NOTICE OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS

MONDAY, APRIL 1, 2019

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, April 1, 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 Brandon Guindon, Real Life Ministries

3.0 Pledges to U.S. and Texas Flags

4.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*

5.0 Reports and Announcements

- April 13, 2019 – **2nd Saturday at the Depot**
- April 8-13, 2019 – **Tomball Annual Spring Clean-Up and Chipping Week**

- April 13, 2019 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
    - Denise Fiore - Report on the success of the 2019 ***Tomball Honky Tonk Chili Challenge Festival***

6.0 Approve the Minutes of the March 18, 2019 Regular Tomball City Council Meeting

7.0 Old Business:

7.1 Adopt, on Second Reading, Ordinance No. 2019-04, an Ordinance of the City of Tomball, Texas, Continuing the City's Juvenile Curfew Ordinance; and Making Other Findings and Provisions Related Thereto

7.2 Adopt, on Second Reading, Ordinance No. 2019-07, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances By Amending Section 50-79 (Old Town And Mixed Use District) By Reducing the Required Building Setbacks For Nonresidential Uses in a Portion of the Old Town Area; 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.

7.3 Adopt, on Second Reading, Ordinance No. 2019-08, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Adding Language to Section 46-92, Same – Heavy Metals and Toxic Materials, of Article III, Industrial Wastes, of Chapter 46, Utilities, to Allow the City Manager or Designee to Determine if Listed Materials Can Be Discharged into Sewer System; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed $2,000 for Each Day of Violation of Any Provision Hereof; Making Findings of Fact; and Providing for Other Related Matters

8.0 New Business:

8.1 Approve Resolution No. 2019-08, a Resolution of the City Council of the City of Tomball, Texas, Sponsoring the July 4th Celebration, to be Held in Tomball on Thursday, July 4, 2019, Closing State Highway Business 249 from Hicks Street to the North Entrance to the Kroger Parking Lot from 12:00 PM until 11:00 PM, and Authorizing the City Manager to Issue a Letter to TxDOT Requesting the Closure of the Designated Portion of State Highway Business 249

8.2 Discussion and Possible Action regarding Hines' Public Improvement District Proposal

9.0 Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 28th day of March 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: April 1, 2019

Topic:

- Led by Pastor Brandon Guindon, Real Life Ministries

Background:

Origination:

Recommendation:

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

ACTION TAKEN

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: April 1, 2019

Topic:

- April 13, 2019 – **2nd Saturday at the Depot**
- April 8-13, 2019 – **Tomball Annual Spring Clean-Up and Chipping Week**
- April 13, 2019 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
  - Denise Fiore - Report on the success of the 2019 ***Tomball Honky Tonk Chili Challenge Festival***

Background:

Origination:
Various

Recommendation:
N/A

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

ACTION TAKEN

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

ATTACHMENTS:

Tomball Annual Spring Clean-Up and Chipping Week
Tomball Consolidated Recycling Day

City of Tomball
Spring Clean-up 2019
Week of April 8 - 13, 2019
Monday – Friday 8:00 am - 4:30 pm
Saturday 8:00 am – 2:00 pm

***Objective*:**
Provide the citizens of Tomball the opportunity to dispose of large, hard-to-handle items that cannot be collected under the normal garbage service. **** (Remember this is for residents of Tomball only (must have City utility bill as proof); NO COMMERCIAL BUSINESS OPERATORS).****
Roll Offs will be available at the City Landfill Site (0.4 miles north of E. Hufsmith on Rudolph) to dispose of the acceptable items. See map to landfill site below.

Acceptable Items:
- Lumber
- Bicycle parts
- Plywood (4 cubic yd. max)
- Rugs/carpet
- Siding
- Clothing
- Box springs and mattresses
- Bricks (small amount)
- Empty buckets or pails
- Rocks (small amount)
- Washing machines
- Dryers
- Water heaters
- Furniture
- Gutter material
- Cardboard boxes
- Lawn mowers (oil & gas removed)
- Dishwashers

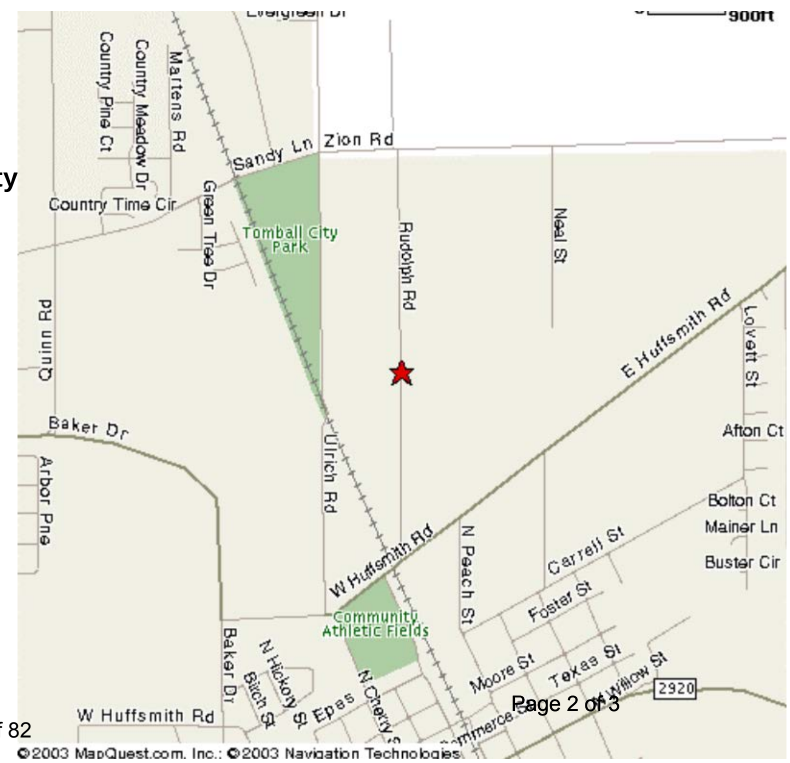
Not Acceptable:
- Tree trimmings
- Limbs or stumps
- Tires
- Engine blocks
- Structural steel
- Equipment with oil or gasoline
- Fertilizers
- Pool chemicals
- Batteries
- Oil filters/ Oil
- Insecticides
- Container with unmarked labels holding liquids
- Sealed containers of any type
- Large amounts of construction or demolition material
- Smoke detectors
- Pressurized vessels
- Flammable, combustible or corrosive products
- Raw meats, food products or byproducts
- Televisions
- Computers
- Refrigerators
- AC units
- Appliances with Freon or fluids
- Paint
- Sharps (needles)

All appliances must be drained and tagged by a licensed technician.
Acceptable items are anything that is inert and would not harm the environment before or after disposal into a landfill.

The City of Tomball will provide a free chipping service for brush and small limbs during the week of Tomball Cleanup. To participate, please call **(281) 290-1425** the week **before** the cleanup begins to be added to the chipping list.

CHIPPING SPECIFICATIONS:
- **Turn all big ends toward road or in one direction**
- **Limit size to 6 ft.-8 ft., maximum**
- **Keep logs separate from limbs, nothing over 6" dia.**
- **Place limbs & brush near roadside and not on property**
- **Leaves are to be bagged for regular garbage pickup Monday and Thursday**

Map to Tomball landfill site →



Tomball Consolidated Recycling Day

Lone Star College- Tomball Campus
30555 Tomball Parkway
South Entrance
<u>*Saturday, April 13, 2019 - 10am-2pm*</u>

Drive Thru and Drop off the Following *APPROVED* items:

E-Waste (Computers and all accessories, Fax Machines, Laptop Batteries, UPS/Lithium/Ni-cad Batteries, Small Kitchen Appliances), Prescription Drugs (Pill & Liquid), Tires (Car/Truck/ATV), Car Battery (Non-Leaking), Used Motor oil, Household Paper/Plastics, Paper Shredding

NEEDLES, PLASTIC BAGS, PAINT, STYROFOAM, GLASS, OR HOUSEHOLD TRASH WILL <u>NOT</u> BE ACCEPTED

THANKS TO OUR COMMUNITY PARTNERS AND SPONSORS!!

Regular City Council
Agenda Item
Data Sheet

Meeting Date: April 1, 2019

Topic:
Approve the Minutes of the March 18, 2019 Regular 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	Readings Passed	Other
☐ Yes ☐ No	☐ 1st ☐ 2nd	

ATTACHMENTS:

Draft Minutes of the March 18, 2019 Regular City Council Meeting

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

MONDAY, MARCH 18, 2019
6:00 P.M.

1.0 Meeting was called to order by Mayor Fagan. Other members present:

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Director of Public Works – Beth Jones
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Community Development – Craig Meyers
Assistant City Secretary – Tracy Garcia
Community Center Manager – Rosalie Dillon
Police Officer-Investigations – James Harral

2.0 The invocation was led by Pastor Mike Hernandez – Local Church

3.0 Pledges to the U. S. and Texas Flags were led by Randy Parr.

4.0 No public comments were received.

5.0 Reports and Announcements:

- April 13, 2019 – **2nd Saturday** at the Depot
- April 8-13, 2019 – **Tomball Annual Spring Clean-Up and Chipping Week**

- April 13, 2019 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- Reports by City staff and members of Council about items of community interest on which no action will be taken:

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the March 4, 2019 Regular Tomball City Council Meeting .

Motion carried unanimously.

7.0 New Business:

7.1 Conduct Public Hearing and Review of the City of Tomball's Juvenile Curfew Ordinance to Determine the Need to Re-adopt, Abolish, Continue or Modify the Ordinance

Mayor Fagan opened the Public Hearing at 6:04 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:04 p.m.

7.2 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance No. 2019-04 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2019-04, an Ordinance of the City of Tomball, Texas, Continuing the City's Juvenile Curfew Ordinance; and Making Other Findings and Provisions Related Thereto. Vote was as follows:

Councilman Ford	Aye
Councilman Stoll	Aye
Councilman Degges	Aye
Councilman Townsend	Aye
Councilman Klein Quinn	Aye

Motion carried unanimously.

7.3 Consideration to Approve **<u>Zoning Case P19-017:</u>** Request by Don Cannon to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately one acre of land legally described as Tract 10C Abstract 629 J Pruitt, within the City of Tomball, Harris County, Texas, generally located on the north side of Timkin Road, east of Blackshear Road, from the Single-Family 6 District to the General Retail District

- Conduct Public Hearing on **<u>Zoning Case P19-017</u>**

  Mayor Fagan opened the Public Hearing at 6:09 p.m.; the following comments were received:

Melvin Jones 308 Blackshear	-	Expressed his opposition to the proposed rezoning.
Samuel Shannon 823 Lizzie Lane	-	Expressed his opposition to the proposed rezoning.
Mary Scott 919 Timkin	-	Expressed her opposition to the proposed rezoning.
Willie Johnson 1032 Timkin	-	Expressed her opposition to the proposed rezoning.
Elena Holiday 414 S. Chestnut	-	Expressed her opposition to the proposed rezoning.
JoAnn Scott 919 Timkin	-	Expressed her opposition to the proposed rezoning.
Latrell Shannon 823 Lizzie Lane	-	Provided detail regarding original Zoning Commission decision for the area in question.

  Receiving no additional public comments, Mayor Fagan closed the Public Hearing at 6:24 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2019-05 by caption only on First Reading.

  Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt on First Reading, Ordinance No. 2019-05, 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 One Acre of Land, legally described as Tract 10C Abstract 629 J Pruitt, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the General Retail District; Said Property being generally located on the North Side of

Timkin Road, East of Blackshear 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	Nay
Councilman Stoll	Aye
Councilman Degges	Nay
Councilman Townsend	Nay
Councilman Klein Quinn	Nay

Motion FAILED, 1 vote Aye, 4 votes Nay.

7.4 Consideration to Approve **Zoning Case P19-018:** Request by Don Cannon for a Conditional Use Permit to operate an *office showroom/warehouse* on approximately one acre of land legally described as Tract 10C Abstract 629 J Pruitt, within the City of Tomball, Harris County, Texas, generally located on the north side of Timkin Road, east of Blackshear Road and zoned General Retail District.

- Conduct Public Hearing on **Zoning Case P19-018**
- Adopt on First Reading, Ordinance No. 2019-06, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Don Cannon, to Operate an “Office Showroom/Warehouse”; Said Property being Approximately One Acre, and being legally described as Tract 10C Abstract 629 J Pruitt, Harris County, Texas, generally located on the North Side of Timkin Road, East of Blackshear Road; Providing Requirements and Conditions for This CUP; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed $2,000 for Violations Hereof; and Providing for Severability

No public hearing was held nor was any consideration of Ordinance No. 2019-06 given, due to the failure of Ordinance No. 2019-05.

7.5 Consideration to Approve **Zoning Case P19-023:** Request by the City of Tomball to amend Section 50-79 (Old Town & Mixed Use District) of the Tomball Code of Ordinances by reducing the required building setbacks for nonresidential uses in a portion of the Old Town Area.

- Conduct Public Hearing on **Zoning Case P19-023**

Mayor Fagan opened the Public Hearing at 7:02 p.m.; the following comment was received:

Will Benson will@bensondev.com	-	Email expressing his support for the proposed text amendment was read into the record.

Receiving no additional public comments, Mayor Fagan closed the Public Hearing at 7:03 p.m.

- Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance No. 2019-07 by caption only on First Reading.

  Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Ford, to adopt on First Reading, Ordinance No. 2019-07, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Amending Section 50-79 (Old Town and Mixed Use District) by Reducing the Required Building Setbacks for Nonresidential Uses in a Portion of the Old Town Area; 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	Aye
Councilman Stoll	Aye
Councilman Degges	Aye
Councilman Townsend	Aye
Councilman Klein Quinn	Aye

Motion carried unanimously.

7.6 Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2019-08 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2019-08, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Adding Language to Section 46-92, Same – Heavy Metals and Toxic Materials, of Article III, Industrial Wastes, of Chapter 46, Utilities, to Allow the City Manager or Designee to Determine if Listed

Materials Can Be Discharged into Sewer System; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed $2,000 for Each Day of Violation of Any Provision Hereof; Making Findings of Fact; and Providing for Other Related Matters.

Motion to AMEND was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2019-08, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Adding Language to Section 46-92, Same – Heavy Metals and Toxic Materials, of Article III, Industrial Wastes, of Chapter 46, Utilities, to Allow the City Manager or Designee to Determine if Listed Materials Can Be Discharged into Sewer System; 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, adding the provision that the words "in writing" be added after the word "approved" in Sec. 46-92. Vote was as follows:

Councilman Ford	Aye
Councilman Stoll	Aye
Councilman Degges	Aye
Councilman Townsend	Aye
Councilman Klein Quinn	Aye

Motion, as AMENDED, carried unanimously.

8.0 Motion was made by Councilman Townsend, second by Councilman Ford, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 1st day of April 2019.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council Agenda Item Data Sheet

Meeting Date: April 1, 2019

Topic:

Adopt, on Second Reading, Ordinance No. 2019-04, an Ordinance of the City of Tomball, Texas, Continuing the City's Juvenile Curfew Ordinance; and Making Other Findings and Provisions Related Thereto

Background:

The curfew ordinance must be readopted every three (3) years. The City is required to hold public hearings before adopting a new ordinance [L.G.C., Section 370.002(2)]:

"§ 370.002. REVIEW OF JUVENILE CURFEW ORDER OR ORDINANCE.

(a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year hereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:

(1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;
(2) conduct public hearings on the need to continue the ordinance or order; and
(3) abolish, continue, or modify the ordinance or order.

(b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire."

Public hearings were held on March 4 and March 18, 2019 regarding the effectiveness and the need to continue the ordinance. This will be the first reading of the ordinance.

Ordinance No. 2016-03 was adopted on April 4, 2016; the new ordinance must be adopted within the three-year timeframe. The adoptive date (second reading) of Ordinance No. 2019-04 will be considered on April 1, 2019.

The requirements under LGC, Sec. 370.002, regarding the adoption/readoption of juvenile curfew ordinances, have not been amended as of today's date.

Origination:

Billy Tidwell, Chief of Police

Recommendation:

Adopt Ordinance No. 2019-04 on Second Reading

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

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2019-04

ORDINANCE NO. 2019-04

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, CONTINUING THE CITY'S JUVENILE CURFEW ORDINANCE; AND MAKING OTHER FINDINGS AND PROVISIONS RELATED THERETO.

* * * * * * * * * * *

WHEREAS, the City of Tomball adopted a curfew ordinance that is codified as Article II of Chapter 30 of the Tomball Code of Ordinances; and

WHEREAS, the City has reviewed and continued the juvenile curfew ordinance by adopting a new ordinance every three years; and

WHEREAS, Section 370.002 of the Texas Local Government Code requires that the City Council of a city that adopts a juvenile curfew ordinance at least every three years review the ordinance's effects on the community and on problems the ordinance was intended to remedy; and

WHEREAS, the City Council conducted public hearings on March 4, 2019 and March 18, 2019 on the ordinance's effects on the community and on the problems the ordinance was intended to remedy; and

WHEREAS, the City Council finds that as a direct result of implementing a juvenile curfew the incidents of juvenile crime and victimization has been reduced; and

WHEREAS, the City Council finds the continuance of the juvenile curfew ordinance is necessary to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile violence and criminal activity; and

WHEREAS, a curfew applicable to persons under the age of 17 years will be in the interest of public health, safety, and general welfare, and will diminish the undesirable impact of such conduct on the citizens of the City of Tomball; now therefore

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

Section 1. That in accordance with Section 370.002 of the Texas Local Government Code the City Council has reviewed the City's juvenile curfew ordinance, and its effects on the community and on the problems the ordinance was intended to remedy, and that the findings in the preamble of this ordinance are adopted and incorporated herein.

Section 2. The City's curfew ordinance, codified as Article II of Chapter 50 of the Tomball Code of Ordinances, is hereby continued and shall continue in full force and effect.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 18TH DAY OF MARCH 2019.

COUNCILMAN FORD	AYE
COUNCILMAN STOLL	AYE
COUNCILMAN DEGGES	AYE
COUNCILMAN TOWNSEND	AYE
COUNCILMAN KLEIN QUINN	AYE

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 1ST DAY OF APRIL 2019.

COUNCILMAN FORD	________
COUNCILMAN STOLL	________
COUNCILMAN DEGGES	________
COUNCILMAN TOWNSEND	________
COUNCILMAN KLEIN QUINN	________

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

Regular City Council
Agenda Item
Data Sheet

Meeting Date: April 1, 2019

Topic:

Adopt, on Second Reading, Ordinance No. 2019-07, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances By Amending Section 50-79 (Old Town And Mixed Use District) By Reducing the Required Building Setbacks For Nonresidential Uses in a Portion of the Old Town Area; 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, March 11, 2019, after conducting a public hearing, the Planning and Zoning Commission unanimously voted to recommend approval of the text amendment.

Please note, on page 2, Section 50-79(e)(2)c., the word "corner" should have been redlined and struck-through.

Origination:

City of Tomball

Recommendation:

Adopt Ordinance No. 2019-07 on Second Reading

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

Craig T. Meyers, Community Development Director

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2019-07
Staff Report
Notice of Public Hearing

ORDINANCE NO. 2019-07

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE CODE OF ORDINANCES BY AMENDING SECTION 50-79 (OLD TOWN AND MIXED USE DISTRICT) BY REDUCING THE REQUIRED BUILDING SETBACKS FOR NONRESIDENTIAL USES IN A PORTION OF THE OLD TOWN AREA; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * * * * * *

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

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

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

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

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

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

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

Section 2. Section 50-79 (Old Town and Mixed Use District) of the Code of Ordinances is hereby amended by the following:

Section 50-79(e)(2)b.

Minimum front yard is 20 feet. ~~Commercial properties located on Main Street, Market Street and Commerce Street~~ With the exception of Cherry Street, for that portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, may have a zero front building line.

Section 50-79(e)(2)c.

Minimum side and rear yard is ~~ten~~ five feet or ten percent of the lot width if less than ~~100~~ 50 feet of lot width when adjacent to a nonresidential zoning district or use. If adjacent to a Single-Family, Duplex (Two-Family), Patio Home or Single-Family Attached District or use, then side and/or rear setback shall be a minimum of 20 feet. With the exception of Cherry Street, ~~corner~~ lots ~~shall maintain a ten side yard setback.~~ adjacent to a public right-of-way may have a zero foot side and rear yard setback provided no portion of the building obstructs the visibility of vehicular traffic.

Section 3. Chapter 50 (Zoning) of the Code of Ordinances shall be revised and amended as indicated above.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any other provision of Chapter 50 (Zoning) of the Code of Ordinances except as indicated above.

Section 5. 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 6. 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 18TH DAY OF MARCH 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 APRIL 2019.

COUNCILMAN FORD	________
COUNCILMAN STOLL	________
COUNCILMAN DEGGES	________
COUNCILMAN TOWNSEND	________
COUNCILMAN QUINN	________

____
Gretchen Fagan, Mayor

ATTEST:

____
Doris Speer, City Secretary

Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: March 11, 2019
City Council Public Hearing Date: March 18, 2019

Zoning Case P19-023: Request by the City of Tomball to amend Section 50-79 (Old Town & Mixed Use District) of the Tomball Code of Ordinances by reducing the required building setbacks for nonresidential uses in a portion of the Old Town Area.

PROPOSED AMENDMENTS

Section 50-79(e)(2)b.

Current	Minimum front yard is 20 feet. Commercial properties located on Main Street, Market Street and Commerce Street may have a zero front building line.
Proposed	Minimum front yard is 20 feet. With the exception of Cherry Street, for that portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, may have a zero front building line.

Section 50-79(e)(2)c.

Current	Minimum side and rear yard is ten feet or ten percent of the lot width if less than 100 feet of lot width when adjacent to a nonresidential zoning district or use. If adjacent to a Single-Family, Duplex (Two-Family), Patio Home or Single-Family Attached District or use, then side and/or rear setback shall be a minimum of 20 feet. Corner lots shall maintain a ten side yard setback.
Proposed	Minimum side and rear yard is five feet or ten percent of the lot width if less than 50 feet of lot width when adjacent to a nonresidential zoning district or use. If adjacent to a Single-Family, Duplex (Two-Family), Patio Home or Single-Family Attached District or use, then side and/or rear setback shall be a minimum of 20 feet. With the exception of Cherry Street, corner lots adjacent to a public right-of-way may have a zero foot side and rear yard setback provided no portion of the building obstructs the visibility of vehicular traffic.

ANALYSIS

As development continues to expand in the Old Town Area, City Staff has begun to evaluate ways to encourage and promote new development and redevelopment. Properties on Commerce Street and Market Street, between Pine Street and the railroad tracks, currently have a zero foot front setback. There has been growing interest in developing or redeveloping properties on other streets in the area.

The Old Town Area is defined in Section 50-79(a)(4) as all lots included in the revised map recorded with Harris County on July 8, 1912 (Exhibit A). Some properties in the Old Town Area have special requirements beyond the Old Town & Mixed Use Zoning District standards. Section 50-79(f)(5)(a) states "For that portion of the Old Town area bounded by Fannin Street, Houston Street, the railroad tracks, and Pine Street, and including the lots that front on Fannin Street and Houston Street adjacent to such portion, there shall not be a minimum off-street parking requirement for mixed use or nonresidential developments." The proposed building setback amendments would include the same properties that are in the parking waiver area. This is also the same area that was the subject of the Livable Centers Downtown Plan.

The Livable Centers Downtown Plan encourages increased walkability within the study area of the Old Town Area. The Livable Centers Downtown Plan focuses on the idea of creating a sense of place and setting Tomball apart. One aspect of the Plan focuses on alley improvements to encourage walkability through the downtown area. By decreasing the required rear setback, businesses would be able to take advantage of the potential pedestrian traffic along the alleys by creating a secondary storefront.

According to goals and objectives outlined in the Comprehensive Plan, the Old Town Area should be developed in a way that preserves, promotes, and enhances the Downtown realm's unique historic character. The Comprehensive Plan's Future Land Use designation of Old Town Use is meant to build upon the eclectic ambiance and charm of the area. The planning guidelines listed in the Comprehensive Plan suggest the City develop specific standards for this area to "address the unique lot sizes and buildings while encouraging quality development". The proposed amendments would allow for more flexibility for development or redevelopment.

PUBLIC COMMENT

A public hearing notice was published in the Potpourri on February 27, 2019. Any public comment forms received by City Staff will be presenting in the agenda packets or during the scheduled meeting.

EXHIBITS

A. Old Town Area Plat
B. Land Use Map

Exhibit “A”
Old Town Area Plat

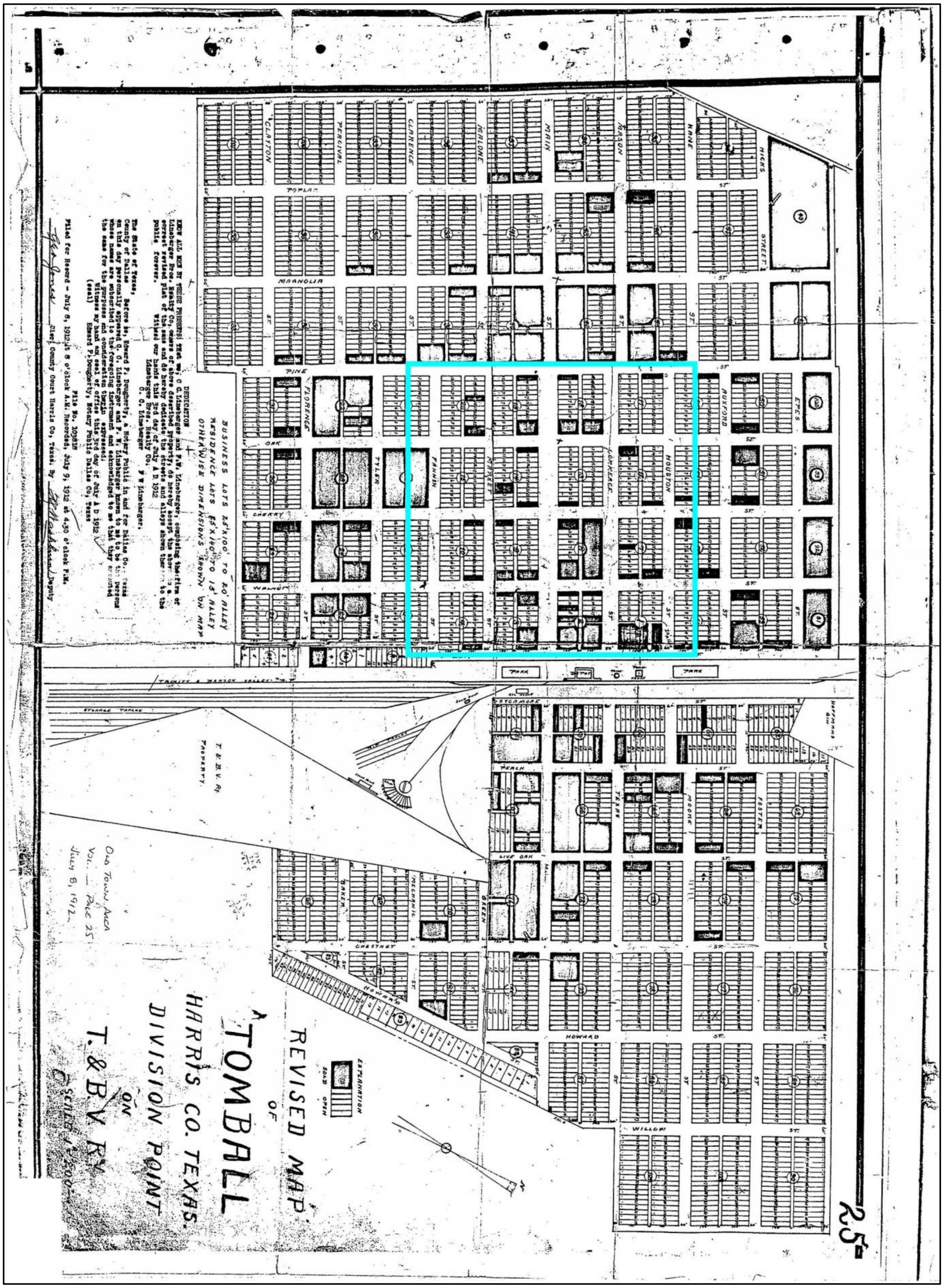
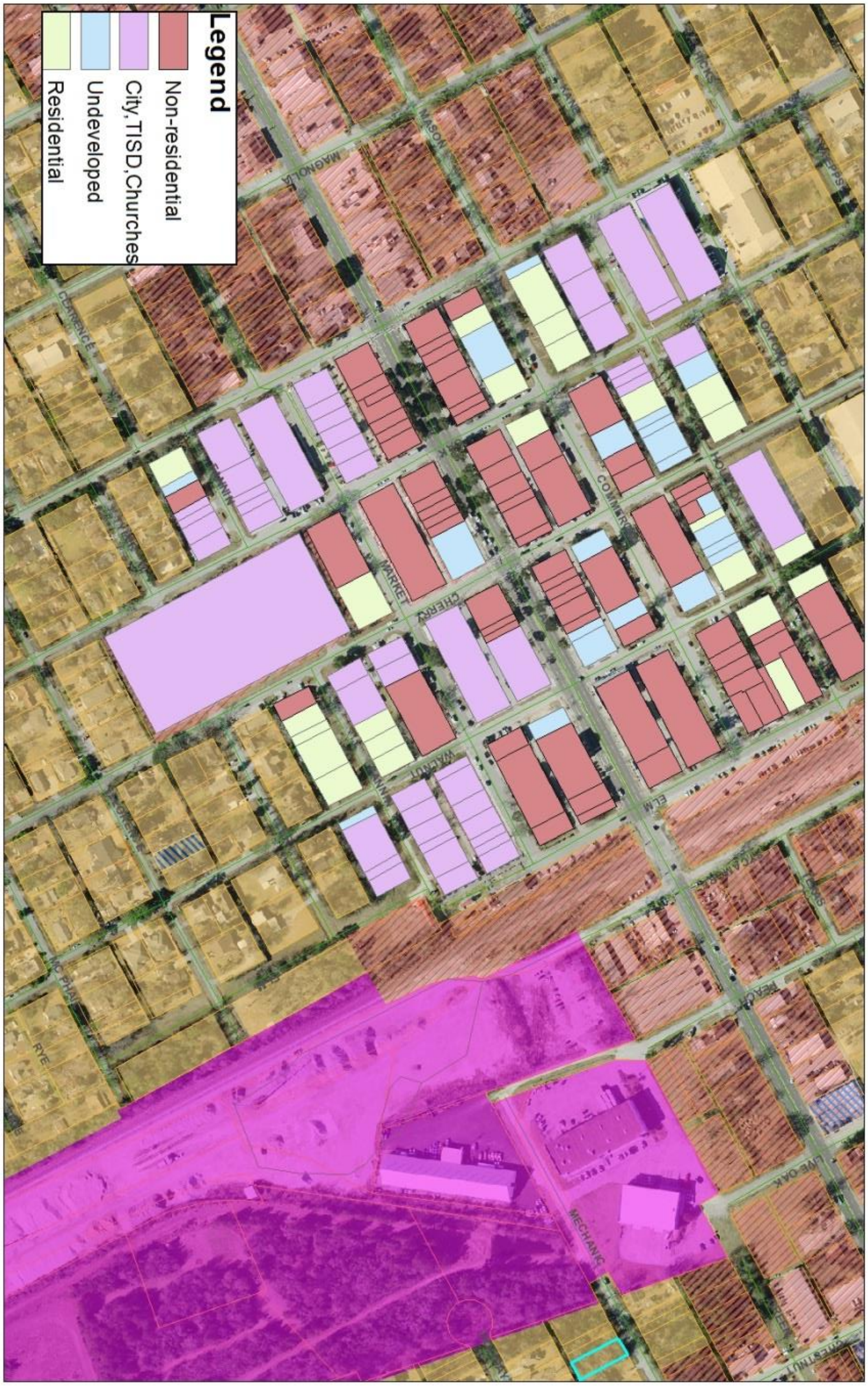


Exhibit "B"
Land Use Map



NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 11, 2019
&
CITY COUNCIL
MARCH 18, 2019

Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 11, 2019, at 6:00 P.M.,** and by the City Council of the City of Tomball on **Monday, March 18, 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 P19-017: Request by Don Cannon to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately one acre of land legally described as Tract 10C Abstract 629 J Pruitt, within the City of Tomball, Harris County, Texas, generally located on the north side of Timkin Road, east of Blackshear Road, from the Single-Family 6 District to the General Retail District.

Zoning Case P19-018: Request by Don Cannon for a Conditional Use Permit to operate an *office showroom/warehouse* on approximately one acre of land legally described as Tract 10C Abstract 629 J Pruitt, within the City of Tomball, Harris County, Texas, generally located on the north side of Timkin Road, east of Blackshear Road and zoned General Retail District.

Zoning Case P19-023: Request by the City of Tomball to amend Section 50-79 (Old Town & Mixed Use District) of the Tomball Code of Ordinances by reducing the required building setbacks for nonresidential uses in a portion of the Old Town Area.

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 **7th** day of **March 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: April 1, 2019

Topic:

Adopt, on Second Reading, Ordinance No. 2019-08, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Adding Language to Section 46-92, Same – Heavy Metals and Toxic Materials, of Article III, Industrial Wastes, of Chapter 46, Utilities, to Allow the City Manager or Designee to Determine if Listed Materials Can Be Discharged into Sewer System; 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:

The Tomball Municipal Code of Ordinances Section 46-92 currently does not allow any heavy metals and/ or toxic materials to be discharged into the City's sewer system. The amendment for this ordinance would allow for the City Manager or designee, to approve certain heavy metals and toxic materials to be discharged in accordance with the City's procedure for evaluating industrial wastewater discharge.

The adopted Standard Operating Procedure allows for each industrial user to be individually evaluated based on the completion of an Industrial Wastewater Discharge Questionnaire. Based on the provided answers, if the user qualifies based on the criteria as Significant Industrial User, the company will be required to be permitted and report directly to the TCEQ who will act as a Control Authority and will be required to send bi-annual compliance monitoring reports to the City for review.

Ordinance No. 2019-08 now includes the provision that approval must be "in writing" in Sec. 46-92

Origination:

Public Works Department

Recommendation:

Adopt Ordinance No. 2019-08 on Second reading.

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

Meagan Mageo, Project Coordinator

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2019-08 - Revised
SOP for Evaluating Industrial Wastewater Discharge
Industrial Discharge Questionnaire

ORDINANCE NO. 2019-08

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS BY ADDING LANGUAGE TO SECTION 46-92, SAME – HEAVY METALS AND TOXIC MATERIALS, OF ARTICLE III, INDUSTRIAL WASTES, OF CHAPTER 46, UTILTITIES, TO ALLOW THE CITY MANAGER OR DESIGNEE TO DETERMINE IF LISTED MATERIALS CAN BE DISCHARGED INTO SEWER SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * * * * * *

WHEREAS, the City Council of the City of Tomball, Texas finds that it is in the best interest of the health, safety and welfare of its citizens to amend Section 46-92 of its Code of Ordinances to give the City Manager or designee the discretion to allow certain materials to enter into the City's sewer system; now, therefore,

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

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

Section 2. Section 46-92, Same – Heavy Metals and Toxic Metals, of Article III, Industrial Wastes, of Chapter 46, Utilities, of the Code of Ordinances of the City of Tomball, Texas is hereby amended by adding thereto the language underscored below:

"Sec. 46-92. - Same—Heavy metals and toxic materials.

The following list of heavy metals and toxic materials, but not limited to, shall not be discharged into the sewer system, unless approved, in writing, by City Manager or designee.

(1) Arsenic.

(2) Barium.

(3) Boron.

(4) Cadmium.

(5) Chromium (total).

(6) Copper.

(7) Lead.

(8) Manganese.

(9) Mercury.

(10) Nickel.

(11) Selenium.

(12) Silver.

(13) Zinc.

(14) Antimony.

(15) Beryllium.

(16) Bismuth.

(17) Cobalt.

(18) Molybdenum.

(19) Tin.

(20) Uranylion.

(21) Rhenium.

(22) Strontium.

(23) Tellurium.

(24) Herbicides.

(25) Fungicides.

(26) Pesticides. "

Section 3. 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 4. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed $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 18TH DAY OF MARCH 2019.

COUNCILMAN FORD	AYE
COUNCILMAN STOLL	AYE
COUNCILMAN DEGGES	AYE
COUNCILMAN TOWNSEND	AYE
COUNCILMAN QUINN	AYE

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF APRIL 2019.

COUNCILMAN FORD	________
COUNCILMAN STOLL	________
COUNCILMAN DEGGES	________
COUNCILMAN TOWNSEND	________
COUNCILMAN QUINN	________

____
Gretchen Fagan, Mayor

ATTEST:

____
Doris Speer, City Secretary

CITY OF TOMBALL

STANDARD OPERATING PROCEDURE

JANUARY 2019

PROCEDURE FOR EVALUATING INDUSTRIAL WASTEWATER DISCHARGE

City of Tomball has not yet been required by the TCEQ to develop and implement an Industrial Pretreatment Program (IPP) to manage industrial wastewater discharges. Chapter 46 (Utilities), Article III (Industrial Wastes), of the City of Tomball's code of ordinances sets forth requirements for industrial users of the City's wastewater system to comply with in their wastewater discharge. The objectives of this section of the ordinance are to prevent the introduction of pollutants by industrial users that can interfere with the wastewater water treatment plant's operation; pass through the WWTP and adversely affect the water quality of the receiving waters and sludge produced; protect WWTP personnel who may be affected by the wastewater and sludge in the course of their employment; and enable the City to comply with the WWTP's Texas Pollutant Discharge Elimination System (TPDES) permit conditions, sludge use and disposal requirements. The City does currently have several industrial users in its service that discharge only sanitary wastewater and not process wastewater.

This Standard Operating Procedure (SOP) will identify the steps the City can take to evaluate wastewater discharge from new or existing industries to determine if the discharge is acceptable or if the discharge needs to be monitored or permitted.

1. When a new industrial user approaches the City with a request to contribute its wastewater to its sewer system or if the City wants to evaluate the discharge from an existing industrial discharger, the City shall send the "Industrial Wastewater Discharge Questionnaire" to the industrial user to collect all pertinent information on the entity's wastewater.

2. Upon receiving the completed "Industrial Wastewater Discharge Questionnaire" from the industry, City shall check if all the required sections of the form have been completed. If there are incomplete sections, resend the form back to the industry. Items in the form that are not applicable to the industry's line of business shall be noted at "N/A".

3. Check if the industry is or will be discharging wastewater other than restrooms, showers, kitchen, or laundry rooms (excluding commercial laundry establishments) discharged to the City sewer. Check if the industry answered "Yes" to Section A. Question 6 of the "Industrial Wastewater Discharge Questionnaire"**.**

4. If the industry answered "Yes" to Section A. Question 6 of the "Industrial Wastewater Discharge Questionnaire", then check if the Sections B through D of the form have been completed.

5. If the industry answered "Yes" to Section A. Question 6 of the "Industrial Wastewater Discharge Questionnaire", then check if the industry meets the criteria for a Significant Industrial User (SIU) below. If any of the below are yes/true, then the industry is an SIU.
   (a) Is the industry subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I and subchapter N? – Check if the any of boxes in Section C, Question 1. A. of "Industrial Wastewater Discharge Questionnaire" are checked; or
   (b) Does the industry discharge an average of 25,000 gallons per day or more of process wastewater to the City sewer (excluding sanitary, non-contact cooling and boiler blowdown wastewater)? – Check the volume noted in Section B. Question 10. e. of "Industrial Wastewater Discharge Questionnaire"; or
   (c) Does the process wastewater from the industry contribute to more than 5% of the WWTP's hydraulic or organic capacity? Calculate average organic contribution from the industry and check if it exceeds the 5% value shown in table below:

WWTP	Permitted Avg. Daily Flow (MGD)	5% of Hydraulic Capacity (gallons per day)	Design Organic Capacity, BOD (lb/day)	5% of organic capacity, BOD (lb/day)
North	1.5	75,000	2,502	125
South	1.5	75,000	2,502	125

6. If the industry meets any of the criteria for a Significant Industrial User (SIU) listed above, then the industry may need to be permitted or at least monitored by the City. The industry shall be required to meet the provisions set forth in Chapter 46, Article III of City of Tomball's code of ordinances pertaining to the industrial discharges.

7. City of Tomball currently does not have an approved Industrial Pretreatment Program. A Categorical Industrial User (CIU) subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I and subchapter N, located in a jurisdiction that does not have an approved IPP will report directly to the TCEQ who will act as the Control Authority. If the industry reports directly to TCEQ, request the industry to send the bi-annual periodic compliance monitoring reports for City's review and records. City shall monitor the industry's compliance with the categorical pretreatment standards.

8. If the industry contributes or intends to contribute process wastewater to the City's sewer system, then check if the industry meets the following using the information provided in Section C of the "Industrial Wastewater Discharge Questionnaire":
   (a) Fats, Oils, and Grease (FOG) concentration below 100 mg/L

(b) pH between 5.5 and 9.5
(c) Temperature less than 150 degrees Fahrenheit
(d) Chlorides concentration below 250 mg/L
(e) Total Dissolved Solids (TDS) below 1,500 mg/L
(f) BOD and TSS concentration below 1,500 mg/L
(g) Concentration of heavy metals below values shown in Table below:

Pollutant	Max. Discharge Concentration (mg/L)*
Aluminum	3.0
Arsenic	0.8
Barium	0.3
Benzene	0.45
Cadmium	0.1
Chromium (Total)	6.0
Copper	0.22
Cyanide	0.4
Ethylbenzene	0.1
Lead	0.13
Mercury	0.0002
Nickel	1.3
Nonylphenol	0.2
Selenium	0.10
Silver	0.3
Toluene	0.1
Zinc	4.3

* These concentrations are not absolute limits, instead they are to be used as suggested benchmark value to determining the acceptability of the industrial waste.

9. If the industry meets all the criteria listed above in item 8, the discharge shall be considered as acceptable. If the industry does not meet one or more of the criteria listed in item 8, the discharge should be evaluated on a case-by-case basis.
   (a) High concentrations of FOG can clog the collection system.
   (b) High concentrations of BOD can impact the organic capacity of the WWTP.
   (c) High TDS and chlorides can impact the WWTP's compliance with the water quality standards of the receiving stream.
   (d) Exceeding the maximum discharge concentration for heavy metals has the potential to cause plant upset or interference.

10. These are guidelines the City can follow in evaluating the new or existing industrial discharge. It should be noted that an industry discharging process wastewater to the City sewer system may meet all the acceptability criteria but still have potential to cause plant upset or interference. City should document addition of new industrial users to its wastewater system. Periodic failure of Whole Effluent Toxicity (WET)

biomonitoring testing and plant upset events can often be attributed to toxic and often unidentified pollutant from industrial sources. If either of these events occur on a regular basis, industrial dischargers to the City should be further investigated.

CITY OF TOMBALL

PUBLIC WORKS DEPARTMENT

INDUSTRIAL WASTEWATER DISCHARGE QUESTIONNAIRE

Note: Each item must be answered. If not applicable to your business, please indicate N/A.

SECTION A – GENERAL INFORMATION

1. Company name, mailing address, and telephone number:

   Name ____

   Address ____

   ____

   Telephone No. (_____) ________________________

2. Address of production or manufacturing facility. (If same as above, check [ ])

   Name ____

   Address ____

   ____

   Telephone No. (_____) ________________________

3. Name, title, telephone number and email (if available) of person authorized to represent this firm in official dealings with the Environmental Officer or Authorized Representative:

   Name ____

   Address ____

   ____

   Telephone No. (_____) ________________________

4. Alternate person to contact concerning information provided herein:

   Name ______________________________ Title: ____________________________________

   Telephone: ______________________________ Email: ________________________________

5. Identify the type of business conducted (auto repair, machine shop, electroplating, warehousing, painting, printing, meat packing, food processing, etc.)

   ____

   ____

   ____

6. Will there be any wastewater other than domestic use of restrooms, showers, kitchen, or laundry rooms (excluding commercial laundry establishments) discharged to the City sewer?

   ☐ Yes ☐ No

If the answer to Question 6 above is No, sign the below statement and stop here, otherwise complete the rest of the questionnaire and then sign below

Note to Signing Official: In accordance with Title 40 of the Code of Federal Regulations Part 403 Section 403.14, information and data provided in this questionnaire which identifies the nature and frequency of discharge shall be available to the public without restriction. Requests for confidential treatment of other information shall be governed by procedures specified in 40 CFR Part 2. Should a discharge permit be required for your facility, the information in this questionnaire will be used to issue the permit.

This is to be signed by an authorized official of your firm AFTER adequate completion of this form and review of the information by the signing official.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

__________________________ ____

Date Signature of Official
(Seal if applicable)

7. Provide a brief narrative description of the manufacturing, production, or service activities your firm conducts.

____

____

____

8. Standard Industrial Classification Number(s) (SIC Code) for your facilities:

____

9. List all environmental control documents held by facility (i.e. air permit(s) or registration industrial/construction storm water discharge permit, hazardous materials storage or disposal registrations or permits).

____

____

____

10. This facility generates the following types of wastes (check all that apply and include **all waste streams generated**, not just those discharge to sanitary sewer).

Average gallons per day

a. [ ] Domestic wastes ______________ [ ] estimated [ ] measured
(restrooms, employee showers, etc.)

b. [ ] Cooling water ______________ [ ] estimated [ ] measured
(non-contact)

c. [ ] Boiler/Tower blowdown ______________ [ ] estimated [ ] measured

d. [ ] Cooling water, contact ______________ [ ] estimated [ ] measured

e. [ ] Process ______________ [ ] estimated [ ] measured

f. [ ] Equipment/Facility Washdown. ______________ [ ] estimated [ ] measured

g. [ ] Air pollution Control Unit ______________ [ ] estimated [ ] measured

h. [ ] Storm water runoff to sewer ______________ [ ] estimated [ ] measured

i. [ ] Other (describe) ________________________ [ ] estimated [ ] measured

____

____

____

Total a through i = ________________ gallons per day

11. Volume of wastes discharged to (check all that apply):

Average gallons per day

[ ]	Sanitary sewer	______________________	[ ] estimated	[ ] measured
[ ]	Storm sewer	______________________	[ ] estimated	[ ] measured
[ ]	Surface water	______________________	[ ] estimated	[ ] measured
[ ]	Ground water	______________________	[ ] estimated	[ ] measured
[ ]	Wastehaulers	______________________	[ ] estimated	[ ] measured
[ ]	Recycled off site	______________________	[ ] estimated	[ ] measured
[ ]	Recycled into process/product	______________________	[ ] estimated	[ ] measured
[ ]	Evaporation	______________________	[ ] estimated	[ ] measured
[ ]	Other (describe)	______________________	[ ] estimated	[ ] measured

Provide name and address of wastehaulers, if used.

____

____

____

12. Is a Spill and Slug Prevention Control and Countermeasure Plan prepared for the facility?
[ ] Yes [ ] No

SECTION B – FACILITY OPERATION CHARACTERISTICS

1. Number of employee shifts worked per 24-hour day ______________________________

   Average number of employees per shift ______________________________

2. Starting times of each shift:

   1st __________am 2nd __________am 3rd __________am

Note: The following information in this section must be completed for each product line.

3. Principal product produced: ______________________________

4. Raw materials and process additives used:

   ____

   ____

   ____

   ____

   ____

5. Production process is:

   [ ] Batch [ ] Continuous [ ] Both __________ %batch ______ %continuous

   Average number of batches per 24-hour day ______________________________

6. Hours of operation: ________ a.m. to _______ p.m. [ ] continuous

7. Is production subject to seasonal variation? [ ] Yes [ ] No

   If yes, briefly describe seasonal production cycle.

   ____

   ____

8. What is the anticipated volume of wastewater discharge from this process?

   Average gallons per day _____________ high season _____________low season

9. List all expected contaminants in the process waste stream (attach additional sheets if needed).

____

____

10. List any potential contaminants that could be formed as a result of combination the industry's total process waste stream co-mingling with other sanitary waste streams. (attach additional sheets if needed).

____

____

____

11. Are any process changes or expansions planned during the next three years?

[ ] Yes [ ] No

If yes, attach a separate sheet to this form describing the nature of planned changes or expansions.

12. Please submit process flow diagrams and diagrams detailing the discharge to the city sewer system.

SECTION C **- WASTEWATER INFORMATION**

1. If your facility employs processes in any of the industrial categories or business activities listed below and if any of these processes generate wastewater or waste sludge, place a check beside the category or business activity (check all that apply, from 40 CFR various sections).

A. Categorical Industries

1. [ ] Aluminum Forming
2. [ ] Asbestos Manufacturing
3. [ ] Battery Manufacturing
4. [ ] Builder's Paper and Board Mills
5. [ ] Carbon Black Manufacturing
6. [ ] Centralized Waste Treatment
7. [ ] Coil Coating and Canmaking
8. [ ] Copper Forming
9. [ ] Electric & Electronic Components
10. [ ] Electroplating
11. [ ] Feedlots
12. [ ] Ferroalloy Manufacturing
13. [ ] Fertilizer Manufacturing
14. [ ] Glass Manufacturing
15. [ ] Grain Mills
16. [ ] Ink Formulation
17. [ ] Industrial Laundries
18. [ ] Inorganic Chemicals
19. [ ] Iron & Steel Manufacturing
20. [ ] Landfills and Incinerators
21. [ ] Leather Tanning & Finishing
22. [ ] Metal Finishing
23. [ ] Metal Products and Machinery
24. [ ] Metal Molding and Casting
25. [ ] Metal Products & Machinery Phase 1
26. [ ] Metal Products & Machinery Phase 2
27. [ ] Nonferrous Metals Forming and Metal Powders
28. [ ] Nonferrous Metals Manufacturing
29. [ ] Organic Chemicals, Plastics, and Synthetic Fibers
30. [ ] Paint Formulation
31. [ ] Paving and Roofing Materials
32. [ ] Pesticides Formulation, Packaging, & Repackaging
33. [ ] Petroleum Refining
34. [ ] Pharmaceutical Manufacturing
35. [ ] Porcelain Enameling
36. [ ] Pulp & Paper and Paperboard

37. [ ] Rubber Manufacturing
38. [ ] Soaps & Detergents Manufacturing
39. [ ] Steam Electric Power Generating
40. [ ] Sugar Processing
41. [ ] Timber Products Processing
42. [ ] Transportation Equipment Cleaning
43. [ ] Waste combustors

B. Other Non-Categorical Industries

1. [ ] Adhesives
2. [ ] Auto & Other Laundries
3. [ ] Canned and Preserved Fruits and Vegetables Processing Source
4. [ ] Canned and Preserved Seafood Processing
5. [ ] Cement Manufacturing
6. [ ] Concentrated Animal Feeding Operations
7. [ ] Concentrated Aquatic Animal Production
8. [ ] Coal Mining
9. [ ] Gum & Wood Chemicals
10. [ ] Hospitals
11. [ ] Inorganic Chemicals
12. [ ] Waste combustors

C. Other Business Activity

1. [ ] Dairy Products
2. [ ] Slaughter/Meat Packing/Rendering/Meat Products
3. [ ] Food/Edible Products Processor
4. [ ] Beverage Bottler

2. Pretreatment devices or processes used for treating wastewater or sludge (check as many as appropriate). Pretreatment is the elimination or reduction in the amount of pollutants discharged, or alteration to the nature of pollutant properties in the wastewater either before or instead of sending such pollutants to the City sewer. Control equipment such as equalization tanks or facilities for protection against surges or slug loadings are also pretreatment devices to be identified.

1. [ ] Air flotation
2. [ ] Centrifuge
3. [ ] Chemical precipitation
4. [ ] Chlorination
5. [ ] Cyclone
6. [ ] Filtration
7. [ ] Flow Equalization
8. [ ] Grease or oil separation, type

9. [ ] Grease trap
10. [ ] Grit Removal
11. [ ] Ion Exchange
12. [ ] Neutralization, pH correction
13. [ ] Ozonation
14. [ ] Reverse Osmosis
15. [ ] Screen
16. [ ] Sedimentation
17. [ ] Septic tank
18. [ ] Solvent separation
19. [ ] Spill protection
20. [ ] Sump
21. [ ] Biological treatment, type
22. [ ] Rainwater diversion or storage ________________________
23. [ ] Other chemical treatment, type ________________________
24. [ ] Other physical treatment, type ________________________
25. [ ] Other, type ____
26. [ ] No pretreatment provided

3. If any wastewater analyses have been performed on the wastewater discharge(s) from your facilities, attach a copy of the most recent data to this questionnaire. Be sure to include the date of the analysis, name of laboratory performing the analysis, and location(s) from which sample(s) were taken (attach sketches, plans, etc., as necessary).

4. Priority Pollutant Information – Please indicate by placing an "X" in the appropriate box by each listed chemical whether it is Known to be Present (K/P), Suspected to be Present (S/P), Known to be Absent (K/A), Suspected to be Absent (S/A) in your manufacturing or service activity or generated as a by-product.

CHEMICAL	K/P	S/P	K/A	S/A	Expected Concentration (mg/L)	
					Average	Max.
1. Acenaphthene						
2. Acrolein						
3. Acrylonitrile						
4. Benzene						
5. Benzidine						
6. Carbon tetrachloride						
7. Chlorobenzene						
8. 1,2,4-trichlorobenzene						
9. Hexachlorobenzene						
10. 1,2-dichloroethane						
11. 1,1,1-trichloreothane						

12. Hexachloroethane						
13. 1,1-dichloroethane						
14. 1,1,2-trichloroethane						
15. 1,1,2,2-tetrachloroethane						
16. Chloroethane						
17. REMOVED						
18. Bis(2-chloroethyl) ether						
19. 2-chloroethyl vinyl ethers						
20. 2-chloronaphthalene						
21. 2,4,6-trichlorophenol						
22. Parachlorometa cresol						
23. Chloroform						
24. 2-chlorophenol						
25. 1,2-dichlorobenzene						
26. 1,3-dichlorobenzene						
27. 1,4-dichlorobenzene						
28. 3,3-dichlorobenzidine						
29. 1,1-dichloroethylene						
30. 1,2-trans-dichloroethylene						
31. 2,4-dichlorophenol						
32. 1,2-dichloropropane						
33. 1,2-dichloropropylene						
34. 2,4-dimethylphenol						
35. 2,4-dinitrotoluene						
36. 2,6-dinitrotoluene						
37. 1,2-diphenylhydrazine						
38. Ethylbenzene						
39. Fluoranthene						
40. 4-chlorophenyl phenyl ether						
41. 4-bromophenyl phenyl ether						
42. Bis(2-chloroisopropyl) ether						
43. Bis(2-chloroethoxy) methane						
44. Methylene chloride						
45. Methyl chloride						
46. Methyl bromide						
47. Bromoform						
48. Dichlorobromomethane						
49. REMOVED						
50. REMOVED						
51. Chlorodibromomethane						

52. Hexachlorobutadiene						
53. Hexachlorocyclopentadiene						
54. Isophorone						
55. Naphthalene						
56. Nitrobenzene						
57. 2-nitrophenol						
58. 4-nitrophenol						
59. 2,4-dinitrophenol						
60. 4,6-dinitro-o-cresol						
61. N-nitrosodimethylamine						
62. N-nitrosodiphenylamine						
63. N-nitrosodi-n-propylamine						
64. Pentachlorophenol						
65. Phenol						
66. Bis(2-ethylhexyl) phthalate						
67. Butyl benzyl phthalate						
68. Di-N-Butyl Phthalate						
69. Di-n-octyl phthalate						
70. Diethyl Phthalate						
71. Dimethyl phthalate						
72. benzo(a) anthracene						
73. Benzo(a)pyrene						
74. Benzo(b) fluoranthene						
75. Benzo(b) fluoranthene						
76. Chrysene						
77. Acenaphthylene						
78. Anthracene						
79. Benzo(ghi) perylene						
80. Fluorene						
81. Phenanthrene						
82. Dibenzo(,h) anthracene						
83. Indeno (1,2,3-cd) pyrene						
84. Pyrene						
85. Tetrachloroethylene						
86. Toluene						
87. Trichloroethylene						
88. Vinyl chloride						
89. Aldrin						
90. Dieldrin						
91. Chlordane						

92. 4,4-DDT						
93. 4,4-DDE						
94. 4,4-DDD						
95. Alpha-endosulfan						
96. Beta-endosulfan						
97. Endosulfan sulfate						
98. Endrin						
99. Endrin aldehyde						
100. Heptachlor						
101. Heptachlor epoxide						
102. Alpha-BHC						
103. Beta-BHC						
104. Gamma-BHC						
105. Delta-BHC						
106. PCB–1242 (Arochlor 1242)						
107. PCB–1254 (Arochlor 1254)						
108. PCB–1221 (Arochlor 1221)						
109. PCB–1232 (Arochlor 1232)						
110. PCB–1248 (Arochlor 1248)						
111. PCB–1260 (Arochlor 1260)						
112. PCB–1016 (Arochlor 1016)						
113. Toxaphene						
114. Antimony						
115. Arsenic						
116. Asbestos						
117. Beryllium						
118. Cadmium						
119. Chromium						
120. Copper						
121. Cyanide, Total						
122. Lead						
123. Mercury						
124. Nickel						
125. Selenium						
126. Silver						
127. Thallium						
128. Zinc						
129. 2,3,7,8-TCDD						

5. Pollutants of Concern – Please indicate by placing an "X" in the appropriate box by each listed chemical whether it is Known to be Present (K/P), Suspected to be Present (S/P), Known to be Absent (K/A), Suspected to be Absent (S/A) in your manufacturing or service activity or generated as a by-product.

CHEMICAL	K/P	S/P	K/A	S/A	Expected Concentration (mg/L)	
					Average	Max.
Fats, Oils & Grease (FOG)						
Ammonia-Nitrogen						
Total Phosphorous						
Chloride						
Sulfates						
Total Dissolved Solids (TDS)						
pH						
Total Suspended Solids (TSS)						
Biochemical Oxygen Demand (BOD)						
Chemical Oxygen Demand (COD)						
Total Kjeldahl Nitrogen (TKN)						
Temperature						

6. If you are unable to identify the chemical constituents of products you use that discharged in your wastewater, attach copies of the materials safety data sheets for such products.

SECTION D – OTHER WASTES

1. Are any liquid wastes or sludge to be disposed of by means other than discharge to the sewer system?

[ ] Yes [ ] No

If “No,” skip remainder of Section D.
If “Yes,” complete items 2 and 3 below.

2. These wastes may best be described as:

Estimated Gallons or Pounds/Year

[ ] Acids and Alkalines ____________________

[ ] Heavy Metal Sludge ____________________

[ ] Inks/Dyes ______________________________

[ ] Oil and/or Grease ______________________________

[ ] Organic Compounds ______________________________

[ ] Paints ______________________________

[ ] Pesticides ______________________________

[ ] Plating Wastes ______________________________

[ ] Pretreatment Sludge ______________________________

[ ] Solvents/Thinners ______________________________

[ ] Other Hazardous Wastes (specify) ______________________________

____

____

[ ] Other Wastes (specify) ______________________________

____

For the above checked wastes, does your company practice:

[ ] on-site storage [ ] on-site disposal
[ ] off-site storage [ ] off-site disposal

Briefly describe the method(s) of storage or disposal checked above.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: April 1, 2019

Topic:

Approve Resolution No. 2019-08, a Resolution of the City Council of the City of Tomball, Texas, Sponsoring the July 4th Celebration, to be Held in Tomball on Thursday, July 4, 2019, Closing State Highway Business 249 from Hicks Street to the North Entrance to the Kroger Parking Lot from 12:00 PM until 11:00 PM, and Authorizing the City Manager to Issue a Letter to TxDOT Requesting the Closure of the Designated Portion of State Highway Business 249

Background:

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

Resolution No. 2019-08 is presented for Council approval for submission in the City's request to TXDoT for the closure of SH Business 249 between Keefer and Hicks on July 4th to host the fireworks and related festival activities.

Approval of Resolution No. 2019-08 will authorize the Mayor to execute Resolution 2019-08 authorizing the City to sponsor the event and will authorize the City Manager to issue the letter to TxDOT.

Origination:

Fire/Marketing Departments

Recommendation:

Approval of Resolution No. 2018-09

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

Parr/Sykora/Baxter

ACTION TAKEN

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

ATTACHMENTS:

Resolution No. 2019-08
Agreement
Ins. Certificate

RESOLUTION NO. 2019-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, SPONSORING THE CITY'S ANNUAL *JULY 4TH CELEBRATION*, TO BE HELD IN TOMBALL ON THURSDAY, JULY 4, 2019, CLOSING STATE HIGHWAY BUSINESS 249 FROM HICKS STREET TO THE NORTH ENTRANCE TO THE KROGER PARKING LOT FROM 12:00 P.M. UNTIL 11:00 P.M., AND AUTHORIZING THE CITY MANAGER TO ISSUE A LETTER TO TxDOT REQUESTING THE CLOSURE OF THE DESIGNATED PORTION OF STATE HIGHWAY BUSINESS 249

* * * * * * * * * *

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

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

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

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

WHEREAS the City of Tomball desires and requests the closure of the following portion of State Highway 249 on Thursday, July 4, 2019, from 12:00 p.m. to 11:00 p.m.;

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

PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 1ST DAY OF APRIL 2019.

GRETCHEN FAGAN, Mayor

ATTEST:

Doris Speer, City Secretary

Agreement No.________________

STATE OF TEXAS §

COUNTY OF TRAVIS §

AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT OF WAY

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

W I T N E S S E T H

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

WHEREAS, the local government has requested the temporary closure of Business State Highway 249 from the 28800 block to the 29200 block for the purpose of the City of Tomball 4th of July Celebration, from July 4, 2019 at 12:00 p.m. to July 4, 2019 at 12:00 (midnight) as described in the attached "Exhibit A," hereinafter identified as the "Event;" and

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

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

WHEREAS, on the 1st day of April, 2019, the Tomball City Council passed Resolution / Ordinance No. 2019-08, attached hereto and identified as "Exhibit B," establishing that the Event serves a public purpose and authorizing the local government to enter into this agreement with the State; and

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

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

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

A G R E E M E N T

Article 1. CONTRACT PERIOD

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

Article 2. EVENT DESCRIPTION

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

Article 3. OPERATIONS OF THE EVENT

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

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

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

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

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

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

G. The local government hereby assures the State that there will be appropriate passage allowance for emergency vehicle travel and adequate access for abutting property owners during construction and closure of the highway facility. These allowances and accesses will be included in the local government's traffic control plan.
H. The local government will avoid or minimize damage, and will, at its own expense, restore or repair damage occurring outside the State's right of way and restore or repair the State's right of way, including, but not limited to, roadway and drainage structures, signs, overhead signs, pavement markings, traffic signals, power poles and pavement, etc. to a condition equal to that existing before the closure, and, to the extent practicable, restore the natural and cultural environment in accordance with federal and state law, including landscape and historical features.

Article 4. OWNERSHIP OF DOCUMENTS
Upon completion or termination of this agreement, all documents prepared by the local government will remain the property of the local government. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

Article 5. TERMINATION
A. This agreement may be terminated by any of the following conditions:
(1) By mutual written agreement and consent of both parties.
(2) By the State upon determination that use of the State's right of way is not feasible or is not in the best interest of the State and the traveling public.
(3) By either party, upon the failure of the other party to fulfill the obligations as set forth herein.
(4) By satisfactory completion of all services and obligations as set forth herein.

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

Article 6. DISPUTES
Should disputes arise as to the parties' responsibilities or additional work under this agreement, the State's decision shall be final and binding.

Article 7. RESPONSIBILITIES OF THE PARTIES
The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

Article 8. INSURANCE

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

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

Article 9. AMENDMENTS

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

Article 10. COMPLIANCE WITH LAWS

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

Article 11. LEGAL CONSTRUCTION

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

Article 12. NOTICES

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

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

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

Article 13. SOLE AGREEMENT
This agreement constitutes the sole and only agreement between the parties hereto and supersedes any prior understandings or written or oral agreements respecting the within subject matter.

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

THE CITY OF TOMBALL______________________
Executed on behalf of the local government by:

By________________________________ Date April 1, 2019
City Official

Typed or Printed Name and Title Robert Hauck

City Manager

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

By________________________________ Date__________________________
District Engineer

Exhibit A

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

Exhibit B

RESOLUTION/ORDANCE

See attached City of Tomball Resolution 2019-08.

Exhibit C

TRAFFIC CONTROL

See attached Traffic Control Map.

Texas Department of Transportation

CERTIFICATE OF INSURANCE

Agents should complete this form by providing all requested information, then either email, fax, or mail this form as noted at the bottom of page two. Copies of endorsements listed below are not required as attachments to this certificate.

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not confer any rights or obligations other than the rights and obligations conveyed by the policies referenced on this certificate. The terms of the policies referenced in this certificate control over the terms of the certificate.

Insured: City of Tomball

Street/Mailing Address: 401 W Market St

City/State/Zip: Tomball, TX 77375-4697

Phone Number: (281) 351 - 5484

WORKERS' COMPENSATION INSURANCE COVERAGE:

Endorsed with a Waiver of Subrogation in favor of TxDOT.

Carrier Name: Texas Municipal Intergovernmental Risk Pool			**Carrier Phone #:** (800) 537 - 6655	
Address: 1821 Rutherford Lane, First Floor			**City, State, Zip:** Austin, TX 78754	
Type of Insurance	**Policy Number**	**Effective Date**	**Expiration Date**	**Limits of Liability:**
Workers' Compensation	7179	10/01/18	10/01/19	Not Less Than: Statutory - Texas

COMMERCIAL GENERAL LIABILITY INSURANCE:

Carrier Name: Texas Municipal Intergovernmental Risk Pool			**Carrier Phone #:** (800) 537 - 6655	
Address: 1821 Rutherford Lane, First Floor			**City, State, Zip:** Austin, TX 78754	
Type of Insurance:	**Policy Number:**	**Effective Date:**	**Expiration Date:**	**Limits of Liability:**
Commercial General Liability Insurance	7179	10/01/18	10/01/19	Not Less Than: $ 600,000 each occurrence

BUSINESS AUTOMOBILE POLICY:

Carrier Name: Texas Municipal Intergovernmental Risk Pool			**Carrier Phone #:** (800) 537 - 6655	
Address: 1821 Rutherford Lane, First Floor			**City, State, Zip:** Austin, TX 78754	
Type of Insurance:	**Policy Number:**	**Effective Date:**	**Expiration Date:**	**Limits of Liability:**
Business Automobile Policy	7179	10/01/18	10/01/19	Not Less Than: $ 600,000 combined single limit

UMBRELLA POLICY (if applicable):

Carrier Name: N/A			**Carrier Phone #:** ( ) -	
Address:			**City, State, Zip:**	
Type of Insurance:	**Policy Number:**	**Effective Date:**	**Expiration Date:**	**Limits of Liability:**
Umbrella Policy				

Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

THIS IS TO CERTIFY to the Texas Department of Transportation acting on behalf of the State of Texas that the insurance policies named are in full force and effect. *If this form is sent by facsimile machine (fax), the sender adopts the document received by TxDOT as a duplicate original and adopts the signature produced by the receiving fax machine as the sender's original signature.*

Agency Name	**Address**	**City, State, Zip Code**
Texas Municipal Intergovernmental Risk Pool	1821 Rutherford Lane, First Floor	Austin, TX 78754

(800) 537 - 6655
Authorized Agent's Phone Number

Brady Ulm
Authorized Agent Original Signature

08/31/18
Date

The Texas Department of Transportation maintains the information collected through this form. With few exceptions, you are entitled on request to be informed about the information that we collect about you. Under §§552.021 and 552.023 of the Texas Government Code, you also are entitled to receive and review the information. Under §559.004 of the Government Code, you are also entitled to have us correct information about you that is incorrect.

Regular City Council Agenda Item Data Sheet

Meeting Date: April 1, 2019

Topic:
Discussion and Possible Action regarding Hines' Public Improvement District Proposal

Background:
Hines is pursuing an approximate 105 acre residential development between Persimmon Road and Hufsmith-Kohrville Road, just to the north of the future Medical Complex 4B extension. As part of Hines' due diligence, they are seeking City Council feedback and possible action on their Public Improvement District proposal.

Origination:
Hines

Recommendation:

Party(ies) responsible for placing this item on agenda:
Craig T. Meyers, Community Development Director

ACTION TAKEN

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

ATTACHMENTS:

Presentation
Site

FMSbonds, Inc.

Proposed Public Improvement District

fmsbonds, Inc.
Municipal Bond Specialists

FMS ROLE AS UNDERWRITER AND NOT FINANCIAL ADVISOR

FMSbonds, Inc., is providing the information contained in this document for discussion purposes only in anticipation of serving as underwriter to the "Issuer". The primary role of FMSbonds, Inc., ("FMS") as an underwriter, is to purchase securities, for resale to investors, in an arm's-length commercial transaction between the Issuer and FMS. FMS may have financial and other interests that differ from those of the Issuer. FMS is not acting as a municipal advisor, financial advisor or fiduciary to the Issuer or any other person or entity. The information provided is not intended to be and should not be construed as "advice" within the meaning of Section 15B of the Securities Exchange Act of 1934. The Issuer should consult with its own financial and/or municipal, legal, accounting, tax and other advisors, as applicable, to the extent it deems appropriate. The Issuer should consider whether to engage an advisor to act in a fiduciary capacity on its behalf in connection with this transaction.

Securities offered by FMSbonds, Inc., including annuities, are not insured by the FDIC or any government agency; are not deposits or other obligations of or guaranteed by FMSbonds, Inc. or any of its affiliates; and are subject to investment risks, including possible loss of the principal invested. FMSbonds, Inc. is a broker/dealer, member FINRA/SIPC.

FMS has a policy that is designed to comply with the disclosure requirements under revised MSRB Rule G-23. In conjunction with these requirements, we are providing the following disclosure to all of our municipal underwriting clients.

Public Improvement Districts

Preliminary Indicative Summary of Terms

This Term Sheet is a preliminary draft of indicative terms based on prior discussions, circulated for discussion purposes only. This Term Sheet is not a commitment to enter into a transaction and is conditioned on the completion of due diligence and legal review and on the execution and delivery of documentation that is satisfactory to the parties hereto. This Term Sheet shall be governed in all respects by the laws of the State of Texas.

Issuer:	City of Tomball, Texas (the "City")
Not to Exceed Par Amount:	$15,000,000 in aggregate bond par
Equivalent Tax Rate:	$0.9600 per $100 of finished home value and fixed thereafter
Bond Issuance Structure:	Phased over time, approximately four (4) bond issues for water and sewer public infrastructure – however, fewer bonds issues may take place
Bond Amortization:	30 years from individual bond delivery date of the first improvement area
Bond Call Feature:	10-year par call from date of issuance
Bond Denominations:	**$**100,000 denoms
Bond Restrictions:	Offered only to Institutional or Accredited Investors
Capitalized Interest:	Not to exceed 36 months on each bond issue (12 months currently modeled)
Debt Service Reserve Fund:	Fully funded, reasonably required debt service fund (typically 100% max annual)
Estimated Bond Value to Lien:	3.0 : 1 based upon initial debt to lot value, with remaining leverage applied to reimbursement agreement, which will later be monetized through a "B" bond
30 Year Annual Installment:	50' Lot - $2,592 (covers principal, interest, additional interest, administration fees) 55' Lot - $2,832 (covers principal, interest, additional interest, administration fees) 60' Lot - $3,264 (covers principal, interest, additional interest, administration fees)
Authorizing Code:	Chapter 372, Texas Local Government Code

Public Improvement Districts

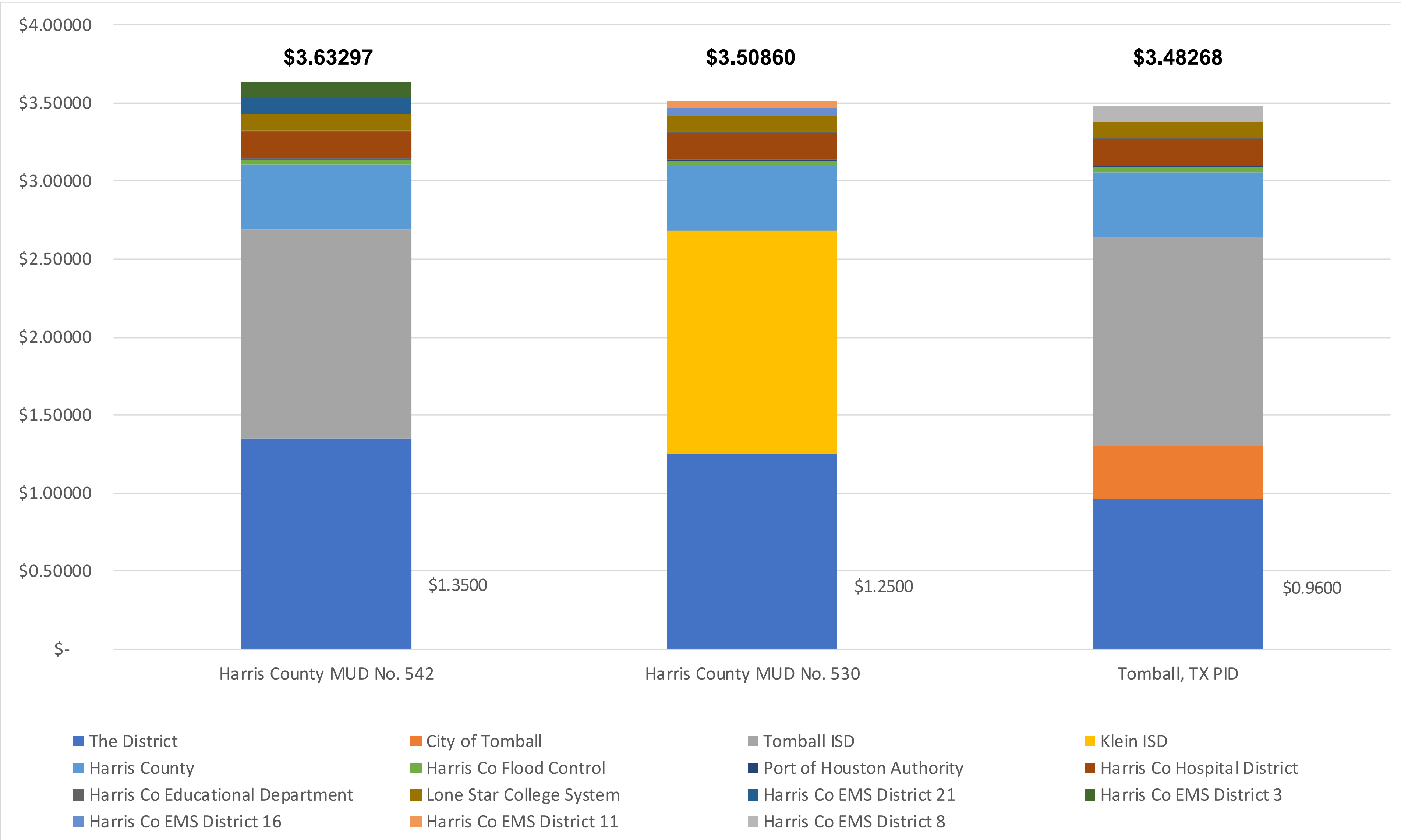
Preliminary Indicative Summary of Terms – Summary of Eligible Costs

Project proceeds may fund public infrastructure and development, including:

- Landscaping;
- Erection of fountains, distinctive lighting and signs;
- Acquiring, constructing, improving, widening, narrowing, or rerouting sidewalks, streets/roadways or rights-of-way;
- Construction or improvement of pedestrian malls;
- Acquisition, construction or improvement of libraries;
- Acquisition, construction or improvement of off-street parking facilities;
- Acquisition, construction, improvement or rerouting of mass transportation facilities;
- Acquisition, construction, or improvements of water, wastewater or drainage improvements;
- Establishment or improvement of parks;
- Acquisition, by purchase or otherwise, of real property in connection with an authorized improvement;
- Special supplemental services for improvement and promotion of the district; and
- Payment of expenses incurred in the establishment, administration and operation of the district.

Public Improvement Districts

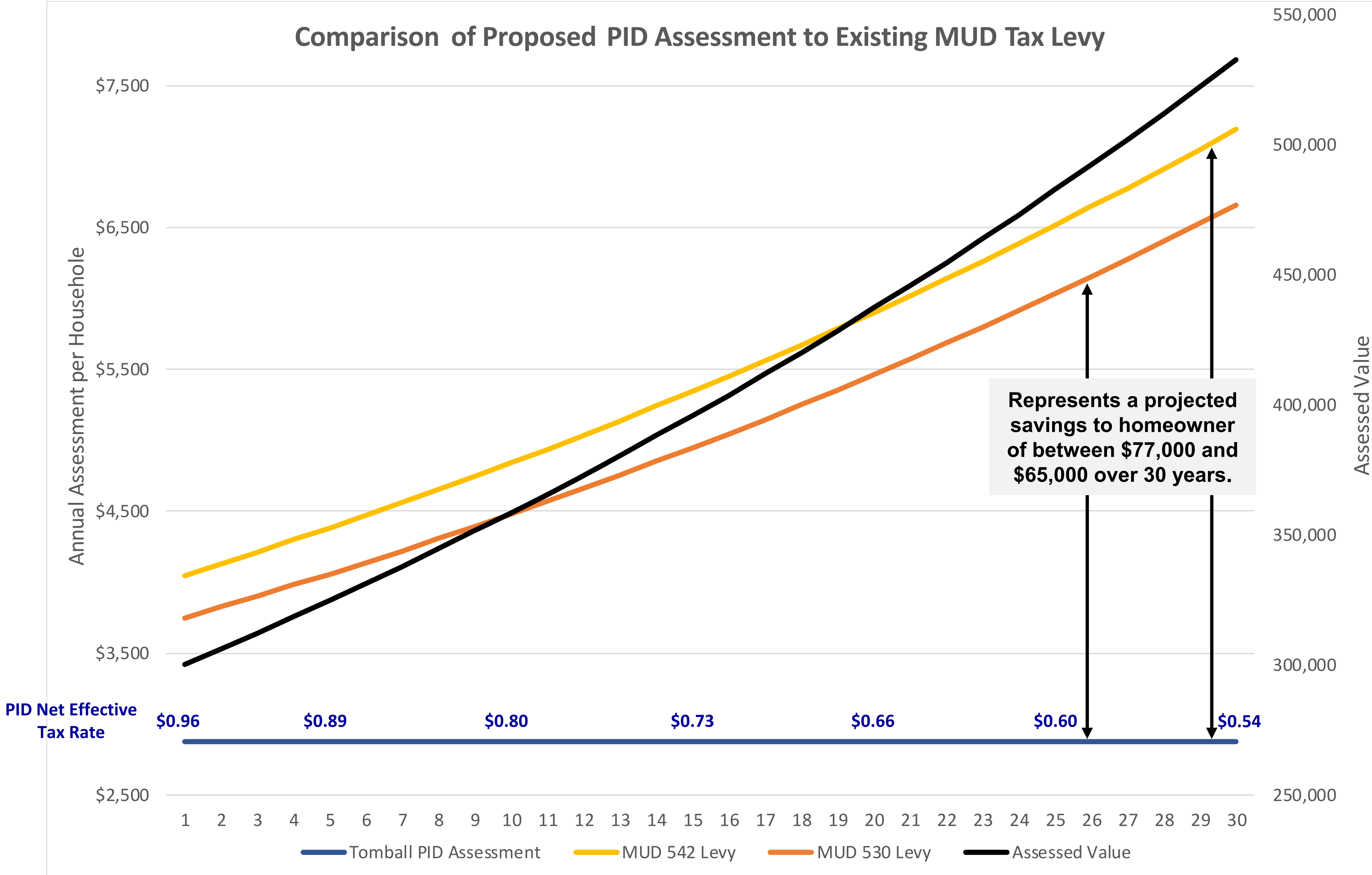
Comparison of Total Overlapping Taxing Jurisdictions and Rates [1]



1. Source: Harris County Appraisal District, Tax Year 2019.

Public Improvement Districts

PID Bond Assessments are Fixed Regardless of Future Home Value [1]



1. Assumes PID equivalent tax rate of $0.96 at issuance. Future assessments are fixed for the life of the PID Bond. Harris County MUD 542 and MUD 530 tax levy at $1.35 and $1.25 per $100 of assessed value respectively. Assessed Value assumes an annual 2% growth rate. Tax levy and assessments assume a $300,000 beginning Assessment Value per home. Finally, MUD bond levies typically continue beyond 30 year terms.

Public Improvement Districts

Possible Transaction Participants / Process Timeline

Overview of PID Bond Financing Team

Issuer Financing Team:

City / County Staff
City Attorney*
Bond Counsel*
Financial Advisor*
Appraiser*
Assessment Administrator*

Investor Financing Team:

Underwriter*
Underwriter's Counsel
Trustee*
Trustee's Counsel

Developer Financing Team:

Developer
Developer's Counsel
Engineer

* The Issuer (City or County) selects these professionals, not the developer or development team.

Time

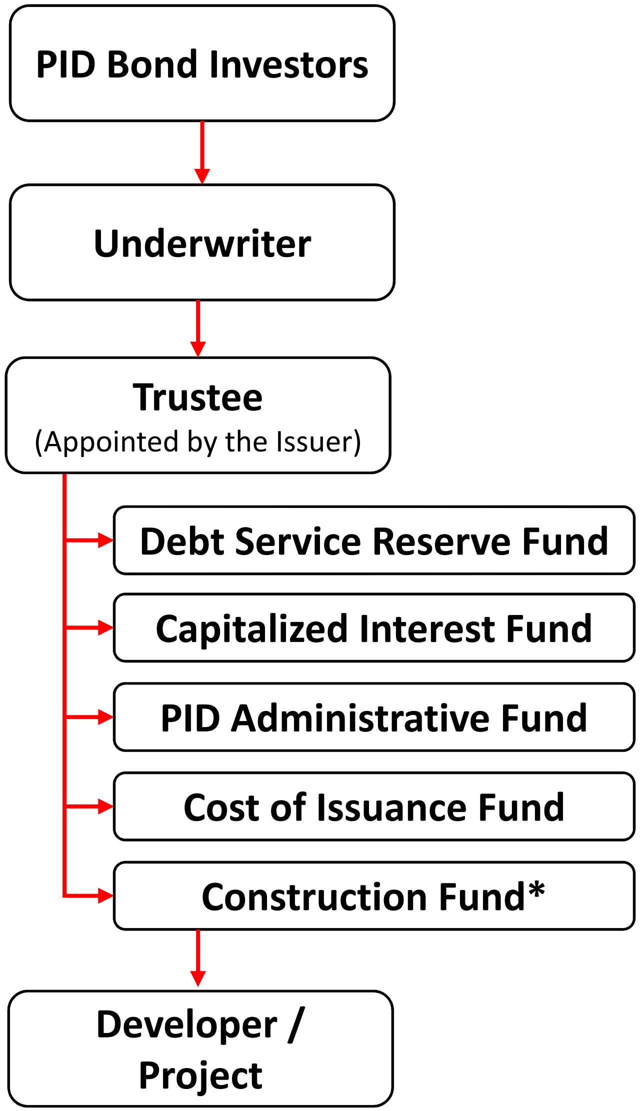
- Initial Working Group Meeting
- PID Petition
- Public Hearing
- Working Group Meetings
- Public Hearing – Project, Financing Plan, Levy Assessments
- Prepare Bond Documents
- Distribute PLOM
- Investor Call / Site Visits
- Price Bonds
- Transcript to Texas AG
- Close and Deliver Bonds
- Begin Construction

Once the development and financing agreement is approved, the issuance process may take 3 – 6 months.

Public Improvement Districts

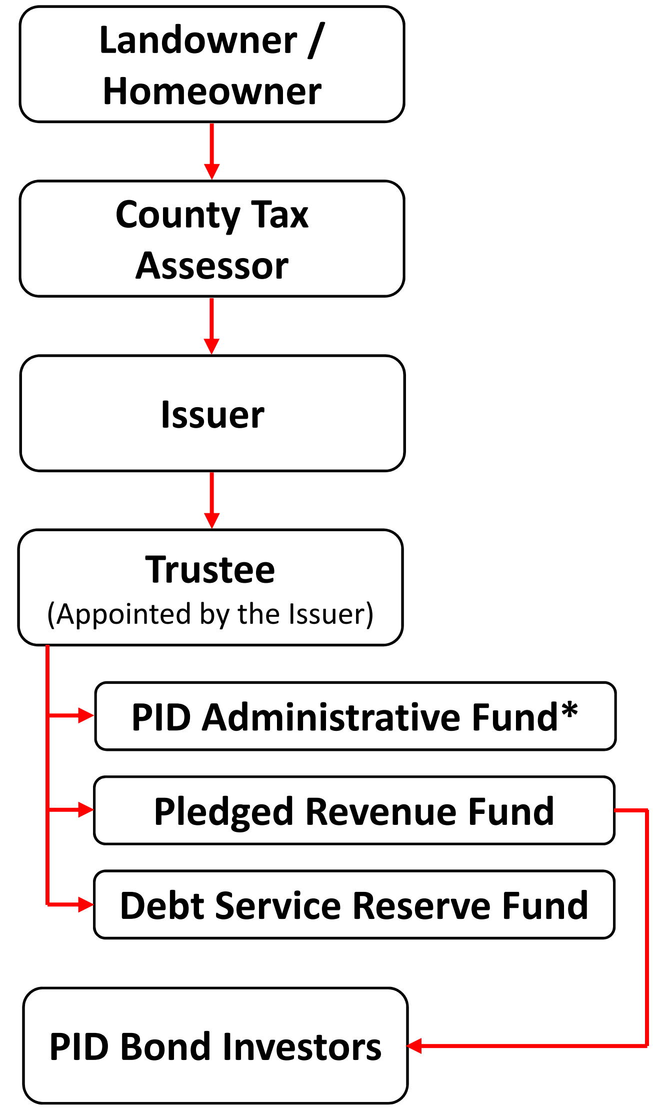
PID Bond Indenture Structure / Flow of Assessments

Flow of Bond Proceeds



* Construction funds are only distributed to the Project upon inspection and approval of the Issuer. Ultimately assets will be dedicated to the Issuer and must meet their standards.

Flow of PID Assessment Payments



* The Issuer's PID Administrative Fund is held by the Trustee separate from other funds and is not part of the Trust Estate or security for the PID Bonds.

Exhibit 1
Overview of Preliminary PID Bond Structure

Exhibit 1

Overview of Preliminary PID Bond Structure [1]

Estimated Sources and Uses of Funds [1]

	Improvement Area #1			Improvement Area #2			
Bond Issue	***Series 1A***	***Series 1B***	***Total Series 1***	***Series 2A***	***Series 2B***	***Total Series 2***	***Total All Series***
Estimated Delivery Date [2]	***9/1/2019***	***9/1/2022***		***9/1/2020***	***9/1/2024***		
ESTIMATED SOURCES OF FUNDS							
Bond Par	$ 3,870,000.00	$ 2,110,000.00	$ 5,980,000.00	$ 3,615,000.00	$ 2,260,000.00	$ 5,875,000.00	$ 11,855,000.00
Total Sources of Funds	**$ 3,870,000.00**	**$ 2,110,000.00**	**$ 5,980,000.00**	**$ 3,615,000.00**	**$ 2,260,000.00**	**$ 5,875,000.00**	**$ 11,855,000.00**
ESTIMATED USES OF FUNDS							
Deposit to the Project Fund	$ 2,735,550.00	$ 1,783,900.00	$ 4,519,450.00	$ 2,549,950.00	$ 1,888,600.00	$ 4,438,550.00	$ 8,958,000.00
Capitalized Interest [3]	445,050.00	-	445,050.00	433,800.00	-	433,800.00	878,850.00
Debt Service Reserve Fund [4]	296,100.00	136,200.00	432,300.00	280,900.00	168,000.00	448,900.00	881,200.00
Underwriter's Discount [5]	116,100.00	63,300.00	179,400.00	108,450.00	67,800.00	176,250.00	355,650.00
Cost of Issuance	232,200.00	126,600.00	358,800.00	216,900.00	135,600.00	352,500.00	711,300.00
First Year PID Administration Fee [6]	45,000.00	-	45,000.00	25,000.00	-	25,000.00	70,000.00
Total Uses of Funds	**$ 3,870,000.00**	**$ 2,110,000.00**	**$ 5,980,000.00**	**$ 3,615,000.00**	**$ 2,260,000.00**	**$ 5,875,000.00**	**$ 11,855,000.00**

Notes:

1. Sources and uses are estimated and based on numerous assumptions including interest rates which may vary over time.
2. Estimated and subject to change.
3. Series A bonds include 24 months of Capitalized Interest. Series B bonds assume no Capitalized Interest.
4. Bonds reserve funds sized at 100% of Maximum Annual Debt Service.
5. Includes Underwriter's Counsel Fee.
6. Assumes Series B bonds share PID Administration Fee under the same SAP. PID Administration Fees are not considered Pledged Revenues are not available to pay debt service. PID Administration Fees includes funds for City and City Attorney review, PID Administrator and other related reporting and review expenses.

1. Preliminary and subject to change.

Exhibit 1

Overview of Preliminary PID Bond Structure [1]

Summary of Assessments and Net Requirements [1]

Fiscal Year	Max Assessments Available	Series 1A Total Net Requirements [3]	Series 1B Total Net Requirements [3]	Remaining Assessment Revenue [3]	Max Assessments Available	Series 2A Total Net Requirements [3]	Series 2B Total Net Requirements [3]	Remaining Assessment Revenue [3]
Delivery Date: [2]		***9/1/2019***	***9/1/2022***			***9/1/2020***	***9/1/2024***	
9/30/2019								
9/30/2020	$ 480,288	$ 19,350	$ -	$ 460,938				
9/30/2021	480,288	64,350	-	415,938	$ 476,928	$ 43,075	$ -	$ 433,853
9/30/2022	480,288	341,875	-	138,413	476,928	43,075	-	433,853
9/30/2023	480,288	343,438	134,950	1,901	476,928	309,975	-	166,953
9/30/2024	480,288	339,688	138,350	2,251	476,928	306,725	-	170,203
9/30/2025	480,288	340,938	136,350	3,001	476,928	308,475	164,300	4,153
9/30/2026	480,288	341,875	134,325	4,088	476,928	309,900	162,300	4,728
9/30/2027	480,288	342,500	137,300	488	476,928	311,000	165,100	828
9/30/2028	480,288	342,813	135,075	2,401	476,928	306,775	167,650	2,503
9/30/2029	480,288	342,813	132,825	4,651	476,928	307,550	164,925	4,453
9/30/2030	480,288	342,500	135,575	2,213	476,928	308,000	167,175	1,753
9/30/2031	480,288	341,875	138,125	288	476,928	308,125	164,175	4,628
9/30/2032	480,288	340,938	135,450	3,901	476,928	307,925	166,150	2,853
9/30/2033	480,288	339,688	137,750	2,851	476,928	307,400	167,875	1,653
9/30/2034	480,288	343,125	134,850	2,313	476,928	306,550	169,325	1,053
9/30/2035	480,288	340,938	136,925	2,426	476,928	310,375	165,500	1,053
9/30/2036	480,288	338,438	138,800	3,051	476,928	308,550	166,650	1,728
9/30/2037	480,288	340,625	135,450	4,213	476,928	311,400	162,550	2,978
9/30/2038	480,288	337,188	142,075	1,026	476,928	308,600	163,425	4,903
9/30/2039	480,288	338,438	138,300	3,551	476,928	310,475	164,050	2,403
9/30/2040	480,288	339,063	139,475	1,751	476,928	306,700	169,400	828
9/30/2041	480,288	339,063	140,450	776	476,928	307,600	164,225	5,103
9/30/2042	480,288	338,438	141,200	651	476,928	307,850	169,000	78
9/30/2043	480,288	342,188	136,725	1,376	476,928	307,450	168,275	1,203
9/30/2044	480,288	340,000	137,225	3,063	476,928	311,400	162,250	3,278
9/30/2045	480,288	342,188	137,525	576	476,928	309,375	166,200	1,353
9/30/2046	480,288	338,438	137,600	4,251	476,928	311,700	164,650	578
9/30/2047	480,288	339,063	137,450	3,776	476,928	308,050	167,800	1,078
9/30/2048	480,288	338,750	137,075	4,463	476,928	308,750	165,425	2,753
9/30/2049	480,288	342,500	136,475	1,313	476,928	308,475	167,750	703
9/30/2050	480,288	-	-	-	476,928	307,225	169,550	153
Total	**$ 14,888,928**	**$ 9,623,075**	**$ 3,703,675**	**$ 1,081,890**	**$ 14,307,840**	**$ 8,728,525**	**$ 4,315,675**	**$ 1,263,640**

Notes:

1. Cash flows are estimated and based on numerous assumptions including interest rates which may vary over time.
2. Estimated and subject to change.
3. Net of Capitalized Interest. Includes all requirements associated with the PID including Administration Fees.

1. Preliminary and subject to change.

Exhibit 1

Overview of Preliminary PID Bond Structure [1]

Net Debt Service Schedule - Improvement Area #1 (Series 1A)

Bond Year	Fiscal Year	Principal	Rate [1]	Interest	Debt Service	Debt Service Reserve [2]	Capitalized Interest	Net Debt Service [3]	PID Admin Fee [4]	Additional Interest [5]	Total Net Annual Requirements [6]	Avg. Annual Requirement 50' Lot [6]	Avg. Annual Requirement 55' Lot [6]	Avg. Annual Requirement 60' Lot [6]
0	9/30/2019													
1	9/30/2020	$ -	5.750%	$ 222,525	$ 222,525	$ -	$ (222,525)	$ -	$ -	$ 19,350	$ 19,350	$ 104	$ 114	$ 124
2	9/30/2021	-	5.750%	222,525	222,525	-	$ (222,525)	-	45,000	19,350	64,350	347	379	412
3	9/30/2022	55,000	5.750%	222,525	277,525	-	-	277,525	45,000	19,350	341,875	1,845	2,016	2,187
4	9/30/2023	60,000	5.750%	219,363	279,363	-	-	279,363	45,000	19,075	343,438	1,853	2,025	2,197
5	9/30/2024	60,000	5.750%	215,913	275,913	-	-	275,913	45,000	18,775	339,688	1,833	2,003	2,173
6	9/30/2025	65,000	5.750%	212,463	277,463	-	-	277,463	45,000	18,475	340,938	1,840	2,010	2,181
7	9/30/2026	70,000	5.750%	208,725	278,725	-	-	278,725	45,000	18,150	341,875	1,845	2,016	2,187
8	9/30/2027	75,000	5.750%	204,700	279,700	-	-	279,700	45,000	17,800	342,500	1,848	2,020	2,191
9	9/30/2028	80,000	5.750%	200,388	280,388	-	-	280,388	45,000	17,425	342,813	1,850	2,021	2,193
10	9/30/2029	85,000	5.750%	195,788	280,788	-	-	280,788	45,000	17,025	342,813	1,850	2,021	2,193
11	9/30/2030	90,000	5.750%	190,900	280,900	-	-	280,900	45,000	16,600	342,500	1,848	2,020	2,191
12	9/30/2031	95,000	5.750%	185,725	280,725	-	-	280,725	45,000	16,150	341,875	1,845	2,016	2,187
13	9/30/2032	100,000	5.750%	180,263	280,263	-	-	280,263	45,000	15,675	340,938	1,840	2,010	2,181
14	9/30/2033	105,000	5.750%	174,513	279,513	-	-	279,513	45,000	15,175	339,688	1,833	2,003	2,173
15	9/30/2034	115,000	5.750%	168,475	283,475	-	-	283,475	45,000	14,650	343,125	1,852	2,023	2,195
16	9/30/2035	120,000	5.750%	161,863	281,863	-	-	281,863	45,000	14,075	340,938	1,840	2,010	2,181
17	9/30/2036	125,000	5.750%	154,963	279,963	-	-	279,963	45,000	13,475	338,438	1,826	1,996	2,165
18	9/30/2037	135,000	5.750%	147,775	282,775	-	-	282,775	45,000	12,850	340,625	1,838	2,008	2,179
19	9/30/2038	140,000	5.750%	140,013	280,013	-	-	280,013	45,000	12,175	337,188	1,820	1,988	2,157
20	9/30/2039	150,000	5.750%	131,963	281,963	-	-	281,963	45,000	11,475	338,438	1,826	1,996	2,165
21	9/30/2040	160,000	5.750%	123,338	283,338	-	-	283,338	45,000	10,725	339,063	1,830	1,999	2,169
22	9/30/2041	170,000	5.750%	114,138	284,138	-	-	284,138	45,000	9,925	339,063	1,830	1,999	2,169
23	9/30/2042	180,000	5.750%	104,363	284,363	-	-	284,363	45,000	9,075	338,438	1,826	1,996	2,165
24	9/30/2043	195,000	5.750%	94,013	289,013	-	-	289,013	45,000	8,175	342,188	1,847	2,018	2,189
25	9/30/2044	205,000	5.750%	82,800	287,800	-	-	287,800	45,000	7,200	340,000	1,835	2,005	2,175
26	9/30/2045	220,000	5.750%	71,013	291,013	-	-	291,013	45,000	6,175	342,188	1,847	2,018	2,189
27	9/30/2046	230,000	5.750%	58,363	288,363	-	-	288,363	45,000	5,075	338,438	1,826	1,996	2,165
28	9/30/2047	245,000	5.750%	45,138	290,138	-	-	290,138	45,000	3,925	339,063	1,830	1,999	2,169
29	9/30/2048	260,000	5.750%	31,050	291,050	-	-	291,050	45,000	2,700	338,750	1,828	1,997	2,167
30	9/30/2049	280,000	5.750%	16,100	296,100	(296,100)	-	-	45,000	1,400	342,500	1,848	2,020	2,191
Total		**$ 3,870,000**		**$ 4,501,675**	**$ 8,371,675**	**$ (296,100)**	**$ (445,050)**	**$ 7,630,525**	**$ 1,305,000**	**$ 391,450**	**$ 9,623,075**	**$ 51,933**	**$ 56,742**	**$ 61,551**

Notes:

1. Interest Rates as of 12/12/2018 and are preliminary and subject to change.
2. Calculated as 100% of Maximum Annual Debt Service.
3. Net of Capitalized Interest and Debt Service Fund release at maturity.
4. Includes fees related to City and City Attorney review, PID Administrator review and other related reporting and review expenses.
5. Additional Interest Reserve funded at 0.50% over the life of the Bonds.
6. Net of Capitalized Interest.

1. Preliminary and subject to change.

Exhibit 1

Overview of Preliminary PID Bond Structure [1]

Net Debt Service Schedule - Improvement Area #1 (Series 1B)

Bond Year	Fiscal Year	IA #1 Max Assessments	*Less:* Series 1A Bond Requirements [1]	Assessments Available for Series 1B	Principal	Rate [2]	Interest	Debt Service	Debt Service Reserve [3]	Capitalized Interest	Net Debt Service [4]	Additional Interest [5]	PID Admin Fee [6]	Remaining Assessment Revenues [7]
	9/30/2019													
	9/30/2020	$ 480,288	$ 19,350	$ 460,938	$ -	-	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 460,938
	9/30/2021	480,288	64,350	415,938	-	-	-	-	-	-	-	-	-	415,938
0	9/30/2022	480,288	341,875	138,413	-	-	-	-	-	-	-	-	-	138,413
1	9/30/2023	480,288	343,438	136,851	40,000	4.000%	84,400	124,400	-	-	124,400	10,550	-	1,901
2	9/30/2024	480,288	339,688	140,601	45,000	4.000%	82,800	127,800	-	-	127,800	10,550	-	2,251
3	9/30/2025	480,288	340,938	139,351	45,000	4.000%	81,000	126,000	-	-	126,000	10,350	-	3,001
4	9/30/2026	480,288	341,875	138,413	45,000	4.000%	79,200	124,200	-	-	124,200	10,125	-	4,088
5	9/30/2027	480,288	342,500	137,788	50,000	4.000%	77,400	127,400	-	-	127,400	9,900	-	488
6	9/30/2028	480,288	342,813	137,476	50,000	4.000%	75,400	125,400	-	-	125,400	9,675	-	2,401
7	9/30/2029	480,288	342,813	137,476	50,000	4.000%	73,400	123,400	-	-	123,400	9,425	-	4,651
8	9/30/2030	480,288	342,500	137,788	55,000	4.000%	71,400	126,400	-	-	126,400	9,175	-	2,213
9	9/30/2031	480,288	341,875	138,413	60,000	4.000%	69,200	129,200	-	-	129,200	8,925	-	288
10	9/30/2032	480,288	340,938	139,351	60,000	4.000%	66,800	126,800	-	-	126,800	8,650	-	3,901
11	9/30/2033	480,288	339,688	140,601	65,000	4.000%	64,400	129,400	-	-	129,400	8,350	-	2,851
12	9/30/2034	480,288	343,125	137,163	65,000	4.000%	61,800	126,800	-	-	126,800	8,050	-	2,313
13	9/30/2035	480,288	340,938	139,351	70,000	4.000%	59,200	129,200	-	-	129,200	7,725	-	2,426
14	9/30/2036	480,288	338,438	141,851	75,000	4.000%	56,400	131,400	-	-	131,400	7,400	-	3,051
15	9/30/2037	480,288	340,625	139,663	75,000	4.000%	53,400	128,400	-	-	128,400	7,050	-	4,213
16	9/30/2038	480,288	337,188	143,101	85,000	4.000%	50,400	135,400	-	-	135,400	6,675	-	1,026
17	9/30/2039	480,288	338,438	141,851	85,000	4.000%	47,000	132,000	-	-	132,000	6,300	-	3,551
18	9/30/2040	480,288	339,063	141,226	90,000	4.000%	43,600	133,600	-	-	133,600	5,875	-	1,751
19	9/30/2041	480,288	339,063	141,226	95,000	4.000%	40,000	135,000	-	-	135,000	5,450	-	776
20	9/30/2042	480,288	338,438	141,851	100,000	4.000%	36,200	136,200	-	-	136,200	5,000	-	651
21	9/30/2043	480,288	342,188	138,101	100,000	4.000%	32,200	132,200	-	-	132,200	4,525	-	1,376
22	9/30/2044	480,288	340,000	140,288	105,000	4.000%	28,200	133,200	-	-	133,200	4,025	-	3,063
23	9/30/2045	480,288	342,188	138,101	110,000	4.000%	24,000	134,000	-	-	134,000	3,525	-	576
24	9/30/2046	480,288	338,438	141,851	115,000	4.000%	19,600	134,600	-	-	134,600	3,000	-	4,251
25	9/30/2047	480,288	339,063	141,226	120,000	4.000%	15,000	135,000	-	-	135,000	2,450	-	3,776
26	9/30/2048	480,288	338,750	141,538	125,000	4.000%	10,200	135,200	-	-	135,200	1,875	-	4,463
27	9/30/2049	480,288	342,500	137,788	130,000	4.000%	5,200	135,200	(136,200)	-	(1,000)	1,275	-	1,313
Total		**$ 14,408,640**	**$ 9,623,075**	**$ 4,785,565**	**$ 2,110,000**		**$ 1,407,800**	**$ 3,517,800**	**$ (136,200)**	**$ -**	**$ 3,381,600**	**$ 185,875**	**$ -**	**$ 1,081,890**

Notes:

1. Net of any applicable Capitalized Interest but excludes any release from the Debt Service Reserve Fund. Includes PID Administration Fee requirements.
2. Interest Rates as of 12/12/2018 and are preliminary and subject to change.
3. Calculated as 100% of Maximum Annual Debt Service
4. Net of Capitalized Interest and Debt Service Reserve Fund release at maturity.
5. Additional Interest Reserve funded at 0.50% over the life of the Bonds.
6. Assumes PID Administration Fee requirements are shared with Series A bonds and are included therein.
7. Net of Capitalized Interest.

1. Preliminary and subject to change.

Exhibit 1

Overview of Preliminary PID Bond Structure [1]

Net Debt Service Schedule - Improvement Area #2 (Series 2A)

Bond Year	Fiscal Year	Principal	Rate [1]	Interest	Debt Service	Debt Service Reserve [2]	Capitalized Interest	Net Debt Service [3]	PID Admin Fee [4]	Additional Interest [5]	Total Annual Requirements [6]	Avg. Annual Requirement 50' Lot [6]	Avg. Annual Requirement 60' Lot [6]
	9/30/2019												
0	9/30/2020	$ -	-	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
1	9/30/2021	-	6.000%	216,900	216,900	-	(216,900)	-	25,000	18,075	43,075	251	295
2	9/30/2022	-	6.000%	216,900	216,900	-	(216,900)	-	25,000	18,075	43,075	251	295
3	9/30/2023	50,000	6.000%	216,900	266,900	-	-	266,900	25,000	18,075	309,975	1,809	2,121
4	9/30/2024	50,000	6.000%	213,900	263,900	-	-	263,900	25,000	17,825	306,725	1,790	2,099
5	9/30/2025	55,000	6.000%	210,900	265,900	-	-	265,900	25,000	17,575	308,475	1,801	2,111
6	9/30/2026	60,000	6.000%	207,600	267,600	-	-	267,600	25,000	17,300	309,900	1,809	2,121
7	9/30/2027	65,000	6.000%	204,000	269,000	-	-	269,000	25,000	17,000	311,000	1,815	2,128
8	9/30/2028	65,000	6.000%	200,100	265,100	-	-	265,100	25,000	16,675	306,775	1,791	2,100
9	9/30/2029	70,000	6.000%	196,200	266,200	-	-	266,200	25,000	16,350	307,550	1,795	2,105
10	9/30/2030	75,000	6.000%	192,000	267,000	-	-	267,000	25,000	16,000	308,000	1,798	2,108
11	9/30/2031	80,000	6.000%	187,500	267,500	-	-	267,500	25,000	15,625	308,125	1,799	2,109
12	9/30/2032	85,000	6.000%	182,700	267,700	-	-	267,700	25,000	15,225	307,925	1,797	2,107
13	9/30/2033	90,000	6.000%	177,600	267,600	-	-	267,600	25,000	14,800	307,400	1,794	2,104
14	9/30/2034	95,000	6.000%	172,200	267,200	-	-	267,200	25,000	14,350	306,550	1,789	2,098
15	9/30/2035	105,000	6.000%	166,500	271,500	-	-	271,500	25,000	13,875	310,375	1,812	2,124
16	9/30/2036	110,000	6.000%	160,200	270,200	-	-	270,200	25,000	13,350	308,550	1,801	2,112
17	9/30/2037	120,000	6.000%	153,600	273,600	-	-	273,600	25,000	12,800	311,400	1,818	2,131
18	9/30/2038	125,000	6.000%	146,400	271,400	-	-	271,400	25,000	12,200	308,600	1,801	2,112
19	9/30/2039	135,000	6.000%	138,900	273,900	-	-	273,900	25,000	11,575	310,475	1,812	2,125
20	9/30/2040	140,000	6.000%	130,800	270,800	-	-	270,800	25,000	10,900	306,700	1,790	2,099
21	9/30/2041	150,000	6.000%	122,400	272,400	-	-	272,400	25,000	10,200	307,600	1,796	2,105
22	9/30/2042	160,000	6.000%	113,400	273,400	-	-	273,400	25,000	9,450	307,850	1,797	2,107
23	9/30/2043	170,000	6.000%	103,800	273,800	-	-	273,800	25,000	8,650	307,450	1,795	2,104
24	9/30/2044	185,000	6.000%	93,600	278,600	-	-	278,600	25,000	7,800	311,400	1,818	2,131
25	9/30/2045	195,000	6.000%	82,500	277,500	-	-	277,500	25,000	6,875	309,375	1,806	2,117
26	9/30/2046	210,000	6.000%	70,800	280,800	-	-	280,800	25,000	5,900	311,700	1,820	2,133
27	9/30/2047	220,000	6.000%	58,200	278,200	-	-	278,200	25,000	4,850	308,050	1,798	2,108
28	9/30/2048	235,000	6.000%	45,000	280,000	-	-	280,000	25,000	3,750	308,750	1,802	2,113
29	9/30/2049	250,000	6.000%	30,900	280,900	-	-	280,900	25,000	2,575	308,475	1,801	2,111
30	9/30/2050	265,000	6.000%	15,900	280,900	(280,900)	-	-	25,000	1,325	307,225	1,793	2,103
Total		**$ 3,615,000**		**$ 4,428,300**	**$ 8,043,300**	**$ (280,900)**	**$ (433,800)**	**$ 7,328,600**	**$ 750,000**	**$ 369,025**	**$ 8,728,525**	**$ 50,952**	**$ 59,736**

Notes:

1. Interest Rates as of 12/12/2018 and are preliminary and subject to change.
2. Calculated as 100% of Maximum Annual Debt Service.
3. Net of Capitalized Interest and Debt Service Reserve Fund release at maturity.
4. Includes fees related to City and City Attorney review, PID Administrator review and other related reporting and review expenses.
5. Additional Interest Reserve funded at 0.50% over the life of the Bonds.
6. Net of Capitalized Interest.

1. Preliminary and subject to change.

Exhibit 1

Overview of Preliminary PID Bond Structure [1]

Net Debt Service Schedule - Improvement Area #2 (Series 2B)

Bond Year	Fiscal Year	IA #2 Max Assessment	*Less:* Series 2A Bond Requirements [1]	Assessments Available for Series 1B	Principal	Rate [2]	Interest	Debt Service	Debt Service Reserve [3]	Net Debt Service [4]	Additional Interest [5]	PID Admin Fee [6]	Remaining Assessment Revenues [7]
	9/30/2019												
	9/30/2020	$ -	$ -	$ -	$ -	-	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	9/30/2021	476,928	43,075	433,853	-	-	-	-	-	-	-	-	433,853
	9/30/2022	476,928	43,075	433,853	-	-	-	-	-	-	-	-	433,853
	9/30/2023	476,928	309,975	166,953	-	-	-	-	-	-	-	-	166,953
0	9/30/2024	476,928	306,725	170,203	-	-	-	-	-	-	-	-	170,203
1	9/30/2025	476,928	308,475	168,453	40,000	5.000%	113,000	153,000	-	153,000	11,300	-	4,153
2	9/30/2026	476,928	309,900	167,028	40,000	5.000%	111,000	151,000	-	151,000	11,300	-	4,728
3	9/30/2027	476,928	311,000	165,928	45,000	5.000%	109,000	154,000	-	154,000	11,100	-	828
4	9/30/2028	476,928	306,775	170,153	50,000	5.000%	106,750	156,750	-	156,750	10,900	-	2,503
5	9/30/2029	476,928	307,550	169,378	50,000	5.000%	104,250	154,250	-	154,250	10,675	-	4,453
6	9/30/2030	476,928	308,000	168,928	55,000	5.000%	101,750	156,750	-	156,750	10,425	-	1,753
7	9/30/2031	476,928	308,125	168,803	55,000	5.000%	99,000	154,000	-	154,000	10,175	-	4,628
8	9/30/2032	476,928	307,925	169,003	60,000	5.000%	96,250	156,250	-	156,250	9,900	-	2,853
9	9/30/2033	476,928	307,400	169,528	65,000	5.000%	93,250	158,250	-	158,250	9,625	-	1,653
10	9/30/2034	476,928	306,550	170,378	70,000	5.000%	90,000	160,000	-	160,000	9,325	-	1,053
11	9/30/2035	476,928	310,375	166,553	70,000	5.000%	86,500	156,500	-	156,500	9,000	-	1,053
12	9/30/2036	476,928	308,550	168,378	75,000	5.000%	83,000	158,000	-	158,000	8,650	-	1,728
13	9/30/2037	476,928	311,400	165,528	75,000	5.000%	79,250	154,250	-	154,250	8,300	-	2,978
14	9/30/2038	476,928	308,600	168,328	80,000	5.000%	75,500	155,500	-	155,500	7,925	-	4,903
15	9/30/2039	476,928	310,475	166,453	85,000	5.000%	71,500	156,500	-	156,500	7,550	-	2,403
16	9/30/2040	476,928	306,700	170,228	95,000	5.000%	67,250	162,250	-	162,250	7,150	-	828
17	9/30/2041	476,928	307,600	169,328	95,000	5.000%	62,500	157,500	-	157,500	6,725	-	5,103
18	9/30/2042	476,928	307,850	169,078	105,000	5.000%	57,750	162,750	-	162,750	6,250	-	78
19	9/30/2043	476,928	307,450	169,478	110,000	5.000%	52,500	162,500	-	162,500	5,775	-	1,203
20	9/30/2044	476,928	311,400	165,528	110,000	5.000%	47,000	157,000	-	157,000	5,250	-	3,278
21	9/30/2045	476,928	309,375	167,553	120,000	5.000%	41,500	161,500	-	161,500	4,700	-	1,353
22	9/30/2046	476,928	311,700	165,228	125,000	5.000%	35,500	160,500	-	160,500	4,150	-	578
23	9/30/2047	476,928	308,050	168,878	135,000	5.000%	29,250	164,250	-	164,250	3,550	-	1,078
24	9/30/2048	476,928	308,750	168,178	140,000	5.000%	22,500	162,500	-	162,500	2,925	-	2,753
25	9/30/2049	476,928	308,475	168,453	150,000	5.000%	15,500	165,500	-	165,500	2,250	-	703
26	9/30/2050	476,928	307,225	169,703	160,000	5.000%	8,000	168,000	(168,000)	-	1,550	-	153
Total		**$ 14,307,840**	**$ 8,728,525**	**$ 5,579,315**	**$ 2,260,000**		**$ 1,859,250**	**$ 4,119,250**	**$ (168,000)**	**$ 3,951,250**	**$ 196,425**	**$ -**	**$ 1,263,640**

Notes:

1. Net of any applicable Capitalized Interest but excludes any release from the Debt Service Reserve Fund. Includes PID Administration Fee requirements.
2. Interest Rates as of 12/12/2018 and are preliminary and subject to change.
3. Calculated as 100% of Maximum Annual Debt Service
4. Net of Capitalized Interest and Debt Service Reserve Fund release at maturity.
5. Additional Interest Reserve funded at 0.50% over the life of the Bonds.
6. Assumes PID Administration Fee requirements are shared with Series A bonds and are included therein.
7. Net of Capitalized Interest.

1. Preliminary and subject to change.

Exhibit 1

Overview of Preliminary PID Bond Structure [1]

Summary of Assumptions

Improvement Area 1 - Bond Series 1											
Lot Type	**Number of Lots**	**Lot Value per FF**	**Lot Value**	**Total Phase Lot Value**	**Debt Per Lot**	**Max Assessment Per Lot**	**Home Value**	**Total Phase Home Value**	**Max I&S Tax Rate**	**Max I&S Tax Revenue**	**Requirements Per Lot (%)**
50	119	$ 1,250	$ 62,500	$ 7,437,500	$ 20,833	$ 2,592	$ 270,000	$ 32,130,000	$ 0.9600	$ 308,448	0.540%
55	52	$ 1,250	$ 68,750	$ 3,575,000	$ 22,917	$ 2,832	$ 295,000	$ 15,340,000	$ 0.9600	$ 147,264	0.590%
60	8	$ 1,250	$ 75,000	$ 600,000	$ 25,000	$ 3,072	$ 320,000	$ 2,560,000	$ 0.9600	$ 24,576	0.640%
	179			**$ 11,612,500**				**$ 50,030,000**		**$ 480,288**	
Value to Lien Target			**3.0 : 1**	**$ 3,870,000**							

Improvement Area 2 - Bond Series 2											
Lot Type	**Number of Lots**	**Lot Value per FF**	**Lot Value**	**Total Phase Lot Value**	**Debt Per Lot**	**Max Assessment Per Lot**	**Home Value**	**Total Phase Home Value**	**Max I&S Tax Rate**	**Max I&S Tax Revenue**	**Requirements Per Lot (%)**
50	0	$ 1,250	$ 62,500	$ -	$ -	$ 2,592	$ 270,000	$ -	$ 0.9600	$ -	0.000%
50	74	$ 1,250	$ 62,500	$ 4,625,000	$ 20,833	$ 2,784	$ 290,000	$ 21,460,000	$ 0.9600	$ 206,016	0.584%
60	83	$ 1,250	$ 75,000	$ 6,225,000	$ 25,000	$ 3,264	$ 340,000	$ 28,220,000	$ 0.9600	$ 270,912	0.684%
	157			**$ 10,850,000**				**$ 49,680,000**		**$ 476,928**	
Value to Lien Target			**3.0 : 1**	**$ 3,615,000**							

Bond Description	**Est. Interest Rate**	**Est. Capitalized Interest (Mths)**	**DSRF**	**Additional Interest Reserve**	**Additional Interest Reserve Cap**	**PID Admin Fee**	**PID Admin Fee Growth Rate**	**Financial Advisor Fee**	**Bond Counsel Fee**	**Underwriter's Discount**	**General COI**
Series 1A	5.750%	24	100% of MADS	0.500%	5.5% of Par	$45,000	0.000%	2.000%	2.000%	3.000%	2.000%
Series 1B	4.000%	0	100% of MADS	0.500%	5.5% of Par	$0	0.000%	2.000%	2.000%	3.000%	2.000%
Series 2A	6.000%	24	100% of MADS	0.500%	5.5% of Par	$25,000	0.000%	2.000%	2.000%	3.000%	2.000%
Series 2B	5.000%	0	100% of MADS	0.500%	5.5% of Par	$0	0.000%	2.000%	2.000%	3.000%	2.000%

Bond Issuance Schedule	
Series 1A	9/1/2019
Series 1B	9/1/2022
Series 2A	9/1/2020
Series 2B	9/1/2024

1. Preliminary and subject to change.


1,155
1,120
575
375
545
485
385
S Persimmon St
475
805
3,790
545
Hufsmith-Kohrville Rd
Medical Complex Dr
415
555
475
Medical Complex Rd
Agg Rd
1,150
Tomball Country Club