building a commercial kitchen incubator space.

The creation of a shared commercial kitchen would enable local food entrepreneurs to develop their businesses without the financial burden of a costly kitchen build-out. The lack of available and affordable culinary space coupled

with the costs of equipment is a major deterrent for many food entrepreneurs in moving their operations to the next level. Such a facility would aid entrepreneurs in expanding their businesses and the reach of their products into grocery stores, restaurants, etc.

To gauge interest in the concept, the TEDC went to a place that has spawned many entrepreneurs in the area – the Tomball Farmers Market (TFM). Working with TFM to survey market vendors, the TEDC received overwhelmingly positive responses regarding creating a shared commercial kitchen in Tomball.

The feasibility of developing a commercial kitchen space will continue to be explored over the next year. With the continued success of the Tomball Farmers Market and an expanding restaurant scene, a commercial kitchen could be another piece to attracting the best food entrepreneurs to Tomball.

FOCUS on Tomball

The TEDC continues to enhance its marketing efforts to match Tomball's growing business environment and international appeal. As stated in the strategic work plan, the TEDC is committed to updating marketing materials and utilizing the latest technology for marketing purposes. These endeavors are critical to properly market Tomball to site selectors, brokers, and executives across the globe.

The TEDC actively uses its website as a primary marketing tool. Mimicking recent industrial development in Tomball, TEDC's website has a proven international reach, with clicks coming from all corners of the world. The website provides information on demographics, workforce, available properties, site selection data, incentives, partner agencies, and quality of life amenities. Additionally, visitors can find the current strategic work plan and latest community news.

Utilizing metrics through Google Analytics and Multiview, Inc., the TEDC tracks visitors, page views, session duration, bounce rates, etc. to gauge Ad performance, see trends, and gain valuable insight into prospective attraction and expansion opportunities.

In addition to continually updating the website, the TEDC has placed a priority on growing its social media platforms. With active accounts on Twitter, Instagram, Facebook, and LinkedIn, and an up-to-date website, the TEDC can always connect with interested partners. A growing Tomball means a growing online presence for TEDC.

tomballtxedc.org

18,412
Sessions

15,646
New Users



TOP COUNTRIES

US
France
India
Canada
South Korea
China
Philippines
UK
Brazil
Germany

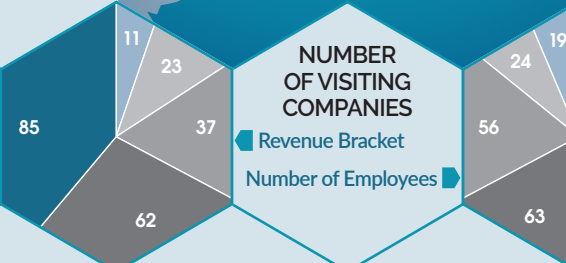
TOP STATES

Texas
Virginia
Kansas
Illinois
New York
California
District of Columbia
Florida
North Carolina
Maryland

VISITING COMPANIES BY INDUSTRY			
INDUSTRY	UNIQUE COMPANIES	INDUSTRY	UNIQUE COMPANIES
Telecommunications.....	9	Insurance.....	9
Software & Internet.....	23	Energy & Utilities.....	23
Education.....	36	Retail.....	6
Real Estate & Construction.....	37	Media & Entertainment.....	7
Manufacturing.....	33	Law Firms & Legal Services.....	7
Non-Profit.....	6	Travel, Recreation & Leisure.....	5
Government.....	30	Transportation & Storage.....	2
Healthcare, Pharmaceuticals, & Biotech..	14	Agriculture & Mining.....	1
Financial Services.....	28	Consumer Services.....	3
Business Services.....	21	Cultural.....	1

REVENUE

\$1B
\$5M to \$49M
< \$5M
\$50M to \$499M
\$500M to \$1B



NUMBER OF VISITING COMPANIES

Revenue Bracket
Number of Employees

EMPLOYEES

<500
500 to 4,999
5,000 to 24,999
25,000 to 99,999
100,000+



BUSINESS ROUNDTABLE



The TEDC, in collaboration with the Greater Tomball Area Chamber of Commerce and local business and industry, launched the Tomball Business Roundtable in 2018. The newest strategic initiative brings city leaders and business executives together quarterly to tackle topics critical to the Tomball business community. The Tomball Business Roundtable follows in line with the TEDC's efforts to lay a strong foundation, while building for a stronger economic future.

The first three editions of the Business Roundtable have focused on important issues like workforce development and bridging the generational divide in the workplace. The Business Roundtable gives business and city leaders the platform to share experiences and learn best practices, while networking to build a cohesive business community.



ECONOMIC OUTLOOK LUNCHEON

The 10th Annual Economic Outlook Luncheon continued the tradition of bringing together elected officials, community leaders, and development professionals to learn about the Tomball area's economic prospects. The successful event gives local stakeholders the opportunity to network and hear from experts on important issues affecting the economy. The annual luncheon is a key piece of the TEDC's coordination efforts outlined by the organization's strategic goals.



The keynote speaker was Dr. Robert Gilmer, Director of the Institute for Regional Forecasting at the University of Houston's Bauer College of Business. Gilmer explained how the Houston region and the state of Texas have managed growth despite Hurricane Harvey and an oil downturn. Gilmer expects that the local economy will mirror the U.S. economy and remain strong, even predicting a new growth cycle in the greater Houston area.



Gulf Coast Advanced Manufacturing Conference

As manufacturing has advanced, so has the TEDC's efforts to recruit advanced manufacturers to Tomball. In line with these efforts, TEDC staff attended the Gulf Coast Advanced Manufacturing Conference on October 9, 2018 at Houston Community College.

The conference highlighted how technology is transforming the manufacturing industry, accelerating business profitability and diversification, and boosting the region's competitiveness as a leader in advanced manufacturing.

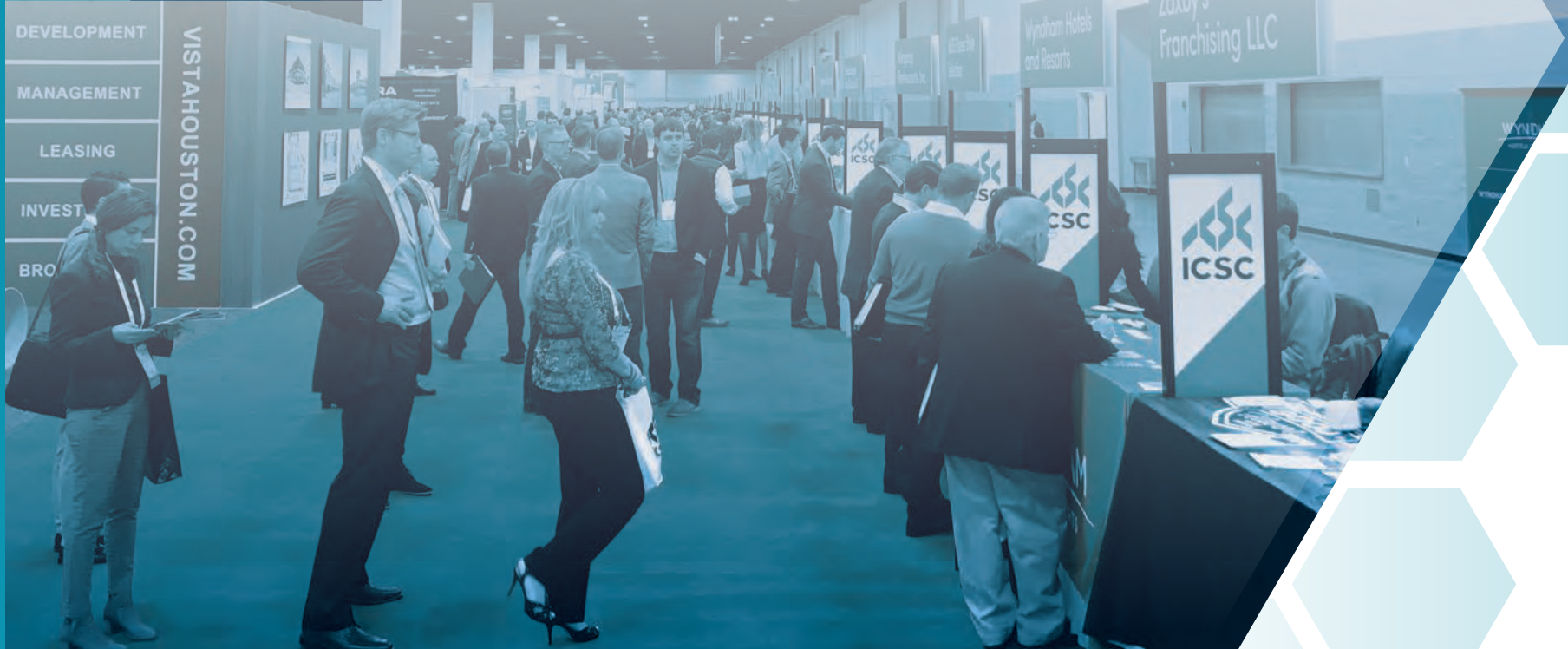
Mush Khan, CEO of APS Plastics and Manufacturing in Tomball, participated in a panel discussion on positioning Houston to lead in manufacturing. Khan discussed his experiences of guiding an advanced manufacturing company and how the industry is advancing in Tomball and throughout the region.



ICSC Red River States Conference & Deal Making



With an eye on attracting new retail prospects, the TEDC joined local developers at the inaugural Red River States Conference & Deal Making event hosted by the International Council of Shopping Centers (ICSC). TEDC staff showed off Tomball's successful retail environment and welcomed many interested visitors to their booth at the Fort Worth Convention Center from January 9-11, 2019. The event brought the TEDC together with industry professionals from Texas, Louisiana, Arkansas and Oklahoma for education, networking, and deal-making.



Record ACHIEVEMENTS

The TEDC's impact on the Tomball community is being recognized both nationally and internationally.

Executive Director, Kelly Violette, was recognized as one of North America's Top 50 Economic Developers by Consultant Connect, a consulting agency designed to bridge the gap between economic developers and site consultants. Violette was nominated by her colleagues in both the economic development industry and the site consultant community for excellent practices, innovation, and success in building the Tomball community.



The Texas Economic Development Council honored the Tomball EDC with a Community Economic Development Award (CEDA). The CEDA Merit Recognition Award was presented for Tomball EDC's efforts in bringing SUEZ Water Technologies and Solutions to the Tomball Business & Technology Park.





In 2018, the TEDC was honored with a Bronze Award by the International Economic Development Council (IEDC) for the TEDC's 2017-2018 Annual Report. The report's theme, Focus on Tomball, was designed to spotlight Tomball's strategic location within the greater Houston region and the city's many assets which make it an attractive place for business.

The Texas Economic Development Council named Tomball EDC a recipient of its annual Economic Excellence Recognition program. The Economic Excellence Recognition was announced at the Texas Economic Development Council's Legislative Conference in Austin on February 21, 2019. The Economic Excellence Recognition program recognizes economic development organizations that meet a desired threshold of professionalism. Violette and Assistant Director, Tiffani Wooten, are both Certified Economic Developers by the IEDC.





The **TOMBALL ECONOMIC DEVELOPMENT CORPORATION (TEDC)** is a non-profit Type B Corporation created pursuant to the Texas Development Corporation Act of 1979. The TEDC was formed in November 1994, after the citizens of Tomball voted to pass a ½ cent sales tax dedicated to economic development. The TEDC is governed by a seven-member Board of Directors appointed by the Tomball City Council.



tomballtxedc.org

281.401.4086

29201 Quinn Road, Suite B
Tomball, TX 77375

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 17, 2019

Topic:

Approve, on First Reading, Resolution No. 2019-20-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 Century Hydraulics LLC, to make direct incentives to, or expenditures for, the promotion of new or expanded business development associated with the expansion of an office/warehouse facility located at 23706 Snook Lane, Tomball, Texas. The estimated amount of expenditures for such Project is \$44,543.00.

Background:

All expenditures of the Tomball Economic Development Corporation (TEDC) sales tax revenue must first be approved as a "Project". At a Special Joint Meeting on May 14, 2019, the TEDC Board of Directors did take formal action to approve, as a Project of the TEDC, an economic development performance agreement with Century Hydraulics LLC for assistance with the expansion of its facility located at 23706 Snook Lane, Tomball, TX. The Tomball City Council has final approval authority over all projects and agreements of the TEDC.

Origination:

Joel Christensen, President, Century Hydraulics LLC

Recommendation:

Approval of Resolution No. 2019-20-TEDC on first reading

Funding:

Yes

Account Number: Project Grants

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation

ACTION TAKEN

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

ATTACHMENTS:

Resolution No. 2019-20-TEDC

TEDC Memo

Request Letter

Economic Impact Analysis

Draft Performance Agreement

RESOLUTION NO. 2019-20-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 CENTURY HYDRAULICS LLC TO PROMOTE NEW OR EXPANDED BUSINESS DEVELOPMENT; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.

* * * * *

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

WHEREAS, the Board of Directors of the TEDC had adopted as a specific project the expenditure of the estimated amount of Forty-Four Thousand Five Hundred and Forty Three Dollars (\$44,543.00), found by the Board to be required or suitable to promote new or expanded business development by Century Hydraulics LLC; and

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

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

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

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

Section 2. The City Council hereby authorizes and approves the adoption, by the Board of Directors of the Tomball Economic Development Corporation, as a specific project for the economic development of the City, an expenditure of the estimated amount of Forty-Four Thousand Five Hundred and Forty Three Dollars (\$44,543.00), to Century Hydraulics LLC in accordance with an economic development agreement by and between the TEDC and Century Hydraulics LLC to promote new or expanded business development, located at 23706 Snook Lane, Tomball, Texas 77375.

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

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

PASSED AND APPROVED on first reading this ____ day of _____, 2019.

PASSED, APPROVED, AND RESOLVED on second and final reading this ____ day of _____, 2019.

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



TO: Honorable Mayor and City Council

FROM: Kelly Violette
Executive Director

MEETING DATE: June 17, 2019

SUBJECT: Century Hydraulics, LLC

ITEM TYPE: Action

Century Hydraulics LLC repairs various hydraulic components such as pumps, motors, cylinders, and valves and has been in business for 19 years. With assistance from the TEDC, the company relocated to Tomball in 2008 and constructed a 9,000 square foot office/warehouse facility located at 23706 Snook Lane.

On March 12, 2019, the company President, Mr. Joel Christensen, submitted a request to the TEDC for grant assistance to help facilitate the expansion of an additional 7,500 square foot office/warehouse facility on the property. The proposed expansion includes 1,093 square feet of office space, 5,235 square feet of warehouse area, and a 1,216 square foot wash bay.

Century Hydraulics, LLC currently has nine (9) full-time employees and plans to add an additional five (5) employees in conjunction with the expansion. The estimated capital investment for this project is \$623,971.00.

Although this project does not create primary jobs, it does promote new and expanded business development, which is considered a permissible project as outlined in Texas Economic Development Legislation. If this project is approved, it will require two separate readings of the resolution by Tomball City Council.

An economic impact analysis has been prepared to show the impact of this expansion project on Tomball's economy. Per the analysis, the estimate five-year net benefit to the city is \$148,477.00. The proposed incentive is \$44,543.00, based upon 30% of the five-year net benefit to the community. The anticipated rate of return on the incentive over 5 years is 66.7%.

CENTURY HYDRAULICS LLC.

March 12, 2019

Kelly Violette
Tomball Economic Development Corporation

Re: Request for Funding Assistance

Dear Ms. Violette:

Century Hydraulics LLC committed to move to the City of Tomball back in 2009. We feel that our company has been an asset to the growth and development of Tomball and has benefited its economic growth with our services. At this time, we are ready to expand and will be constructing a second building.

In order to prepare, facilitate, the construction of our new building, we are requesting funding assistance from the TEDC. Our new facility's estimated date of completion is September 2019. Its location will be behind our original building at 23706 Snook Lane, Tomball. The building itself will be 7,500 square feet which includes 1093 square feet of office, 5,235 square feet of warehouse, and 1216 square feet wash bay. The buildings and property will be valued at approximately \$1,000,000. The actual construction on the building site will begin in June 2019. Architectural plans and permits are now underway.

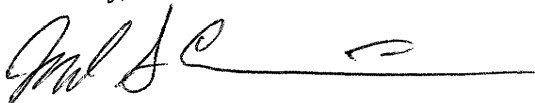
Century is owned and operated by the President/CEO Joel Christensen who resides at 22523 Guston Hall Katy, Texas 77449 (phone 281-347-7141). Our Company has been in existence for 19 years with success and growth as our focus and accomplishment.

Century Hydraulics repairs various hydraulic components such as pumps, motors, cylinders, and valves. We also do some light machine work, with an onsite hose repair shop. The hose shop is very beneficial for local businesses and residents. Currently, we have nine employees and plan to add five additional employees once the move is complete. The average hourly wage for all the jobs is \$20.27.

Century would like to request grant funding assistance to expand our business in the City of Tomball. The funding assistance would also include help with drainage, detention, and infrastructure.

Century Hydraulics would like to thank you for giving us the opportunity to receive a grant from the TEDC. We are looking forward to continuing business in the Tomball area and our affiliations with the TEDC and the Tomball Chamber of Commerce.

Sincerely,



Joel Christensen, President

23706 SNOOK LANE TOMBALL, TEXAS 77375
(281) 290-7783 Telephone

P.O. BOX 1848 TOMBALL, TEXAS 77377
(281) 290-7784 Fax

WWW.CENTURYHYD.COM

EXECUTIVE SUMMARY

A REPORT OF THE ECONOMIC IMPACT OF CENTURY HYDRAULICS LLC EXPANSION IN TOMBALL, TX

May 10, 2019

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



Prepared using Total Impact



PURPOSE & LIMITATIONS

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

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

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

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



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Introduction

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

Description of the Project

Century Hydraulics plans to expand its operations and construct a 7,500 sq ft shop with a small office and break room. This new construction will enable the company to hire up to 5 employees within the first 2 years upon completion of the project. The expansion will increase the company's customer base and enable it to increase sales. Century Hydraulics has been a constant in the Tomball community since 2009, and will continue to a part of the community for many years to come.

Existing & Expanded Operations

The Project under analysis represents the expansion of an existing company in the City of Tomball. The existing operations currently support 9.0 direct jobs in the community and 3.0 indirect and induced jobs. The direct workers earn \$32,000 per year and the company supports \$1.2 million per year in taxable sales and spending in the community. Additionally, the company supports taxable property valued at \$0.8 million annually.

The table below illustrates the company's economic impact over the next 10 years - including both the existing and expanded operations.

Table 1. Economic Impact of Existing and Expanded Operations Over the Next 10 Years

	Existing Operations	Expansion	Existing & Expanded Ops
Jobs			
Direct	9.0	5.0	14.0
Indirect & Induced	3.0	1.7	4.7
Total	12.0	6.7	18.7
Salaries			
Direct	\$3,153,519	\$1,687,956	\$4,841,475
Indirect & Induced	\$606,737	\$324,763	\$931,500
Total	\$3,760,256	\$2,012,719	\$5,772,975
Taxable Sales			
Direct	\$12,314,928	\$13,574,825	\$25,889,754
Indirect & Induced	\$58,247	\$31,177	\$89,424
Total	\$12,373,175	\$13,606,003	\$25,979,178

The table below illustrates the company's fiscal impact - the net benefits for local taxing districts - over the next 10 years - including both the existing and expanded operations.

Table 2. Fiscal Impact of Existing and Expanded Operations Over the Next 10 Years

	Net Benefits		
	Existing Operations	Expansion	Existing & Expanded Ops
City of Tomball	\$277,018	\$306,443	\$583,461

The remainder of this report will focus on only the economic and fiscal impact associated with the expanded operations.

Economic Impact Overview

The Project's operations will support employment and other economic impacts in the community. The 5.0 workers directly employed by the Project will earn approximately \$35,000 per year on average over the next 10 years. This direct activity will support 1.7 indirect and induced workers in the community earning \$20,000 on average over the next 10 years. The total additional payroll or workers' earnings associated with the Project is estimated to be approximately \$2.0 million over the next 10 years.

On average, the Project will generate \$0.7 million in direct economic output over the next 10 years. Spin-off businesses in the community will produce \$0.3 million in economic output per year as a result of the Project. In total, the Project will support \$1.0 million in economic output per year on average. Economic output is the value of goods and services produced in the economy and can be thought of as revenues for businesses. The economic output calculations in this report were estimated using the RIMS II economic impact model and the Project's employment estimates.

Accounting for various taxable sales and purchases, including activity associated with the Project, worker spending, and visitors' spending in the community, the Project is estimated to support approximately \$13.6 million in taxable sales over the next 10 years.

Table 3. Economic Impact Over the Next 10 Years

	Direct	Indirect & Induced	Total
Number of permanent direct, indirect, and induced jobs to be created	5.0	1.7	6.7
Salaries to be paid to direct, indirect, and induced workers	\$1,687,956	\$324,763	\$2,012,719
Economic output generated by direct, indirect, and induced activity	\$7,151,233	\$2,836,894	\$9,988,127
Taxable sales and purchases expected in the City	\$13,574,825	\$31,177	\$13,606,003

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

Table 4. Population Impacts Over the Next 10 Years

	Direct	Indirect & Induced	Total
Number of direct, indirect, and induced workers who will move to the City	0.3	0.1	0.4
Number of new residents in the City	0.8	0.3	1.1
Number of new residential properties to be built in the City	0.0	0.0	0.0
Number of new students expected to attend local school district	0.2	0.1	0.3

The Project is estimated to support an average of approximately \$0.9 million in new non-residential taxable property each year over the next 10 years. The taxable value of property supported by the Project over the 10-year period is shown in the following table.

Table 5. Value of Taxable Property Supported by the Project Over the Next 10 Years

Year	New Residential Property	The Project's Property					Total Residential & Nonresidential Property
		Land	Buildings & Other Real Prop. Improvements	Furniture, Fixtures, & Equipment	Inventories	Subtotal Nonresidential Property	
1	\$0	\$0	\$608,971	\$15,000	\$75,000	\$698,971	\$698,971
2	\$0	\$0	\$639,420	\$13,500	\$76,500	\$729,420	\$729,420
3	\$0	\$0	\$671,391	\$12,000	\$78,030	\$761,421	\$761,421
4	\$0	\$0	\$704,960	\$10,500	\$79,591	\$795,051	\$795,051
5	\$0	\$0	\$740,208	\$9,000	\$81,182	\$830,390	\$830,390
6	\$0	\$0	\$777,218	\$7,500	\$82,806	\$867,525	\$867,525
7	\$0	\$0	\$816,079	\$6,000	\$84,462	\$906,542	\$906,542
8	\$0	\$0	\$856,883	\$4,500	\$86,151	\$947,535	\$947,535
9	\$0	\$0	\$899,728	\$3,000	\$87,874	\$990,602	\$990,602
10	\$0	\$0	\$944,714	\$3,000	\$89,632	\$1,037,346	\$1,037,346

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

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

Temporary Construction Impact

The Project will include an initial period of construction where \$0.6 million will be spent to construct new buildings and other real property improvements. It is assumed that 65.0% of the construction expenditure will be spent on materials and 35.0% on labor. The temporary construction activity will support temporary economic impacts in the community in the form of temporary construction employment and sales for local construction firms.

Table 6. Spending and Estimated Direct Employment Impact of Project-Related Construction Activity

	Amount
Total construction expenditure	\$608,971
Materials	\$395,831
Labor	\$213,140
Temporary Construction Workers Supported (Average Earnings = \$51,300)	4.2

The following table presents the temporary economic impacts resulting from the construction.

Table 7. Temporary Economic Impact of Project-Related Construction Activity

	Direct	Indirect & Induced	Total
Number of temporary direct, indirect, and induced job years to be supported*	4.2	2.9	7.1
Salaries to be paid to direct, indirect, and induced workers	\$213,140	\$107,977	\$321,116
Revenues or sales for businesses related to construction	\$608,971	\$524,811	\$1,133,782

* A job year is defined as full employment for one person for 2080 hours in a 12-month span.

Sales tax calculations related to construction activity are presented in the following table. The sales tax revenue generated from construction-period taxable spending is included in the fiscal impact for affected districts in Year 1 of this analysis.

Table 8. Construction-Related Taxable Spending

	Estimate
Expenditure for Materials	\$395,831
Percent of Materials subject to local tax	50.0%
<u>Subtotal Taxable Materials</u>	<u>\$197,916</u>
Expenditure for Labor / Paid to construction workers	\$213,140
Percent of gross earnings spent on taxable goods and services	24.0%
Percent of taxable spending done locally	30.0%
<u>Subtotal Taxable Construction Worker Spending</u>	<u>\$15,346</u>
Expenditure for Furniture, Fixtures, & Equipment (FF&E)	\$15,000
Percent of FF&E subject to local tax	30.0%
<u>Subtotal Taxable FF&E Purchases</u>	<u>\$4,500</u>
<u>Total Construction-Related Taxable Spending</u>	<u>\$217,762</u>

The above construction analysis focuses on the impact resulting from the Project's construction investments identified in Year 1. If construction will be phased in over several years or an expansion is planned in a later year, parallel calculations will be performed for those years.

Fiscal Impact Overview

The Project will generate additional benefits and costs for the City. Overall, the City will receive approximately \$306,400 in net benefits over the 10-year period. The table below displays the estimated additional benefits, costs, and net benefits to be received by the City over the next 10 years of the Project. Appendix C contains the year-by-year calculations.

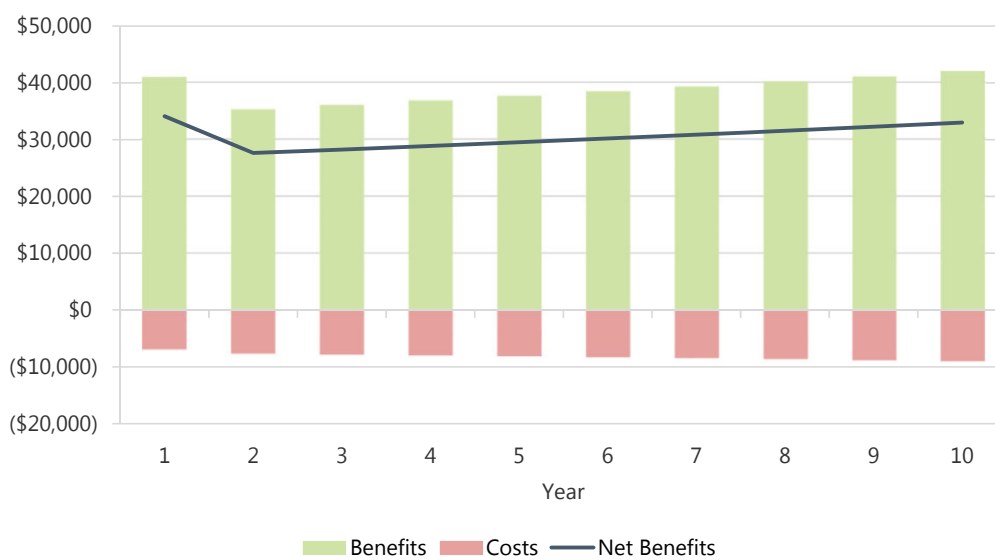
Table 9. City of Tomball: Benefits, Costs, and Net Benefits Over the Next 10 Years

	Amount
Sales Taxes	\$272,120
Property Taxes - Project	\$29,245
Property Taxes - New Residential	\$0
Utility Revenue	\$65,780
Utility Franchise Fees	\$6,709
Building Permits and Fees	\$2,817
Hotel Occupancy Taxes	\$0
Miscellaneous Taxes & User Fees	\$11,318
<u>Subtotal Benefits</u>	<u>\$387,989</u>
Cost of Providing Municipal Services	(\$12,477)
Cost of Providing Utility Services	(\$69,069)
<u>Subtotal Costs</u>	<u>(\$81,547)</u>
Net Benefits	\$306,443
<i>Present Value (5% discount rate)</i>	<i>\$235,854</i>

Table 10. Year-by-Year Benefits, Costs, and Net Benefits for the City of Tomball

Year	Benefits	Costs	Net Benefits	Cumulative Net Benefits
1	\$41,027	(\$6,905)	\$34,121	\$34,121
2	\$35,306	(\$7,652)	\$27,654	\$61,776
3	\$36,072	(\$7,805)	\$28,267	\$90,043
4	\$36,856	(\$7,961)	\$28,895	\$118,938
5	\$37,660	(\$8,120)	\$29,539	\$148,477
6	\$38,483	(\$8,283)	\$30,200	\$178,677
7	\$39,327	(\$8,448)	\$30,878	\$209,556
8	\$40,191	(\$8,617)	\$31,574	\$241,130
9	\$41,077	(\$8,790)	\$32,288	\$273,417
10	\$41,991	(\$8,965)	\$33,025	\$306,443
Total	\$387,989	(\$81,547)	\$306,443	

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



Impact from Project and Workers

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

Table 11: Net Benefits to the City from the Project and Workers

	The Project	Workers	Total
Sales Taxes	\$268,256	\$3,864	\$272,120
Real Property Taxes	\$26,154	\$0	\$26,154
FF&E Property Taxes	\$287	\$0	\$287
Inventory Property Taxes	\$2,804	\$0	\$2,804
New Residential Property Taxes	\$0	\$0	\$0
Utility Revenue	\$59,446	\$6,334	\$65,780
Utility Franchise Fees	\$6,294	\$415	\$6,709
Building Permits and Fees	\$2,817	\$0	\$2,817
Hotel Occupancy Taxes	\$0	\$0	\$0
Miscellaneous Taxes & User Fees	\$9,337	\$1,982	\$11,318
Subtotal Benefits	\$375,394	\$12,595	\$387,989
Cost of Providing Municipal Services	(\$10,286)	(\$2,191)	(\$12,477)
Cost of Providing Utility Services	(\$62,418)	(\$6,651)	(\$69,069)
Subtotal Costs	(\$72,704)	(\$8,842)	(\$81,547)
Net Benefits	\$302,690	\$3,753	\$306,443
<i>Percent of Total Net Benefits</i>	<i>98.8%</i>	<i>1.2%</i>	

Non-Tax Incentives

At the request of the firm, The City of Tomball may consider abating taxes on the firm's property. The table below identifies the type of firm property for which the city may consider abating taxes.

Table 16. Incentives Under Consideration

Year	Enter Incentive Description
1	\$44,543
2	\$0
3	\$0
4	\$0
5	\$0
6	\$0
7	\$0
8	\$0
9	\$0
10	\$0
Total	\$44,543

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

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

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

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

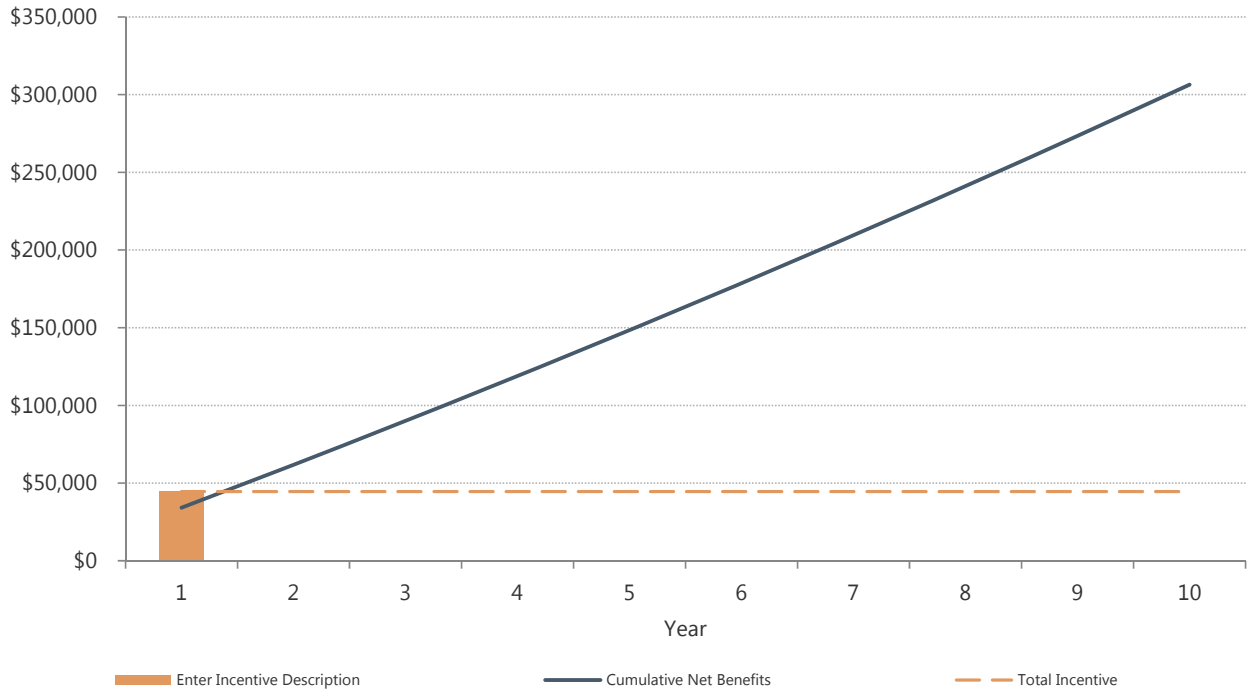
Table 17. Analysis of Incentives

Total Non-Tax Incentive	\$44,543
Rate of Return - 5 Years	66.7%
Rate of Return - 10 Years	68.8%
Payback period (years)	1.4

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

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

Figure 2. Incentives Under Consideration



Overview of Methodology

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

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

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

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

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

811300 Commercial and industrial machinery and equipment repair and mainte		City	County
Employment Multiplier	(Type II Direct Effect)	1.3364	1.6687
Earnings Multiplier	(Type II Direct Effect)	1.1924	1.3826

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

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

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

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

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

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

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

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

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

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

About Impact DataSource

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

AGREEMENT

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

This Agreement (the “Agreement”) is made and entered into by and between the **Tomball Economic Development Corporation**, an industrial development corporation created pursuant to the Development Corporation Act, now Chapter 501 et seq of the Texas Local Government Code, located in Harris County, Texas (the “TEDC”), and **Century Hydraulics LLC**. (the “Company”), 23706 Snook Lane, Tomball, Texas 77375.

WITNESSETH:

WHEREAS, it is the established policy of the TEDC to adopt such reasonable measures from time-to-time as are permitted by law to endeavor to attract industry, create and retain primary jobs, expand the growth of the City of Tomball (the “City”), and thereby enhance the economic stability and growth of the City; and

WHEREAS, the Company proposes to expand its current operations on a 2.1-acre tract of land within the City, located at 23706 Snook Lane, Tomball, Texas 77375 (the “Property”), and more particularly described in Exhibit “A,” attached hereto and made a part hereof; and

WHEREAS, the Company plans to expend Six Hundred Twenty-Three Thousand, Nine Hundred Seventy-One dollars (\$623,971.00) to construct a 7,500 square foot office/warehouse facility and make other capital improvements (the “Improvements”) as are necessary; and

WHEREAS, the Company also proposes to maintain the current nine (9) jobs at the Property and create five (5) new employment positions at the Property in conjunction with the expansion of its business operations at the Property; and

WHEREAS, the TEDC agrees to provide to the Company the sum of Forty-Four Thousand, Five Hundred Forty-Three Dollars (\$44,543.00) to assist in the construction of the Improvements, the retention of nine (9) full-time jobs, and the addition of the five (5) new full-time jobs at the Property; and

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

WHEREAS, this expenditure is found by the Board of Directors of the TEDC to be required or suitable for the promotion and development of new or expanded business enterprises at the Property; and

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

1.

The Company covenants and agrees that it will construct the Improvements and operate and maintain the proposed business on the property for a term of at least five (5) years, and will for such term, except as provided by paragraph 4 hereof, maintain nine (9) employees and create five (5) new jobs on the Property.

2.

The Company also covenants and agrees that construction of the Improvements, the addition of the five (5) new employees, and obtaining all necessary occupancy permits from the City shall occur within eighteen (18) months from the Effective Date of this Agreement. Extensions of these deadlines, due to any extenuating circumstance or uncontrollable delay, may be granted at the sole discretion of the Board of Directors of the TEDC.

3.

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

4.

In consideration of the Company's representations, promises, and covenants, TEDC agrees to grant to the Company the sum of Forty-Four Thousand, Five Hundred Forty-Three Dollars (\$44,543.00) to fund a portion of the cost of the Improvements, the retention of nine (9) full-time jobs, and the addition of the five (5) new employees to the Company's business operations on the property. The TEDC agrees to distribute such funds to the Company within thirty (30) days of receipt of a letter from the Company requesting such payment, which letter shall also include: (a) a copy of the City's occupancy permit for the Improvements to the Property; (b) proof that the Company has retained and added the number of employees indicated above to its business operations on the Property, as evidenced by copies of Texas Workforce Commission form C-3 or Internal Revenue Service Form 941; (c) verification from the City acknowledging that all necessary plats, plans, and specifications have been received, reviewed, and approved; (d) certification that the Improvements have been constructed in accordance with the approved plans and specifications; and, (e) an affidavit stating that all contractors and subcontractors providing work and/or materials in the construction of the Improvements have been paid and any and all liens and claims regarding such work have been released. In the event the number of jobs originally projected is not met, the amount of the funding provided to the

Company by the TEDC will be reduced on a pro rata basis to reflect the actual number of jobs at the time of the request for disbursement of funds.

5.

It is understood and agreed by the parties that, in the event of a default by the Company on any of its obligations under this Agreement, the Company shall reimburse the TEDC the full amount paid to the Company by the TEDC, with interest at the rate equal to the 90-day Treasury Bill plus ½% per annum, within 120 days after the TEDC notifies the Company of the default. It is further understood and agreed by the parties that if the Company is convicted of a violation under 8 U.S.C. Section 1324a(f), the Company will reimburse the TEDC the full amount paid to the Company, with interest at the rate equal to the 90-day Treasury Bill plus ½% per annum, within 120 days after the TEDC notifies the Company of the violation.

The Company shall also reimburse the TEDC for any and all reasonable attorney's fees and costs incurred by the TEDC as a result of any action required to obtain reimbursement of such funds. Such reimbursement shall be due and payable thirty (30) days after the Company receives written notice of default accompanied by copies of all applicable invoices.

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

6.

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

7.

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

8.

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

If to City:	Tomball Economic Development Corporation 401 W. Market Street Tomball, Texas 77375 Attn: President, Board of Directors
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If to Company:	Century Hydraulics LLC. 23706 Snook Lane, Tomball, Texas 77375 Attn: Joel Christensen, President
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9.

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

10.

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

11.

The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.

12.

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

13.

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

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties on this _____ day of _____ 2019 (the "Effective Date").

CENTURY HYDRAULICS LLC.

By: _____

Name: Joel Christensen

Title: President

ATTEST:

By: _____

Name: Tiffani Wooten

Title: Assistant Director

TOMBALL ECONOMIC DEVELOPMENT CORPORATION

By: _____

Name: Gretchen Fagan

Title: President, Board of Directors

ATTEST:

By: _____

Name: Bill Sumner Jr.

Title: Secretary, Board of Directors

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the ____ day of _____
2019, by Joel Christensen, President of Century Hydraulics LLC, for and on behalf of said
company.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the ____ day of _____
2019, by _____, President of the Board of Directors of the Tomball Economic
Development Corporation, for and on behalf of said Corporation.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

Exhibit A
Legal Description of Property

A tract of land containing 2.161 acres out of the Jesse Pruitt Survey, A-629, Harris County, Texas, and being more particularly described by the following metes and bounds description:

Being a 2.161 acre tract of land, situated in the Jesse Pruitt Survey, Abstract Number 629, of Harris County, Texas, and containing all of a called 0.1538 acre tract described in deed recorded in Clerk's File Number Z-499527, of the Real Property Records of Harris County, Texas, together with all of a called 2.0071 acre tract described in deed recorded in Clerk's File Number Z-499528, of said Real Property Records; said 2.161 acres being more particularly described as follows, with all bearings based on the recorded deed;

BEGINNING at a 1/2 inch iron pipe, found for the Northeast corner of the herein described tract, common with the Northeast corner of the 2.0071 acre tract and the Southeast corner of the 2.166 acre tract described in deed recorded in Volume 2068, Page 386, of the Deed Records of Harris County, Texas, same being in the West line of a called 5.1420 acre tract, described in deed recorded in Clerk's File Number G908192, of said Real Property Records, and proceeding;

THENCE S 00 deg. 58 min. 28 sec. E, a distance of 139.22 feet (Deed - S 00 deg. 22 min. 15 sec. E, 139.09 feet) along the East line of the herein described tract, common with the East line of 2.0071 acre tract and the West line of the 5.1420 acre tract, to a 5/8 inch iron rod, found for the Southeast corner of the herein described tract, common with the Southeast corner of the 2.007 acre tract and the Northeast corner of a called 2.1699 acre tract of land, no deed of record found;

THENCE S 89 deg. 04 min. 00 sec. W, a distance of 677.73 feet, along the South line of the herein described tract common with the lower South line of the 2.0071 acre tract, the South line of the 0.1538 acre tract, and the North line of the 2.1699 acre tract to a 5/8 inch iron rod, found for the Southwest corner of the herein described tract, common with the Southwest corner of the 0.1538 acre tract and the Northwest corner of the 2.1699 acre tract, same being in the East right-of-way line of Snook Lane, 60 feet wide;

THENCE N 00 deg. 01 min. W (Deed - N 00 deg. 01 min. 30 sec. W), a distance of 139.10 feet, along the West line of the herein described tract, common with the West line of the 0.1538 acre tract, the upper West line of the 2.0071 acre tract, and the East right-of-way line of Snook Lane, to an iron rod with survey cap, set for the Northwest corner of the herein described tract, common with the Northwest corner of the 2.0071 acre tract and the Southwest corner of a called 70' x 200' tract described in deed recorded in Clerk's File Number P682597, of said Real Property Records;

THENCE N 89 deg. 03 min. 19 sec. E, a distance of 675.41 feet (Deed - N. 89 deg. 04 min. 00 sec. E, 676.35 feet), along the North line of the herein described tract, common with the North line of the 2.0071 acre tract, the South line of the 70 x 200' tract and the lower South line of the 2.166 acre tract, back to the POINT OF BEGINNING and containing 2.161 acres of land as computed based on the Survey and plat prepared by C & C Surveying, Inc., dated September 19, 2007.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 17, 2019

Topic:

Approve, on First Reading, Resolution No. 2019-21-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 the Texas Railroading Heritage Museum at Tomball to make direct incentives to, or expenditures for, advertising, promotion and marketing assistance for the Museum to be located at 303 South Elm Street in the City of Tomball, as authorized under Sections 505.152 and 505.158 of the Texas Local Government Code. The estimated amount of expenditures for such project is \$10,000.00.

Background:

All expenditures of the Tomball Economic Development Corporation (TEDC) sales tax revenue must first be approved as a "Project". At a Special Joint Meeting on May 14, 2019, the TEDC Board of Directors did take formal action to approve, as a Project of the TEDC, an agreement with the Texas Railroading Heritage Museum at Tomball for assistance with advertising, promotion and marketing expenses. The Tomball City Council has final approval authority over all projects and agreements of the TEDC.

Origination:

Bill Capdevielle, President, Texas Railroading Heritage Museum at Tomball

Recommendation:

Approval of Resolution No. 2019-21-TEDC on first reading

Funding:

Yes

Account Number: Project Grants

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation

ACTION TAKEN

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

Resolution No. 2019-21-TEDC

TEDC Memo

Request Letter

Draft Letter Agreement

RESOLUTION NO. 2019-21-TEDC

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING AND APPROVING THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION'S PROJECT TO EXPEND FUNDS IN ACCORDANCE WITH AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE CORPORATION AND TEXAS RAILROADING HERITAGE MUSEUM TO MAKE DIRECT INCENTIVES TO, OR EXPENDITURES FOR, ADVERTISING, PROMOTION AND MARKETING ASSISTANCE; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.

* * * * *

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

WHEREAS, the Board of Directors of the TEDC had adopted as a specific project the expenditure of the estimated amount of Ten Thousand Dollars (\$10,000.00) found by the Board to be required or suitable for advertising, promotion and marketing assistance for the Texas Railroading Heritage Museum at Tomball to be located at 303 South Elm Street in the City Limits of Tomball; and

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

WHEREAS, City Council finds and determines that such project is authorized by Section 505.152 and 505.158 of the Act; now, therefore,

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

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

Section 2. The City Council hereby authorizes and approves the adoption, by the Board of Directors of the Tomball Economic Development Corporation, as a specific project for the economic development of the City, an expenditure of the estimated amount of Ten Thousand Dollars (\$10,000.00) to the Texas Railroading Heritage Museum at Tomball, in accordance with an economic development agreement by and between the TEDC and the Texas Railroading Heritage Museum at Tomball, to make direct incentives to, or expenditures for, advertising, promotion and marketing assistance.

Section 3. In the event any clause, phrase, provision, sentence, or part of this

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

PASSED AND APPROVED on this ____ day of _____, 2019.

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



TO: Honorable Mayor and City Council

FROM: Kelly Violette
Executive Director

MEETING DATE: June 17, 2019

SUBJECT: Texas Railroading Heritage Museum at Tomball

ITEM TYPE: Action

Bill Capdevielle, President of the Texas Railroading Heritage Museum (TRHM), a non-profit organization, has formally requested financial assistance from the TEDC in an amount not to exceed \$10,000 to help implement their marketing strategy for developing a new museum to tell the story of railroading in the region.

The Texas Railroading Heritage Museum would be located at 303 South Elm Street in Tomball. The marketing materials would include updating TRHM website, brochures, banners, banner stands, display table at GTACC luncheons, and promotional items.

This is an eligible project under Sections 505.152 and 505.158 of the Texas Local Government Code, which enables the TEDC to fund marketing efforts for the Texas Railroading Heritage Museum. If this project is approved, it will require two separate readings of the resolution by Tomball City Council.



Texas Railroad Heritage Museum
P.O. Box 124
Tomball, TX

Willard C. (Bill) Capdevielle P.E.
President

Tomball Economic Development Corporation
29201 Quinn Rd, Suite B
Tomball, TX 77375

May 9, 2019

The Board of Directors of the Texas Railroad Heritage Museum (TRHM) at Tomball would like to thank your organization for the support you have given us in the past. As you may know the TRHM is a collaboration of the City of Tomball, Harris County, and the Gulf Coast Chapter of the National Railroad Historical Society. The Gulf Coast Chapter formerly had a museum in Houston, displaying 15 full size vintage rail cars. The Gulf Coast Chapter members are all volunteers, and donated their time and resources to operating the museum. This museum closed in 2013 due to loss of the site they were using.

The Gulf Coast Chapter selected Tomball rather than Houston for their new museum site. In 2015 the Gulf Coast Chapter has executed a Land Lease agreement with the City of Tomball for museum construction on a 3.2-acre site just south of the existing Tomball Depot in Old Town Tomball. The TRHM has also executed an Operating Agreement with the Gulf Coast Chapter NRHS.

The TRHM is registered as a non-profit educational organization with the Texas Secretary of State, and as a 501(c)(3) organization with the IRS.

In preparation for the construction of our railroad museum, the TRHM has had the following preliminary steps performed:

- The first geotechnical study performed in 2014 by Earth Engineering, Inc.
- The preparation of the 2014 Due Diligence Study by Jones & Carter to identify planning and construction issues for the museum
- The preparation of the MasterPlan Document by D|G Studios in 2016. This MasterPlan Document laid out the initial concept for the museum as an education experience for visitors.

These activities formed a solid foundation upon which to build the accelerated activities that started in 2018. The 2018 TRHM activities included:

- A series of changes to the Bylaws which the Board felt would enhance our operating rhythm;
- Concept drawings were prepared by Bill Baxter (then-president of the Gulf Coast Chapter NRHS) for the museum building and the car shop. This included a revision to the site plan and track layout that was required to accommodate a conflict with the house on the east end of McPhail St. There were several revisions to the site plan, museum layout, and car shop plan as the TRHM Board worked through various concerns and optimizations;



Texas Railroad Heritage Museum
P.O. Box 124
Tomball, TX

Willard C. (Bill) Capdevielle P.E.
President

- The short-listing and selection of an architectural firm for the site and buildings. Harry Gendel Architects were chosen and contracted for this work. This effort included the selection of a structural engineering firm, a MEP (mechanical, electrical, plumbing) firm, a fire prevention design firm, a second Geotech firm (we wanted a second opinion), and a project cost engineering firm. These were all selected and contracted as necessary;
- The selection and retention of a legal firm;
- The formal founding of a Board of Advisors. Bill Baxter and Bill Willits were appointed to the 2019 Board of Advisors.
- Reviewing and approving the architects designs and enhancements thereto.
- Requesting and reviewing drawings and 3D animations for presentations and fundraising.

In March 2019 we presented the museum's architectural concept to the Tomball City Council for approval, which was unanimously granted.

The construction of the museum is divided up into 3 phases at this time. Phase 1 is the land clearing and construction of the museum's rail yard, to be used for the display of our 15 vintage rail cars. This will allow us to open the museum with only the rail cars. Phase 2 is construction of the museum building, which includes a passenger platform and train shed, providing a convenient place for viewing of the vintage rail cars. Phase 3 is the construction of a car shop, which will be used for repair and refurbishing of our rolling stock.

Our high-level cost estimate for the all phases of the project around \$10 million, with approximately \$2-3 million being required for Phase 1. Our fundraising efforts will be greatly aided by the assistance we are requesting.

We are now entering a serious fundraising phase and would greatly appreciate guidance and assistance from the Tomball Economic Development Corporation. In a Fundraising Readiness Review performed in 2012 a recurring theme among the Houston area philanthropic foundations was "We didn't even know Houston has a railroad museum." One could easily conclude that railroading historians and aficionados aren't very good at marketing. Additionally our funds for building the museum are rapidly dwindling by the \$2,850/month we are paying to store the train and the building design efforts undertaken in 2018. Thus our plea for TEDC assistance.

You have already provided valuable input into our marketing plans. The TRHM Board of Directors and Gary Gray, the Chair of our Development Committee, has agreed the following near-term strategy for marketing:



Texas Railroading Heritage Museum

P.O. Box 124

Tomball, TX

Willard C. (Bill) Capdevielle P.E.
President

1. Drastically improve the effectiveness of our website design. We need to build in the flexibility to include our architectural concept and monthly progress reports (currently included in the Gulf Coast Chapter, NRHS monthly newsletter under the byline "Milepost").
2. Become more visible in the community with improved display & printed material and more frequent appearances. We have recently started recruiting volunteers from the community to help us with these tasks.
3. Acquire various levels of things to give away to visitors, sponsors, and as door prizes that the GTACC First Friday Lunches.
4. Increase our visibility to local business by upgrading our membership in the GTACC to "Classic Investor."
5. Better manage our donor information which would allow us to utilize services such as "Constant Contact."

To implement this marketing strategy TRHM is requesting the 11 items listed in the table below.

#	Item	Quantity	Cost	Notes
1	TRHM Website Upkeep / Rework	30 hrs	\$4,000	Arranging with local developer (Iris Salmons) to define the immediate modifications and longer-term potential improvements.
2	Donor Database Annual Fee	1 year	\$350	(Exceed! Basic 4.1 thru TechSoup.org)
3	Printed materials for fundraising		\$700	New TRHM brochures & brochure stands
5	Promotional Stress Balls (shape of caboose, with TRHM logo & web address)	1000	\$2,800	To give to children - 1000 (min order) Manufactured by the same company that makes "Rusty Rails."
6	TRHM Standup banner	1	\$200	
7	Display Table banner and skirt for public expos & GTACC First Friday Lunches	1 each	\$250	
8	Promotional pens	260	\$200	Give-aways at GTACC First Friday Lunches and other events
9	Promotional Coffee Cups (pictured below)	40	\$400	Give-aways at GTACC First Friday Lunches and other events
10	Dual Auto & AC Adapters (pictured below)	50	\$500	Give-aways at GTACC First Friday Lunches and other events
11	Display Table at GTACC First Friday Lunches	8 months	\$600	Will allow us to display the HO scale models of the rolling stock that will be displayed at the museum

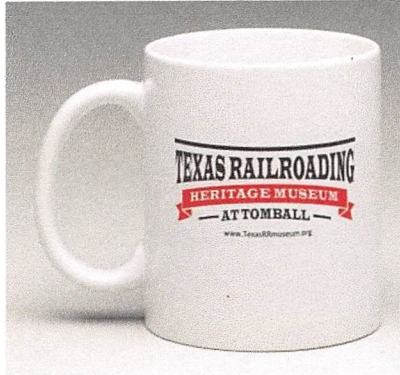
Total

\$10,000



Texas Railroad Heritage Museum
P.O. Box 124
Tomball, TX

Willard C. (Bill) Capdevielle P.E.
President



We hope that you are enthusiastic about our mission to build a world-class railroad museum which will be a significant addition the Tomball's business community – especially in Old Town.

We are hoping that you will extend your financial assistance in this regard. Thank you for your kind attention to our request, and for your generosity.

Sincerely,

Willard C. (Bill) Capdevielle, P.E.
President, Board of Directors
Texas Railroad Heritage Museum
at Tomball



May 14, 2019

Mr. Bill Capdevielle
President
Texas Railroading Heritage Museum
P.O. Box 124
Tomball, Texas 77375

Re: Letter of Agreement for Funding of Advertising, Promotion, and Marketing Expenses for the Texas Railroading Heritage Museum (TRHM) at Tomball

Dear Mr. Capdevielle:

Pursuant to Sections 505.152 and 505.158 of the Texas Local Government Code, the Tomball Economic Development Corporation ("TEDC") agrees to fund expenses for advertising, promotion, and marketing for the Texas Railroading Heritage Museum at Tomball (the "Project") in an amount not to exceed \$10,000.00, subject to agreement of the Texas Railroading Heritage Museum (the "Applicant"), 303 South Elm Street, to comply with the following conditions:

- (1) The Applicant may request the funds for the Project upon completion and certification that the TRHM Website update has been completed, advertising expenses have been incurred, and marketing and promotional materials have been purchased. Proof of payment must be submitted in conjunction with the request for funding.
- (2) The funds shall only be used to pay all or a portion of the TEDC's share of the cost of the Project.

If the above terms and conditions are acceptable to the Applicant, please have an authorized officer of the Texas Railroading Heritage Museum sign below acknowledging the Applicant's agreement and return this Letter of Agreement to the undersigned.

May 14, 2019
Page 2

By: _____

Name: Gretchen Fagan
President, TEDC Board of Directors

AGREED AND ACCEPTED:

Texas Railroading Heritage Museum

By: _____

Name: William (Bill) Capdevielle P.E

Title: President

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 17, 2019

Topic:

Appoint/Reappoint Members to the Tomball Economic Development Corporation Board of Directors for Terms Expired as of May 31, 2019

Background:

The Tomball Economic Development Corporation terms for Gretchen Fagan, Steven Vaughan, and Chad Degges are due for appointment/reappointment. Each member has indicated his/her desire to continue serving on the TEDC.

I would like to recommend the reappointment of the existing Board members. Nominations will also be accepted at the Council meeting.

Origination:

Mayor Fagan

Recommendation:

N/A

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

Doris Speer

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 17, 2019

Topic:

Reappoint/Appoint Member to the Planning and Zoning Commission, Position 4, for New Term Expiring June 1, 2022

Background:

The Planning and Zoning Commission consists of five regular members with staggered three year terms. Mr. Richard Anderson's position (Position 4) expired on June 1, 2019 and he has requested to be reappointed. Mr. Anderson has served on P&Z since 2013.

Ms. Christina Nash also applied for a position on Planning & Zoning Commission and City Council may also consider her appointment to the position. Ms. Nash was appointed by Council to the Hospital Foundation Board in 2018.

Origination:

Mayor Gretchen Fagan

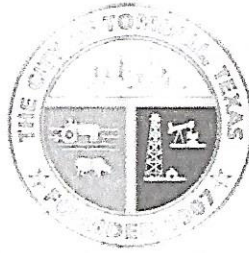
Recommendation:**Party(ies) responsible for placing this item on agenda:**

Craig T. Meyers, PE Community Development Director

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

ATTACHMENTS:

Nash Application



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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

Please Type or Print Clearly:

Date: June 20, 2018

Name: Christina Nash

Phone: [REDACTED]
(Home)

Address: [REDACTED]

Phone: _____
(Work)

City/State/Zip Tomball TX 77375

Cell: _____

Email: cnash.tx@gmail.com

I have lived in Tomball 20 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Senior Field Trainer Analyst for the University of Texas at Austin

Professional and/or Community Activities: Houston Livestock Show and Rodeo for 10 years, Tomball ISD 15 years, DTAC for 1 year,

Additional Pertinent Information/References: Mark Stoll P#2

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

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

Decision-Making Boards and Commissions
(2) Planning & Zoning Commission
() Board of Adjustments

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

Separate Legal Entities
(4) Tomball Economic Development Corporation

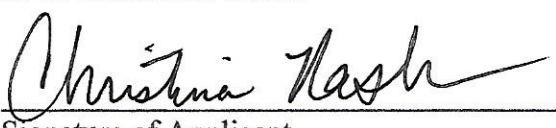
(1) Tomball Regional Health Foundation

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

Ad Hoc/Advisory Committees
(3) Downtown Tomball Advisory Committee

Meeting Information
As called

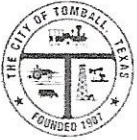
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

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



Board Member Election on Disclosure

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

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

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

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

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



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

 ~~home address~~

 ~~home telephone number~~

☒ personal email address cnash.tx@gmail.com

 ~~cell or pager numbers not paid for by the City~~

 ~~emergency contact information~~

 ~~information that reveals whether I have family members.~~



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

Christine Nash

Board Member's Signature

6/20/18

Date

Christine Nash

Board Member's Printed Name

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 17, 2019

Topic:

Consideration to approve **Zoning Case P19-065**: Request by Stan Winter with Jones Carter, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 103.7 acres of land legally described as Lots 338, 339, 341 through 344, 346, 349, 350, 352 through 356, 358, 359, 361 through 365 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the east side of South Persimmon Road from Lizzie Lane to Agg Road, from the Agricultural, Single-Family 20 Estate and Commercial Districts to the Planned Development District.

- Conduct Public Hearing on **Zoning Case P19-065**
- Adopt, on First Reading, Ordinance 2019-13, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 103.7 Acres of Land Legally Described as Lots 338, 339, 341 through 344, 346, 349, 350, 352 through 356, 358, 359, 361 through 365 Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Agricultural, Single-Family 20 Estate and Commercial Districts to the Planned Development (PD-12) District; Said Property Being Generally Located on the East Side of South Persimmon Road from Lizzie Lane to Agg Road; 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

Background:

On Monday, June 10, 2019, after conducting a Public Hearing, the Planning & Zoning Commission unanimously recommended approval of the rezoning request.

Origination:

Stan Winter, Jones & Carter

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:

Ordinance No. 2019-13

Staff Report

Property Owner Notification

Notice of Public Hearing

ORDINANCE NO. 2019-13

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 103.7 ACRES OF LAND LEGALLY DESCRIBED AS LOTS 338, 339, 341 THROUGH 344, 346, 349, 350, 352 THROUGH 356, 358, 359, 361 THROUGH 365 TOMBALL OUTLOTS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL, SINGLE-FAMILY 20 ESTATE AND COMMERCIAL DISTRICTS TO THE PLANNED DEVELOPMENT (PD-12) DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF SOUTH PERSIMMON ROAD FROM LIZZIE LANE TO AGG ROAD; 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.

* * * * *

Whereas, Stan Winter, with Jones | Carter, has requested that approximately 103.7 acres of land legally described as Lots 338, 339, 341 through 344, 346, 349, 350, 352 through 356, 358, 359, 361 through 365 Tomball Outlots, generally located on the east side of South Persimmon Road from Lizzie Lane to Agg Road, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

Whereas, the applicant has presented an application to the City for a Planned Development District to allow for the construction of a single-family master planned development, with some commercial use; and

Whereas, the Planned Development application consists of an application for Planned Development District (Exhibit "A"); Planned Development Regulations (Exhibit "B"); and concept plan (Exhibit "C") attached to and made part of this ordinance; 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 rezoning; 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 rezoning; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of Planned Development (PD-12) District; 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 rezoning, the City Council held the public hearing for the requested rezoning 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 rezoning.

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. The zoning classification of the Property is hereby changed from the Agricultural, Single-Family 20 Estate and Commercial Districts to the Planned Development (PD-12) District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Planned Development (PD-12) District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Planned Development (PD-12) District as described above.

Section 5. The Planned Development (PD-12) shall be subject to the following limitations, restrictions and covenants:

- A. Compliance with the Application, Regulations and Concept Plan. The granting of the Planned Development (PD-12) District shall be conditioned upon the proposed improvements and land uses being located, constructed and conducted upon the Property in substantial compliance with the application for the Planned Development District (Exhibit "A"), Planned Development Regulations (Exhibit "B") and concept plan (Exhibit "C") made a part hereof for all purposes.

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

Section 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 17TH DAY OF JUNE 2019.

COUNCILMAN FORD	_____
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 1ST DAY OF JULY 2019.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "A"
Application for Planned Development



Revised 5/19/15

**APPLICATION FOR
PLANNED DEVELOPMENT**
Community Development Department
Planning Division

The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

No planned development shall be established and no building permit shall be issued for any use designated as a Planned Development within any zoning district until a Planned Development is approved and issued in accordance with the provisions of the Zoning Ordinance and Concept Plan.

The minimum acreage for a planned development request shall be four (4) acres.

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 JONES I CARTER

Name: STAN WINTER, AICP Title: VPE PRESIDENT

Mailing Address: 1575 SANDVST ROAD City: HOUSTON State: TX

Zip: 77380

Phone: (281) 363 4039 Fax: () Email: SWINTER@JONES CARTER.COM

Owner HINES ACQUISITIONS LLC

Name: BRIAN STIDHAM Title: DIRECTOR

Mailing Address: 609 MAIN STREET City: HOUSTON State: TX

Zip: 77002

Phone: (713) 237 5747 Fax: (713) 237 5657 Email: BRIAN.STIDHAM@HINES.COM

Engineer/Surveyor (if applicable)

Name: _____ Title: _____

Mailing Address: _____ City: _____ State: _____

Zip: _____

Phone: () Fax: () Email: _____

Description of Proposed Project: _____

Physical Location of Property: _____

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

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.tomballtx.gov

Legal Description of Property: TRACTS 1; 39.49 AC, TRACT 2; 4.953; TRACT 3; 4.1376 AC
AND TRACT 4; 55.1226 ACRES [Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
TOMBALL, TX: OUT OF THE JESSE PRUITT SURVEY, A. 629
HCAD Identification Number: 035290000 0338, Acreage: 103.7 AC.
035290000 0382, 035290000 0360, 035292000 0358, 035292000 0343, 035292000 0353
Current Use of Property: VACANT

Proposed Use of Property: SINGLE FAMILY MASTER PLAN

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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 SWA 5-1-19
Signature of Applicant Date

X RS 5-1-19
Signature of Owner Date

Legal Description of Property: TRACTS 1: 39.49 AC., TRACT 2; 4.953; TRACT 3; 4.1376
AND TRACT 4; 55.1226 ACRES [Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
TOMBALL, TX.
HCAD Identification Number: 03529 0000 0338, Acreage: 103.7 AC.
0352900000382, 0352900000360, 0352920000358, 0352920000343, 0352920000353
0352920000364, 0352920000525, 0352920000526
Current Use of Property: VACANT

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X STWA 5-1-19
Signature of Applicant Date

X Tawn Raburn Seale 5/26/2019
DocuSigned by: Signature of Owner Date
10930158C1C34E7

Exhibit “B” Planned Development Regulations

EXHIBIT B Planned Development **Raburn Reserve**

A. Contents. This final development plan includes the following sections:

- General Provisions
- Land Uses
- Development Regulations for Single Family Lots
- Development Regulations for non-residential uses.
- Amenities and Landscape Regulations
- Sidewalks and Trails
- Building Regulations

B. General Provisions.

1. The Planned Development, PD, approved herein must be constructed, developed, and maintained in compliance with this ordinance and other applicable ordinances of the City. If any provision or regulation of any City ordinance applicable in a SF-6 (Standard Single Family Residential) zoning district is not contained in this ordinance, all the regulations contained in the Development Code applicable to the SF-6 zoning district in effect on the effective date of this ordinance apply to this PD as though written herein, except to the extent the City regulation or provision conflicts with a provision of this ordinance.
2. Except as otherwise provided herein, the words used in this Planned Development have the meaning established by the Development Code.
3. The PD shall be developed in accordance with the following exhibits that are attached to and made part of this Final Development Plan:

Exhibit B-1a:	<i>Location Map</i>
Exhibit B-1b:	<i>Jurisdiction Map</i>
Exhibit B-2:	<i>Site Plan</i>
Exhibit B-3:	<i>Landscape, Open Space & Amenities Plan</i>
Exhibit B-4:	<i>Plant List</i>
Exhibit B-5:	<i>Local Residential Street – Cross Section</i>
Exhibit B-6:	<i>Entry Street – Cross Section</i>

4. As shown on [Exhibit B-1a, Location Map](#), the PD encompasses 103.7 acres, located west of Huffsmith Kohrville Road, east of S. Persimmon Street and primarily north of future Medical Complex Drive.

C. Land Uses.

1. Commercial: Permitted land uses for the Commercial tract on [Exhibit B-2, Site Plan](#) shall be those uses permitted within GR- General Retail District of the Zoning Ordinance.
2. Flex: Permitted land uses for the tracts identified as “Flex” on [Exhibit B-2, Site Plan](#) shall be either of those uses permitted in SFR listed below or with General Retail District, GR of the Zoning Ordinance.

3. SFR: Permitted land uses are listed below.

Use	SIC Code
Private Household Services	8811
Dwellings – Single Family	99 (Non-Classifiable)
Parks and Recreational Facilities, Public or Private	99 (Non-Classifiable)
Residential Sales Office (Temporary)	

- D. Development Regulations for Single Family Lots** – Maximum 400 lots permitted, total lot count, generally in a configuration and location as shown on [Exhibit B-2, Site Plan](#), single-family home sites within the PD shall be developed in accordance with the following regulations:

1. The minimum lot width shall be 45 feet wide. Except: the maximum number of lots 45 feet wide shall not exceed, 200 lots - 50 percent of the total maximum number of lots.
2. Lots shown on [Exhibit B-2, Site Plan](#)
 - (a) Minimum lot area:
 - i. 45' wide lots shall have a minimum area of 5,500 square feet.
 - ii. 50' wide and greater, lots shall have a minimum area of 6,000 square feet.
 - (b) Minimum lot width: 45 feet
 - (c) Minimum lot depth 115 feet
 - (d) Maximum lot coverage: 60%
3. Minimum building setbacks:
 - (a) Front yard: 20 feet;
 - (b) Rear yard: 15 feet;
 - (c) Side yard: 5 feet, 15 feet on street side of a corner lot.

- E. Development Regulations for non-residential uses.** – . All provisions and regulation regarding height, area regulations, maximum lot coverage, and maximum floor-area-ratios applicable in a GR (General Retail) zoning district.

- F. Amenities and Landscape Regulations** – As shown on [Exhibit B-3, Landscape, Open Space & Amenities Plan](#), the PD shall be developed in accordance with the following landscape regulations:

1. Recreation sites and amenities:
 - (a) A minimum 1.5 acres recreational reserve, centrally located within the development, shall be located near the main project entry, shall include a swimming pool with dressing rooms, playground and picnic facilities.
 - (b) A minimum 6, off-street parking spaces shall be provided. And at a minimum, one bicycle rack which will accommodate a minimum of five bicycles.
 - (c) Amenities shall include:
 - A swimming pool.
 - Restroom facilities rooms and shade structure
 - Playground
 - Picnic facilities.
2. Landscape buffers:
 - (a) 15-foot minimum buffer shall be provided along all major thoroughfares and adjacent the boulevard entry streets. As shown on [Exhibit B-6, Entry Streets – Cross Sections](#)
 - (b) 10-foot minimum buffer, contiguous to lot lines, shall be provided along non-boulevard entry street(s). As shown on [Exhibit B-6, Entry Streets – Cross Sections](#)

- (c) Required buffers along major thoroughfares and boulevard entry streets shall include one shade tree for each 30 feet of street frontage, or portion thereof, measured along the right-of-way line. The trees may be clustered or spaced linearly; they need not be placed evenly.
 - (d) Required buffers may include trails.
 - 3. Open Space:
 - (a) Minimum 5% open space, to be distributed as shown on *Exhibit B-3, Landscape, Open Space, & Amenities Plan*.
 - (b) All required open space shall be owned and maintained by the Homeowners Association and shall be accessible to all residents within the PD's homeowner's association. *Exhibit B-3, Landscape, Open Space, & Amenities Plan*.
 - 4. Shade trees:
 - (a) A minimum of one tree shall be placed within the front yard setback on each residential lot. As shown on *Exhibit B-5, Local Residential Streets – Cross Sections*
 - (b) In addition, one tree shall be provided within 15 feet of a street-side lot line per 50 feet of lot frontage on the side street, or portion thereof. Required trees shall be placed within the side yard setback. As shown on *Exhibit B-5, Local Residential Streets – Cross Sections*
 - (c) Within street medians trees shall be provided at one tree per 30 linear feet of median or portion thereof.
 - (d) Shade trees shall have a minimum 2-inch caliper and minimum 6-foot height as measured at ground level when planted.
 - 5. Plant species used to satisfy the requirements of the PD are listed on *Exhibit B-4, Plant List*.
- G. Sidewalks and Trails:** As shown on *Exhibit B-3, Landscape, Open Space & Amenities Plan*, the PD shall be developed in accordance with the following:
- 1. Sidewalks & trails:
 - (a) Minimum 5-foot width sidewalks shall be provided along both sides of local residential and collector streets.
 - (b) All sidewalks shall be paved with concrete.

H. Building Regulations – Single family homes within the PD shall be developed in accordance with the following building regulations:

1. Primary exterior finishes are limited to brick, stone (natural, cast, or cultured-textured), stucco, and glass.
 - a. Single Story and first floor of a two (plus) story house – Front and side elevations shall comprise of at least 75% primary finishes. (Excluding doors and windows.) Rear elevations may be primary or secondary finishes.
 - b. Upper Story of a two (plus) story house – Front elevation shall comprise of at least 75% primary finishes. (Excluding doors and windows.) Side and Rear elevations may be comprised of primary and secondary finishes.
2. Secondary exterior finishes shall include wood, ceramic tiles, and fiber cement siding such as or similar to Hardie Board or Hardie Plank, and engineered wood siding such as or similar to LP Smartside.
3. Use of architectural metals is limited to canopies, roof systems, and miscellaneous trim work and such use shall meet the durability standards of the development code.
4. The Director may approve alternative Primary or Secondary exterior finishes not specified herein if the Director determines that the alternative finish is respective of the architectural elements of the existing historical industrial buildings, substantially equal to or better than a specified Primary or Secondary exterior finish in quality, durability, and appearance, and the use thereof will not violate any provision of this Final Development Plan.
5. The following building materials shall not be used on the exterior finish:
 - (a) Vinyl siding, wood fiber hardboard siding, oriented strand board siding, plastic, or fiberglass panels.
 - (b) Smooth or untextured concrete surfaces.
 - (c) Exterior Insulated Finish Systems (E.I.F.S.)

Exhibit B-4

Plant List for Raburn Reserve

The following is a list of approved trees and shrubs. Alternative plants not specified in this list may be approved by the Director if determined that an alternative is substantially equal to or better than a specified material and the use will not violate any provision of the PD:

Shade Trees:

Pecan	<i>Carya illinoensis</i>
Fringe Tree	<i>Chionanthus virginicus</i>
Japanese Blueberry	<i>Elaeocarpus decipiens</i>
Nellie R. Stevens Holly	<i>Ilex x attenuata 'Nellie R. Stevens'</i>
Savannah Holly	<i>Ilex attenuata 'Savannah'</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Loblolly Pine	<i>Pinus taeda</i>
Texas Pistache	<i>Pistacia texana</i>
Sycamore	<i>Platanus occidentalis'</i>
Bur Oak	<i>Quercus macrocarpa</i>
Chinkapin Oak	<i>Quercus muehlenbergii</i>
Monterey Oak	<i>Quercus polymorpha</i>
Water Oak	<i>Quercus nigra</i>
Live Oak	<i>Quercus virginiana</i>
Shumard Oak	<i>Quercus shumardii</i>
Bald Cypress	<i>Taxodium distichum</i>
Pond Cypress	<i>Taxodium ascendens</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Bosque or Drake Elm	<i>Ulmus parvifolia 'Bosque' or 'Drake'</i>

Small & Ornamental Trees:

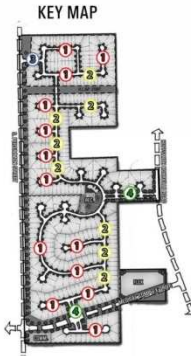
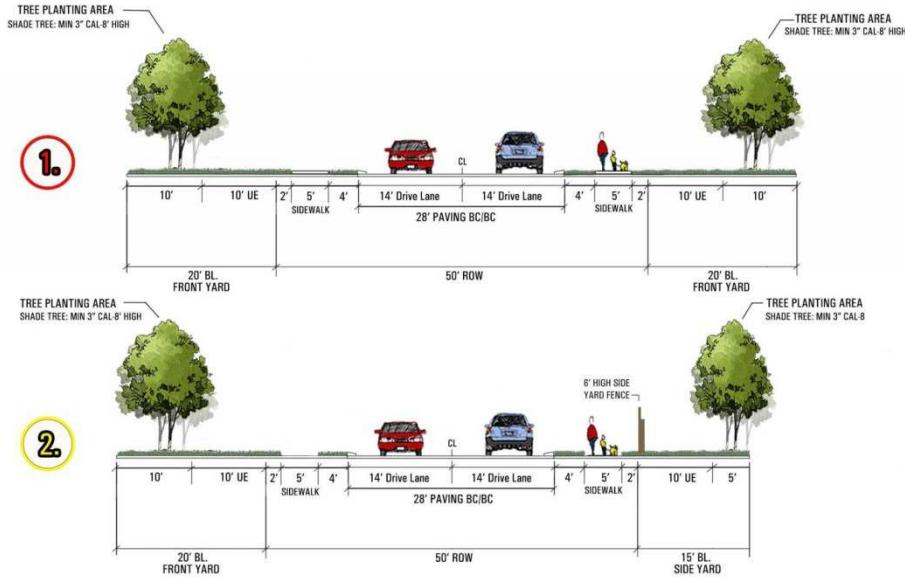
Texas Redbud	<i>Cercis canadensis 'var. texensis'</i>
European Fan Palm	<i>Chamaerops humilis</i>
Desert Willow	<i>Chilopsis linearis</i>
Smokebush	<i>Cotinus obovatus</i>
Foster Holly	<i>Ilex x attenuata 'Fosterii'</i>
Possumhaw Holly	<i>Ilex decidua</i>
Yaupon Holly	<i>Ilex vomitoria</i>
Columnar Juniper	<i>Juniperus spp.</i>
Crape Myrtle	<i>Lagerstroemia indica 'Basham's Pink', 'Natchez', 'Muskogee'</i>
Little Gem Magnolia	<i>Magnolia grandiflora 'Little Gem'</i>
Tree form (MT) Ligustrum	<i>Ligustrum japonicum</i>
Saucer Magnolia	<i>Magnolia x soulangeana</i>
Sweetbay Magnolia	<i>Magnolia virginiana</i>
Tree Wax Myrtle	<i>Myrica cerifera</i>
Mexican Plum	<i>Prunus mexicana</i>
Texas Sable Palm	<i>Sabal texana</i>
Texas Mountain Laurel	<i>Sophora secundiflora</i>
Windmill Palm	<i>Trachycarpus fortunei</i>
Chaste Tree	<i>Vitex agnus-castus</i>

Shrubs:

Abelia	<i>Abelia x grandiflora</i> 'Prostrata', 'Sherwoodi', Edward Goucher'
Dwarf Bottlebrush	<i>Callistemon citrinus</i> 'Austraflora', 'Firebrand', 'Little John', and 'Splendens'
Japanese Cleystera	<i>Ternstroemia gymnathera</i>
Sago Palm	<i>Cycas revoluta</i>
Umbrella Plant	<i>Cyperus alternifolius</i>
African/Butterfly Iris	<i>Diets iridioides</i> , <i>Diets bicolor</i>
Elaeagnus Ebgingei	<i>Elaeagnus macrophylla</i>
Silverberry	<i>Elaeagnus fruilandi</i>
Pineapple Guava	<i>Feijoa sellowiana</i>
Red Yucca	<i>Hesperaloe parviflora</i>
Barbados Cherry	<i>Malpighia Glabra</i>
Fatsia	<i>Fatsia japonica</i>
Dwarf Burford Holly	<i>Ilex cornuta</i> 'Burfordii Nana'
Chinese Holly	<i>Ilex cornuta</i> 'Rotunda'
Dwarf Yaupon	<i>Ilex vomitoria</i> 'Nana'
Louisiana Iris	<i>Iris louisiana</i>
Dwarf Crape Myrtle	<i>Lagerstroemia indica</i> 'Nana'
Ligustrum	<i>Ligustrum japonicum</i>
Waxleaf Glossy Privet	<i>Ligustrum lucidum</i>
Fringe Flower	<i>Loropetalum chinense</i>
Maiden Grass	<i>Miscanthus sinensis</i> var.
Dwarf Wax Myrtle	<i>Myrica pusilla</i>
Nandina	<i>Nandina domestica</i>
Purple Fountain Grass	<i>Pennisetum setaceum</i>
Indian Hawthorn	<i>Raphiolepis indica</i> 'Clara'
Shrub Rose	<i>Rosa</i> spp. 'Knockout', 'The Fairy', 'Bonica', 'Carefree Wonder'
Society Garlic	<i>Tulbaghia violacea</i>
Sweet Viburnum	<i>Viburnum</i> spp.
Bridal Wreath Spirea	<i>Spirea prunifolia</i>
Oleander	<i>Nerium oleander</i>
Dwarf Oleander	<i>Nerium oleander</i> 'Petite Pink', 'Little Red'
Plumbago	<i>Plumbago auriculata</i>
Dwarf Pomegranate	<i>Punica granatum</i> 'Nana'
Kumquat	<i>Fortunella</i> spp.
Muhly Grass	<i>Meuhlenbergia lindheimeri</i>
Dwarf Maiden Grass	<i>Miscanthus sinensis</i> 'Morning Light'

RABURN RESERVE

50' LOCAL RESIDENTIAL STREET - CROSS SECTIONS



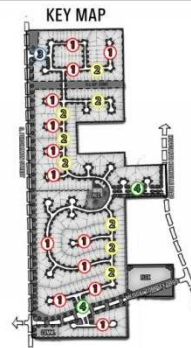
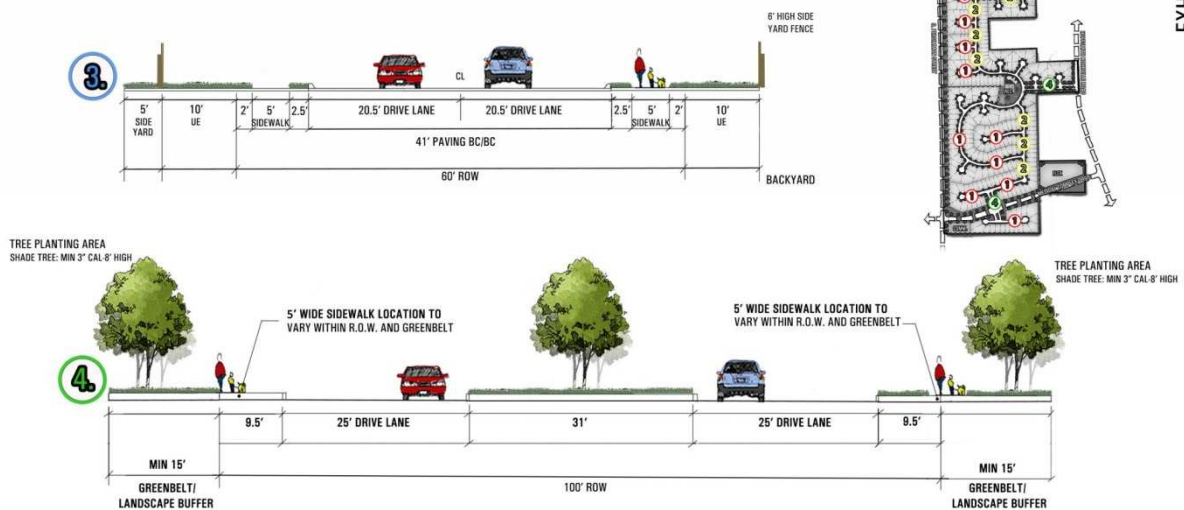
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EXHIBIT B-5

RABURN RESERVE

ENTRY STREET - CROSS SECTIONS

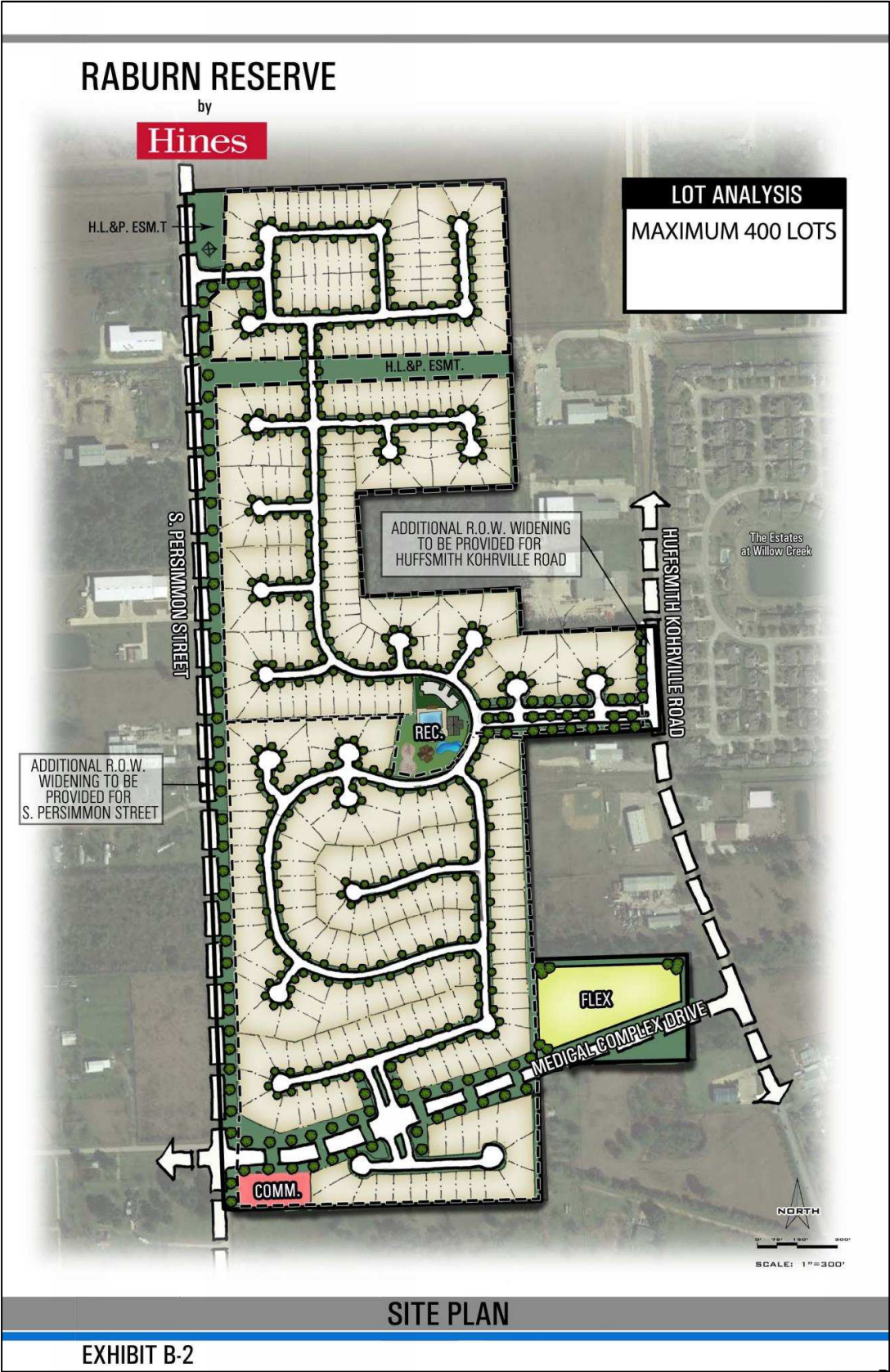


SCALE: 1"=10'



EXHIBIT B-6

Exhibit "C"
Concept Plan



RABURN RESERVE

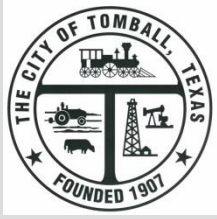
by

Hines



LANDSCAPE, OPEN SPACE AND AMENITIES PLAN

EXHIBIT B-3



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: June 10, 2019

City Council Public Hearing Date: June 17, 2019

Rezoning Case: P19-065

Property Owner(s): Rayburn Commercial Resources LP / Potential Buyer: Hines Acquisitions LLC

Applicant(s): Stan Winter, with Jones | Carter

Legal Description: Lots 338, 339, 341 through 344, 346, 349, 350, 352 through 356, 358, 359, 361 through 365 Tomball Outlots

Location: East side of South Persimmon Road from Lizzie Lane to Agg Road (Exhibit "A")

Area: 103.7 acres

Comp Plan Designation: Rural, Low and Medium Density Residential (Exhibit "B")

Present Zoning and Use: Agricultural, Single-Family 20 Estate and Commercial Districts (Exhibit "C") / Undeveloped (Exhibit "D")

Request: Rezone from the Agricultural, Single-Family 20 Estate and Commercial Districts to the Planned Development District (PD-12)

Adjacent Zoning & Land Uses:

North: Light Industrial District / Undeveloped

South: Single-Family 20 Estate District / Large lot residential homes

West: Light Industrial, Manufactured Home Park and Single-Family 20 Estate District / South Persimmon Road, light industrial facilities, Manufactured Home Park

East: Commercial and Single-Family 20 Estate District / Commercial and light industrial facilities

BACKGROUND

City Staff has had multiple meetings with the developer and representatives regarding the development of the subject site beginning in late 2018.

ANALYSIS

The whole subject site is comprised of multiple lots totaling to approximately 103.7 acres. The applicant has proposed a Planned Development District to allow for a development of single-family lots as well as a small commercial corner and flex space, to be used as either single-family residential or a use allowed in the General Retail District (Exhibit "E").

The subject site is currently zoned Single-Family 20 Estate, Commercial and Agricultural Districts. The property directly to the north is zoned Light Industrial District and is currently undeveloped. Properties to the east are zoned Commercial and Single-Family 20 Estate Districts. There are multiple commercial and light industrial uses, fronting onto Hufsmith-Kohrville Road, to the east of the subject site. To the south, properties are zoned Single-Family 20 Estate District and there are two large lot residential uses. Properties to the west are zoned Light Industrial, Manufactured Home Park and Single-Family 20 Estate Districts. Separated by South Persimmon Road, these properties consist of light industrial facilities, a manufactured home park and undeveloped land.

The subject site has multiple Future Land Use designations including Rural, Low and Medium Density Residential. Properties to the north are designated as Low Density Residential and properties to the south are classified as Rural Residential. Properties to the east, along Hufsmith-Kohrville Road, are designated as Low and Medium Density Residential. Across South Persimmon Road, there are various Future Land Use designations including Employment/Office, Low and Medium Density Residential and Business/Industrial.

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission and City Council shall consider the following factors:

A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole.

The proposed Planned Development, along with its concept plan and development standards, appears to be compatible with the surrounding developments in the area. The proposed development is described as a “single-family master plan” (Exhibit “E”), with commercial and flex space. According to the concept plan (shown as part of the Planned Development Application), the commercial and flex areas are strategically located at intersections with high volume traffic. According to the Development Regulations, the uses allowed in the commercial and flex areas are those permitted within the General Retail District. The majority of the development, however, will be single-family residences with a community recreation area, conveniently placed in the middle of the development.

B. Whether the proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

The proposed rezoning is not anticipated to negatively impact any existing or proposed plans for providing public schools and utilities to the area. A Traffic Impact Analysis will be required during the permit review process and any offsite improvements to the nearby roadways will be determined at that time. All public utilities will be extended, at the developer’s expense, to serve the properties.

According to the concept plan, the 103.7 acre development will have access to South Persimmon Road, Hufsmith-Kohrville Road, and the new segment of Medical Complex Drive. These three arterials can accommodate the traffic from the development.

- C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.**

A Planned Development District is intended to provide a superior or unique development, often times with a mixture of allowed uses. According to the Planned Development Application, the proposed development will consist of a maximum 400 single-family lots. Also, the regulations allow for a commercial area at the corner of South Persimmon Road and Medical Complex Drive, as well as flex space on Medical Complex Drive, near Hufsmith-Kohrville Road. The proposed development will also provide a community park and recreation facility.

- D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.**

Recently, the City has seen comparable development proposals. Planned Development 4 (Yaupon Trails), Planned Development 5 (Alexander Estates), and Planned Development 11 (Timber Trails) are examples of similar developments in the City. Alexander Estates is the closest of these developments, being located at the northeast corner of Spell Road and Hufsmith-Kohrville Road.

- E. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved.**

City Staff does not anticipate any adverse impacts on other areas designated for similar development.

- F. Any other factors that will substantially affect the public health, safety, morals, or general welfare.**

Generally, the proposed rezoning does not appear to negatively affect the public health, safety, morals, or general welfare.

- G. Whether the request is consistent with the Comprehensive Plan.**

The Comprehensive Plan promotes the goal of having a wide variety of housing products and establishing open spaces within neighborhoods to encourage more social interactions in the community. Chapter 4 (Land Use and Development) of the Comprehensive Plan specifically mentions the need for “a diverse mix of housing styles, densities, and price ranges located within appropriate locations” (Page 35). The proposed development will have two different lot sizes: 45-foot wide lots that are a minimum of 5,500 square feet and 50-foot wide lots that are a minimum of 6,000 square feet.

The Comprehensive Plan also encourages the City to “foster distinctive, attractive neighborhoods with a strong sense of place by encouraging amenities such as pocket parks” (Page 36). The proposed development will dedicate a minimum 1.5 acres of recreational space with various amenities including a swimming pool, playground, picnic area, parking and a bicycle rack. The development also includes landscape buffers along public right-of-ways as well as tree requirements on each single-family lot.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on May 22, 2019. The Notice of Public Hearing was published in the paper on May 29, 2019. 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 P19-065 for the following reasons:

1. The request meets the goals of City's Comprehensive Plan;
2. The proposed development will add to the wide variety of housing types in the City as a whole;
3. The request is generally appropriate with the surrounding zoning districts.

EXHIBITS

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

Exhibit "A"
Aerial Photo

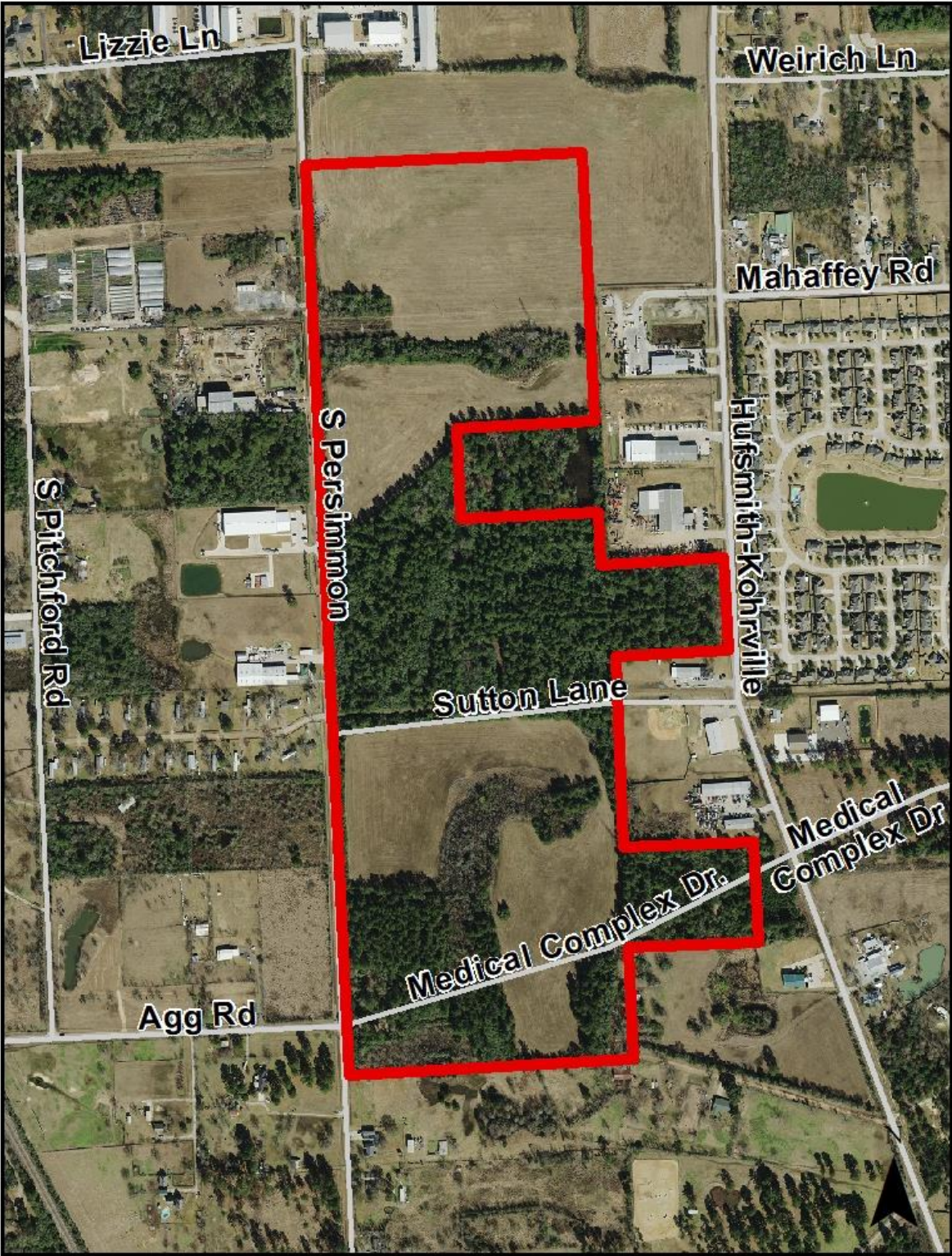


Exhibit "B"
Comprehensive Plan

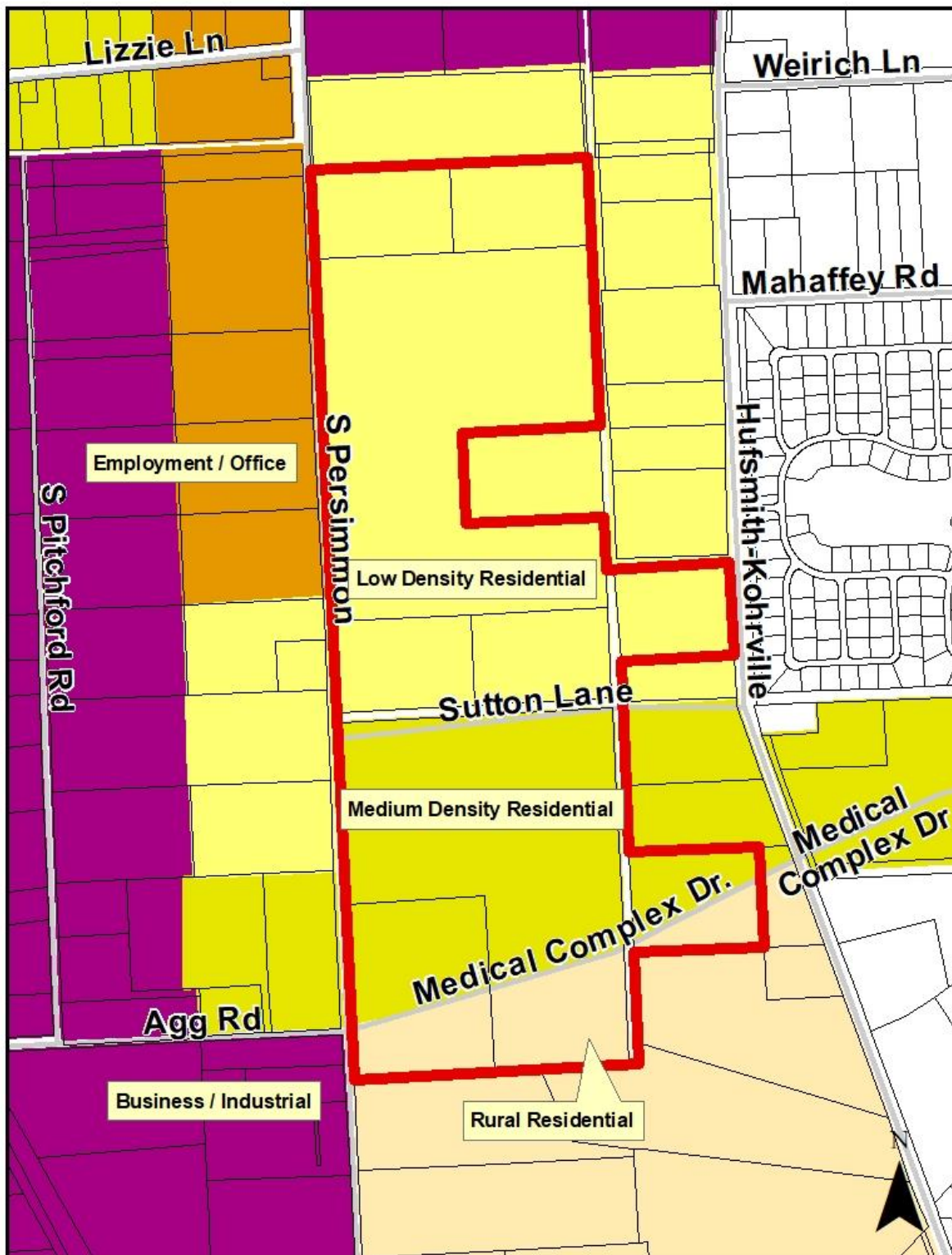
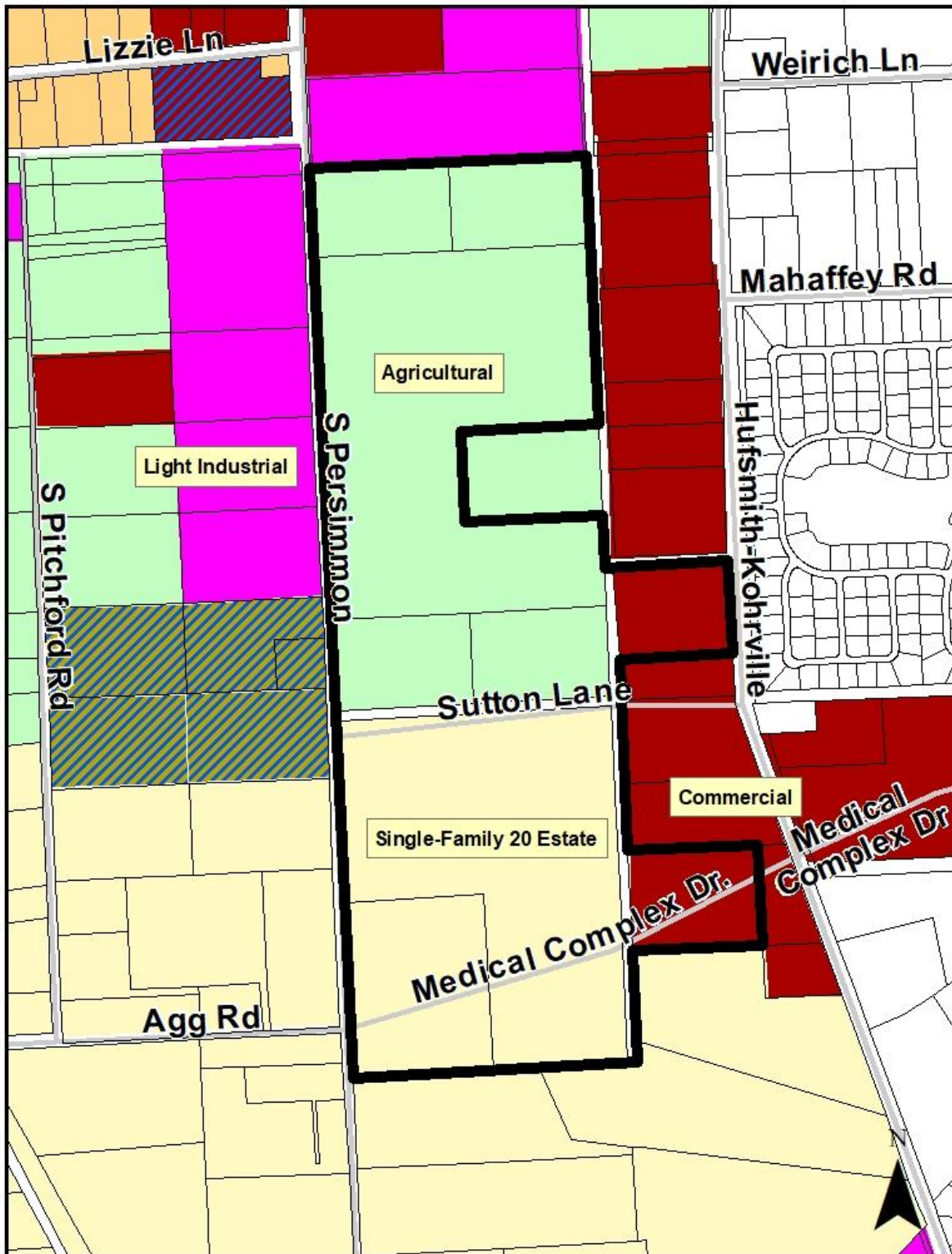


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**





Exhibit "E" Application



Revised 5/19/15

APPLICATION FOR PLANNED DEVELOPMENT

Community Development Department
Planning Division

The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

No planned development shall be established and no building permit shall be issued for any use designated as a Planned Development within any zoning district until a Planned Development is approved and issued in accordance with the provisions of the Zoning Ordinance and Concept Plan.

The minimum acreage for a planned development request shall be four (4) acres.

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 JONES I CARTER

Name: STAN WINTER, AICP Title: VCE PRESIDENT

Mailing Address: 1575 SAWDUST ROAD City: HOUSTON State: TX

Zip: 77380

Phone: (281) 363 4039 Fax: () Email: SWINTER@JONES CARTER.COM

Owner HINES ACQUISITIONS LLC

Name: BRIAN STIDHAM Title: DIRECTOR

Mailing Address: 609 MAIN STREET City: HOUSTON State: TX

Zip: 77002

Phone: (713) 237 5747 Fax: (713) 237 5657 Email: BRIAN.STIDHAM@HINES.COM

Engineer/Surveyor (if applicable)

Name: _____ Title: _____

Mailing Address: _____ City: _____ State: _____

Zip: _____

Phone: () Fax: () Email: _____

Description of Proposed Project: _____

Physical Location of Property: _____

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

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.tomballtx.gov

Legal Description of Property: TRACTS 1; 39.49 AC, TRACT 2; 4.953; TRACT 3; 4.1376 AC
AND TRACT 4; 55.1226 ACRES [Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
TOMBALL, TX; OUT OF THE JESSE PRUITT SURVEY, A. 629
HCAD Identification Number: 035290000 0338, Acreage: 103.7 AC.
035290000 0382, 035290000 0360, 035292000 0358, 035292000 0343, 035292000 0353
Current Use of Property: VACANT

Proposed Use of Property: SINGLE FAMILY MASTER PLAN

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Signature of Applicant Date

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AND TRACT 4; 55.1226 ACRES OUT OF THE JESSE PRUITT SURVEY, A. 629
TOMBALL, TX.

HCAD Identification Number: 035290000338, Acreage: 103.7 AC

035290000382, 035290000360, 035292000358, 035292000343, 035292000353
035292000364, 035292000525, 035292000526

Current Use of Property: VACANT

Proposed Use of Property: SINGLE FAMILY MASTER PLAN

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

Signature of Applicant

5-1-19

Date

X

DocuSigned by:
Tawn Raburn Seale
 10930158C1C34E7

Signature of Owner

5/26/2019

Date

EXHIBIT B
Planned Development
Raburn Reserve

A. Contents. This final development plan includes the following sections:

- General Provisions
- Land Uses
- Development Regulations for Single Family Lots
- Development Regulations for non-residential uses.
- Amenities and Landscape Regulations
- Sidewalks and Trails
- Building Regulations

B. General Provisions.

1. The Planned Development, PD, approved herein must be constructed, developed, and maintained in compliance with this ordinance and other applicable ordinances of the City. If any provision or regulation of any City ordinance applicable in a SF-6 (Standard Single Family Residential) zoning district is not contained in this ordinance, all the regulations contained in the Development Code applicable to the SF-6 zoning district in effect on the effective date of this ordinance apply to this PD as though written herein, except to the extent the City regulation or provision conflicts with a provision of this ordinance.
2. Except as otherwise provided herein, the words used in this Planned Development have the meaning established by the Development Code.
3. The PD shall be developed in accordance with the following exhibits that are attached to and made part of this Final Development Plan:

Exhibit B-1a:	<i>Location Map</i>
Exhibit B-1b:	<i>Jurisdiction Map</i>
Exhibit B-2:	<i>Site Plan</i>
Exhibit B-3:	<i>Landscape, Open Space & Amenities Plan</i>
Exhibit B-4:	<i>Plant List</i>
Exhibit B-5:	<i>Local Residential Street – Cross Section</i>
Exhibit B-6:	<i>Entry Street – Cross Section</i>

4. As shown on *Exhibit B-1a, Location Map*, the PD encompasses 103.7 acres, located west of Huffsmith Kohrville Road, east of S. Persimmon Street and primarily north of future Medical Complex Drive.

C. Land Uses.

1. Commercial: Permitted land uses for the Commercial tract on *Exhibit B-2, Site Plan* shall be those uses permitted within GR- General Retail District of the Zoning Ordinance.
2. Flex: Permitted land uses for the tracts identified as “Flex” on *Exhibit B-2, Site Plan* shall be either of those uses permitted in SFR listed below or with General Retail District, GR of the Zoning Ordinance.

3. SFR: Permitted land uses are listed below.

Use	SIC Code
Private Household Services	8811
Dwellings – Single Family	99 (Non-Classifiable)
Parks and Recreational Facilities, Public or Private	99 (Non-Classifiable)
Residential Sales Office (Temporary)	

- D. Development Regulations for Single Family Lots** – Maximum 400 lots permitted, total lot count, generally in a configuration and location as shown on [Exhibit B-2, Site Plan](#), single-family home sites within the PD shall be developed in accordance with the following regulations:

1. The minimum lot width shall be 45 feet wide. Except: the maximum number of lots 45 feet wide shall not exceed, 200 lots - 50 percent of the total maximum number of lots.
2. Lots shown on [Exhibit B-2, Site Plan](#)
 - (a) Minimum lot area:
 - i. 45' wide lots shall have a minimum area of 5,500 square feet.
 - ii. 50' wide and greater, lots shall have a minimum area of 6,000 square feet.
 - (b) Minimum lot width: 45 feet
 - (c) Minimum lot depth 115 feet
 - (d) Maximum lot coverage: 60%
3. Minimum building setbacks:
 - (a) Front yard: 20 feet;
 - (b) Rear yard: 15 feet;
 - (c) Side yard: 5 feet, 15 feet on street side of a corner lot.

- E. Development Regulations for non-residential uses.** – . All provisions and regulation regarding height, area regulations, maximum lot coverage, and maximum floor-area-ratios applicable in a GR (General Retail) zoning district.

- F. Amenities and Landscape Regulations** – As shown on [Exhibit B-3, Landscape, Open Space & Amenities Plan](#), the PD shall be developed in accordance with the following landscape regulations:

1. Recreation sites and amenities:
 - (a) A minimum 1.5 acres recreational reserve, centrally located within the development, shall be located near the main project entry, shall include a swimming pool with dressing rooms, playground and picnic facilities.
 - (b) A minimum 6, off-street parking spaces shall be provided. And at a minimum, one bicycle rack which will accommodate a minimum of five bicycles.
 - (c) Amenities shall include:
 - A swimming pool.
 - Restroom facilities rooms and shade structure
 - Playground
 - Picnic facilities.
2. Landscape buffers:
 - (a) 15-foot minimum buffer shall be provided along all major thoroughfares and adjacent the boulevard entry streets. As shown on [Exhibit B-6, Entry Streets – Cross Sections](#)
 - (b) 10-foot minimum buffer, contiguous to lot lines, shall be provided along non-boulevard entry street(s). As shown on [Exhibit B-6, Entry Streets – Cross Sections](#)

- (c) Required buffers along major thoroughfares and boulevard entry streets shall include one shade tree for each 30 feet of street frontage, or portion thereof, measured along the right-of-way line. The trees may be clustered or spaced linearly; they need not be placed evenly.
- (d) Required buffers may include trails.

3. Open Space:

- (a) Minimum 5% open space, to be distributed as shown on *Exhibit B-3, Landscape, Open Space, & Amenities Plan*.
- (b) All required open space shall be owned and maintained by the Homeowners Association and shall be accessible to all residents within the PD's homeowner's association. *Exhibit B-3, Landscape, Open Space, & Amenities Plan*.

4. Shade trees:

- (a) A minimum of one tree shall be placed within the front yard setback on each residential lot. As shown on *Exhibit B-5, Local Residential Streets – Cross Sections*
- (b) In addition, one tree shall be provided within 15 feet of a street-side lot line per 50 feet of lot frontage on the side street, or portion thereof. Required trees shall be placed within the side yard setback. As shown on *Exhibit B-5, Local Residential Streets – Cross Sections*
- (c) Within street medians trees shall be provided at one tree per 30 linear feet of median or portion thereof.
- (d) Shade trees shall have a minimum 2-inch caliper and minimum 6-foot height as measured at ground level when planted.

5. Plant species used to satisfy the requirements of the PD are listed on *Exhibit B-4, Plant List*.

G. Sidewalks and Trails: As shown on *Exhibit B-3, Landscape, Open Space & Amenities Plan*, the PD shall be developed in accordance with the following:

1. Sidewalks & trails:

- (a) Minimum 5-foot width sidewalks shall be provided along both sides of local residential and collector streets.
- (b) All sidewalks shall be paved with concrete.

H. Building Regulations – Single family homes within the PD shall be developed in accordance with the following building regulations:

1. Primary exterior finishes are limited to brick, stone (natural, cast, or cultured-textured), stucco, and glass.
 - a. Single Story and first floor of a two (plus) story house – Front and side elevations shall comprise of at least 75% primary finishes. (Excluding doors and windows.) Rear elevations may be primary or secondary finishes.
 - b. Upper Story of a two (plus) story house – Front elevation shall comprise of at least 75% primary finishes. (Excluding doors and windows.) Side and Rear elevations may be comprised of primary and secondary finishes.
2. Secondary exterior finishes shall include wood, ceramic tiles, and fiber cement siding such as or similar to Hardie Board or Hardie Plank, and engineered wood siding such as or similar to LP Smartside.
3. Use of architectural metals is limited to canopies, roof systems, and miscellaneous trim work and such use shall meet the durability standards of the development code.
4. The Director may approve alternative Primary or Secondary exterior finishes not specified herein if the Director determines that the alternative finish is respective of the architectural elements of the existing historical industrial buildings, substantially equal to or better than a specified Primary or Secondary exterior finish in quality, durability, and appearance, and the use thereof will not violate any provision of this Final Development Plan.
5. The following building materials shall not be used on the exterior finish:
 - (a) Vinyl siding, wood fiber hardboard siding, oriented strand board siding, plastic, or fiberglass panels.
 - (b) Smooth or untextured concrete surfaces.
 - (c) Exterior Insulated Finish Systems (E.I.F.S.)

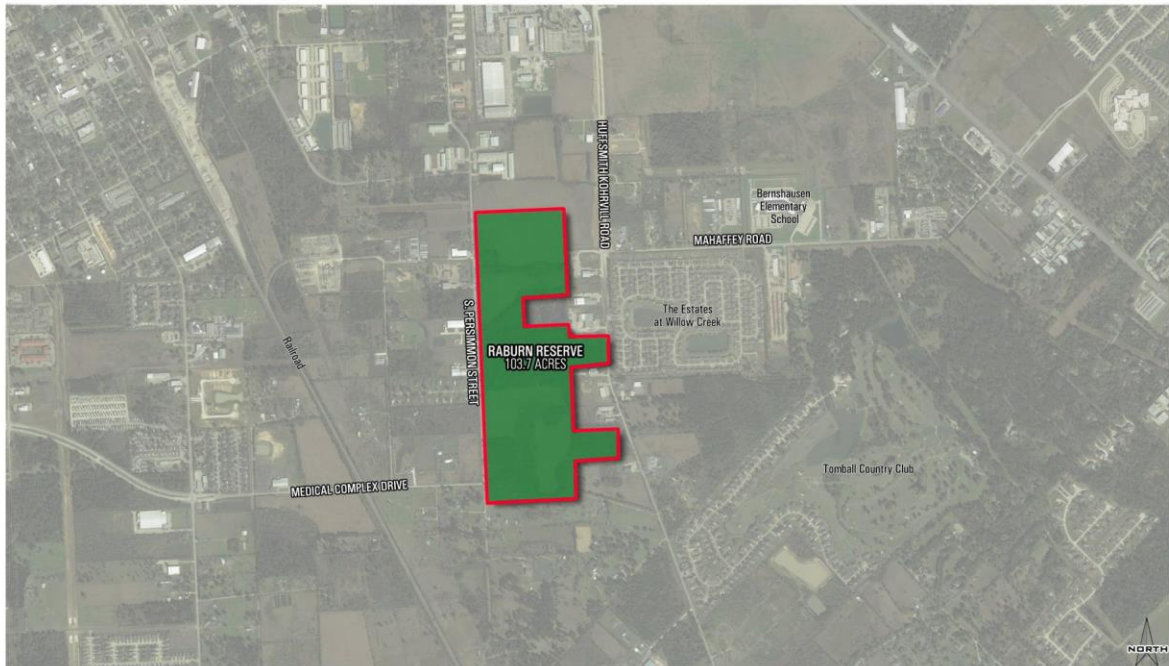


EXHIBIT B-1a



JONES CARTER

LOCATION MAP

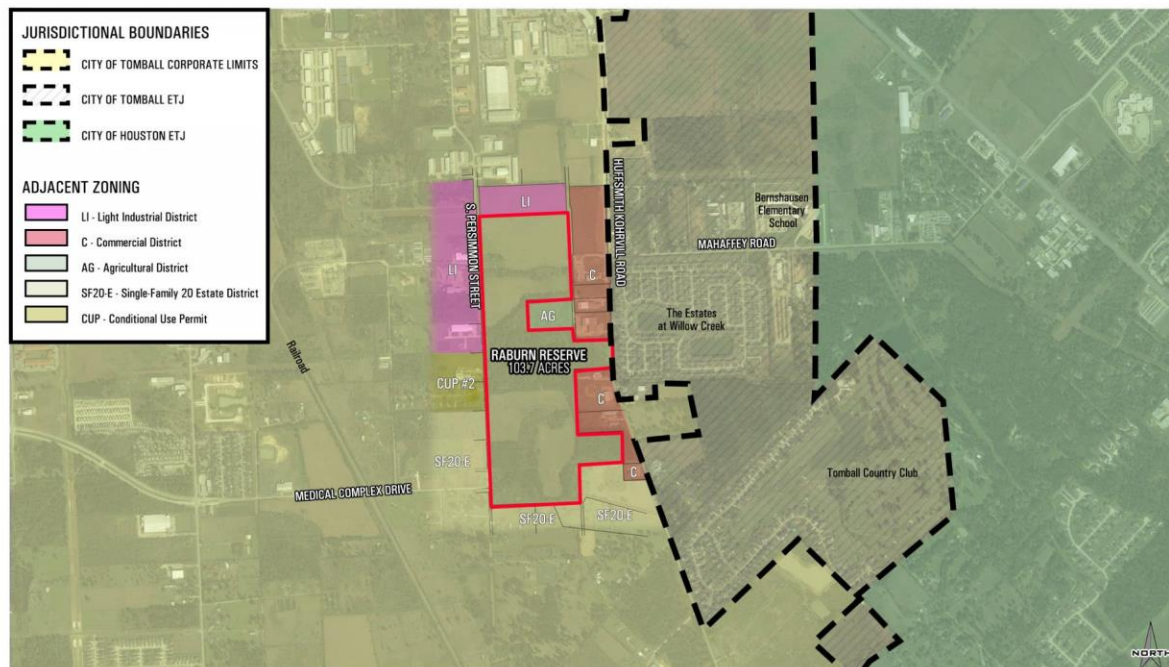


EXHIBIT B-1b



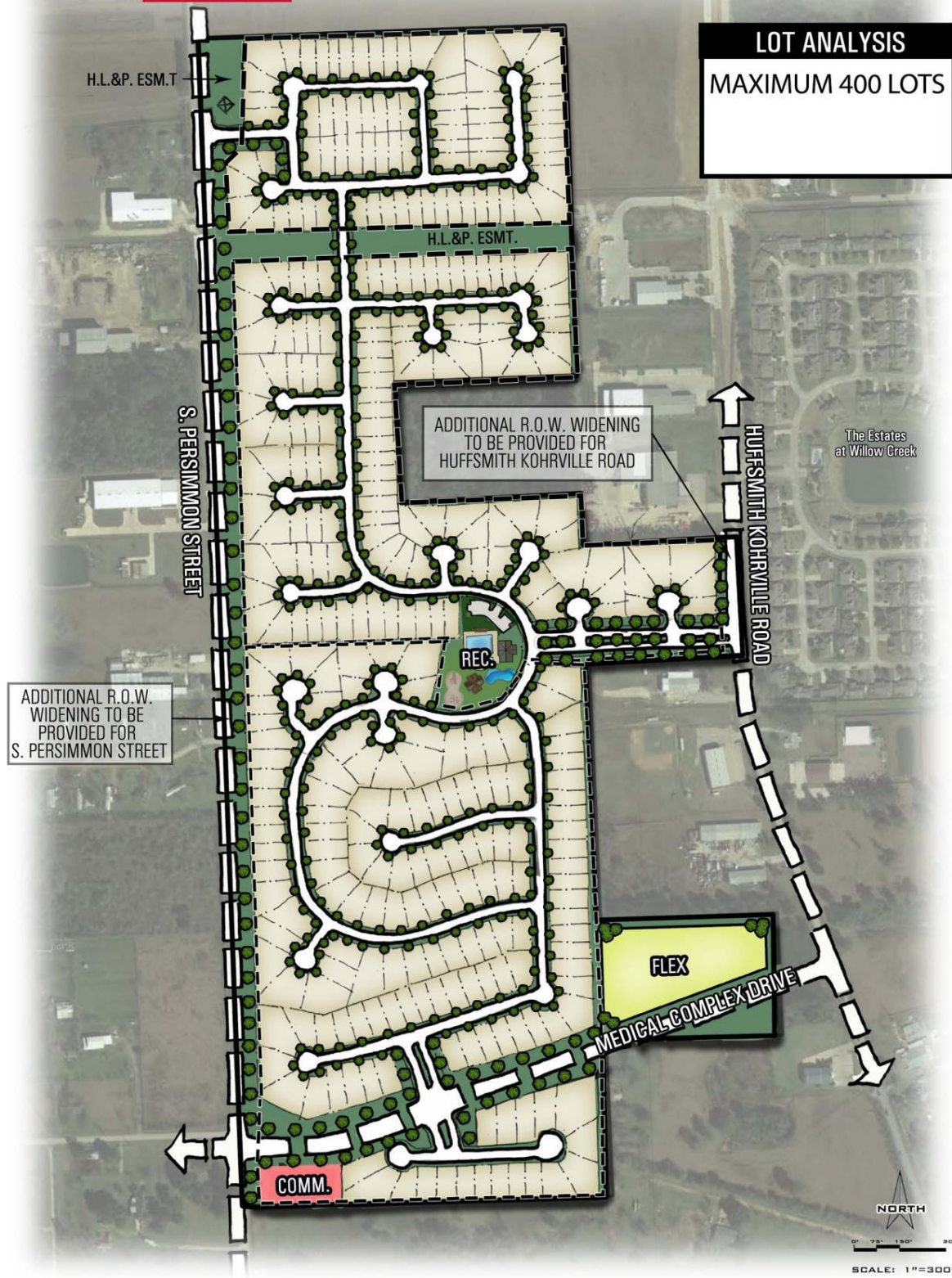
JONES CARTER

JURISDICTION MAP

RABURN RESERVE

by

Hines



SITE PLAN

EXHIBIT B-2

RABURN RESERVE

by

Hines



LANDSCAPE, OPEN SPACE AND AMENITIES PLAN

EXHIBIT B-3

Exhibit B-4

Plant List for Raburn Reserve

The following is a list of approved trees and shrubs. Alternative plants not specified in this list may be approved by the Director if determined that an alternative is substantially equal to or better than a specified material and the use will not violate any provision of the PD:

Shade Trees:

Pecan	<i>Carya illinoensis</i>
Fringe Tree	<i>Chionanthus virginicus</i>
Japanese Blueberry	<i>Elaeocarpus decipiens</i>
Nellie R. Stevens Holly	<i>Ilex x attenuata 'Nellie R. Stevens'</i>
Savannah Holly	<i>Ilex attenuate 'Savannah'</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Loblolly Pine	<i>Pinus taeda</i>
Texas Pistache	<i>Pistacia texana</i>
Sycamore	<i>Platanus occidentalis'</i>
Bur Oak	<i>Quercus macrocarpa</i>
Chinkapin Oak	<i>Quercus muehlenbergii</i>
Monterey Oak	<i>Quercus polymorpha</i>
Water Oak	<i>Quercus nigra</i>
Live Oak	<i>Quercus virginiana</i>
Shumard Oak	<i>Quercus shumardii</i>
Bald Cypress	<i>Taxodium distichum</i>
Pond Cypress	<i>Taxodium ascendens</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Bosque or Drake Elm	<i>Ulmus parvifolia 'Bosque' or 'Drake'</i>

Small & Ornamental Trees:

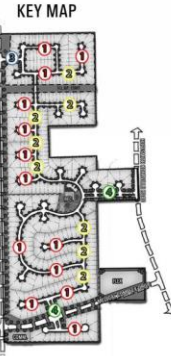
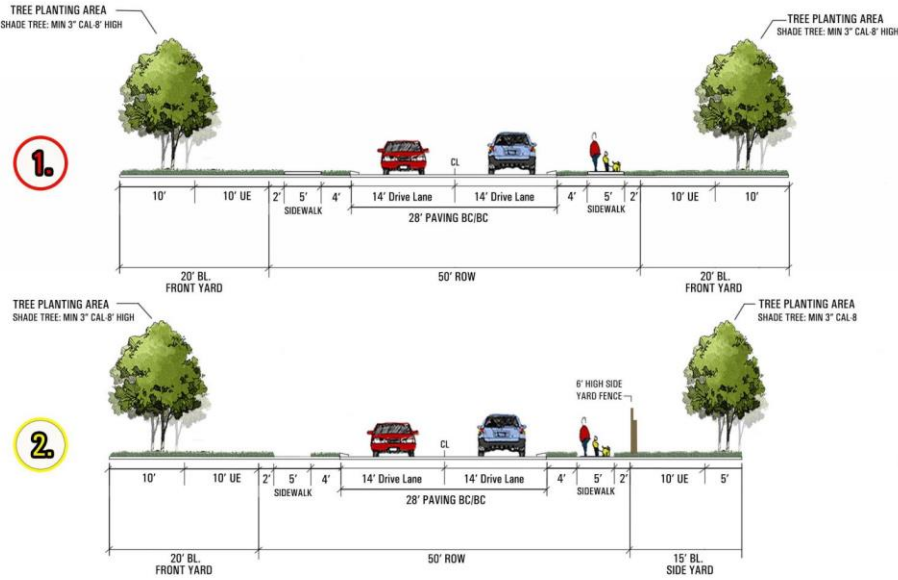
Texas Redbud	<i>Cercis canadensis 'var. texensis'</i>
European Fan Palm	<i>Chamaerops humilis</i>
Desert Willow	<i>Chilopsis linearis</i>
Smokebush	<i>Cotinus obovatus</i>
Foster Holly	<i>Ilex x attenuata 'Fosterii'</i>
Possumhaw Holly	<i>Ilex decidua</i>
Yaupon Holly	<i>Ilex vomitoria</i>
Columnar Juniper	<i>Juniperus spp.</i>
Crape Myrtle	<i>Lagerstroemia indica 'Basham's Pink', 'Natchez', 'Muskogee'</i>
Little Gem Magnolia	<i>Magnolia grandiflora 'Little Gem'</i>
Tree form (MT) Ligustrum	<i>Ligustrum japonicum</i>
Saucer Magnolia	<i>Magnolia x soulangeana</i>
Sweetbay Magnolia	<i>Magnolia virginiana</i>
Tree Wax Myrtle	<i>Myrica cerifica</i>
Mexican Plum	<i>Prunus mexicana</i>
Texas Sable Palm	<i>Sabal texana</i>
Texas Mountain Laurel	<i>Sophora secundiflora</i>
Windmill Palm	<i>Trachycarpus fortunei</i>
Chaste Tree	<i>Vitex agnus-castus</i>

Shrubs:

Abelia	<i>Abelia x grandiflora</i> 'Prostrata', 'Sherwoodi', Edward Goucher'
Dwarf Bottlebrush	<i>Callistemon citrinus</i> 'Austraflora', 'Firebrand', 'Little John', and 'Splendens'
Japanese Clevera	<i>Ternstroemia gymnathera</i>
Sago Palm	<i>Cycas revoluta</i>
Umbrella Plant	<i>Cyperus alternifolius</i>
African/Butterfly Iris	<i>Diets iridioides</i> , <i>Diets bicolor</i>
Elaeagnus Ebbingei	<i>Elaeagnus macrophylla</i>
Silverberry	<i>Elaeagnus fruilandi</i>
Pineapple Guava	<i>Feijoa sellowiana</i>
Red Yucca	<i>Hesperaloe parviflora</i>
Barbados Cherry	<i>Malpighia Glabra</i>
Fatsia	<i>Fatsia japonica</i>
Dwarf Burford Holly	<i>Ilex cornuta</i> 'Burfordii Nana'
Chinese Holly	<i>Ilex cornuta</i> 'Rotunda'
Dwarf Yaupon	<i>Ilex vomitoria</i> 'Nana'
Louisiana Iris	<i>Iris louisiana</i>
Dwarf Crape Myrtle	<i>Lagerstroemia indica</i> 'Nana'
Ligustrum	<i>Ligustrum japonicum</i>
Waxleaf Glossy Privet	<i>Ligustrum lucidum</i>
Fringe Flower	<i>Loropetalum chinense</i>
Maiden Grass	<i>Miscanthus sinensis</i> var.
Dwarf Wax Myrtle	<i>Myrica pusilla</i>
Nandina	<i>Nandina domestica</i>
Purple Fountain Grass	<i>Pennisetum setaceum</i>
Indian Hawthorn	<i>Raphiolepis indica</i> 'Clara'
Shrub Rose	<i>Rosa</i> spp. 'Knockout', 'The Fairy', 'Bonica', 'Carefree Wonder'
Society Garlic	<i>Tulbaghia violacea</i>
Sweet Viburnum	<i>Viburnum</i> spp.
Bridal Wreath Spirea	<i>Spirea prunifolia</i>
Oleander	<i>Nerium oleander</i>
Dwarf Oleander	<i>Nerium oleander</i> 'Petite Pink', 'Little Red'
Plumbago	<i>Plumbago auriculata</i>
Dwarf Pomegranate	<i>Punica granatum</i> 'Nana'
Kumquat	<i>Fortunella</i> spp.
Muhly Grass	<i>Meuhlenbergia lindheimeri</i>
Dwarf Maiden Grass	<i>Miscanthus sinensis</i> 'Morning Light'

RABURN RESERVE

50' LOCAL RESIDENTIAL STREET - CROSS SECTIONS



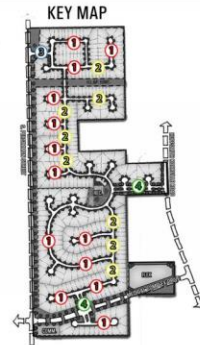
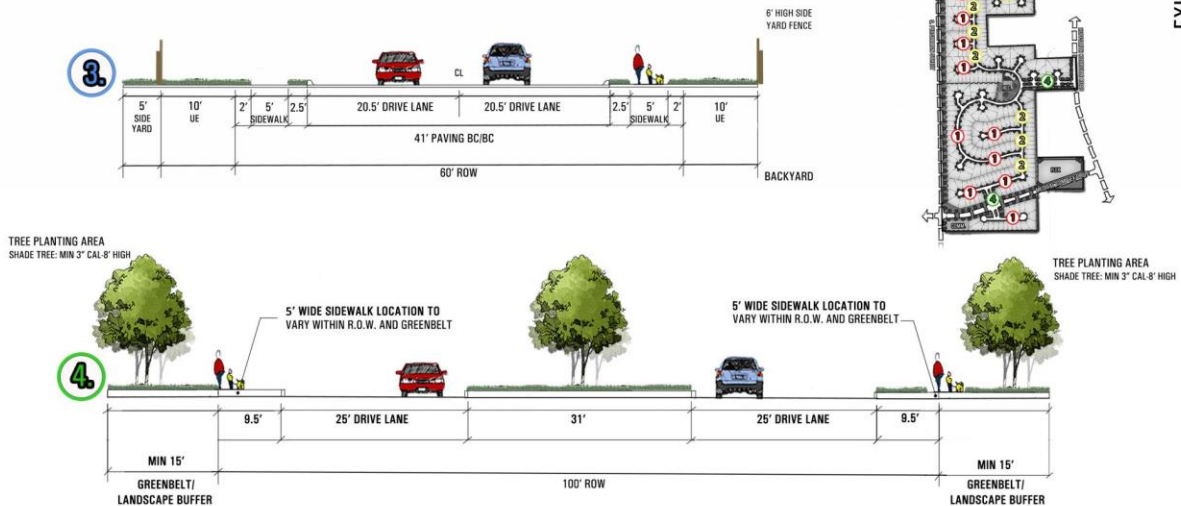
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DATE: 05-24-2019



EXHIBIT B-5

RABURN RESERVE

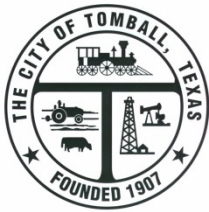
ENTRY STREET - CROSS SECTIONS



SCALE: 1" = 10'



EXHIBIT B-6



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: P19-065

APPLICANT/OWNER: Stan Winter with Jones Carter

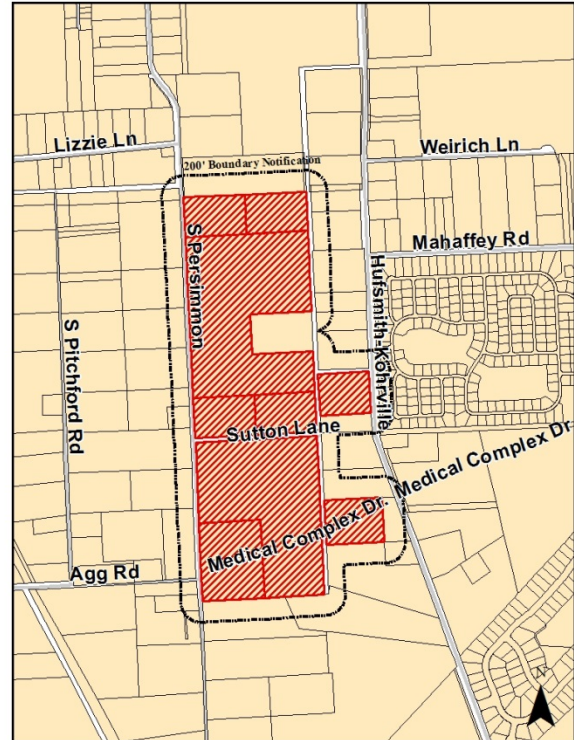
LOCATION: Generally located on the east side of South Persimmon Road from Lizzie Lane to Agg Road

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 103.7 acres of land legally described as Lots 338, 339, 341 thru 344, 346, 349, 350, 352 thru 356, 358, 359, 361 thru 365 Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Agricultural, Single-Family 20 Estate and Commercial Districts to the Planned Development District.

CONTACT: Amelia Lindley, Planner

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.

Planning & Zoning Commission

Public Hearing:

Monday, June 10, 2019, 6:00 PM

City Council Public Hearing:

***Monday, June 17, 2019, 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.

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JUNE 10, 2019
&
CITY COUNCIL
JUNE 17, 2019**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, June 10, 2019, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, June 17, 2019, 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 P19-065: Request by Stan Winter with Jones Carter, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 103.7 acres of land legally described as Lots 338, 339, 341 thru 344, 346, 349, 350, 352 thru 356, 358, 359, 361 thru 365 Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the east side of South Persimmon Road from Lizzie Lane to Agg Road, from the Agricultural, Single-Family 20 Estate and Commercial Districts to the Planned Development 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 **6th** day of **June 2019** 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.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 17, 2019

Topic:

Award Contract for Pipeline Relocation along the M121 Drainage Channel, Project No. 2003-10005, to MK Constructors, in the Amount of \$2,636,186.70

Background:

E&P Project 2003-10005 is for the improvements of the M121 Drainage Channel, in order to begin construction of the channel we must address the numerous pipelines within the identified drainage channel area by either lowering active lines or removing inactive lines.

In an effort to obtain the most favorable pricing, sealed bids were solicited and a total of three (3) bids were received. After thorough analysis of all bids, references were evaluated for the two lowest bidders to evaluate the experience of the contractors with pipeline relocations of this size. After review of all submitted information, MK Constructors was determined to be the responsible lowest bidder with the most experience and will provide the City the best and highest value for this project.

The consultant's recommendation is attached and recommendation is to award the contract for the Pipeline Relocation for the M121 Drainage Channel to MK Constructors in the amount of \$2,638,186.70.

Origination:

Public Works Department

Recommendation:

Staff recommends award of the contract to MK Constructors in the amount of \$2,638,186.70.

Funding:

Yes

Account Number:400-154-6409

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

Meagan Mageo, Project Coordinator

ACTION TAKEN

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

Engineer's Recommendation

Bid Tabulation

Qualification Comparison



GUNDA CORPORATION

Engineers, Planners & Managers

May 29, 2019

City of Tomball
Public Works Building
501 James Street
Tomball, TX 77375

Attn: Beth Jones, P.E., Director of Public Works

Re: City of Tomball
M121W Channel – Pipeline Relocation
Project Bid No. 2019-03, E&P Project No. 2003-10005
GUNDA Project No. 17001-01

Tabulation of Bids Received and Recommendation

Dear Ms. Jones:

We have reviewed the bid tabulation for bids received for the above referenced project. The bids were tabulated and the bid tab is attached for your review. Based on the unit bid prices, BDS Constructors, LLC dba MK Constructors is the responsive low bidder in the amount \$ 2,638,186.70.

The bid submitted by MK Constructors shows no signs of imbalance. Therefore, we pose no objection to the recommendation of awarding the construction contract for M121W Channel – Pipeline Relocation, Project Bid No. 2019-03, to MK Constructors as the low bidder.

Below is a summary of our full review of the bids received for the project.

On May 21, 2019, a total of Three (3) bids were received and opened for the proposed project in accordance with the Notice to Bidders. The Total Bid was utilized to establish the order of the bids and identification of apparent low bidder.

Bidders and their Total Bids were:

	Contractor	Bid Submitted
1)	MK Constructors	\$ 2,638,186.70
2)	Vaca Underground Utilities, Inc. *	\$ 1,878,747.00 **
3)	JEM Field Services *	\$ 3,613,721.44 **

* Non-responsive bidder based on addendum omissions and/or quantity errors.

** Indicates total bid corrected due to math error(s).

If you have any questions, please do not hesitate to call.

Sincerely,

David Castellano, P.E.
Project Engineer

Enclosure: Project Bid Tabulation

To:

Project:

Project Bid No.:

E&P Project No.:

Bidder:

The Honorable Mayor and City Council of the City of Tomball City Hall
401 Market Street
Tomball, Texas 77375

M121W CHANNEL PIPELINE RELOCATION PLANS

2019-03

2003-10005

1.0

OFFER

- A. **Total Bid Price:** Having examined the Project location and all matters referred to in Bid Documents for the
- B. **Security Deposit:** Included with the Bid is a Security Deposit in the amount of 5 percent of the Total Bid Price
- C. **Period for Bid Acceptance:** This offer is open to acceptance and is irrevocable for 90 days from Bid Date. That
- D. **Addenda:** All Addenda have been received. Modifications to Bid Documents have been considered and all related
- E. **Bid Supplements:** The following documents are attached:
[] Security Deposit (as defined in Document 00200 – Instructions to Bidders)
[] Document 00453 – Bidder’s Statement of Residency
[] Document 00455 - Affidavit of Ownership or Control
[] Page 00809-63, Request for Contractor Clearance
[] Others a _____

2.0

CONTRACT TIME

- A. If offer is accepted, Contractor shall achieve Date of Substantial Completion within 300 days after Date of Commencement of the Work, subject to adjustments of Contract Time as provided in the Contract.

Document 00410B

	Engineer's Estimate	Average of bid items	BDS Constructors,LLC dba MK Constructors	JEM Field Services *	Vaca Underground Utilities, Inc.*
B.1 DEMOLITION & SITE PREPARATION	\$ 625,767.50	\$ 548,344.06	\$ 668,796.73	\$ 790,755.44	\$ 185,480.00
B.2 Public Utility Items	\$ 175,158.50	\$ 345,600.34	\$ 357,027.03	\$ 530,218.00	\$ 149,556.00
B.3 Private Pipeline Relocation Items	\$ 1,098,724.75	\$ 1,351,367.28	\$ 1,178,272.85	\$ 1,646,223.00	\$ 1,229,606.00
B.4 Traffic Control Plan	\$ 5,000.00	\$ 35,833.33	\$ 6,000.00	\$ 6,500.00	\$ 95,000.00
B.5 Storm Water Pollution Prevention Items	\$ 36,815.00	\$ 52,330.00	\$ 44,465.00	\$ 48,775.00	\$ 63,750.00
C. Extra Work Items:	\$ 149,855.00	\$ 361,743.36	\$ 368,625.09	\$ 576,250.00	\$ 140,355.00
D. Cash Allowance:	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
TOTAL SUBMITTED BID PRICE:	\$ 2,106,320.75	\$ 2,710,218.38	\$ 2,638,186.70	\$ 3,639,178.44	\$ 1,895,111.00
CORRECTED BID PRICE:				\$ 3,613,721.44	\$ 1,878,747.00

B.1 DEMOLITION & SITE PREPARATION				
Item No.	Control No.	Item Description	Unit Measure	Unit Quantity
1	01502	MOBILIZATION INCLUDING PERFORMANCE AND PAYMENT BONDS, INSURANCE AND PERMITS (MAXIMUM OF 2% OF TOTAL BASE BID)	LS	1
2	02233	CLEARING AND GRUBBING ALONG EXISTING M121 AND EXISTING M121EAST CHANNEL (STA 14+00 TO 26+45), COMPLETE IN PLACE	ACRE	3
3	02233	CLEARING AND GRUBBING ALONG PIPELINE RELOCATIONS OUTSIDE OF CHANNEL ROW (AS NEEDED), COMPLETE IN PLACE	ACRE	1
4	02221	CUT & ADJUST CONCRETE CAP AT EXISTING PLUGGED AND ABANDONED WELL INCLUDING WELL CAP; LOWER TOP CAP TO ELEVATION 143.00; PLUGGED OIL/GAS WELL IDENTIFIED AS TRRC AP# 20100665 (PERMIT 218920), INCLUDING REPERMITTING IF NECESSARY, COMPLETE IN PLACE	LS	1
5	02221	CUT, REMOVE AND DISPOSE OF WATER WELL; CAP & FILL WATER WELL TO ELEVATION FIVE FEET BELOW FUTURE CHANNEL ELEVATION, INCLUDING DEMOLITION; SUBMIT WATER WELL PLUGGING REPORT TDLR FORM 004WWD TO TCEQ WITH COPY TO CITY OF TOMBALL, COMPLETE IN PLACE	LS	3
6	02221	REMOVE AND DISPOSE OF HOMESTEAD SEPTIC TANKS PER TCEQ REGS, TAC CHAPTER 285.36, INCLUDING WASTEWATER REMOVAL, COMPLETE IN PLACE	LS	1
7	02221	REMOVE AND DISPOSE OF HOMESTEAD PROPANE TANK SYSTEM, COMPLETE IN PLACE	LS	1
8	02221	REMOVE AND DISPOSE OF HOMESTEAD POWER POLES AND POWERLINE FROM METER BOX TO HOMESTEAD; COORDINATE CPE POWER POLE REMOVAL FROM CHANNEL ROW, COMPLETE IN PLACE	LS	1
9	02221	CUT, PLUG & REMOVE ABANDONED RESIDENTIAL WATERLINES 0.5 TO 1.5-INCH DIAMETER (5 DESIGNATED LOCATIONS) AT CHANNEL ROW, INCLUDING PLUGS, COMPLETE IN PLACE	LF	421
10	02221	REMOVE AND DISPOSE OF ABANDONED PIPELINE VALVES (ALL SIZES/TYPES - AS INDICATED ON PLANS), COMPLETE IN PLACE	EA	7
11	02221	CUT, PLUG & REMOVE ABANDONED PIPELINES - UNKNOWN SIZE (12 DESIGNATED LOCATIONS - MAXIMUM 12-INCH DIAMETER) FROM CHANNEL ROW, INCLUDING PLUGS, COMPLETE IN PLACE	LF	670
12	02221	CUT, PLUG & REMOVE ABANDONED 1-INCH TO 2-INCH STEEL PIPELINES (9 DESIGNATED LOCATIONS) AT CHANNEL ROW, INCLUDING PLUGS, COMPLETE IN PLACE	LF	1813
13	02221	CUT, PLUG & REMOVE ABANDONED 2-INCH FIBERGLASS PIPELINE (LOCATION P12) AT CHANNEL ROW, INCLUDING PLUGS, COMPLETE IN PLACE	LF	160

Engineer's Estimate		Average of bid items		BDS Constructors,LLC dba MK Constructors		JEM Field Services *			Vaca Underground Utilities, Inc.*		
Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price		Total in figures	Unit Price		Total in figures
\$ 40,000.00	\$ 40,000.00										
		\$ 51,373.33	\$ 51,373.33	\$ 52,763.54	\$ 52,763.54	\$ 71,356.44		\$ 71,356.44	\$ 30,000.00		\$ 30,000.00
\$ 2,500.00	\$ 7,500.00										
		\$ 13,766.33	\$ 41,299.00	\$ 20,799.00	\$ 62,397.00	\$ 20,000.00		\$ 60,000.00	\$ 500.00		\$ 1,500.00
\$ 3,000.00	\$ 3,000.00										
		\$ 12,876.49	\$ 12,876.49	\$ 18,129.46	\$ 18,129.46	\$ 20,000.00		\$ 20,000.00	\$ 500.00		\$ 500.00
\$ 4,500.00	\$ 4,500.00										
		\$ 11,716.67	\$ 11,716.67	\$ 5,150.00	\$ 5,150.00	\$ 25,000.00		\$ 25,000.00	\$ 5,000.00		\$ 5,000.00
\$ 3,500.00	\$ 10,500.00										
		\$ 5,468.22	\$ 16,404.67	\$ 3,404.67	\$ 10,214.01	\$ 8,000.00		\$ 24,000.00	\$ 5,000.00		\$ 15,000.00
\$ 3,500.00	\$ 3,500.00										
		\$ 4,791.67	\$ 4,791.67	\$ 2,875.00	\$ 2,875.00	\$ 6,500.00		\$ 6,500.00	\$ 5,000.00		\$ 5,000.00
\$ 1,500.00	\$ 1,500.00										
		\$ 1,625.00	\$ 1,625.00	\$ 2,875.00	\$ 2,875.00	\$ 1,000.00		\$ 1,000.00	\$ 1,000.00		\$ 1,000.00
\$ 2,500.00	\$ 2,500.00										
		\$ 13,050.00	\$ 13,050.00	\$ 4,150.00	\$ 4,150.00	\$ 25,000.00		\$ 25,000.00	\$ 10,000.00		\$ 10,000.00
\$ 7.50	\$ 3,157.50										
		\$ 15.00	\$ 6,315.00	\$ 35.00	\$ 14,735.00	\$ 5.00		\$ 2,105.00	\$ 5.00		\$ 2,105.00
\$ 100.00	\$ 700.00										
		\$ 852.10	\$ 5,964.68	\$ 1,506.29	\$ 10,544.03	\$ 1,000.00		\$ 7,000.00	\$ 50.00		\$ 350.00
\$ 65.00	\$ 43,550.00										
		\$ 53.00	\$ 35,510.00	\$ 49.00	\$ 32,830.00	\$ 100.00		\$ 67,000.00	\$ 10.00		\$ 6,700.00
\$ 15.00	\$ 27,195.00										
		\$ 20.33	\$ 36,864.33	\$ 18.00	\$ 32,634.00	\$ 38.00		\$ 68,894.00	\$ 5.00		\$ 9,065.00
\$ 25.00	\$ 4,000.00										
		\$ 31.67	\$ 5,066.67	\$ 47.00	\$ 7,520.00	\$ 38.00		\$ 6,080.00	\$ 10.00		\$ 1,600.00

14	02221	CUT, PLUG & REMOVE ABANDONED 2.125-INCH TO 3-INCH STEEL PIPELINES (18 DESIGNATED LOCATIONS) AT CHANNEL ROW, INCLUDING PLUGS, COMPLETE IN PLACE	LF	3356
15	02221	CUT, PLUG & REMOVE ABANDONED 2.125-INCH TO 3-INCH FIBERGLASS PIPELINES (4 DESIGNATED LOCATIONS) AT CHANNEL ROW, INCLUDING PLUGS, COMPLETE IN PLACE	LF	408
16	02221	CUT, PLUG & REMOVE ABANDONED 3.125-INCH TO 4-INCH STEEL PIPELINES (7 DESIGNATED LOCATIONS) AT CHANNEL ROW, INCLUDING PLUGS, COMPLETE IN PLACE	LF	1739
17	02221	CUT, PLUG & REMOVE ABANDONED 3.125-INCH TO 4-INCH FIBERGLASS PIPELINES (5 DESIGNATED LOCATIONS) AT CHANNEL ROW, INCLUDING PLUGS, COMPLETE IN PLACE	LF	626
18	02221	CUT, PLUG & REMOVE ABANDONED 4.125-INCH TO 5-INCH STEEL PIPELINES (4 DESIGNATED LOCATIONS) AT CHANNEL ROW, INCLUDING PLUGS, COMPLETE IN PLACE	LF	984
19	02221	CUT, PLUG & REMOVE ABANDONED 4.125-INCH TO 5-INCH FIBERGLASS PIPELINES (3 DESIGNATED LOCATIONS) AT CHANNEL ROW, INCLUDING PLUGS, COMPLETE IN PLACE	LF	434
20	02221	CUT, PLUG & REMOVE ABANDONED 6-INCH TO 9-INCH STEEL PIPELINES (6 DESIGNATED LOCATIONS) AT CHANNEL ROW, INCLUDING PLUGS, COMPLETE IN PLACE	LF	265
21	02221	CUT, PLUG & REMOVE ABANDONED 7-INCH TO 9-INCH FIBERGLASS PIPELINES (2 DESIGNATED LOCATIONS) AT CHANNEL ROW, INCLUDING PLUGS, COMPLETE IN PLACE	LF	514
22	02221	CUT, PLUG & REMOVE ABANDONED 7-INCH ALKACID FIBER PIPELINE (LOCATION 2H12) AT CHANNEL ROW, INCLUDING PLUGS, COMPLETE IN PLACE	LF	255
23	02221	CUT, PLUG & REMOVE ABANDONED 14-INCH STEEL PIPELINE (LOCATION V09) AT CHANNEL ROW, INCLUDING PLUGS, COMPLETE IN PLACE	LF	159
24	02221	CUT, PLUG & REMOVE ABANDONED 3.5-INCH UNKNOWN MATERIAL PIPELINE (LOCATION H) AT MAINTAINED CHANNEL ROW, INCLUDING PLUGS AND CHANNEL REPAIR, COMPLETE IN PLACE	LF	150
25	02221	CUT, PLUG & REMOVE ABANDONED 3.5-INCH FIBERGLASS PIPELINES (UNDESIGNATED 113) AT MAINTAINED CHANNEL ROW, INCLUDING PLUGS AND CHANNEL REPAIR, COMPLETE IN PLACE	LF	150
26	02221	CUT, PLUG & REMOVE ABANDONED 6.5" WRAPPED STEEL PIPELINE (LOCATION 3H09) AT MAINTAINED CHANNEL ROW, INCLUDING PLUGS AND CHANNEL REPAIR, COMPLETE IN PLACE	LF	150
27	DWGS	CUT, PLUG & REMOVE ABANDONED ASBESTOS CEMENT PIPELINES (ALL SIZES - 3 DESIGNATED LOCATIONS) AT CHANNEL ROW, INCLUDING DISPOSAL, PLUGS & APPURTENANCES, PERFORMED BY A LICENSED ASBESTOS ABATEMENT CONTRACTOR, PER PLANS AND SPECS, COMPLETE IN PLACE	LF	288
TOTAL B.1:				

Engineer's Estimate		Average of bid items		BDS Constructors,LLC dba MK Constructors		JEM Field Services *			Vaca Underground Utilities, Inc.*		
\$											
\$ 25.00	\$ 83,900.00	\$ 25.67	\$ 86,137.33	\$ 29.00	\$ 97,324.00	\$ 38.00		\$ 127,528.00	\$ 10.00		\$ 33,560.00
\$ 35.00	\$ 14,280.00	\$ 29.33	\$ 11,968.00	\$ 40.00	\$ 16,320.00	\$ 38.00		\$ 15,504.00	\$ 10.00		\$ 4,080.00
\$ 35.00	\$ 60,865.00	\$ 27.67	\$ 48,112.33	\$ 35.00	\$ 60,865.00	\$ 38.00		\$ 66,082.00	\$ 10.00		\$ 17,390.00
\$ 45.00	\$ 28,170.00	\$ 27.67	\$ 17,319.33	\$ 35.00	\$ 21,910.00	\$ 38.00		\$ 23,788.00	\$ 10.00		\$ 6,260.00
\$ 45.00	\$ 44,280.00	\$ 25.67	\$ 25,256.00	\$ 29.00	\$ 28,536.00	\$ 38.00		\$ 37,392.00	\$ 10.00		\$ 9,840.00
\$ 55.00	\$ 23,870.00	\$ 27.33	\$ 11,862.67	\$ 34.00	\$ 14,756.00	\$ 38.00		\$ 16,492.00	\$ 10.00		\$ 4,340.00
\$ 75.00	\$ 19,875.00	\$ 44.53	\$ 11,801.33	\$ 85.60	\$ 22,684.00	\$ 38.00		\$ 10,070.00	\$ 10.00		\$ 2,650.00
\$ 85.00	\$ 43,690.00	\$ 29.99	\$ 15,416.57	\$ 41.98	\$ 21,577.72	\$ 38.00		\$ 19,532.00	\$ 10.00		\$ 5,140.00
\$ 85.00	\$ 21,675.00	\$ 28.53	\$ 7,276.00	\$ 37.60	\$ 9,588.00	\$ 38.00		\$ 9,690.00	\$ 10.00	\$	2,550.00
\$ 140.00	\$ 22,260.00	\$ 41.25	\$ 6,558.75	\$ 75.75	\$ 12,044.25	\$ 38.00		\$ 6,042.00	\$ 10.00		\$ 1,590.00
\$ 80.00	\$ 12,000.00	\$ 66.00	\$ 9,900.00	\$ 150.00	\$ 22,500.00	\$ 38.00		\$ 5,700.00	\$ 10.00		\$ 1,500.00
\$ 100.00	\$ 15,000.00	\$ 64.33	\$ 9,650.00	\$ 145.00	\$ 21,750.00	\$ 38.00		\$ 5,700.00	\$ 10.00		\$ 1,500.00
\$ 130.00	\$ 19,500.00	\$ 64.33	\$ 9,650.00	\$ 145.00	\$ 21,750.00	\$ 38.00		\$ 5,700.00	\$ 10.00		\$ 1,500.00
\$ 225.00	\$ 64,800.00	\$ 120.06	\$ 34,578.24	\$ 140.19	\$ 40,374.72	\$ 200.00		\$ 57,600.00	\$ 20.00		\$ 5,760.00
	\$ 625,767.50		\$ 548,344.06		\$ 668,796.73			\$ 790,755.44			\$ 185,480.00

BID FORM - PART A

B.2 Public Utility Items				
Item No.	Control No.	Item Description	Unit Measure	Unit Quantity
28	02221	CUT AND CAP ACTIVE CITY OF TOMBALL SANITARY SEWER MANHOLE TO TOP OF EXIST 30" SAN SEWER, INCLUDING 12" THICK CONCRETE CAP AND GROUT SEAL, COMPLETE IN PLACE	LS	1
29	02221	REMOVE AND DISPOSE OF EXISTING CITY OF TOMBALL 12" WATERLINE, COMPLETE IN PLACE	LF	189
30	02221	REMOVE AND DISPOSE OF EXISTING CITY OF TOMBALL 6" GAS LINE (ALL TYPES - AT TWO LOCATIONS), COMPLETE IN PLACE	LF	383
31	DWGS	PROPOSED 6-INCH CITY OF TOMBALL PE 2406/2708 MEDIUM-DENSITY POLYETHYLENE NATURAL GAS LINE (LOCATIONS 2H09 & 2Q09) INCLUDING FITTINGS, AND APPURTENANCES, COMPLETE IN PLACE	LF	409
32	DWGS	6" GAS VALVE, COMPLETE IN PLACE	EA	2
33	02448	12" STEEL CASING (0.25 INCH THICKNESS), INCLUDING SPACERS AND APPURTENANCES, FOR PROPOSED COT 6" GAS, COMPLETE IN PLACE	LF	300
34	02082; 02631	STANDARD 5-FT DIA PRECAST TYPE-C SANITARY SEWER MANHOLE OVER EXIST 30" SANITARY SEWER, COMPLETE IN PLACE	EA	2
35	02082; 02631	EXTRA DEPTH FOR STANDARD PRECAST TYPE-C SANITARY MANHOLE, GREATER THAN 8 FOOT DEPTH, COMPLETE IN PLACE	VF	26
36	DWGS	MANHOLE VENT FOR SEALED MANHOLE, INCLUDING PLASTIC INFLOW PROTECTORS, AND APPURTENANCES, COMPLETE IN PLACE	EA	2
37	02448	18" STEEL CASING (0.375 INCH THICKNESS), INCLUDING SPACERS AND APPURTENANCES, FOR PROPOSED COT 12" WL, COMPLETE IN PLACE	LF	150
38	02511; 02514; 02521	PROPOSED 12-INCH CITY OF TOMBALL RESTRAINED JOINT PVC WATERLINE (LOCATION 2G09) INCLUDING VALVES, FITTINGS AND APPURTENANCES, COMPLETE IN PLACE	LF	197
39	02513	12" WET CONNECTION, COMPLETE IN PLACE	EA	1
40	02524	REMOVE AND RELOCATE 12" WL AIR RELEASE AND VACUUM RELIEF VALVES INCLUDING MANHOLE OR SERVICE BOX, FITTINGS, VENT PIPING AND BOLLARD(S) AND APPURTENANCES, COMPLETE IN PLACE	EA	2
41	02531	30" PVC SANITARY SEWER , COMPLETE IN PLACE	LF	10
42	02260	TRENCH SAFETY (PUBLIC UTILITIES)	LF	606
TOTAL B.2 BASE UNIT PRICES				

Engineer's Estimate		Average of bid items		BDS Constructors,LLC dba MK Constructors		JEM Field Services *			Vaca Underground Utilities, Inc.*		
Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price		Total in figures	Unit Price		Total in figures
\$3,900.00	\$ 3,900.00										
		\$ 18,333.33	\$ 18,333.33	\$ 20,000.00	\$ 20,000.00	\$ 25,000.00		\$ 25,000.00	\$ 10,000.00		\$ 10,000.00
\$16.00	\$ 3,024.00	\$ 93.00	\$ 17,577.00	\$ 79.00	\$ 14,931.00	\$ 190.00		\$ 35,910.00	\$ 10.00		\$ 1,890.00
\$30.00	\$ 11,490.00	\$ 86.15	\$ 32,996.73	\$ 58.46	\$ 22,390.18	\$ 190.00		\$ 72,770.00	\$ 10.00		\$ 3,830.00
\$100.00	\$ 40,900.00										
		\$ 166.58	\$ 52,236.12	\$ 143.15	\$ 58,548.35	\$ 190.00		\$ 77,710.00	\$ 50.00	*	\$ 20,450.00
\$500.00	\$ 1,000.00	\$ 4,833.33	\$ 9,666.67	\$ 8,500.00	\$ 17,000.00	\$ 4,000.00		\$ 8,000.00	\$ 2,000.00		\$ 4,000.00
\$160.00	\$ 48,000.00										
		\$ 155.00	\$ 46,500.00	\$ 135.00	\$ 40,500.00	\$ 190.00		\$ 57,000.00	\$ 140.00		\$ 42,000.00
\$3,500.00	\$ 7,000.00	\$ 13,500.00	\$ 27,000.00	\$ 29,500.00	\$ 59,000.00	\$ 9,000.00		\$ 18,000.00	\$ 2,000.00		\$ 4,000.00
\$150.00	\$ 3,900.00	\$ 1,916.67	\$ 49,833.33	\$ 1,000.00	\$ 26,000.00	\$ 4,500.00		\$ 117,000.00	\$ 250.00		\$ 6,500.00
\$1,650.00	\$ 3,300.00	\$ 3,558.17	\$ 7,116.33	\$ 7,424.50	\$ 14,849.00	\$ 1,250.00		\$ 2,500.00	\$ 2,000.00		\$ 4,000.00
\$170.00	\$ 25,500.00										
		\$ 176.37	\$ 26,455.50	\$ 174.11	\$ 26,116.50	\$ 190.00		\$ 28,500.00	\$ 165.00		\$ 24,750.00
\$72.50	\$ 14,282.50										
		\$ 136.67	\$ 26,923.33	\$ 130.00	\$ 25,610.00	\$ 190.00		\$ 37,430.00	\$ 90.00		\$ 17,730.00
\$2,750.00	\$ 2,750.00	\$ 3,727.67	\$ 3,727.67	\$ 1,883.00	\$ 1,883.00	\$ 6,500.00		\$ 6,500.00	\$ 2,800.00		\$ 2,800.00
\$2,700.00	\$ 5,400.00										
		\$ 8,000.00	\$ 16,000.00	\$ 10,000.00	\$ 20,000.00	\$ 11,000.00		\$ 22,000.00	\$ 3,000.00		\$ 6,000.00
\$350.00	\$ 3,500.00	\$ 315.43	\$ 3,154.33	\$ 656.30	\$ 6,563.00	\$ 190.00		\$ 1,900.00	\$ 100.00		\$ 1,000.00
\$2.00	\$ 1,212.00	\$ 13.33	\$ 8,080.00	\$ 6.00	\$ 3,636.00	\$ 33.00		\$ 19,998.00	\$ 1.00		\$ 606.00
	\$ 175,158.50		\$ 345,600.34		\$ 357,027.03			\$ 530,218.00			\$ 149,556.00

BID FORM - PART A

B.3 Private Pipeline Relocation Items				
Item No.	Control No.	Item Description	Unit Measure	Unit Quantity
43	DWGS	TANDEM ENERGY PIPELINE MARKER, COMPLETE IN PLACE	EA	32
44	DWGS	PELICAN/TORTUGA PIPELINE MARKER, COMPLETE IN PLACE	EA	6
45	DWGS	FIURNISH AND INSTALL CATHODIC PROTECTION FOR FUSION BONDED EPOXY COATED SCHEDULE 40 STEEL PIPELINES, INCLUDING ANODE ZINC 30# PREPACKAGED W/ 20' #12 AWG TW SOLID BLACK, (2 ANODES PER PIPE - ACROSS AND OUTSIDE CHANNEL ROW) AND APPURTENANCES, COMPLETE IN PLACE	EA	12
46	DWGS	CUT, PLUG & REMOVE INACTIVE 3.5-INCH PELICAN RESERVE PIPELINE COMPANY NATURAL GAS PIPELINE (LOCATION AB/1T09) AT CHANNEL ROW, INCLUDING PLUGS, COMPLETE IN PLACE	LF	189
47	DWGS	CUT, PLUG & REMOVE INACTIVE 4-INCH PELICAN RESERVE PIPELINE COMPANY PETROLEUM PIPELINE (LOCATION 1D09) AT CHANNEL ROW, INCLUDING PLUGS, COMPLETE IN PLACE	LF	326
48	DWGS	CUT, PLUG & REMOVE INACTIVE 6.75-INCH PELICAN RESERVE PIPELINE COMPANY PETROLEUM PIPELINE (LOCATION 2D12 /1C09 / Z) AT CHANNEL ROW, INCLUDING PLUGS, COMPLETE IN PLACE	LF	218
49	DWGS	8" STEEL CASING, INCLUDING VENT PIPES & PLUG PROTECTION AT PELICAN RESERVE PIPELINE COMPANY LOCATION, COMPLETE IN PLACE	LF	149
50	DWGS	10" STEEL CASING, INCLUDING VENT PIPES & PLUG PROTECTION AT PELICAN RESERVE PIPELINE COMPANY LOCATION, COMPLETE IN PLACE	LF	161
51	DWGS	12" STEEL CASING, INCLUDING VENT PIPES & PLUG PROTECTION AT PELICAN RESERVE PIPELINE COMPANY LOCATION, COMPLETE IN PLACE	LF	180
52	DWGS	CUT & REMOVE ACTIVE 2-INCH TANDEM ENERGY FIBERGLASS CRUDE OIL PIPELINE (LOCATION O12), COMPLETE IN PLACE	LF	217
53	DWGS	PROPOSED 2-INCH TANDEM ENERGY FUSION BONDED EPOXY COATED SCHEDULE 40 STEEL CRUDE OIL PIPELINE (LOCATION O12) INCLUDING FITTINGS, AND APPURTENANCES, COMPLETE IN PLACE	LF	229
54	DWGS	CUT & REMOVE ACTIVE 2.25-INCH TANDEM ENERGY STEEL NATURAL GAS PIPELINE (LOCATION L12), COMPLETE IN PLACE	LF	258
55	DWGS	PROPOSED 2.25-INCH TANDEM ENERGY STEEL NATURAL GAS PIPELINE (LOCATION L12) INCLUDING FITTINGS, AND APPURTENANCES, COMPLETE IN PLACE	LF	277
56	DWGS	CUT & REMOVE ACTIVE 2.5-INCH TANDEM ENERGY STEEL NATURAL GAS PIPELINE (LOCATION 2I09, 2W09A & 2W09B), COMPLETE IN PLACE	LF	576
57	DWGS	PROPOSED 2.5-INCH TANDEM ENERGY STEEL NATURAL GAS PIPELINE (LOCATION 2I09, 2W09A & 2W09B) INCLUDING FITTINGS, AND APPURTENANCES, COMPLETE IN PLACE	LF	620
58	DWGS	CUT & REMOVE ACTIVE 2.5-INCH TANDEM ENERGY FIBERGLASS CRUDE OIL PIPELINE (LOCATION 2V12B), COMPLETE IN PLACE	LF	231
59	DWGS	PROPOSED 2.5-INCH TANDEM ENERGY FUSION BONDED EPOXY COATED SCHEDULE 40 STEEL CRUDE OIL PIPELINE (LOCATION 2V12B) INCLUDING FITTINGS, AND APPURTENANCES, COMPLETE IN PLACE	LF	264

Engineer's Estimate		Average of bid items		BDS Constructors,LLC dba MK Constructors		JEM Field Services *			Vaca Underground Utilities, Inc.*		
Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price		Total in figures	Unit Price		Total in figures
\$75.00	\$ 2,400.00	\$ 100.00	\$ 3,200.00	\$ 225.00	\$ 7,200.00	\$ 25.00		\$ 800.00	\$ 50.00		\$ 1,600.00
\$75.00	\$ 450.00	\$ 150.00	\$ 900.00	\$ 225.00	\$ 1,350.00	\$ 25.00		\$ 150.00	\$ 200.00		\$ 1,200.00
\$1,000.00	\$ 12,000.00		\$ 18,066.67	\$ 1,600.00	\$ 19,200.00	\$ 15,000.00	**	\$ 15,000.00	\$ 20,000.00	**	\$ 20,000.00
\$45.00	\$ 8,505.00		\$ 65.00	\$ 12,285.00	\$ 75.00	\$ 14,175.00		\$ 18,900.00	\$ 20.00		\$ 3,780.00
\$55.00	\$ 17,930.00		\$ 62.17	\$ 20,266.33	\$ 66.50	\$ 21,679.00		\$ 32,600.00	\$ 20.00		\$ 6,520.00
\$65.00	\$ 14,170.00		\$ 65.00	\$ 14,170.00	\$ 75.00	\$ 16,350.00		\$ 21,800.00	\$ 20.00		\$ 4,360.00
\$90.00	\$ 13,410.00		\$ 175.64	\$ 26,170.86	\$ 261.93	\$ 39,027.57		\$ 22,350.00	\$ 115.00		\$ 17,135.00
\$127.50	\$ 20,527.50		\$ 175.94	\$ 28,326.88	\$ 257.83	\$ 41,510.63		\$ 24,150.00	\$ 120.00		\$ 19,320.00
\$168.75	\$ 30,375.00		\$ 186.73	\$ 33,612.00	\$ 290.20	\$ 52,236.00		\$ 27,000.00	\$ 120.00		\$ 21,600.00
\$10.00	\$ 2,170.00		\$ 93.33	\$ 20,253.33	\$ 70.00	\$ 15,190.00		** \$ 43,400.00	\$ 10.00	**	\$ 2,170.00
\$19.50	\$ 4,465.50		\$ 137.06	\$ 31,387.50	\$ 111.19	\$ 25,462.51		** \$ 45,800.00	\$ 100.00	**	\$ 22,900.00
\$11.25	\$ 2,902.50		\$ 90.00	\$ 23,220.00	\$ 60.00	\$ 15,480.00		\$ 51,600.00	\$ 10.00		\$ 2,580.00
\$22.50	\$ 6,232.50		\$ 109.77	\$ 30,407.21	\$ 99.32	\$ 27,511.64		\$ 41,550.00	\$ 80.00		\$ 22,160.00
\$12.50	\$ 7,200.00		\$ 75.00	\$ 43,200.00	\$ 40.00	\$ 23,040.00		** \$ 100,800.00	\$ 10.00	**	\$ 5,760.00
\$25.00	\$ 15,500.00		\$ 101.67	\$ 63,033.33	\$ 80.00	\$ 49,600.00		** \$ 93,000.00	\$ 75.00	**	\$ 46,500.00
\$12.50	\$ 2,887.50		\$ 82.33	\$ 19,019.00	\$ 62.00	\$ 14,322.00		** \$ 40,425.00	\$ 10.00	**	\$ 2,310.00
\$25.00	\$ 6,600.00		\$ 131.00	\$ 34,584.00	\$ 138.00	\$ 36,432.00		\$ 46,200.00	\$ 80.00		\$ 21,120.00

BID FORM - PART A

60	DWGS	CUT & REMOVE ACTIVE 3-INCH TANDEM ENERGY STEEL NATURAL GAS PIPELINE (LOCATION 2Y09), COMPLETE IN PLACE	LF	230
61	DWGS	PROPOSED 3-INCH TANDEM ENERGY STEEL NATURAL GAS PIPELINE (LOCATION 2Y09) INCLUDING FITTINGS, AND APPURTENANCES, COMPLETE IN PLACE	LF	245
62	DWGS	CUT & REMOVE ACTIVE 3.5-INCH TANDEM ENERGY FIBERGLASS PETROLEUM PIPELINE (LOCATIONS 2K09 & 2X09), COMPLETE IN PLACE	LF	424
63	DWGS	PROPOSED 3.5-INCH TANDEM ENERGY FUSION BONDED EPOXY COATED SCHEDULE 40 STEEL PETROLEUM PIPELINE (LOCATION 2K09 & 2X09) INCLUDING FITTINGS, TRACER WIRE AND APPURTENANCES, COMPLETE IN PLACE	LF	455
64	DWGS	CUT & REMOVE ACTIVE 4-INCH TANDEM ENERGY FIBERGLASS CRUDE OIL PIPELINE (LOCATION K12), COMPLETE IN PLACE	LF	364
65	DWGS	PROPOSED 4-INCH TANDEM ENERGY FUSION BONDED EPOXY COATED SCHEDULE 40 STEEL CRUDE OIL PIPELINE (LOCATION K12) INCLUDING FITTINGS, TRACER WIRE AND APPURTENANCES, COMPLETE IN PLACE	LF	386
66	DWGS	CUT & REMOVE ACTIVE 4.5-INCH TANDEM ENERGY FIBERGLASS PETROLEUM PIPELINE (LOCATION 2R09), COMPLETE IN PLACE	LF	201
67	DWGS	PROPOSED 4.5-INCH TANDEM ENERGY FUSION BONDED EPOXY COATED SCHEDULE 40 STEEL CRUDE OIL PIPELINE (LOCATION 2R09) INCLUDING FITTINGS, TRACER WIRE AND APPURTENANCES, COMPLETE IN PLACE	LF	217
68	DWGS	CUT & REMOVE ACTIVE 7-INCH TANDEM ENERGY FIBERGLASS SALTWATER PIPELINE (LOCATIONS I12 & 2V12A), COMPLETE IN PLACE	LF	500
69	DWGS	PROPOSED 7-INCH TANDEM ENERGY FUSION BONDED EPOXY COATED SCHEDULE 40 STEEL SALTWATER PIPELINE (LOCATIONS I12 & 2V12A) INCLUDING FITTINGS, TRACER WIRE AND APPURTENANCES, COMPLETE IN PLACE	LF	536
70	DWGS	CUT & REMOVE ACTIVE 10.75-INCH TANDEM ENERGY WRAPPED STEEL NATURAL GAS PIPELINE (LOCATION G12), COMPLETE IN PLACE	LF	340
71	DWGS	PROPOSED 10.75-INCH TANDEM ENERGY WRAPPED STEEL NATURAL GAS PIPELINE (LOCATION G12) INCLUDING FITTINGS, AND APPURTENANCES, COMPLETE IN PLACE	LF	502
72	DWGS	6" STEEL CASING, INCLUDING SPACERS (ALL CARRIER PIPE SIZES), INSULATORS, VENT PIPE AND APPURTENANCES, COMPLETE IN PLACE	LF	960
73	DWGS	8" STEEL CASING, INCLUDING SPACERS (ALL CARRIER PIPE SIZES), INSULATORS, VENT PIPE AND APPURTENANCES, COMPLETE IN PLACE	LF	450
74	DWGS	10" STEEL CASING, INCLUDING SPACERS (ALL CARRIER PIPE SIZES), INSULATORS, VENT PIPE AND APPURTENANCES, COMPLETE IN PLACE	LF	150
75	DWGS	12" STEEL CASING, INCLUDING SPACERS (ALL CARRIER PIPE SIZES), INSULATORS, VENT PIPE AND APPURTENANCES, COMPLETE IN PLACE	LF	330
76	DWGS	16" STEEL CASING, INCLUDING SPACERS (ALL CARRIER PIPE SIZES), INSULATORS, VENT PIPE AND APPURTENANCES, COMPLETE IN PLACE	LF	180
77	02260	PRIVATE PIPELINE TRENCH SAFETY	LF	3731
TOTAL B.3 BASE UNIT PRICES				

Engineer's Estimate		Average of bid items		BDS Constructors,LLC dba MK Constructors		JEM Field Services *			Vaca Underground Utilities, Inc.*		
\$20.00	\$ 4,600.00										
		\$ 75.67	\$ 17,403.33	\$ 67.00	\$ 15,410.00	\$ 150.00		\$ 34,500.00	\$ 10.00		\$ 2,300.00
\$60.00	\$ 14,700.00										
		\$ 138.67	\$ 33,973.33	\$ 146.00	\$ 35,770.00	\$ 150.00		\$ 36,750.00	\$ 120.00		\$ 29,400.00
\$43.75	\$ 18,550.00						**	\$ 63,600.00	\$ 10.00	**	\$ 4,240.00
\$175.00	\$ 79,625.00						**	\$ 56,875.00	\$ 120.00	**	\$ 54,600.00
\$50.00	\$ 18,200.00										
		\$ 58.33	\$ 21,233.33	\$ 40.00	\$ 14,560.00	\$ 125.00		\$ 45,500.00	\$ 10.00		\$ 3,640.00
\$200.00	\$ 77,200.00										
		\$ 158.67	\$ 61,245.33	\$ 126.00	\$ 48,636.00	\$ 150.00		\$ 57,900.00	\$ 200.00		\$ 77,200.00
\$56.25	\$ 11,306.25						**	\$ 20,100.00	\$ 10.00	**	\$ 2,010.00
\$225.00	\$ 48,825.00						**			**	
		\$ 139.23	\$ 30,213.63	\$ 127.70	\$ 27,710.90	\$ 150.00	**	\$ 32,550.00	\$ 140.00	**	\$ 30,380.00
\$87.50	\$ 43,750.00						**	\$ 62,500.00	\$ 10.00	**	\$ 5,000.00
\$350.00	\$ 187,600.00										
		\$ 192.14	\$ 102,985.25	\$ 136.41	\$ 73,115.76	\$ 200.00		\$ 107,200.00	\$ 240.00		\$ 128,640.00
\$50.00	\$ 17,000.00										
		\$ 79.68	\$ 27,092.33	\$ 79.05	\$ 26,877.00	\$ 150.00		\$ 51,000.00	\$ 10.00		\$ 3,400.00
\$200.00	\$ 100,400.00										
		\$ 206.67	\$ 103,746.67	\$ 170.00	\$ 85,340.00	\$ 150.00		\$ 75,300.00	\$ 300.00		\$ 150,600.00
\$80.00	\$ 76,800.00										
		\$ 141.71	\$ 136,044.80	\$ 105.14	\$ 100,934.40	\$ 120.00		\$ 115,200.00	\$ 200.00		\$ 192,000.00
\$120.00	\$ 54,000.00										
		\$ 178.86	\$ 80,487.00	\$ 116.58	\$ 52,461.00	\$ 120.00		\$ 54,000.00	\$ 300.00		\$ 135,000.00
\$170.00	\$ 25,500.00										
		\$ 201.67	\$ 30,250.00	\$ 185.00	\$ 27,750.00	\$ 120.00		\$ 18,000.00	\$ 300.00		\$ 45,000.00
\$225.00	\$ 74,250.00										
		\$ 178.33	\$ 58,850.00	\$ 150.00	\$ 49,500.00	\$ 120.00		\$ 39,600.00	\$ 265.00		\$ 87,450.00
\$375.00	\$ 67,500.00										
		\$ 241.67	\$ 43,500.00	\$ 275.00	\$ 49,500.00	\$ 150.00		\$ 27,000.00	\$ 300.00		\$ 54,000.00
\$3.00	\$ 11,193.00						**	\$ 123,123.00	\$ 1.00	**	\$ 3,731.00
	\$ 1,098,724.75		\$ 1,351,367.28		\$ 1,178,272.85			\$ 1,646,223.00			\$ 1,229,606.00

B.4 Traffic Control Plan				
Item No.	Control No.	Item Description	Unit Measure	Unit Quantity
78	01555	TRAFFIC CONTROL PLAN	LS	1
TOTAL B.4 BASE UNIT PRICES				
B.5 Storm Water Pollution Prevention Items				
Item No.	Control No.	Item Description	Unit Measure	Unit Quantity
79	01570, 01410	STORM WATER POLLUTION PREVENTION (MAINTENANCE)	LS	1
80	01573	FILTER FABRIC FENCE	LF	320
81	01573	REINFORCED FILTER FABRIC BARRIER	LF	100
82	1574	TEMPORARY TYPE I FILTER DAM (INCLUDES PLACEMENT AND REMOVAL)	EA	2
83	1575	STABILIZED CONSTRUCTION ACCESS	SY	333
84	02921	HYDROMULCH SEEDING, COMPLETE IN PLACE	AC	4.5
TOTAL B.5 BASE UNIT PRICES				
C.**Extra Work Items:				
Item No.	Control No.	Item Description	Unit Measure	Unit Quantity
85	02318	EXTRA HAND EXCAVATION	CY	300
86	02318	EXTRA MACHINE EXCAVATION	CY	300
87	02318	EXTRA BANK SAND BACKFILL	CY	150
88	02321	EXTRA CEMENT STABILIZED SAND	CY	150
89	02319	EXTRA BORROW	CY	700
90	DWGS	EXTRA CONCRETE WELL PLUG (12-INCH DIA MAX), COMPLETE IN PLACE	VF	10
91	DWGS	EXTRA PETROLEUM PRODUCTION FRAC TANK, INCLUDING APPURTENANCES	DAY	24
92	DWGS	EXTRA HYDRO-EXCAVATION SERVICES (ACTIVE LINES ONLY)	DAY	14
93	DWGS	EXTRA REMOVE AND DISPOSE RESIDUAL PETROLEUM PRODUCTS PER TCEQ REQUIREMENTS	BARREL	10
94	DWGS	EXTRA CUT, PLUG & REMOVE ABANDONED ASBESTOS CEMENT PIPELINES (ALL SIZES) INCLUDING DISPOSAL, PLUGS & APPURTENANCES, PERFORMED BY A LICENSED ASBESTOS ABATEMENT CONTRACTOR, PER PLANS AND SPECS, COMPLETE IN PLACE	LF	150
95	DWGS	EXTRA SAMPLING AND ANALYSIS IN POTENTIALLY PETROLEUM CONTAMINATED AREA (PPCA)	LS	1
96	DWGS	EXTRA TRANSPORTATION AND DISPOSAL OF CLASS I SOILS	CY	30
97	DWGS	EXTRA TRANSPORTATION AND DISPOSAL OF CLASS II SOILS	CY	10

Engineer's Estimate		Average of bid items		BDS Constructors,LLC dba MK Constructors		JEM Field Services *			Vaca Underground Utilities, Inc. *		
Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price		Total in figures	Unit Price		Total in figures
\$ 5,000.00	\$ 5,000.00	\$ 35,833.33	\$ 35,833.33	\$ 6,000.00	\$ 6,000.00	\$ 6,500.00		\$ 6,500.00	\$ 95,000.00		\$ 95,000.00
	\$ 5,000.00		\$ 35,833.33		\$ 6,000.00			\$ 6,500.00			\$ 95,000.00
Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price		Total in figures	Unit Price		Total in figures
\$15,000.00	\$ 15,000.00	\$ 4,666.67	\$ 4,666.67	\$ 3,000.00	\$ 3,000.00	\$ 6,000.00		\$ 6,000.00	\$ 5,000.00		\$ 5,000.00
\$2.00	\$ 640.00	\$ 9.00	\$ 2,880.00	\$ 7.00	\$ 2,240.00	\$ 10.00		\$ 3,200.00	\$ 10.00		\$ 3,200.00
\$2.75	\$ 275.00	\$ 23.33	\$ 2,333.33	\$ 10.00	\$ 1,000.00	\$ 50.00		\$ 5,000.00	\$ 10.00		\$ 1,000.00
\$2,350.00	\$ 4,700.00	\$ 1,500.00	\$ 3,000.00	\$ 1,000.00	\$ 2,000.00	\$ 3,000.00		\$ 6,000.00	\$ 500.00		\$ 1,000.00
\$25.00	\$ 8,325.00	\$ 66.67	\$ 22,200.00	\$ 75.00	\$ 24,975.00	\$ 25.00		\$ 8,325.00	\$ 100.00		\$ 33,300.00
\$1,750.00	\$ 7,875.00	\$ 3,833.33	\$ 17,250.00	\$ 2,500.00	\$ 11,250.00	\$ 4,500.00		\$ 20,250.00	\$ 4,500.00		\$ 20,250.00
	\$ 36,815.00		\$ 52,330.00		\$ 44,465.00			\$ 48,775.00			\$ 63,750.00
Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price		Total in figures	Unit Price		Total in figures
\$ 25.00	\$ 7,500.00	\$ 33.33	\$ 10,000.00	\$ 33.00	\$ 9,900.00	\$ 42.00		\$ 12,600.00	\$ 25.00		\$ 7,500.00
\$ 30.00	\$ 9,000.00	\$ 65.00	\$ 19,500.00	\$ 40.00	\$ 12,000.00	\$ 125.00		\$ 37,500.00	\$ 30.00		\$ 9,000.00
\$ 18.00	\$ 2,700.00	\$ 27.12	\$ 4,067.50	\$ 28.35	\$ 4,252.50	\$ 35.00		\$ 5,250.00	\$ 18.00		\$ 2,700.00
\$ 22.00	\$ 3,300.00	\$ 39.00	\$ 5,850.00	\$ 50.00	\$ 7,500.00	\$ 45.00		\$ 6,750.00	\$ 22.00		\$ 3,300.00
\$ 5.00	\$ 3,500.00	\$ 16.67	\$ 11,666.67	\$ 20.00	\$ 14,000.00	\$ 25.00		\$ 17,500.00	\$ 5.00		\$ 3,500.00
\$ 100.00	\$ 1,000.00	\$ 2,770.00	\$ 27,700.00	\$ 210.00	\$ 2,100.00	\$ 8,000.00		\$ 80,000.00	\$ 100.00		\$ 1,000.00
\$ 50.00	\$ 1,200.00	\$ 143.33	\$ 3,440.00	\$ 230.00	\$ 5,520.00	\$ 150.00		\$ 3,600.00	\$ 50.00		\$ 1,200.00
\$ 250.00	\$ 3,500.00	\$ 2,550.00	\$ 35,700.00	\$ 3,200.00	\$ 44,800.00	\$ 4,200.00		\$ 58,800.00	\$ 250.00		\$ 3,500.00
\$ 500.00	\$ 5,000.00	\$ 633.33	\$ 6,333.33	\$ 650.00	\$ 6,500.00	\$ 750.00		\$ 7,500.00	\$ 500.00		\$ 5,000.00
\$ 100.00	\$ 15,000.00	\$ 196.67	\$ 29,500.00	\$ 140.00	\$ 21,000.00	\$ 350.00		\$ 52,500.00	\$ 100.00		\$ 15,000.00
\$ 1,000.00	\$ 1,000.00	\$ 2,333.33	\$ 2,333.33	\$ 1,500.00	\$ 1,500.00	\$ 4,500.00		\$ 4,500.00	\$ 1,000.00		\$ 1,000.00
\$ 25.00	\$ 750.00	\$ 833.00	\$ 24,990.00	\$ 2,274.00	\$ 68,220.00	\$ 200.00		\$ 6,000.00	\$ 25.00		\$ 750.00
\$ 50.00	\$ 500.00	\$ 1,054.00	\$ 10,540.00	\$ 2,762.00	\$ 27,620.00	\$ 350.00		\$ 3,500.00	\$ 50.00		\$ 500.00

98	02221	CUT, PLUG & REMOVE UNKNOWN UTILITY ABANDONED PIPELINES UNKNOWN SIZE (12-INCH TO 24-INCH DIAMETER) AT CHANNEL ROW, INCLUDING PLUGS, COMPLETE IN PLACE	LF	150
99	02221	CUT, PLUG & REMOVE ABANDONED TANDEM ENERGY CORPORATION 2.5-INCH STEEL NATURAL GAS PIPELINE AT CHANNEL ROW, COMPLETE IN PLACE	LF	350
100	02221	CUT, PLUG & REMOVE ABANDONED TANDEM ENERGY CORPORATION 3.5-INCH STEEL NATURAL GAS PIPELINE AT CHANNEL ROW, COMPLETE IN PLACE	LF	148
101	02221	CUT, PLUG & REMOVE ABANDONED 6.5-INCH UNKNOWN UTILITY AT CHANNEL ROW (LOCATION 1F09), COMPLETE IN PLACE	LF	26
102	02221	CUT, PLUG & REMOVE ABANDONED TANDEM ENERGY CORPORATION 8.5-INCH FIBERGLASS SALTWATER PIPELINE AT CHANNEL ROW (LOCATION 2V09), COMPLETE IN PLACE	LF	241
103	02221	RELOCATE ACTIVE TANDEM ENERGY CORPORATION 2.75-INCH STEEL NATURAL GAS PIPELINE (WITH 160 LF OF 8" STEEL CASING UNDER CHANNEL ROW) (LOCATION B12) UNDER CHANNEL, COMPLETE IN PLACE	LF	206
104	02221	CUT, REMOVE & RELOCATE ACTIVE TANDEM ENERGY CORPORATION 8.63-INCH STEEL NATURAL GAS PIPELINE TO CHANNEL PERIMETER (NO CASING - LOCATION U), COMPLETE IN PLACE	LF	380
TOTAL C. BASE UNIT PRICES				
D. Cash Allowance Table:				
Cash Allowance				
No.	Cash Allowance Short Title			
1	Centerpoint Energy Pole Relocation			
TOTAL D. CASH ALLOWANCES				

Engineer's Estimate		Average of bid items		BDS Constructors,LLC dba MK Constructors		JEM Field Services *			Vaca Underground Utilities, Inc.*		
	\$ 10,500.00										
\$ 70.00		\$ 111.67	\$ 16,750.00	\$ 140.00	\$ 21,000.00	\$ 125.00		\$ 18,750.00	\$ 70.00		\$ 10,500.00
	\$ 7,000.00										
\$ 20.00		\$ 60.00	\$ 21,000.00	\$ 35.00	\$ 12,250.00	\$ 125.00		\$ 43,750.00	\$ 20.00		\$ 7,000.00
	\$ 3,700.00										
\$ 25.00		\$ 63.33	\$ 9,373.33	\$ 40.00	\$ 5,920.00	\$ 125.00		\$ 18,500.00	\$ 25.00		\$ 3,700.00
	\$ 910.00										
\$ 35.00		\$ 86.67	\$ 2,253.33	\$ 50.00	\$ 1,300.00	\$ 175.00		\$ 4,550.00	\$ 35.00		\$ 910.00
	\$ 10,845.00										
\$ 45.00		\$ 103.33	\$ 24,902.53	\$ 64.99	\$ 15,662.59	\$ 200.00		\$ 48,200.00	\$ 45.00		\$ 10,845.00
	\$ 15,450.00										
\$ 75.00		\$ 151.67	\$ 31,243.33	\$ 130.00	\$ 26,780.00	\$ 250.00		\$ 51,500.00	\$ 75.00		\$ 15,450.00
	\$ 47,500.00										
\$ 125.00		\$ 170.00	\$ 64,600.00	\$ 160.00	\$ 60,800.00	\$ 250.00		\$ 95,000.00	\$ 100.00		\$ 38,000.00
	\$ 149,855.00		\$ 361,743.36		\$ 368,625.09			\$ 576,250.00			\$ 140,355.00
	Cash Allowance		Cash Allowance		Cash Allowance			Cash Allowance			Cash Allowance
	in figures		in figures		in figures			in figures			in figures
	\$ 15,000.00		\$ 15,000.00	**	\$15,000.00	**		\$15,000.00	**		\$15,000.00
	\$ 15,000.00		\$15,000.00		\$15,000.00			\$15,000.00			\$15,000.00

Notes: Red text indicates math error
* indicates bidder did not include all addendum changes (non-responsive)
** indicates bid item does not match addendum quantity and/or description

Gunda Corporation Project No. 17001-01

City of Tomball Project Bid No. 2019-03

E&P Project No. 2003-10005

M121W Channel Pipeline Relocation Plans

Bidder Qualifications Comparison

Call No.	Company	Contact	Construction Category	Projects	Notes
1	BDS Constructors,LLC dba MK Constructors 16736 IH 10 Vidor, Tx 77662 409-769-0089	Michael Brown	1. Public Utility Relocation 2. Pipeline Demolition 3. Pipeline Relocation	1. Liberty County, Sabine County and City of Beaumont Waterline Projects 2. Kinder-Morgan & Energy Transfer Pipeline Repair Projects 3. Navitas-Midstream 20" Carbon Steel Gas Pipeline Projects (2015)	1. Few Waterline Construction Projects 2. Assumes Product Remediation included in most Repair Projects 3. Gas gathering and various Texas pipeline projects including Eagle Rock, Regency Gas, Kinder Morgan, Energy Transfer & Navitas-Midstream.
2	Vaca Underground Utilities, Inc. 5721 Elberta Str Houston, Texas 77050 832-275-7241	Everardo Vaca	1. Public Utility Relocation 2. Pipeline Demolition 3. Pipeline Relocation	1. City of Houston Waterline Replacement in Commerce Area 2. N/A 3. N/A	1. Multiple Waterline Construction Projects including Directional Drilling 2. No Pipeline Demolition or Pipeline Remediation Projects Cited 3. No Pipeline Relocation Projects Cited



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CORPORATION
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TBPE Registration Number: F-3531

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 17, 2019

Topic:

Appoint Assistant Court Clerk Brandy Oliver as Juvenile Case Manager for the Tomball Municipal Court

Background:

State legislation requires that City Council approve the appointment of a Juvenile Case Manager for our Municipal Court. Due to the retirement of our former Juvenile Case Manager, we now have a vacancy.

Since the aforementioned retirement, Assistant Court Clerk Brandy Oliver has assumed these duties and she is doing an excellent job.

Origination:

City Manager

Recommendation:

It is recommended that City Council approve the appointment of Brandy Oliver as Juvenile Case Manager.

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

Robert S. Hauck

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
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Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 17, 2019

Topic:

Approve Resolution No. 2019-19, a Resolution of the City of Tomball, Texas, Amending Residential Dwelling Building Permit Fees for Fiscal Year 2018-2019

Background:

House Bill 852 immediately prohibits municipalities within the State of Texas to consider the valuation of a residential dwelling when determining residential dwelling building permit fees. Since the adopted City of Tomball Master Fee Schedule does factor the value of the work being performed when determining the permit fee, Resolution No. 2019-19 establishes a revised method of calculating residential dwelling permit fees.

The revised method establishes the fee based on the the square footage of the residential dwelling or remodel. The revised fee schedule is as follows:

- \$0.35 per square foot of building area for new construction and/or remodels (\$100.00 minimum fee).
- \$100.00 fee for roof repair/replacement and foundation repairs.
- When a plan is required to be submitted, a plan-checking fee shall be paid equal to one-half of the residential dwelling building permit fee. Such plan-checking fee is in addition to the residential dwelling permit fee.

The proposed fees are comparable to the previous valuation-based approach; therefore, financial impacts to the City's budget and development community will be negligible.

Origination:

Community Development Department

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

ATTACHMENTS:

Resolution No. 2019-19
Amended Building Permit Fees
House Bill 852

RESOLUTION NO. 2019-19

**A RESOLUTION OF THE CITY OF TOMBALL, TEXAS,
AMENDING RESIDENTIAL DWELLING BUILDING PERMIT
FEES FOR FISCAL YEAR 2018-2019.**

* * * * *

WHEREAS, the City Council finds it in the best interest of the health, safety and benefit of the citizens of Tomball to adopt a revised fee schedule for residential dwelling building permits to better align the fees charged with the associated costs of review, inspection, permitting and regulation for residential dwelling construction; and

WHEREAS, the City Council desires to adopt the revised Residential Dwelling Building Permit Fee Schedule attached to this resolution in furtherance of these stated goals; **NOW, THEREFORE**

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

Section 1. The City Council finds that the facts and matters set forth in the preamble of this Resolution are true and correct.

Section 2. A revised Residential Dwelling Building Permit Fee Schedule for the City of Tomball, Texas for Fiscal Year 2018-2019 is hereby adopted, a copy of which is attached hereto as Exhibit "A" and incorporated herein.

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

PASSED, APPROVED, AND RESOLVED this 17th day of June 2019.

Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary

EXHIBIT A

BUILDING PERMIT FEES

TOTAL VALUATION

FEE

\$1,000.00 and less	No fee, unless inspection is required, in which case, a \$15.00 fee for each inspection shall be charged.
\$1,001.00 to \$50,000.00	\$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,001.00 and up	\$1,660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

PLAN-CHECKING FEES

When the valuation of the proposed construction exceeds \$1,000.00 and a plan is required to be submitted, a plan-checking fee shall be paid equal to one-half of the building permit fee. Such plan-checking fee is in addition to the building permit fee.

RESIDENTIAL DWELLING BUILDING PERMIT FEES

\$0.35 per square foot of building area for new construction and/or remodels (\$100.00 minimum fee).

\$100.00 fee for roof repair/replacement and foundation repairs.

RESIDENTIAL DWELLING PLAN-CHECKING FEES

When a plan is required to be submitted, a plan-checking fee shall be paid equal to one-half of the residential dwelling building permit fee. Such plan-checking fee is in addition to the residential dwelling permit fee.

MOVING FEE

For the moving of any building or structure, the fee shall be \$110.00.

DEMOLITION FEE

For the demolition of any building or structures, the fee shall be:

0 - 100,000 cu. ft.	\$60.00
100,000 cu. ft. and over	\$0.50/1,000 cu. ft.

\$60.00 up to 100,000 cubic feet of demolition

\$0.50 per 1,000 cubic feet for volume greater than 100,000 cubic feet

For example, a 120,000 cubic foot demolition would cost \$70.00

PENALTIES

Where work for which a permit is required by this Code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

A Certificate of Occupancy must be issued before moving in or a \$250.00 penalty, payable by the permit holder, and disconnection of all City utilities will apply.

The re-inspection fee shall be \$25.00

1 AN ACT

2 relating to information a municipality may consider in determining
3 the amount of certain building permit and inspection fees.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter Z, Chapter 214, Local Government
6 Code, is amended by adding Section 214.907 to read as follows:

7 Sec. 214.907. PROHIBITION ON CERTAIN VALUE-BASED BUILDING
8 PERMIT AND INSPECTION FEES. (a) In determining the amount of a
9 building permit or inspection fee required in connection with the
10 construction or improvement of a residential dwelling, a
11 municipality may not consider:

12 (1) the value of the dwelling; or

13 (2) the cost of constructing or improving the
14 dwelling.

15 (b) A municipality may not require the disclosure of
16 information related to the value of or cost of constructing or
17 improving a residential dwelling as a condition of obtaining a
18 building permit except as required by the Federal Emergency
19 Management Agency for participation in the National Flood Insurance
20 Program.

21 SECTION 2. Section 214.907(a), Local Government Code, as
22 added by this Act, applies only to a building permit or inspection
23 fee assessed by a municipality on or after the effective date of
24 this Act in connection with the construction or improvement of a

1 residential dwelling.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2019.

H.B. No. 852

President of the Senate

Speaker of the House

I certify that H.B. No. 852 was passed by the House on April 16, 2019, by the following vote: Yeas 126, Nays 9, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 852 was passed by the Senate on May 8, 2019, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 17, 2019

Topic:

Approve Resolution No. 2019-22, a Resolution of the City Council of the City of Tomball, Texas, Requesting Governor Abbott to Veto House Bill 2439

Background:

The State Legislature passed HB 2439 during the regular session. HB 2439 will make cities' adopted façade standards illegal, which will nullify the effect of Tomball's Ordinance No. 2015-16, adopted in 2015 to create an exterior building material/façade overlay district to enhance the SH 249 and FM 2920 corridors.

Resolution No. 2019-22 will state Tomball's opposition to HB 2439 and encourage Governor Abbott to veto HB 2439, allowing Texas cities to exercise the local control authorized by their citizens to elected city officials.

Origination:

Robert Hauck

Recommendation:

Approve Resolution No. 2019-22

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. 2019-22

HB 2439

RESOLUTION NO. 2019-22

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF TOMBALL, TEXAS, REQUESTING GOVERNOR
ABBOTT TO VETO HOUSE BILL 2439**

* * * * *

WHEREAS, House Bill 2439 will prohibit city governments from regulating or limiting building products and materials for both new construction and alterations for both residential and commercial buildings that differ from those approved for use by the national model code; and

WHEREAS, this bill also prohibits city governments from establishing a standard for a building product, material or aesthetic method in construction if the standard is more stringent than a standard in the national model code; and

WHEREAS, the current Tomball Code of Ordinances establishes a Facade Overlay District and Old Town Area which encourages the consistent use of building materials designed to promote the aesthetic look and feel of Tomball's Old Town Area creating a sense of community over a relatively small area geographically and historically central to the City of Tomball; and

WHEREAS, if HB 2439 is signed into law, all of these requirements in the City of Tomball's Code of Ordinances will be invalid; and

WHEREAS, the national model building codes are even less stringent than local zoning ordinances and do not take into consideration aesthetics, quality, longevity, and economic impacts on a city, and deregulation of exterior building materials, especially for commercial buildings, would be detrimental to our City; **NOW, THEREFORE**

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

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

Section 2. That the City Council of the City of Tomball, Texas, hereby requests Governor Abbott veto HB 2439.

Section 3. That the City Council has found and determined that the meeting at which this Resolution is considered was open to the public and that notice thereof was given in accordance with the provisions of the Texas Open Meetings Act, Texas Government Code, Chapter 551, as amended and that a quorum of the City Council was present.

Section 4. That the City Secretary is hereby authorized and directed to cause a certified copy of this Resolution be immediately sent to Governor Abbott.

Section 5. That this Resolution shall be effective immediately upon its passage and approval.

PASSED, APPROVED AND ADOPTED this the 17th day of June 2019.

Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary

By: Phelan

H.B. No. 2439

A BILL TO BE ENTITLED

AN ACT

relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction of residential or commercial structures.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 10, Government Code, is amended by adding Subtitle Z to read as follows:

SUBTITLE Z. MISCELLANEOUS PROVISIONS PROHIBITING CERTAIN GOVERNMENTAL ACTIONS

CHAPTER 3000. GOVERNMENTAL ACTION AFFECTING RESIDENTIAL AND COMMERCIAL CONSTRUCTION

Sec. 3000.001. DEFINITIONS. In this chapter:

(1) "National model code" has the meaning assigned by Section 214.217, Local Government Code.

(2) "Governmental entity" has the meaning assigned by Section 2007.002.

Sec. 3000.002. CERTAIN REGULATIONS REGARDING BUILDING PRODUCTS, MATERIALS, OR METHODS PROHIBITED. (a) Notwithstanding any other law, a governmental entity may not adopt or enforce a rule, charter provision, ordinance, order, or other regulation that prohibits, directly or indirectly, the use of a building product, material, or method in the construction, renovation, maintenance, or other alteration of a residential or commercial structure if the building product, material, or method is approved for use by a national model code that:

(1) is adopted by the governmental entity; and

(2) governs the construction, renovation, use, or maintenance of buildings and building systems.

(b) A rule, charter provision, ordinance, order, or other regulation adopted by a governmental entity that conflicts with this section is void.

Sec. 3000.003. INJUNCTION. (a) The attorney general may bring an action in the name of the state to enjoin a violation of this chapter.

(b) The attorney general may recover reasonable attorney's fees and costs incurred in bringing an action under this section.

SECTION 2. This Act takes effect September 1, 2019.