

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



MONDAY, MARCH 4, 2019

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, March 4, 2019 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Pastor Jason Nelson, Rose Hill United Methodist Church

3.0 Pledges to U.S. and Texas Flags

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

5.0 Reports and Announcements

- March 9, 2019 – **2nd Saturday at the Depot**
- March 16, 2019 – ***Tomball Honky Tonk Chili Challenge Festival*** at the Depot –

11:00 a.m.-6:00 p.m.

- March 18, 2019 – Public Hearing regarding renewal of the Juvenile Curfew Ordinance
- April 13, 2019 – **2nd Saturday at the Depot**
- Reports by City staff and members of Council about items of community interest on which no action will be taken:

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

7.0 Old Business:

7.1 Adopt, on Second Reading, Ordinance No. 2019-01, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Six (Copper Cove Subdivision)

7.2 Adopt, on Second Reading, Ordinance No. 2019-02, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section One Properties within the City of Tomball Public Improvement District Number Six (Copper Cove Subdivision); and Making Certain Findings Related

7.3 Adopt, on Second Reading, Ordinance No. 2019-03, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section Four Properties within the City of Tomball Public Improvement District Number Two (Raleigh Creek Subdivision); and Making Certain Findings Related Thereto

8.0 New Business:

8.1 Receive Presentation from the Texas Railroading Heritage Museum Board and Architect and Possible Action to Approve the Texas Railroading Heritage Museum Architectural Concept, Including:

- a. Update of TRHM History and 2018 Activities;
- b. Presentation by the Architect and Bill Capdevielle, President-TRHM; and
- c. Challenges, Requests, and Proposed Actions.

8.2 Conduct a Public Hearing and Review of the City of Tomball's Juvenile Curfew Ordinance to Determine the Need to Readopt, Abolish, Continue or Modify the Ordinance

8.3 Consideration and Possible Action to Approve, as a Project of the Tomball Economic Development Corporation, an Agreement to Make Direct Incentives to or Expenditures for Equipment Expansion for the Creation and Retention of Primary Jobs for Breaux Machine Works located at 28006 High Meadow Rd., Tomball, TX 77377. The Estimated Amount of Expenditures for Such Project is an Amount Not to Exceed \$118,908.00.

8.4 Appoint/Reappoint Members to Regular and Alternate Position Vacancies on the Board of Adjustment, for Term Expiring March 2, 2019

- 8.5 Appoint/Reappoint Members to the Tourism Advisory Committee for Terms Expired December 5, 2018
- 8.6 Approve Resolution No. 2019-07, a Resolution of the City of Tomball, Texas, Canceling the Regular City Officer's Election Scheduled to be held on the 4th Day of May, 2019, in Accordance with Section 2.053(a) of the Texas Election Code; Directing the Giving of Notice of Such Cancellation of Election; and Providing Details Relating to the Cancellation of Such Election
Aprobar la Resolución Nro. 2019-07 Cancelando la Elección Regular de Funcionarios Municipales programada para celebrarse el día 4 de mayo de 2019 de acuerdo con la Sección 2.053(a) del Código Electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y proveyendo detalles relativos a la cancelación de tal elección.
Chấp thuận Nghị Quyết số 2019-07, Hủy Bỏ Cuộc Bầu Cử Viên Chức Thành Phố Thường Kỳ Dự Kiến sẽ được tổ chức vào ngày 4 tháng Năm, 2019, Chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Texas; Chỉ thị việc đưa ra Thông Báo về Hủy Bỏ Cuộc Bầu Cử đó; và Cung Cấp Thông Tin Chi Tiết Liên quan đến việc Hủy Bỏ Cuộc Bầu Cử đó.
通過決議案2019-07, 取消一般市府官員應於2019年5月4日的選舉計畫, 其是根據德克薩斯州選舉法2.053(a)節; 茲此通知該選舉取消; 以及提供關於取消該選舉的詳情。
- 8.7 Approve an Agreement between the City of Tomball and ExxonMobil Pipeline Company for Reimbursement of Costs Associated with the Work to Cut and Remove Pipeline Sections at the M121W Drainage Channel Crossings to ExxonMobil Pipeline Co., at an Estimated Cost of \$123,384.29
- 8.8 Award Contract for E&P Project Number 2017-10002 Critical Needs Improvements for the North and South Wastewater Treatment Plants to Alfa Laval for Repairs to the Centrifuge at the South Wastewater Treatment Plant, in the Amount of \$132,849.27
- 9.0 Adjournment

CERTIFICATION

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

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: March 4, 2019

Topic:

- Led by Pastor Jason Nelson, Rose Hill United Methodist Church

Background:

Origination:

Recommendation:

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

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 4, 2019

Topic:

- March 9, 2019 – **2nd Saturday at the Depot**
- March 16, 2019 – *Tomball Honky Tonk Chili Challenge Festival* at the Depot – 11:00 a.m.-6:00 p.m.
- March 18, 2019 – Public Hearing regarding renewal of the Juvenile Curfew Ordinance
- April 13, 2019 – **2nd Saturday at the Depot**
- Reports by City staff and members of Council about items of community interest on which no action will be taken:

Background:

Origination:

Various

Recommendation:

N/A

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

City Secretary

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

ATTACHMENTS:

Tomball Honky Tonk Chili Challenge Festival

Public Hearings regarding renewal of the Juvenile Curfew Ordinance



HONKY TONK CHILI CHALLENGE

TOMBALL, TEXAS

Saturday, March 16, 2019

Downtown 1907 Depot Museum

11 am to 6 pm

Free admission & parking

PERFORMING...

- JEFF WOOLSEY & THE DANCEHALL KINGS
- PALOMINO MOON
- THE COUNTRY ALL-STARS

A CASI sanctioned chili cook-off with teams from across Texas. CASI and local divisions.

Kids Zone, Vendors, Food and more!

For information, or to register a cook team, contact

mbaxter@tomballtx.gov

Visit Tomball Texan for Fun on Facebook

H-E-B

Keep
Tomball
Fun!

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL, TEXAS**

**MONDAY, MARCH 4, 2019
AND
MONDAY, MARCH 18, 2019**



6:00 P.M.

Notice is hereby given that the Governing body of the City of Tomball, Texas, will hold Public Hearings during the Regular City Council Meetings to be held on Monday, MARCH 4, 2019, and Monday, MARCH 18, 2019, at City Hall, 401 Market Street, Tomball, Texas 77375 at 6:00 p.m. to consider the following:

**CONDUCT A 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.**

Any member of the public has the right to appear at these Public Hearings and will be given an opportunity to be heard.

Written comments should be received no later than February 27, 2019 for the March 4, 2019 Public Hearing and no later than March 13, 2019 for the March 18, 2019 Public Hearing. Please submit comments to the City Secretary, 401 Market Street, Tomball, Texas 77375.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of February 2019 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meetings.

Doris Speer
Doris Speer
City Secretary, TRMC, MMC

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: March 4, 2019

Topic:
Approve the Minutes of the February 18, 2019 Regular Tomball City Council Meeting

Background:

Origination:
City Secretary

Recommendation:
Approve Minutes

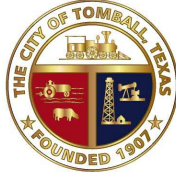
Party(ies) responsible for placing this item on agenda:
City Secretary

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

ATTACHMENTS:

Draft Minutes of the February 18, 2019 Regular Tomball City Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, FEBRUARY 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:

Assistant City Manager – David Esquivel
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Director of Public Works – Beth Jones
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Community Development – Craig Meyers
Fire Marshal – Joe Sykora
Community Events Coordinator – Denise Fiore
Community Center Manager – Rosalie Dillon
Senior Accountant – Christine Brookshire
Warrant Officer/Bailiff – Ron McGullion

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

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:

- February 19, 2019 – **65th Annual Trail Ride Reception** – 12 Noon at the Depot
- March 4 and March 18, 2019 – Public Hearings regarding renewal of the Juvenile Curfew Ordinance
- March 9, 2019 – **2nd Saturday** at the Depot

- March 16, 2019 – ***Tomball Honky Tonk Chili Challenge Festival*** at the Depot – 11:00 a.m.-6:00 p.m.
- April 13, 2019 – **2nd Saturday** at the Depot
- Reports by City staff and members of Council about items of community interest on which no action will be taken:

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

Motion carried unanimously.

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

- 7.1 Approve Resolution No. 2019-06, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Annual Baseball Parade, to be held in Tomball on Saturday, March 2, 2019

- 7.2 Approve Request by the Tomball Rotary for City of Tomball Support of the Rotary's "Big Show at the Depot" Event, to be held on Saturday, April 27, 2019, through In-Kind Support Services

Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Items 7.1 and 7.2 on the New Business Consent Agenda.

Motion carried unanimously.

- 8.0 New Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve a Partnership with iChoosr Organization to Aggregate Residential Electric Power with Other Residents in the State to Obtain "Group Buying Power". Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 8.2 Conduct Public Hearing of the City Council of the City of Tomball to Consider Proposed Assessments against Copper Cove Section One Properties in the City of Tomball Public Improvement District Number Six Established by City Council Resolution No. 2017-18.

Mayor Fagan opened the Public Hearing at 6:41 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:41 p.m.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2019-01 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2019-01, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Six (Copper Cove Subdivision). Vote was as follows:

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

Motion carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Ford, to read Ordinance No. 2019-02 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Ford, to adopt, on First Reading, Ordinance No. 2019-02, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section One Properties within the City of Tomball Public Improvement District Number Six (Copper Cove Subdivision); and Making Certain Findings Related. Vote was as follows:

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

Motion carried unanimously.

- 8.5 Conduct Public Hearing of the City Council of the City of Tomball to Consider Proposed Assessments against Section Four Properties in the City of Tomball Public Improvement District Number Two (Raleigh Creek Subdivision) Established by City Council Resolution No. 2007-22

Mayor Fagan opened the Public Hearing at 6:44 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:44 p.m.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2019-03 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2019-03, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section Four Properties within the City of Tomball Public Improvement District Number Two (Raleigh Creek Subdivision); and Making Certain Findings Related Thereto. Vote was as follows:

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

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 4th day of March 2019.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 4, 2019

Topic:

Adopt, on Second Reading, Ordinance No. 2019-01, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Six (Copper Cove Subdivision)

Background:

Public infrastructure improvements are nearly complete for Section One of Copper Cove Subdivision within Public Improvement District Number Six created by the City in 2017. Per Chapter 372 of the Local Government Code, a service and assessment plan and an assessment roll for Section One must be approved by City Council that will levy the assessment on each of the lots in Section One. The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property in the PID. Each property (lot) will pay a pro-rata portion of the public improvement costs. The Plan also specifies how the assessments are to be collected.

The assessments prescribed in the Plan are by lot. The total, one-time assessment per lot is specified in the plan as well as the annual installment (financed assessment rate at 2.75% annual interest) as follows:

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
\$ 22,692.31	\$1,866.65	15 years	\$ 93.33	\$ 1,959.98

The annual payment, principal, and interest are demonstrated on the attached example amortization schedule which will be kept for each property covered by the assessment. The principal amount of the assessment is payable at any time by each homeowner which would terminate the assessment.

The assessments are formulated to reimburse the developer for the public infrastructure costs of the development plus interest while staying around the equivalent of a \$0.75 tax rate. For illustration, the attached amortization schedule details the amortization for each lot in Section One. It is estimated that the average price of the homes to be constructed will be \$260,000. The annual assessment payment \$1,959.98 is the equivalent of a \$0.75 tax rate on a \$260,000 home.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Future Actions

The District Administrator will work with City staff on the collection of the assessments. The PID assessments will be collected on an annual basis in the same manner as property taxes and transferred to a City-established PID revenue fund. A reimbursement report will be performed by an independent CPA firm prior to reimbursement to the developer. The revenues will be disbursed to the developer once a year after administrative costs have been deducted.

AMORTIZATION SCHEDULE

Duration (in years)	15
Interest Rate	2.75%
Annual Payment Amount	\$1,866.65
Total Lifetime Payments	\$27,999.76
Total Principal	\$22,692.31
Total Interest	\$5,307.45

	Payment	Principal	Interest	Payment	Payments collected	Principal Balance
						<u>\$22,692.31</u>
	1	\$1,242.61	\$624.04	\$1,866.65		\$21,449.70
	2	\$1,276.78	\$589.87	\$1,866.65		\$20,172.91
	3	\$1,311.90	\$554.76	\$1,866.65		\$18,861.02
	4	\$1,347.97	\$518.68	\$1,866.65		\$17,513.05
	5	\$1,385.04	\$481.61	\$1,866.65		\$16,128.00
	6	\$1,423.13	\$443.52	\$1,866.65		\$14,704.87
	7	\$1,462.27	\$404.38	\$1,866.65		\$13,242.61
	8	\$1,502.48	\$364.17	\$1,866.65		\$11,740.13
	9	\$1,543.80	\$322.85	\$1,866.65		\$10,196.33
	10	\$1,586.25	\$280.40	\$1,866.65		\$8,610.08
	11	\$1,629.87	\$236.78	\$1,866.65		\$6,980.21
	12	\$1,674.70	\$191.96	\$1,866.65		\$5,305.51
	13	\$1,720.75	\$145.90	\$1,866.65		\$3,584.76
	14	\$1,768.07	\$98.58	\$1,866.65		\$1,816.69
	15	\$1,816.69	\$49.96	\$1,866.65		\$0.00
TOTAL		\$22,692.31	\$5,307.45	\$27,999.76		

Origination:

Scott Bean, Hawes Hill Calderon, LLP

Recommendation:

Adopt Ordinance No. 2019-01, approving the Service and Assessment Plan and Assessment Roll for Public Improvement District Number Six, on Second Reading.

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

Doris Speer, City Secretary

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2019-01

PID 6 - Council Information Sheet

The Basics - PID Primer

ORDINANCE NO. 2019-01

**AN ORDINANCE OF THE CITY COUNCIL OF TOMBALL, TEXAS,
APPROVING THE SERVICE AND ASSESSMENT PLAN FOR THE CITY
OF TOMBALL PUBLIC IMPROVEMENT DISTRICT NUMBER SIX
(COPPER COVE SUBDIVISION)**

* * * * *

WHEREAS, the City of Tomball (the “City”) is authorized pursuant to TEX. LOCAL GOV’T CODE, Ch. 372, as amended (“Chapter 372”) to create public improvement districts for the purposes described therein; and

WHEREAS, the City has received a petition (the “Petition”) requesting the creation of the City of Tomball Public Improvement District Number Six (the “PID”), held a public hearing, and created the PID in accordance with the applicable provisions of Chapter 372; and

WHEREAS, the City passed and adopted Resolution No. 2017-18 establishing the City of Tomball Public Improvement District Number Six; and

WHEREAS, the City Council wishes to adopt the Service and Assessment Plan with respect to the PID; **NOW THEREFORE**,

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

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

Section 2. The Service and Assessment Plan attached to this Ordinance as Exhibit A is hereby approved and adopted on behalf of the PID, and the Mayor, City Secretary and any other appropriate officials of the City are hereby authorized to take all necessary actions on behalf of the City to implement the terms thereof in accordance therewith.

Section 3. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

FIRST READING:

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

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGS	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF MARCH 2019.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGS	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

GRETCHEN FAGAN, Mayor

Attest:

DORIS SPEER, City Secretary

EXHIBIT A
Service and assessment Plan
Public Improvement District Number Six
City of Tomball, Texas

1. Introduction

This Service and Assessment Plan is prepared and adopted in conformance with the Public Improvement District Assessment Act, codified as Chapter 372, Texas Local Government Code (“the Act”), and pursuant to Resolution 2017-18 creating the Public Improvement District Number Six (“PID”), City of Tomball, Texas. The creation of the PID was initiated by a petition submitted by property owners within the PID boundaries in compliance with the requirements of the Section 372.005 of the Act.

2. Boundaries

The boundaries of the PID are as indicated in Attachment A.

3. Administration of the District

Administration of the District is the responsibility of the City Council of the City of Tomball, Texas, but to the extent allowed by law, the City may contract with a private sector company to carry out all or part of the City responsibilities as well as the operations and administration of the District.

4. Public Improvements

The public improvements to be financed and constructed serve to promote the construction of single family units. The public improvements will confer a special benefit to properties within the PID and will consist of water, sanitary sewer, storm drainage, detention, gas, streets, erosion control, contingency provisions, engineering, financing costs, and administration and legal services for the PID. The public improvements will be pre-funded by the developer of the subdivision within the PUD under the Development Agreement (“Agreement”) executed between the developer and the City.

A. Yaupon Trails

Yaupon Trails contains 13.6 acres of land and will contain 52 lots within the PID. The public improvements authorized under this Plan for Yaupon Trails and the estimated costs thereof, are described below:

PUBLIC IMPROVEMENT	ESTIMATED COSTS
Water, sewer, storm sewer, streets, detention, gas, off-site utility extensions, amenities, engineering, design fees, landscaping, PID creation	\$1,180,000
Financing Costs (15 years @ 2.75%)	\$275,990
Total Improvements	\$1,455,990
Administration (5%)	\$72,800
Total Costs (15 years)	\$1,528,790

5. Construction of Public Improvements

The Plan will be reviewed annually in accordance with the provisions of Chapter 372 of the Local Government Code and will include a review of the expenditures and revenues of the District. Additionally, the Plan will be reviewed for the purposes of establishing the installments for assessment based upon the costs for public improvements for the financial needs of the District.

6. Conveyance of Improvements to the City

Upon completion of the improvements, and final inspection and acceptance of the public improvements by the City, the developer will convey all rights to the improvements to the city or homeowner's association as applicable, subject to the developers rights of reimbursement described in the Development Agreement executed between the developer and the City.

7. Authorized Improvements

The area within the PID that is covered by the Service and Assessment Plan will be developed as single family residential. This Plan designates the public improvements required for the growth and development of the land within the PID. The goal of this Plan is to provide sufficient certainty for the owners of land within the PID to proceed with the financing and construction of the necessary public improvements, while allowing flexibility to meet the needs of the PID over the life of the development of residential properties within the PID.

The construction of the public improvements authorized herein began in calendar year 2017. The actual costs of the public improvements will be determined by an independent accountant report of the developer's costs.

8. Advance Financing by the Developer

The developer will advance the funds for construction of the public improvements and will be entitled to repayment pursuant the Development Agreement executed between the City and the developer.

9. Apportionment of Costs

Payment of assessments, if any, on property owned by exempt jurisdictions other than the City shall be established by contract.

10. Levy of Assessments

The total assessment for each property shall be an equal apportionment of the total costs divided by the total number of lots. Assessments can be paid by each property in advance or at any time thereafter. Financed assessments paid annually shall be concurrent with the city's tax year and will bear interest at 2.75% for up to 15 years. The principal amount of the assessment is payable at any time by property owners.

The assessments are on a per lots basis. The cost of the public improvements will consist of the costs subject to construct water, sanitary sewer, storm sewer, streets, detention, amenities, landscaping, gas, engineering and design fees, PID creation costs and administration and financing payable to the developer pursuant to the Development Agreement.

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
\$ 22,692.31	\$1,866.65	15 years	\$ 93.33	\$ 1,959.98

11. Levy and Collection

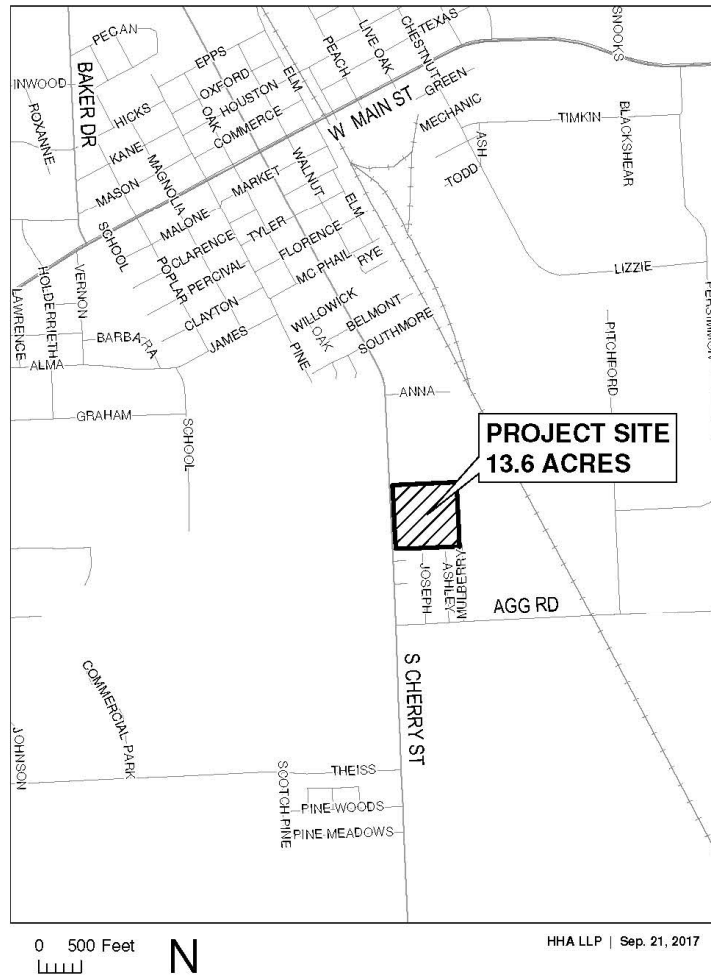
Notice of levy of each assessment will be given as provided in Chapter 372 of the Local Government Code. The assessment levy statement will be sent to each property owner in the District, and the payment will be due and payable at the same time property taxes are due and payable to the City.

The first installment of an assessment against a particular property shall be due with respect to the calendar year following the date such property has been improved with a habitable structure as evidenced by the issuance of a certificate of occupancy. The City will invoice each property owner for the installment payment in conjunction with the City's annual property tax bill, and the installments shall be due and payable, and incur penalty and interest for unpaid installments in the same manner as provided for the City's property taxes. Thereafter, subsequent installments shall be due in the same manner in each succeeding calendar year until the assessment has been paid in full. The owner of assessed property may pay at any time the entire assessment then due on each property through the date of final payment. Failure of an owner to receive an invoice shall not relieve the owner of the responsibility for the assessment.

A lien will be established against the property assessed effective as of the date of the ordinance levying the assessment, privileged above all other liens, include prior mortgage liens, to the extent allowed by Section 372 of the Local Government Code. Assessment installments shall be considered delinquent on the same date as the city's property taxes. Delinquent assessments or installments shall incur the costs of collection. If practicable, the assessment shall be included on the City property tax statement. Notwithstanding the above, the assessment shall be perfected immediately as to the entire assessment, but may be executed only with respect to the amounts then due or past due for current or prior installments or final payment. Assessments are personal obligations of the person owning the property assessed in the year an installment payment becomes due, and only to the extent of such installment(s).

The owner of the assessed property may pay at any time the entire assessment then due on each property.

EXHIBIT A



Council Item Information Sheet – Service and Assessment Plan and Section One Assessment Roll for Public Improvement District Number Six (Copper Cove Subdivision)

Action Requested

Approval of the Service and Assessment Plan and Section One Assessment Roll for Public Improvement District Number Six.

Information

Public infrastructure improvements are nearly complete for Section One of Copper Cove Subdivision within Public Improvement District Number Six created by the City in 2017. Per Chapter 372 of the Local Government Code, a service and assessment plan and an assessment roll for Section One must be approved by City Council that will levy the assessment on each of the lots in Section One. The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property in the PID. Each property (lot) will pay a pro-rata portion of the public improvement costs. The Plan also specifies how the assessments are to be collected.

The assessments prescribed in the Plan are by lot. The total, one-time assessment per lot is specified in the plan as well as the annual installment (financed assessment rate at 2.75% annual interest) as follows:

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
\$ 22,692.31	\$1,866.65	15 years	\$ 93.33	\$ 1,959.98

The annual payment, principal, and interest are demonstrated on the attached example amortization schedule which will be kept for each property covered by the assessment. The principal amount of the assessment is payable at any time by each homeowner which would terminate the assessment.

The assessments are formulated to reimburse the developer for the public infrastructure costs of the development plus interest while staying around the equivalent of a \$0.75 tax rate. For illustration, the attached amortization schedule details the amortization for each lot in Section One. It is estimated that the average price of the homes to be constructed will be \$260,000. The annual assessment payment \$1,959.98 is the equivalent of a \$0.75 tax rate on a \$260,000 home.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Future Actions

The District Administrator will work with City staff on the collection of the assessments. The PID assessments will be collected on an annual basis in the same manner as property taxes and transferred to a City-established PID revenue fund. A reimbursement report will be performed by an independent CPA firm prior to reimbursement to the developer. The revenues will be disbursed to the developer once a year after administrative costs have been deducted.

AMORTIZATION SCHEDULE

Duration (in years)	15
Interest Rate	2.75%
Annual Payment Amount	\$1,866.65
Total Lifetime Payments	\$27,999.76
Total Principal	\$22,692.31
Total Interest	\$5,307.45

	Payment	Principal	Interest	Payment	Payments collected	Principal Balance
						<u>\$22,692.31</u>
1	\$1,242.61	\$624.04	\$1,866.65			\$21,449.70
2	\$1,276.78	\$589.87	\$1,866.65			\$20,172.91
3	\$1,311.90	\$554.76	\$1,866.65			\$18,861.02
4	\$1,347.97	\$518.68	\$1,866.65			\$17,513.05
5	\$1,385.04	\$481.61	\$1,866.65			\$16,128.00
6	\$1,423.13	\$443.52	\$1,866.65			\$14,704.87
7	\$1,462.27	\$404.38	\$1,866.65			\$13,242.61
8	\$1,502.48	\$364.17	\$1,866.65			\$11,740.13
9	\$1,543.80	\$322.85	\$1,866.65			\$10,196.33
10	\$1,586.25	\$280.40	\$1,866.65			\$8,610.08
11	\$1,629.87	\$236.78	\$1,866.65			\$6,980.21
12	\$1,674.70	\$191.96	\$1,866.65			\$5,305.51
13	\$1,720.75	\$145.90	\$1,866.65			\$3,584.76
14	\$1,768.07	\$98.58	\$1,866.65			\$1,816.69
15	\$1,816.69	\$49.96	\$1,866.65			\$0.00
TOTAL		\$22,692.31	\$5,307.45	\$27,999.76		

Public Improvement District (PID) Primer

What is a PID?

A Public Improvement District (PID) is a public financing tool created under Chapter 372 of the Texas Local Government Code (TLGC). A PID allows a neighborhood or commercial area to apportion the cost of improvements and levy an assessment against property located in the PID, because that property is acquiring a special benefit because of the improvements. In other words, the property that will benefit the most from the improvement pays for the improvement--the burden is not shifted to the entire community. PIDs are intended to promote economic growth by providing the funding mechanism to construct necessary infrastructure or desired amenities that support new developments and encourage redevelopment.

PIDs are a component unit of the City and are governed by the City Council. The Council can create an advisory board for the PID if necessary, but final determinations on establishment, costs, assessments, and budgets must be made by the City Council.

What can a PID finance?

The PID can be designed to help finance the cost of a variety of development costs including:

- water, wastewater, health and sanitation, or drainage improvements;
- street and sidewalk improvements;
- mass transit improvements;
- parking improvements;
- library improvements;
- park, recreation and cultural;
- art installation;
- creation of pedestrian malls; or
- supplemental services. (advertising, extra public safety, etc.)

How does the PID finance the projects?

Project costs can be paid directly by the City or the developer can advance funds. The assessment fees levied on each property fund the project payments. Until the PID has accumulated adequate assessment fee revenue, the City can choose to issue bonds or use general tax revenues for initial payments or developer reimbursements.

Separate fund(s) are created by the City for the administration of the PID. The Council reviews and approves the assessments and district budget each year.

How is a PID created and dissolved?

PID Development Process (minimum steps required by Chapter 372, TLGC):

1. City, County, or affected property owner(s) initiates a petition for creation.
2. If needed, City Council appoints an advisory board to develop the PID improvement plan.
3. City Council holds a public hearing & passes a resolution on the need for the PID.
4. City Council authorizes the establishment of a PID by resolution.
5. Construction of improvements may begin 20-days after the PID's creation.
6. City Council adopts a Service and Assessment Plan (list of projects, costs, debt, & assessment fee) for at least five, ongoing years is developed.
7. City holds a public hearing on the assessment roll (lists each PID property's fee).
8. City Council adopts ordinance to levy the special assessment. (City will also create a special fund(s) for the PID).
9. If necessary, City Council holds public hearing and approves additional assessments to correct omissions or mistakes in the improvement costs.
10. If necessary, City Council holds public hearing & passes a resolution dissolving PID; however, the district remains in effect at least to meet its debt obligations.

Does the City have any additional requirements?

Yes. City of Tomball Administrative Policy No. 18 "Development Policy for Special Financing Districts" requires:

1. Residential Development Size--greater than 125 acres unless the average home value is greater than \$225, 000.
2. Annual Individual Assessment Limit--no more than the equivalent of a \$.50 tax rate on the assessed value of the property.
3. Assessment Term Limit--Not to exceed 10 years. First assessment due 3 years after levy or upon transfer of property from developer to home buyer whichever occurs first.
4. Developer Interest Limit--If bonds are sold, developer earned interest reimbursements will not exceed the net effective interest rate on bonds sold or 8% whichever is less. If bonds are not sold, reimbursement will be calculated according to an indexed-based formula (see Admin Policy 18) or 8% whichever is less.
5. Bidding Requirements--Developers must follow municipal bidding procedures (as outline in Chap 252 TLGC). All bids and awards of contracts must be approved by City Council.
6. District Administration--The City of Tomball will contract with an outside consultant to bill, collect, and track district assessments. This cost will be included in the Service & Assessment Plan and reimbursed from the district.

Other city policies, procedures, and good practices may also effect individual district creation or administration including approval of related contracts and agreements. For example, the City will usually need to enter into a Developer Agreement to detail the responsibilities & obligations of each party related to the Service and Assessment Plan.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 4, 2019

Topic:

Adopt, on Second Reading, Ordinance No. 2019-02, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section One Properties within the City of Tomball Public Improvement District Number Six (Copper Cove Subdivision); and Making Certain Findings Related

Background:

Public infrastructure improvements are nearly complete for Section One of Copper Cove Subdivision within Public Improvement District Number Six created by the City in 2017. Per Chapter 372 of the Local Government Code, a service and assessment plan and an assessment roll for Section One must be approved by City Council that will levy the assessment on each of the lots in Section One. The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property in the PID. Each property (lot) will pay a pro-rata portion of the public improvement costs. The Plan also specifies how the assessments are to be collected.

The assessments prescribed in the Plan are by lot. The total, one-time assessment per lot is specified in the plan as well as the annual installment (financed assessment rate at 2.75% annual interest) as follows:

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
\$ 22,692.31	\$1,866.65	15 years	\$ 93.33	\$ 1,959.98

The annual payment, principal, and interest are demonstrated on the attached example amortization schedule which will be kept for each property covered by the assessment. The principal amount of the assessment is payable at any time by each homeowner which would terminate the assessment.

The assessments are formulated to reimburse the developer for the public infrastructure costs of the development plus interest while staying around the equivalent of a \$0.75 tax rate. For illustration, the attached amortization schedule details the amortization for each lot in Section One. It is estimated that the average price of the homes to be constructed will be \$260,000. The annual assessment payment \$1,959.98 is the equivalent of a \$0.75 tax rate on a \$260,000 home.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Future Actions

The District Administrator will work with City staff on the collection of the assessments. The PID assessments will be collected on an annual basis in the same manner as property taxes and transferred to a City-established PID revenue fund. A reimbursement report will be performed by an independent CPA firm prior to reimbursement to the developer. The revenues will be disbursed to the developer once a year after administrative costs have been deducted.

AMORTIZATION SCHEDULE

Duration (in years)	15
Interest Rate	2.75%
Annual Payment Amount	\$1,866.65
Total Lifetime Payments	\$27,999.76
Total Principal	\$22,692.31
Total Interest	\$5,307.45

	Payment	Principal	Interest	Payment	Payments collected	Principal Balance
						<u>\$22,692.31</u>
	1	\$1,242.61	\$624.04	\$1,866.65		\$21,449.70
	2	\$1,276.78	\$589.87	\$1,866.65		\$20,172.91
	3	\$1,311.90	\$554.76	\$1,866.65		\$18,861.02
	4	\$1,347.97	\$518.68	\$1,866.65		\$17,513.05
	5	\$1,385.04	\$481.61	\$1,866.65		\$16,128.00
	6	\$1,423.13	\$443.52	\$1,866.65		\$14,704.87
	7	\$1,462.27	\$404.38	\$1,866.65		\$13,242.61
	8	\$1,502.48	\$364.17	\$1,866.65		\$11,740.13
	9	\$1,543.80	\$322.85	\$1,866.65		\$10,196.33
	10	\$1,586.25	\$280.40	\$1,866.65		\$8,610.08
	11	\$1,629.87	\$236.78	\$1,866.65		\$6,980.21
	12	\$1,674.70	\$191.96	\$1,866.65		\$5,305.51
	13	\$1,720.75	\$145.90	\$1,866.65		\$3,584.76
	14	\$1,768.07	\$98.58	\$1,866.65		\$1,816.69
	15	\$1,816.69	\$49.96	\$1,866.65		\$0.00
TOTAL		\$22,692.31	\$5,307.45	\$27,999.76		

Origination:

Scott Bean, Hawes Hill Calderon, LLP

Recommendation:

Adopt Ordinance No. 2019-02 on Second Reading

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

Doris Speer, City Secretary

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2019-02

PID 6 - Council Information Sheet

The Basics - PID Primer

ORDINANCE NO. 2019-02

**AN ORDINANCE OF THE CITY COUNCIL OF TOMBALL, TEXAS,
LEVYING AN ASSESSMENT AGAINST SECTION ONE PROPERTIES
WITHIN THE CITY OF TOMBALL PUBLIC IMPROVEMENT
DISTRICT NUMBER SIX (COPPER COVE SUBDIVISION); AND
MAKING CERTAIN FINDINGS RELATED THERETO (COPPER COVE
SUBDIVISION).**

* * * * *

WHEREAS, the City of Tomball (the “City”) is authorized pursuant to TEX. LOCAL GOV’T CODE, ch. 372, as amended (“Chapter 372”) to create public improvement districts for the purposes described therein, and to levy and collect an assessment in furtherance of the purposes thereof; and

WHEREAS, the City has created City of Tomball Public Improvement District Number Six (the “PID”), adopted a Service and Assessment Plan (the “Plan”) for the PID, all in accordance with the applicable provisions of Chapter 372; and

WHEREAS, the City Council filed a proposed assessment roll with the City secretary which roll was available for public inspection, and following notice thereof by mail and publication as required by Chapter 372, the City Council held a public hearing at which written or oral objections to the proposed assessments were considered and passed on by the City Council; and

WHEREAS, the City Council has determined that the levy of a special assessment for and on behalf of the PID is necessary and advisable, and that the proposed assessment roll apportions the cost of the subject improvements in the PID on the basis of special benefits accruing to the property because of the improvement, **NOW THEREFORE**,

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

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

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

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

Section 4. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

FIRST READING:

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

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF MARCH 2019.

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

GRETCHEN FAGAN, Mayor

Attest:

DORIS SPEER, City Secretary

Ordinance No. 2019-02
Page 3 of 3

**Public Improvement District Number Six
Copper Cove Subdivision
Section One Assessment Roll
City of Tomball, Harris County, Texas**

[illegible]

Council Item Information Sheet – Service and Assessment Plan and Section One Assessment Roll for Public Improvement District Number Six (Copper Cove Subdivision)

Action Requested

Approval of the Service and Assessment Plan and Section One Assessment Roll for Public Improvement District Number Six.

Information

Public infrastructure improvements are nearly complete for Section One of Copper Cove Subdivision within Public Improvement District Number Six created by the City in 2017. Per Chapter 372 of the Local Government Code, a service and assessment plan and an assessment roll for Section One must be approved by City Council that will levy the assessment on each of the lots in Section One. The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property in the PID. Each property (lot) will pay a pro-rata portion of the public improvement costs. The Plan also specifies how the assessments are to be collected.

The assessments prescribed in the Plan are by lot. The total, one-time assessment per lot is specified in the plan as well as the annual installment (financed assessment rate at 2.75% annual interest) as follows:

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
\$ 22,692.31	\$1,866.65	15 years	\$ 93.33	\$ 1,959.98

The annual payment, principal, and interest are demonstrated on the attached example amortization schedule which will be kept for each property covered by the assessment. The principal amount of the assessment is payable at any time by each homeowner which would terminate the assessment.

The assessments are formulated to reimburse the developer for the public infrastructure costs of the development plus interest while staying around the equivalent of a \$0.75 tax rate. For illustration, the attached amortization schedule details the amortization for each lot in Section One. It is estimated that the average price of the homes to be constructed will be \$260,000. The annual assessment payment \$1,959.98 is the equivalent of a \$0.75 tax rate on a \$260,000 home.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Future Actions

The District Administrator will work with City staff on the collection of the assessments. The PID assessments will be collected on an annual basis in the same manner as property taxes and transferred to a City-established PID revenue fund. A reimbursement report will be performed by an independent CPA firm prior to reimbursement to the developer. The revenues will be disbursed to the developer once a year after administrative costs have been deducted.

AMORTIZATION SCHEDULE

Duration (in years)	15
Interest Rate	2.75%
Annual Payment Amount	\$1,866.65
Total Lifetime Payments	\$27,999.76
Total Principal	\$22,692.31
Total Interest	\$5,307.45

	Payment	Principal	Interest	Payment	Payments collected	Principal Balance
						<u>\$22,692.31</u>
1	\$1,242.61	\$624.04	\$1,866.65			\$21,449.70
2	\$1,276.78	\$589.87	\$1,866.65			\$20,172.91
3	\$1,311.90	\$554.76	\$1,866.65			\$18,861.02
4	\$1,347.97	\$518.68	\$1,866.65			\$17,513.05
5	\$1,385.04	\$481.61	\$1,866.65			\$16,128.00
6	\$1,423.13	\$443.52	\$1,866.65			\$14,704.87
7	\$1,462.27	\$404.38	\$1,866.65			\$13,242.61
8	\$1,502.48	\$364.17	\$1,866.65			\$11,740.13
9	\$1,543.80	\$322.85	\$1,866.65			\$10,196.33
10	\$1,586.25	\$280.40	\$1,866.65			\$8,610.08
11	\$1,629.87	\$236.78	\$1,866.65			\$6,980.21
12	\$1,674.70	\$191.96	\$1,866.65			\$5,305.51
13	\$1,720.75	\$145.90	\$1,866.65			\$3,584.76
14	\$1,768.07	\$98.58	\$1,866.65			\$1,816.69
15	\$1,816.69	\$49.96	\$1,866.65			\$0.00
TOTAL		\$22,692.31	\$5,307.45	\$27,999.76		

Public Improvement District (PID) Primer

What is a PID?

A Public Improvement District (PID) is a public financing tool created under Chapter 372 of the Texas Local Government Code (TLGC). A PID allows a neighborhood or commercial area to apportion the cost of improvements and levy an assessment against property located in the PID, because that property is acquiring a special benefit because of the improvements. In other words, the property that will benefit the most from the improvement pays for the improvement--the burden is not shifted to the entire community. PIDs are intended to promote economic growth by providing the funding mechanism to construct necessary infrastructure or desired amenities that support new developments and encourage redevelopment.

PIDs are a component unit of the City and are governed by the City Council. The Council can create an advisory board for the PID if necessary, but final determinations on establishment, costs, assessments, and budgets must be made by the City Council.

What can a PID finance?

The PID can be designed to help finance the cost of a variety of development costs including:

- water, wastewater, health and sanitation, or drainage improvements;
- street and sidewalk improvements;
- mass transit improvements;
- parking improvements;
- library improvements;
- park, recreation and cultural;
- art installation;
- creation of pedestrian malls; or
- supplemental services. (advertising, extra public safety, etc.)

How does the PID finance the projects?

Project costs can be paid directly by the City or the developer can advance funds. The assessment fees levied on each property fund the project payments. Until the PID has accumulated adequate assessment fee revenue, the City can choose to issue bonds or use general tax revenues for initial payments or developer reimbursements.

Separate fund(s) are created by the City for the administration of the PID. The Council reviews and approves the assessments and district budget each year.

How is a PID created and dissolved?

PID Development Process (minimum steps required by Chapter 372, TLGC):

1. City, County, or affected property owner(s) initiates a petition for creation.
2. If needed, City Council appoints an advisory board to develop the PID improvement plan.
3. City Council holds a public hearing & passes a resolution on the need for the PID.
4. City Council authorizes the establishment of a PID by resolution.
5. Construction of improvements may begin 20-days after the PID's creation.
6. City Council adopts a Service and Assessment Plan (list of projects, costs, debt, & assessment fee) for at least five, ongoing years is developed.
7. City holds a public hearing on the assessment roll (lists each PID property's fee).
8. City Council adopts ordinance to levy the special assessment. (City will also create a special fund(s) for the PID).
9. If necessary, City Council holds public hearing and approves additional assessments to correct omissions or mistakes in the improvement costs.
10. If necessary, City Council holds public hearing & passes a resolution dissolving PID; however, the district remains in effect at least to meet its debt obligations.

Does the City have any additional requirements?

Yes. City of Tomball Administrative Policy No. 18 "Development Policy for Special Financing Districts" requires:

1. Residential Development Size--greater than 125 acres unless the average home value is greater than \$225, 000.
2. Annual Individual Assessment Limit--no more than the equivalent of a \$.50 tax rate on the assessed value of the property.
3. Assessment Term Limit--Not to exceed 10 years. First assessment due 3 years after levy or upon transfer of property from developer to home buyer whichever occurs first.
4. Developer Interest Limit--If bonds are sold, developer earned interest reimbursements will not exceed the net effective interest rate on bonds sold or 8% whichever is less. If bonds are not sold, reimbursement will be calculated according to an indexed-based formula (see Admin Policy 18) or 8% whichever is less.
5. Bidding Requirements--Developers must follow municipal bidding procedures (as outline in Chap 252 TLGC). All bids and awards of contracts must be approved by City Council.
6. District Administration--The City of Tomball will contract with an outside consultant to bill, collect, and track district assessments. This cost will be included in the Service & Assessment Plan and reimbursed from the district.

Other city policies, procedures, and good practices may also effect individual district creation or administration including approval of related contracts and agreements. For example, the City will usually need to enter into a Developer Agreement to detail the responsibilities & obligations of each party related to the Service and Assessment Plan.

Regular City Council

Agenda Item

Data Sheet

M

Topic:

Adopt, on Second Reading, Ordinance No. 2019-03, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section Four Properties within t Improvement District Number Two (Raleigh Creek Subdivision); and Making Certain Findings Related Thereto

Background:

Public Improvement District Number Two was created in 2007 and comprises the entirety of the Raleigh Creek Subdivision which will ultimately contain 347 single family lots. Assessments were levied on Section One propo and Three in 2018. The developer has completed improvements for Section Four properties and the assessments now need to be levied on those lots.

As with Section One, Two and Three lots, the assessments proposed are on a per lot basis. Based on the public infrastructure costs for the development, the total, one-time assessment \$26,197.39 is proposed which repr assessment. The annual installment (financed assessment) proposed is \$2,876.33 which is the principal amount of the assessment amortized over 15 years at 7% interest. With the annual administrative cost of \$71.91 per lot, \$2,984.24 per lot.

Home values in Raleigh Creek are expected to average \$350,000. A \$2,984.24 annual assessment installment payment on a \$350,000 home is the equivalent of a \$0.85 property tax rate.

The annual payment, principal, and interest are demonstrated on the attached example amortization schedule which will be kept for each property covered by the assessment. The principal amount of the assessment is payable which would terminate the assessment.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other spec rate.

Future Actions

As with other City Public Improvement Districts, Harris County will collect the PID assessments in the same manner as property taxes and transferred to a City-established PID revenue fund. A report on the reimbursable by a qualified CPA firm and the revenues will be disbursed to the developer once a year after administrative costs have been deducted.

EXAMPLE AMORTIZATION SCHEDULE

Duration (in years)	15
Interest Rate	7.00%
Annual Payment Amount	\$2,876.33
Total Lifetime Payments	\$43,144.99
Total Principal	\$26,197.39
Total Interest	\$16,947.60

	Payment	Principal	Interest	Payment	Principal Balance
					\$26,197.39
1	\$1,042.52	\$1,833.82	\$2,876.33	\$25,154.87	
2	\$1,115.49	\$1,760.84	\$2,876.33	\$24,039.38	
3	\$1,193.58	\$1,682.76	\$2,876.33	\$22,845.81	
4	\$1,277.13	\$1,599.21	\$2,876.33	\$21,568.68	
5	\$1,366.52	\$1,509.81	\$2,876.33	\$20,202.16	
6	\$1,462.18	\$1,414.15	\$2,876.33	\$18,739.97	
7	\$1,564.53	\$1,311.80	\$2,876.33	\$17,175.44	
8	\$1,674.05	\$1,202.28	\$2,876.33	\$15,501.39	
9	\$1,791.24	\$1,085.10	\$2,876.33	\$13,710.15	
10	\$1,916.62	\$959.71	\$2,876.33	\$11,793.53	
11	\$2,050.79	\$825.55	\$2,876.33	\$9,742.75	
12	\$2,194.34	\$681.99	\$2,876.33	\$7,548.41	
13	\$2,347.94	\$528.39	\$2,876.33	\$5,200.46	
14	\$2,512.30	\$364.03	\$2,876.33	\$2,688.16	
15	\$2,688.16	\$188.17	\$2,876.33	\$0.00	
TOTAL		\$26,197.39	\$16,947.60	\$43,144.99	

Origination:

Scott Bean, Hawes Hill Calderon

Recommendation:

Adopt Ordinance No. 2019-03 on Second Reading

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

Doris Speer, City Secretary

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

ATTACHMENTS:

Ordinance No. 2019-03
PID 2 Sec 4 - Council Information Sheet

ORDINANCE NO. 2019-03

**AN ORDINANCE OF THE CITY COUNCIL OF TOMBALL, TEXAS,
LEVYING AN ASSESSMENT AGAINST SECTION FOUR PROPERTIES
WITHIN THE CITY OF TOMBALL PUBLIC IMPROVEMENT DISTRICT
NUMBER TWO (RALEIGH CREEK SUBDIVISION); AND MAKING
CERTAIN FINDINGS RELATED THERETO.**

* * * * *

WHEREAS, the City of Tomball (the “City”) is authorized pursuant to TEX. LOCAL GOV’T CODE, ch. 372, as amended (“Chapter 372”) to create public improvement districts for the purposes described therein, and to levy and collect an assessment in furtherance of the purposes thereof; and

WHEREAS, the City has created City of Tomball Public Improvement District Number Two (the “PID”), adopted a Service and Assessment Plan (the “Plan”) for the PID, all in accordance with the applicable provisions of Chapter 372; and

WHEREAS, the City Council filed a proposed assessment roll with the City secretary which roll was available for public inspection, and following notice thereof by mail and publication as required by Chapter 372, the City Council held a public hearing at which written or oral objections to the proposed assessments were considered and passed on by the City Council; and

WHEREAS, the City Council has determined that the levy of a special assessment for and on behalf of the PID is necessary and advisable, and that the proposed assessment roll apportions the cost of the subject improvements in the PID on the basis of special benefits accruing to the property because of the improvement, **NOW THEREFORE**,

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

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

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

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

Section 4. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

FIRST READING:

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

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF MARCH 2019.

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

GRETCHEN FAGAN, Mayor

Attest:

DORIS SPEER, City Secretary

Public Improvement District Number Two
Raleigh Creek Subdivision
Section Four Assessment Roll
City of Tomball, Harris County, Texas

Owner	Block #	Lot #	Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
DR HORTON TEXAS LTD	1	1	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	1	2	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	1	3	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	1	4	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	1	5	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	1	6	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	1	7	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	1	8	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	1	9	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	1	10	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	1	11	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	1	12	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	1	13	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	1	14	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	1	15	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	1	16	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	1	17	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	1	18	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	1	19	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	1	20	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	2	1	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	2	2	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	2	3	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	2	4	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	2	5	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	2	6	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24
DR HORTON TEXAS LTD	2	7	\$ 26,197.39	\$2,876.33	15 years	\$ 71.91	\$ 2,948.24

Council Item Information Sheet – Section Four Assessment Roll for Public Improvement District No. 2 (Raleigh Creek Subdivision).

Action Requested

Approval of the Section Four Assessment Roll.

Information

Public Improvement District Number Two was created in 2007 and comprises the entirety of the Raleigh Creek Subdivision which will ultimately contain 347 single family lots. Assessments were levied on Section One properties in 2014 and in Sections Two and Three in 2018. The developer has completed improvements for Section Four properties and the assessments now need to be levied on those lots.

As with Section One, Two and Three lots, the assessments proposed are on a per lot basis. Based on the public infrastructure costs for the development, the total, one-time assessment \$26,197.39 is proposed which represents the principal amount of the assessment. The annual installment (financed assessment) proposed is \$2,876.33 which is the principal amount of the assessment amortized over 15 years at 7% interest. With the annual administrative cost of \$71.91 per lot, the total annual payment will equal \$2,984.24 per lot.

Home values in Raleigh Creek are expected to average \$350,000. A \$2,984.24 annual assessment installment payment on a \$350,000 home is the equivalent of a \$0.85 property tax rate.

The annual payment, principal, and interest are demonstrated on the attached example amortization schedule which will be kept for each property covered by the assessment. The principal amount of the assessment is payable at any time by each homeowner which would terminate the assessment.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Future Actions

As with other City Public Improvement Districts, Harris County will collect the PID assessments in the same manner as property taxes and transferred to a City-established PID revenue fund. A report on the reimbursable developer costs will be performed by a qualified CPA firm and the revenues will be disbursed to the developer once a year after administrative costs have been deducted.

EXAMPLE AMORTIZATION SCHEDULE

Duration (in years)	15
Interest Rate	7.00%
Annual Payment Amount	\$2,876.33
Total Lifetime Payments	\$43,144.99
Total	
Principal	\$26,197.39
Total Interest	\$16,947.60

	Payment	Principal	Interest	Payment	Principal Balance
					\$26,197.39
1		\$1,042.52	\$1,833.82	\$2,876.33	\$25,154.87
2		\$1,115.49	\$1,760.84	\$2,876.33	\$24,039.38
3		\$1,193.58	\$1,682.76	\$2,876.33	\$22,845.81
4		\$1,277.13	\$1,599.21	\$2,876.33	\$21,568.68
5		\$1,366.52	\$1,509.81	\$2,876.33	\$20,202.16
6		\$1,462.18	\$1,414.15	\$2,876.33	\$18,739.97
7		\$1,564.53	\$1,311.80	\$2,876.33	\$17,175.44
8		\$1,674.05	\$1,202.28	\$2,876.33	\$15,501.39
9		\$1,791.24	\$1,085.10	\$2,876.33	\$13,710.15
10		\$1,916.62	\$959.71	\$2,876.33	\$11,793.53
11		\$2,050.79	\$825.55	\$2,876.33	\$9,742.75
12		\$2,194.34	\$681.99	\$2,876.33	\$7,548.41
13		\$2,347.94	\$528.39	\$2,876.33	\$5,200.46
14		\$2,512.30	\$364.03	\$2,876.33	\$2,688.16
15		\$2,688.16	\$188.17	\$2,876.33	\$0.00
TOTAL		\$26,197.39	\$16,947.60	\$43,144.99	

Public Improvement District (PID) Primer

What is a PID?

A Public Improvement District (PID) is a public financing tool created under Chapter 372 of the Texas Local Government Code (TLGC). A PID allows a neighborhood or commercial area to apportion the cost of improvements and levy an assessment against property located in the PID, because that property is acquiring a special benefit because of the improvements. In other words, the property that will benefit the most from the improvement pays for the improvement--the burden is not shifted to the entire community. PIDs are intended to promote economic growth by providing the funding mechanism to construct necessary infrastructure or desired amenities that support new developments and encourage redevelopment.

PIDs are a component unit of the City and are governed by the City Council. The Council can create an advisory board for the PID if necessary, but final determinations on establishment, costs, assessments, and budgets must be made by the City Council.

What can a PID finance?

The PID can be designed to help finance the cost of a variety of development costs including:

- water, wastewater, health and sanitation, or drainage improvements;
- street and sidewalk improvements;
- mass transit improvements;
- parking improvements;
- library improvements;
- park, recreation and cultural;
- art installation;
- creation of pedestrian malls; or
- supplemental services. (advertising, extra public safety, etc.)

How does the PID finance the projects?

Project costs can be paid directly by the City or the developer can advance funds. The assessment fees levied on each property fund the project payments. Until the PID has accumulated adequate assessment fee revenue, the City can choose to issue bonds or use general tax revenues for initial payments or developer reimbursements.

Separate fund(s) are created by the City for the administration of the PID. The Council reviews and approves the assessments and district budget each year.

How is a PID created and dissolved?

PID Development Process (minimum steps required by Chapter 372, TLGC):

1. City, County, or affected property owner(s) initiates a petition for creation.
2. If needed, City Council appoints an advisory board to develop the PID improvement plan.
3. City Council holds a public hearing & passes a resolution on the need for the PID.
4. City Council authorizes the establishment of a PID by resolution.
5. Construction of improvements may begin 20-days after the PID's creation.
6. City Council adopts a Service and Assessment Plan (list of projects, costs, debt, & assessment fee) for at least five, ongoing years is developed.
7. City holds a public hearing on the assessment roll (lists each PID property's fee).
8. City Council adopts ordinance to levy the special assessment. (City will also create a special fund(s) for the PID).
9. If necessary, City Council holds public hearing and approves additional assessments to correct omissions or mistakes in the improvement costs.
10. If necessary, City Council holds public hearing & passes a resolution dissolving PID; however, the district remains in effect at least to meet its debt obligations.

Does the City have any additional requirements?

Yes. City of Tomball Administrative Policy No. 18 "Development Policy for Special Financing Districts" requires:

1. Residential Development Size--greater than 125 acres unless the average home value is greater than \$225, 000.
2. Annual Individual Assessment Limit--no more than the equivalent of a \$.50 tax rate on the assessed value of the property.
3. Assessment Term Limit--Not to exceed 10 years. First assessment due 3 years after levy or upon transfer of property from developer to home buyer whichever occurs first.
4. Developer Interest Limit--If bonds are sold, developer earned interest reimbursements will not exceed the net effective interest rate on bonds sold or 8% whichever is less. If bonds are not sold, reimbursement will be calculated according to an indexed-based formula (see Admin Policy 18) or 8% whichever is less.
5. Bidding Requirements--Developers must follow municipal bidding procedures (as outline in Chap 252 TLGC). All bids and awards of contracts must be approved by City Council.
6. District Administration--The City of Tomball will contract with an outside consultant to bill, collect, and track district assessments. This cost will be included in the Service & Assessment Plan and reimbursed from the district.

Other city policies, procedures, and good practices may also effect individual district creation or administration including approval of related contracts and agreements. For example, the City will usually need to enter into a Developer Agreement to detail the responsibilities & obligations of each party related to the Service and Assessment Plan.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 4, 2019

Topic:

Receive Presentation from the Texas Railroading Heritage Museum Board and Architect and Possible Action to Approve the Texas Railroading Heritage Museum Architectural Concept, Including:

- a. Update of TRHM History and 2018 Activities;
- b. Presentation by the Architect and Bill Capdevielle, President-TRHM; and
- c. Challenges, Requests, and Proposed Actions.

Background:

The Texas Railroading Heritage Museum is required to obtain city council approval of TRHM's museum architectural concept before construction can begin and as a precursor to a focused fundraising program.

The TRHM wishes to give a 20-30 minute presentation to Council, covering an update on TRHM's history and 2018 activities, a presentation by the architect and Bill Capdevielle, President-TRHM, and the challenges, requests, next steps by TRHM.

Origination:

Bill Capdevielle, President, Texas Railroading Heritage Museum

Recommendation:

N/A

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

City Secretary

ACTION TAKEN

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 4, 2019

Topic:

Conduct a Public Hearing and Review of the City of Tomball's Juvenile Curfew Ordinance to Determine the Need to Readopt, Abolish, Continue or Modify the Ordinance

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 will be held on March 4 and March 18, 2019, regarding the effectiveness and the need to continue the ordinance, with the first reading of the ordinance on March 18, 2019 and the second reading on April 1, 2019 in order to satisfy the state-required timeframe for readoption.

Origination:

[L.G.C., Section 370.002(2)]

Recommendation:

N/A

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

City Secretary

ACTION TAKEN

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

ATTACHMENTS:

Notice of Public Hearings - March 4, 2019 and March 18, 2019

Current Ordinance No. 2016-03

Curfew Language

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL, TEXAS**

**MONDAY, MARCH 4, 2019
AND
MONDAY, MARCH 18, 2019**



6:00 P.M.

Notice is hereby given that the Governing body of the City of Tomball, Texas, will hold Public Hearings during the Regular City Council Meetings to be held on Monday, MARCH 4, 2019, and Monday, MARCH 18, 2019, at City Hall, 401 Market Street, Tomball, Texas 77375 at 6:00 p.m. to consider the following:

**CONDUCT A 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.**

Any member of the public has the right to appear at these Public Hearings and will be given an opportunity to be heard.

Written comments should be received no later than February 27, 2019 for the March 4, 2019 Public Hearing and no later than March 13, 2019 for the March 18, 2019 Public Hearing. Please submit comments to the City Secretary, 401 Market Street, Tomball, Texas 77375.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of February 2019 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meetings.

Doris Speer
Doris Speer
City Secretary, TRMC, MMC

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.

ORDINANCE NO. 2016-03

**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 7, 2016 and March 21, 2016 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 21ST DAY OF MARCH 2016.

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

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 4th DAY OF APRIL 2016.

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

Gretchen Fagan
GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

Doris Speer
DORIS SPEER, City Secretary
City of Tomball

DIVISION 2. - CURFEW

Sec. 30-44. - Purpose.

It is the express purpose of this division to:

- (1) Deter criminal conduct involving juveniles;
- (2) Reduce the number of juvenile crime victims;
- (3) Reduce injury from accidents involving juveniles;
- (4) Reduce the additional time police officers are required to be in the field due to juvenile crime;
- (5) Provide additional and more effective means and options for dealing with gang-related violence and crime;
- (6) Reduce juvenile peer pressure to stay out late;
- (7) Reduce juvenile peer pressure to participate in violent or criminal activities;
- (8) Assist parents in the control of their children; and
- (9) Make the city a better community and a safer place to live and work, to raise a family, and to grow up.

(Code 1993, § 50-71; Ord. No. 2004-02, § 1, 5-17-2004; Ord. No. 2007-05, § 1(50-71), 4-16-2007; Ord. No. 2010-04, § 1, 4-5-2010; Ord. No. 2013-02, § 2, 4-1-2013; Ord. No. 2016-03, § 2, 3-21-2016)

Sec. 30-45. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Curfew hours includes:

- (1) 12:00 midnight on any day of the week until 6:00 a.m. of the following day; and
- (2) 9:00 a.m. until 2:30 p.m. on Monday through Friday; provided however, the hours defined in this subsection (2) shall not be considered as curfew hours for minors not subject to compulsory school attendance pursuant to V.T.C.A., Education Code § 25.085, nor shall the hours defined in this subsection (2) be considered as curfew hours on days or during periods in which the school where the applicable minor is enrolled is closed, or classes for which the applicable minor is enrolled have been canceled under the order and direction of officials authorized to issue such orders and directives, or, if the applicable minor is a duly authorized home school student under applicable provisions of the state Education Code, on days or during periods in which such minor is not receiving educational instruction.

Emergency means and includes, but is not limited to, a fire, natural disaster, automobile accident, or any unforeseen situation requiring immediate action to prevent serious illness, bodily injury, or loss of life, or for the preservation of property.

Establishment means any privately owned place of business to which the public has access or is invited, including, but not limited to, any place of amusement or entertainment.

Guardian means a person who, under court order, is the guardian of the person of a minor or a public or private agency with whom a minor has been placed by a court.

Minor means any person under 17 years of age.

Operator means any individual, firm, association, partnership, entity or corporation operating, managing, or conducting the operation of any establishment. The term "operator" includes the members or partners of an association or partnership and the officers of a corporation.

Parent means a person who is a natural parent, adoptive parent or step-parent of a minor, or a person at least 18 years of age who is authorized by the parent or guardian of a minor or by court order to have the care and custody of such minor.

Police department means the city police department or any successor police department, and shall include any law enforcement agency working with the city through any interagency agreement.

Public place means any place to which the public or a substantial group of the public has access and shall include, but not be limited to, streets and highways, and the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities, restaurants, theaters, game rooms, shops, shopping centers, or any other place that offers for sale services, merchandise or entertainment.

Remain means to linger, stay, or fail to leave premises, when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(Code 1993, § 50-72; Ord. No. 2004-02, § 1, 5-17-2004; Ord. No. 2007-05, § 1(50-72), 4-16-2007; Ord. No. 2010-04, § 1, 4-5-2010; Ord. No. 2013-02, § 2, 4-1-2013; Ord. No. 2016-03, § 2, 3-21-2016)

Sec. 30-46. - Offenses.

- (a) It shall be unlawful for any minor to knowingly remain, walk, run or stand, or operate or ride about in any motor vehicle or bicycle, in or upon any public place or on the premises of any establishment within the city during curfew hours.
- (b) It shall be unlawful for the parent or guardian of a minor to knowingly permit, or by insufficient control allow, a minor to remain in or upon any public place or on the premises of any establishment within the city during curfew hours.
- (c) It shall be unlawful for the owner, operator, or any employee of an establishment to knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

(Code 1993, § 50-73; Ord. No. 2004-02, § 1, 5-17-2004; Ord. No. 2007-05, § 1(50-73), 4-16-2007; Ord. No. 2010-04, § 1, 4-5-2010; Ord. No. 2013-02, § 2, 4-1-2013; Ord. No. 2016-03, § 2, 3-21-2016)

Sec. 30-47. - Defenses.

- (a) It shall be a defense to prosecution under section 30-46 that a minor was:
 - (1) Accompanied by the minor's parent or guardian;

- (2) On an errand at the direction of the minor's parent or guardian;
 - (3) In a motor vehicle involved in intrastate or interstate travel, and traveling through the city by a direct route between the point of departure and destination;
 - (4) Engaged in a lawful employment activity, or going directly to the employment activity or returning directly to the minor's residence from the employment activity;
 - (5) Involved in an emergency;
 - (6) On an errand made necessary by an illness, injury, or emergency;
 - (7) On the sidewalk abutting the minor's permanent residence or abutting the residence of a next-door neighbor of the minor's permanent residence if the neighbor did not complain to the police department about the minor's presence thereon;
 - (8) Attending a school, religious, government-sponsored or other civic activity supervised by adults and sponsored by an educational, religious, or governmental institution, civic organization, or other similar entity, or traveling directly to or returning from any such school, religious, governmental, or civic activity;
 - (9) Engaged in, participating in, or traveling to or from any event, function, or activity for which the application of section 30-46 would contravene the minor's rights protected by the United States Constitution including, but not limited to, First Amendment rights such as the free exercise of religion, freedom of speech, or the right of assembly; or
 - (10) Married or had been married or had disabilities of minority removed in accordance with V.T.C.A., Family Code ch. 31.
- (b) It is a defense to prosecution under section 30-46 that the minor has been directed by his parent or guardian to engage in a specific activity, or to carry out expressed instructions, during the time that the minor is actually engaged in fulfilling those directions or responsibilities.
 - (c) It is a defense to prosecution under section 30-46(c) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and the minor refused to leave.

(Code 1993, § 50-74; Ord. No. 2004-02, § 1, 5-17-2004; Ord. No. 2007-05, § 1(50-74), 4-16-2007; Ord. No. 2010-04, § 1, 4-5-2010; Ord. No. 2013-02, § 2, 4-1-2013; Ord. No. 2016-03, § 2, 3-21-2016)

Sec. 30-48. - Enforcement.

- (a) Before taking any enforcement action under this division, a police officer shall ask the apparent offender's age and reason for being in the public place or establishment. The officer shall not issue a citation or make an arrest under this division unless the officer reasonably believes that an offense has occurred and that based on any response given, and other circumstances, no defense in section 30-47 is present.
- (b) In lieu of issuing a citation or making an arrest, the police officer may, based on the circumstances, issue a warning notice to the minor, who shall be ordered to go home by the most direct means and route. A copy of the warning notice shall be filed with the police department, and a letter shall then be promptly sent to the parent or guardian of the minor advising of the contact with the minor during curfew hours and requesting cooperation in the future.

(Code 1993, § 50-75; Ord. No. 2004-02, § 1, 5-17-2004; Ord. No. 2007-05, § 1(50-75), 4-16-2007; Ord. No. 2010-04, § 1, 4-5-2010; Ord. No. 2013-02, § 2, 4-1-2013; Ord. No. 2016-03, § 2, 3-21-2016)

Sec. 30-49. - Penalties.

- (a) Any person who shall violate any provision of this division shall be deemed guilty of a misdemeanor. Following the issuance of a citation for a violation of the curfew hours defined in section 30-45(2), the minor shall be returned to school. Any citation issued for violation of any provision of this division shall direct the parents or legal guardians of the minor to appear together with the minor in connection with the charge of a violation.
- (b) When required by V.T.C.A., Family Code § 51.08, as amended, the municipal court shall waive original jurisdiction over a minor who violates section 30-46(a) and shall refer the minor to juvenile court.

(Code 1993, § 50-76; Ord. No. 2004-02, § 1, 5-17-2004; Ord. No. 2007-05, § 1(50-76), 4-16-2007; Ord. No. 2010-04, § 1, 4-5-2010; Ord. No. 2013-02, § 2, 4-1-2013; Ord. No. 2016-03, § 2, 3-21-2016)

Secs. 30-50—30-71. - Reserved.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 4, 2019

Topic:

Consideration and Possible Action to Approve, as a Project of the Tomball Economic Development Corporation, an Agreement to Make Direct Incentives to or Expenditures for Equipment Expansion for the Creation and Retention of Primary Jobs for Breaux Machine Works located at 28006 High Meadow Rd., Tomball, TX 77377. The Estimated Amount of Expenditures for Such Project is an Amount Not to Exceed \$118,908.00.

Background:

All expenditures of the Tomball Economic Development Corporation (TEDC) sales tax revenue must first be approved as a "Project." At its meeting on February 12, 2019, the TEDC Board of Directors did take formal action to approve, as a Project of the TEDC, an agreement with Breaux Machine Works for the creation or retention of primary jobs associated with the expansion of its equipment and operations. The Tomball City Council has final approval authority over all projects and agreements of the TEDC.

Origination:

Tommy Breaux, Owner, Breaux Machine Works

Recommendation:

Approve, as a Project of the Corporation, the Performance Agreement with Breaux Machine Works.

Funding:

Yes

Account Number: Project Grants

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation

ACTION TAKEN

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

ATTACHMENTS:

Cover Memo

Request Letter

Draft TEDC Performance Agreement

Economic Impact Analysis



TO: Honorable Mayor and City Council

FROM: Kelly Violette
Executive Director

MEETING DATE: March 4, 2019

SUBJECT: Breaux Machine Works

ITEM TYPE: Action

Breaux Machine Works provides precision turnkey machining services, including a full range of cutting-edge milling, turning, boring, threading and drilling services for clients in the oil production and service industries. The company has been in business for 43 years and operates in approximately 100,000 square feet in two adjacent facilities located at 13842 Hirschfield Road and 28006 High Meadow Road.

The company plans to expand production capacity by adding two new machines at its High Meadow Road facility. The primary machine is a large capacity (128,000 lbs) Vertical Turret Lathe. According to the request, the machine is unique because of its large capacity which will enable the company to obtain projects that other competitors cannot. The second machine is a smaller lathe that will increase the company's project capacity.

In addition, a new 65-ton crane will be installed to accommodate the new machines. The installation of the new machines will include removing portions of the existing foundation, excavating for machine placement, and installing new reinforced foundations. It will also require reinforcement of the building for the new crane as well as new electrical to the machines. The company will be adding at least 6 new operator jobs and 1 support position in conjunction with the project.

The estimated cost for this expansion project is over \$4.1 million.

An economic impact analysis is included with the agreement to show the impact of this project on Tomball's economy. Per the analysis, the 5-year net benefit of this project on the City of Tomball is \$396,360. The proposed incentive is \$118,908, based upon 30% of the five-year net benefit.

BREAUX PROPERTIES LTD
1502 RUDOLPH
TOMBALL, TEXAS 77375

January 28, 2019

Breaux Properties LTD has the intent to apply for grant assistance and expand our business in Tomball. This will be by adding new Production Machinery to our existing building at 28006 High Meadow Road, Tomball, Texas 77375. Tommy Breaux is the Owner of the business and can be reached at 281-351-6288 or 713-201-7910. My North American Industry Classification System (NAICS) code is 332710. We are a Machine Shop that services primarily the Oil Production industry. We machine parts per customer's request that are shipped World Wide. The company has been located at 13842 Hirschfield Road Tomball, Texas 77377 for Forty-three (43) years. We are expanding our business a 28006 High Meadow Road, Tomball, Texas 77377. This is adjacent to our Hirschfield Road Location.

The Expansion will include adding Two New Machines to our existing High Meadow Facility. This will include modification To our existing building by adding new support beams for a new 65 ton crane to accommodate the new machines. We will also be removing existing Foundation and installing a new pit with heavy reinforcement to accommodate new machines. We will also add New Electrical to Machines and Crane.

We would be adding at least 6 new positions for Operators of these Machines and 1 Support Person. The average Salary is \$30.00 per hour for Operator and \$15.00 per hour for support personal. We are also adding new employees in other positions at this time.

Sincerely,



Tommy Breaux /

AGREEMENT

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

This Agreement (the “Agreement”) is made and entered into by and between the Tomball Economic Development Corporation, an industrial development corporation created pursuant to Tex. Rev. Civ. Stat. Ann. Art. 5190.6, Section 4B, located in Harris County, Texas (the “TEDC”), and **Breaux Machine Works** (the “Company”), 13842 Hirschfield Rd, Tomball, Texas, 77375.

WITNESSETH:

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

WHEREAS, the Company owns a 3.402-acre tract of land within the City, located at 28006 High Meadow Road, Tomball, Texas, 77377 (the “Property”), and more particularly described in Exhibit “A,” attached hereto and made a part hereof; and

WHEREAS, the Company proposes to expand its current operations at the Property, and as part of the process, plans to expend funds to add additional machinery and equipment and make other Improvements (as described in Exhibit “B”) necessary to expand its manufacturing process in order to increase its current level of production; and

WHEREAS, the Company also proposes to maintain the current seventy (70) jobs at its two locations and to create seven (7) new jobs in conjunction with the expansion of its business operations at the Property; and

WHEREAS, the TEDC agrees to fund a portion of the cost of the Improvements up to the amount of One Hundred Eighteen Thousand Nine Hundred and Eight Dollars (\$118,908) to assist in the purchase and installation of the equipment and the addition of the seven (7) new full-time employment positions at the Property; and

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

WHEREAS, this expenditure is found by the Board of Directors of the TEDC to be suitable for the expansion of the business operations at the Property and the creation and retention of primary jobs at the Property;

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

1.

The Company covenants and agrees that it will construct the Improvements and operate and maintain the proposed business on the Property for a term of at least five (5) years, and will for such term, except as provided by paragraph 4 hereof, maintain seventy (70) employees and create seven (7) new full-time jobs.

2.

The Company also covenants and agrees that construction of the Improvements and obtaining all necessary permits from the City shall occur within twelve (12) months from the Effective Date of this Agreement. Extensions of these deadlines, due to any extenuating circumstance or uncontrollable delay, may be granted at the sole discretion of the Board of Directors of the TEDC.

3.

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

4.

In consideration of the Company's representations, promises, and covenants, TEDC agrees to grant to the Company One Hundred Eighteen Thousand Nine Hundred and Eight Dollars (\$118,908) to fund a portion of the cost of the Improvements and the addition of seven (7) new employees at the Company's business operations on the Property. The TEDC agrees to distribute such funds to the Company within thirty (30) days of receipt of a letter from the Company requesting such payment, which letter shall also include: The TEDC agrees to distribute such funds to the Company within thirty (30) days of receipt of a letter from the Company requesting such payment, which letter shall also include: (a) a copy of the City's occupancy permit or certification of completion for the Improvements to the Property; (b) proof that the company has added the number of employees indicated above to the Tomball operation as evidenced by copies of Texas Workforce Commission form C-3 or Internal Revenue Service form 941; (c) certification that the Improvements have been constructed in accordance with the approved plans and specifications; (d) an affidavit stating that all contractors and subcontractors providing work and/or materials in the construction of the Improvements have been paid and any and all liens and claims regarding such work have been released; and (e) Proof of payment to all vendors, contractors and subcontractors providing work and/or materials in the construction of

the Improvements, proof of payment must include copies of canceled checks and/or credit card receipts and copies of paid invoices from all vendors, contractors and subcontractors.

In the event the number of jobs originally projected is not met or maintained, the amount of the funding provided to the Company by TEDC will be reduced on a pro-rata basis to reflect the actual number of jobs at the time of the request for disbursement of funds.

5.

It is understood and agreed by the parties that, in the event of a default by the Company on any of its obligations under this Agreement, the Company shall reimburse the TEDC the full amount paid to the Company by the TEDC, with interest at the rate equal to the 90-day Treasury Bill plus $\frac{1}{2}$ % per annum, within thirty (30) days after the TEDC notifies the Company of the default. It is further understood and agreed by the parties that if the Company is convicted of a violation under 8 U.S.C. Section 1324a(f) (engaging in a pattern or practice of employing unauthorized aliens), the Company will reimburse the TEDC the full amount paid to the Company, with interest at the rate equal to the 90-day Treasury Bill plus $\frac{1}{2}$ % per annum, within thirty (30) days after the TEDC notifies the Company of the violation.

The Company shall also reimburse the TEDC for any and all reasonable attorney's fees and costs incurred by the TEDC as a result of any action required to obtain reimbursement of such funds.

6.

This Agreement shall inure to the benefit of, and be binding upon, both the TEDC and the Company, and upon the Company's successors and assigns, affiliates, and subsidiaries, and shall remain in force whether the Company sells, assigns, or in any other manner disposes of, either voluntarily or by operation of law, all or any part of the Property and the agreements herein

contained shall be held to be covenants running with the Property for so long as this Agreement, or any extension thereof, remains in effect.

7.

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

If to City:

Tomball Economic Development Corporation
401 W. Market Street
Tomball, Texas 77375
Attn: President, Board of Directors

If to Company:

Breaux Machine Works
13842 Hirschfield Road
Tomball, Texas 77377
Attn: Tommy Breaux – Owner

8.

This Agreement shall be performable and enforceable in Harris County, Texas, and shall be construed in accordance with the laws of the State of Texas. Venue for any action arising under this Agreement shall lie exclusively in the state and federal courts in Harris County, Texas.

9.

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

10.

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

11.

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

12.

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

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

BREAUX MACHINE WORKS

By: _____

Name: Tommy Breaux

Title: Owner

ATTEST:

By: _____

Name: Tiffani Wooten

Title: Assistant Director

**TOMBALL ECONOMIC DEVELOPMENT
CORPORATION**

By: _____

Name: Gretchen Fagan

Title: President, Board of Directors

ATTEST:

By: _____

Name: Steven Vaughan

Title: Vice President, Board of Directors

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the ____ day of _____
2019, by Tommy Breaux, Owner, Breaux Machine Works, for and on behalf of said company.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

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

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

Exhibit “A”

Legal Description of Property

Lot 5 Block 1 Parkway Oasis Replat No. 2 – a 3.402 acre tract located at 28006 High Meadow Road, Tomball, TX 77377

Exhibit “B”

Description of Improvements

Purchase and install two new machines including a large capacity Vertical Turret Lathe, remove portions of the existing building foundation, excavate for machine placement, and install new reinforced foundation. Add new support beams in the building and install a new 65-ton crane. Add electrical service to machines and crane.

EXECUTIVE SUMMARY

A REPORT OF THE ECONOMIC IMPACT OF BREAUX MACHINE WORKS EQUIPMENT EXPANSION IN TOMBALL, TX

February 7, 2019

Prepared by:

Tomball Economic Development Corporation

29201 Quinn Rd., Suite B

Tomball, Texas 77375



Prepared using Total Impact



PURPOSE & LIMITATIONS

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

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

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

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



CONTENTS

Economic Impact

Introduction..... 4

Description of the Project..... 4

Existing & Expanded Operations..... 4

Economic Impact Overview..... 5

Fiscal Impact

Fiscal Impact Overview..... 7

Impact from Project and Workers..... 8

Public Support

Non-Tax Incentives..... 10

Methodology

Overview of Methodology 12

About Impact DataSource..... 13

Introduction

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

Description of the Project

Breaux Machine Works has been in business for 43 years. The company plans to expand production capacity by adding two new machines. The primary machine is a Vertical Turret Lathe. This machine is unique to the industry because of its large capacity (128,000 lbs). There is none other of its type in the area and will allow the company to obtain projects that other competitors cannot. The second machine is a smaller lathe that will increase the company's project capacity. In addition, a new 65-ton crane will be installed to accommodate the new machines.

The installation of the new machines will include removing portions of the existing foundation, excavating for machine placement, and installing new reinforced foundations. It will also require reinforcement of the building for the new crane as well as new electrical to the new machines. The company will be adding at least 6 new operator jobs and 1 support position in conjunction with the project.

Existing & Expanded Operations

The Project under analysis represents the expansion of an existing company in the City of Tomball. The existing operations currently support 70.0 direct jobs in the community and 34.6 indirect and induced jobs. The direct workers earn \$60,000 per year and the company supports \$0.4 million per year in taxable sales and spending in the community. Additionally, the company supports taxable property valued at \$18.8 million annually.

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

	Existing Operations	Expansion	Existing & Expanded Ops
Jobs			
Direct	70.0	7.0	77.0
Indirect & Induced	34.6	3.5	38.1
Total	104.6	10.5	115.1
Salaries			
Direct	\$45,988,828	\$4,598,883	\$50,587,711
Indirect & Induced	\$18,781,838	\$1,878,185	\$20,660,023
Total	\$64,770,666	\$6,477,068	\$71,247,734
Taxable Sales			
Direct	\$3,309,324	\$544,608	\$3,853,933
Indirect & Induced	\$657,364	\$65,736	\$723,101
Total	\$3,966,689	\$610,345	\$4,577,034

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

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

	Net Benefits		
	Existing Operations	Expansion	Existing & Expanded Ops
City of Tomball	\$513,843	\$106,471	\$620,315

The remainder of this report will reference the combined economic and fiscal impact of the existing and expanded operations.

Economic Impact Overview

The Project's operations will support employment and other economic impacts in the community. The 77.0 workers directly employed by the Project will earn approximately \$66,000 per year on average over the next 10 years. This direct activity will support 38.1 indirect and induced workers in the community earning \$54,000 on average over the next 10 years. The total additional payroll or workers' earnings associated with the Project is estimated to be approximately \$71.2 million over the next 10 years.

On average, the Project will generate \$15.3 million in direct economic output over the next 10 years. Spin-off businesses in the community will produce \$7.2 million in economic output per year as a result of the Project. In total, the Project will support \$22.5 million in economic output per year on average. Economic output is the value of goods and services produced in the economy and can be thought of as revenues for businesses. The economic output calculations in this report were estimated using the RIMS II economic impact model and the Project's employment estimates.

Accounting for various taxable sales and purchases, including activity associated with the Project, worker spending, and visitors' spending in the community, the Project is estimated to support approximately \$4.6 million in taxable sales over the next 10 years.

Table 3. Economic Impact Over the Next 10 Years

	Direct	Indirect & Induced	Total
Number of permanent direct, indirect, and induced jobs to be created	7.0	3.5	10.5
Salaries to be paid to direct, indirect, and induced workers	\$4,598,883	\$1,878,185	\$6,477,068
Economic output generated by direct, indirect, and induced activity	\$13,945,450	\$6,537,627	\$20,483,077
Taxable sales and purchases expected in the City	\$65,736	\$610,346	\$544,608

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

Table 4. Population Impacts Over the Next 10 Years

	Direct	Indirect & Induced	Total
Number of direct, indirect, and induced workers who will move to the City	0.4	0.2	0.6
Number of new residents in the City	1.0	0.6	1.6
Number of new residential properties to be built in the City	0.1	0.0	0.1
Number of new students expected to attend local school district	0.2	0.1	0.3

The Project is estimated to support an average of approximately \$15.5 million in new non-residential taxable property each year over the next 10 years. The taxable value of property supported by the Project over the 10-year period is shown in the following table.

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

Year	New Residential Property	The Project's Property				Subtotal Nonresidential Property	Total Residential & Nonresidential Property
		Land	Buildings & Other Real Prop. Improvements	Furniture, Fixtures, & Equipment	Inventories		
1	\$16,867	\$1,102,572	\$4,010,329	\$17,759,724	\$0	\$22,872,625	\$22,889,492
2	\$17,205	\$1,124,623	\$4,090,536	\$15,983,752	\$0	\$21,198,911	\$21,216,115
3	\$17,549	\$1,147,116	\$4,172,346	\$14,207,779	\$0	\$19,527,241	\$19,544,790
4	\$17,900	\$1,170,058	\$4,255,793	\$12,431,807	\$0	\$17,857,658	\$17,875,558
5	\$18,258	\$1,193,459	\$4,340,909	\$10,655,834	\$0	\$16,190,203	\$16,208,461
6	\$18,623	\$1,217,329	\$4,427,727	\$8,879,862	\$0	\$14,524,918	\$14,543,541
7	\$18,995	\$1,241,675	\$4,516,282	\$7,103,890	\$0	\$12,861,847	\$12,880,842
8	\$19,375	\$1,266,509	\$4,606,607	\$5,327,917	\$0	\$11,201,033	\$11,220,409
9	\$19,763	\$1,291,839	\$4,698,740	\$3,551,945	\$0	\$9,542,523	\$9,562,286
10	\$20,158	\$1,317,676	\$4,792,714	\$3,551,945	\$0	\$9,662,335	\$9,682,493

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

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

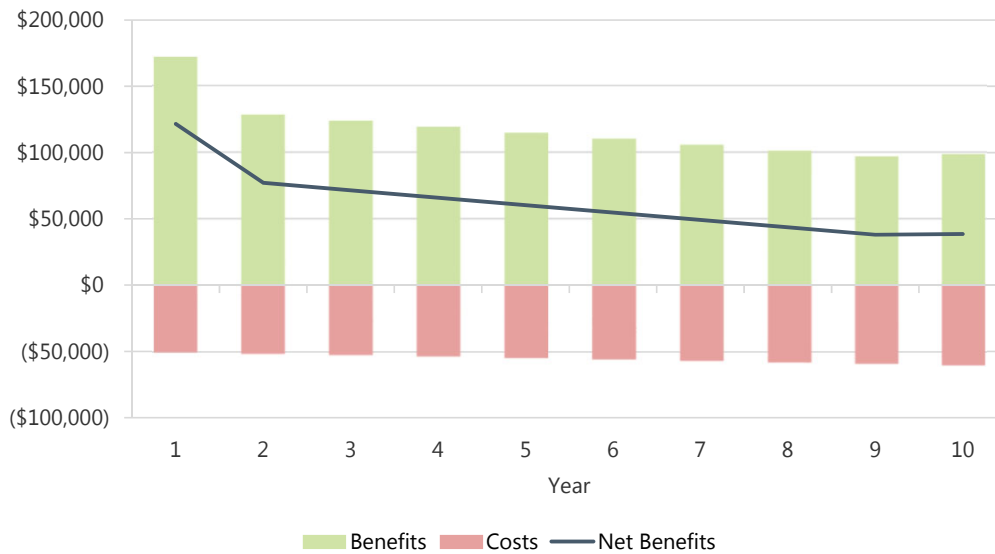
Fiscal Impact Overview

The Project will generate additional benefits and costs for the City. Overall, the City will receive approximately \$620,300 in net benefits over the 10-year period. The table below displays the estimated additional benefits, costs, and net benefits to be received by the City over the next 10 years of the Project.

Table 6. City of Tomball: Benefits, Costs, and Net Benefits Over the Next 10 Years

	Amount
Sales Taxes	\$91,541
Property Taxes - Project	\$530,755
Property Taxes - New Residential	\$631
Utility Revenue	\$366,564
Utility Franchise Fees	\$27,938
Building Permits and Fees	\$2,792
Hotel Occupancy Taxes	\$485
Miscellaneous Taxes & User Fees	\$152,276
<u>Subtotal Benefits</u>	<u>\$1,172,980</u>
Cost of Providing Municipal Services	(\$167,774)
Cost of Providing Utility Services	(\$384,892)
<u>Subtotal Costs</u>	<u>(\$552,666)</u>
Net Benefits	\$620,315
<i>Present Value (5% discount rate)</i>	<i>\$502,327</i>

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



Impact from Project and Workers

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

	The Project	Workers	Total
Sales Taxes	\$41,667	\$49,873	\$91,541
Real Property Taxes	\$191,163	\$0	\$191,163
FF&E Property Taxes	\$339,592	\$0	\$339,592
Inventory Property Taxes	\$0	\$0	\$0
New Residential Property Taxes	\$0	\$631	\$631
Utility Revenue	\$356,841	\$9,723	\$366,564
Utility Franchise Fees	\$27,301	\$637	\$27,938
Building Permits and Fees	\$2,792	\$0	\$2,792
Hotel Occupancy Taxes	\$485	\$0	\$485
Miscellaneous Taxes & User Fees	\$149,234	\$3,042	\$152,276
Subtotal Benefits	\$1,109,074	\$63,907	\$1,172,980
Cost of Providing Municipal Services	(\$164,410)	(\$3,364)	(\$167,774)
Cost of Providing Utility Services	(\$374,683)	(\$10,210)	(\$384,892)
Subtotal Costs	(\$539,093)	(\$13,573)	(\$552,666)
Net Benefits	\$569,981	\$50,333	\$620,315
<i>Percent of Total Net Benefits</i>	<i>91.9%</i>	<i>8.1%</i>	

Non-Tax Incentives

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

Table 13. Incentives Under Consideration

Year	Enter Incentive Description
1	\$118,908
2	\$0
3	\$0
4	\$0
5	\$0
6	\$0
7	\$0
8	\$0
9	\$0
10	\$0
Total	\$118,908

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

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

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

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

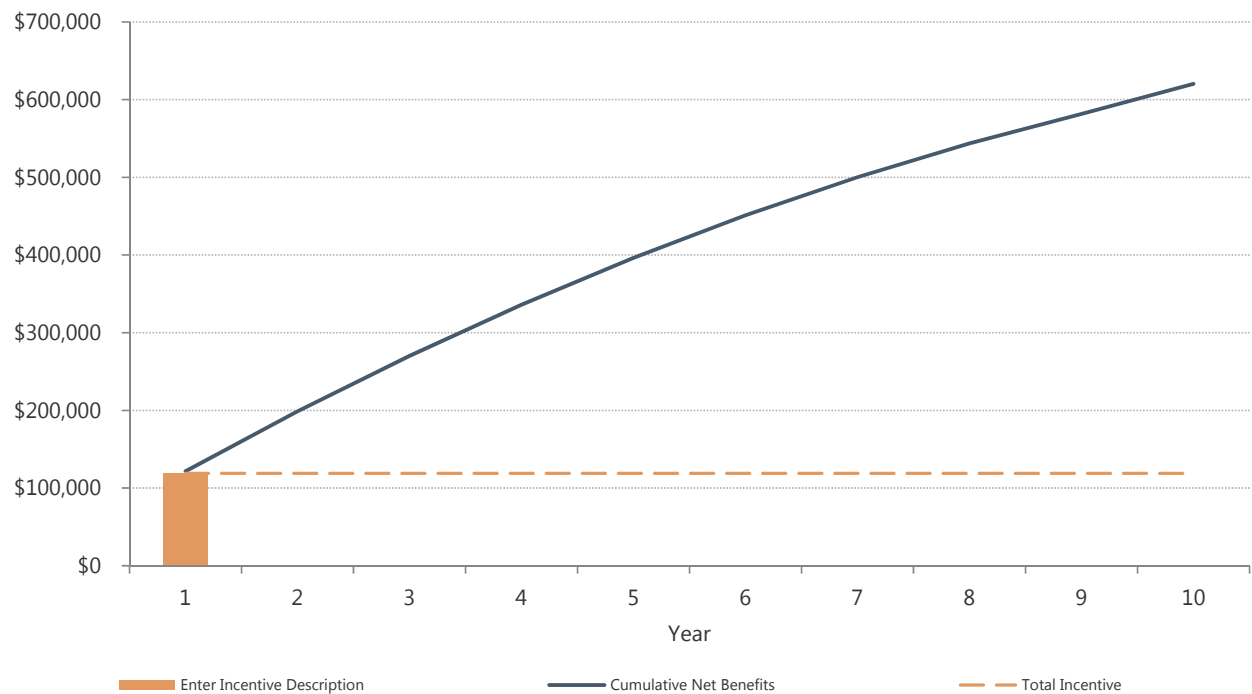
Table 14. Analysis of Incentives

Total Non-Tax Incentive	\$118,908
Rate of Return - 5 Years	66.7%
Rate of Return - 10 Years	52.2%
Payback period (years)	1.0

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

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

Figure 2. Incentives Under Consideration



Overview of Methodology

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

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

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

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

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

332710 Machine shops		City	County
Employment Multiplier	(Type II Direct Effect)	1.4937	1.9815
Earnings Multiplier	(Type II Direct Effect)	1.4084	1.8120

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

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

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

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

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

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

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

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

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

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

About Impact DataSource

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 4, 2019

Topic:

Appoint/Reappoint Members to Regular and Alternate Position Vacancies on the Board of Adjustment, for Term Expiring March 2, 2019

Background:

The Board of Adjustments consists of five regular members and four alternate members with staggered two-year terms.

On March 2, Regular Board Members Jarmone Wolfe, Position 1, Billy Hemby, Position 3, Susan Harris, Position 5, and Alternate Board Members Rocky Pilgrim, Alternate 1, and Rob Maxwell, Alternate 4, terms expired. Regular Board Members Jarmone Wolfe, Billy Hemby, and Susan Harris have expressed their desire to be reappointed. Rob Maxwell does not wish to be reappointed.

I ask Council to reappoint Regular Board Members Jarmon Wolfe, Billy Hemby, and Susan Harris, and Alternate Rocky Pilgrim to their respective positions. The new terms will expire December 5, 2020.

Origination:

Recommendation:

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

Craig T. Meyers, P.E, Community Development Director

ACTION TAKEN

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

ATTACHMENTS:

BOA Attendance - 2012-2019

Board of Adjustments 2012-15 Member Attendance

April 12, 2012

John Ford – Present
Tana Ross – Present
Brett Tynes – Present
Rick Tomlinson – Present
April Gray (Alternate) – Present

August 9, 2012

John Ford – Present
Tana Ross – Present
Brett Tynes – Present
Billy Hemby (Alternate) – Present
Jarmon Wolfe (Alternate) – Present

September 13, 2012

John Ford – Present
Tana Ross – Present
Brett Tynes – Present
Billy Hemby – Present
April Gray – (Alternate) – Present

October 11, 2012

John Ford – Present
Tana Ross – Present
Brett Tynes – Present
Billy Hemby – Present
April Gray – (Alternate) – Present
Christine Roquemore – (Alternate) – Present

December 13, 2012

John Ford – Present
Tana Ross – Present
Brett Tynes – Present
Billy Hemby – Present
John Lynch – Present
Jarmon Wolfe – (Alternate) – Present

January 24, 2013

John Ford – Present
Tana Ross – Present
Brett Tynes – Present
Billy Hemby – Present
John Lynch – Present
Jarmon Wolfe – (Alternate) – Present
Christine Roquemore (Alternate) – Present

March 14, 2013

John Ford – Present
Brett Tynes – Present
Billy Hemby – Present
Jarmon Wolfe – Present
Christine Roquemore – Present

June 13, 2013

John Ford – Present
Tana Ross – Present (Arrived late, Board Member
Wolfe sat in place)
Brett Tynes – Present
Billy Hemby – Present
John Lynch – Present
Jarmon Wolfe (Alternate) – Present

July 11, 2013

John Ford – Present
Tana Ross – Present (Arrived late, Board Member
Board Member Pilgrim sat in place)
Brett Tynes – Present
Billy Hemby – Present
Christine Roquemore (Alternate) – Present
Rocky Pilgrim (Alternate) – Present
Jarmon Wolfe (Alternate) – Present (In audience,
did not participate)

November 14, 2013

John Ford – Present
Brett Tynes – Present
Billy Hemby – Present
John Lynch – Present
Jarmon Wolfe (Alternate) – Present

December 12, 2013

John Ford – Present
Brett Tynes – Present
Billy Hemby – Present
Jarmon Wolfe (Alternate) – Present
Christine Roquemore (Alternate) – Present

January 9, 2014

John Ford – Present
Brett Tynes – Present
John Lynch – Present
Jarmon Wolfe (Alternate) – Present
April Gray (Alternate) – Present
Christine Roquemore (Alternate) – Present (In audience, did not participate)

April 10, 2014

John Ford – Present
Brett Tynes – Present
Jarmon Wolfe – Present
April Gray (Alternate) – Present
Christine Roquemore (Alternate) – Present

July 17, 2014

John Ford – Present
Billy Hemby – Present
April Gray – Present
Brett Tynes – Present

August 14, 2014

John Ford – Present
Billy Hemby – Present
April Gray – Present
Brett Tynes – Present
Jarmon Wolfe – Present

September 11, 2014

John Ford – Present
Billy Hemby – Present
Brett Tynes – Present
Jarmon Wolfe – Present

October 9, 2014

John Ford – Present
Billy Hemby – Present
Brett Tynes – Present
Jarmon Wolfe – Present
Christine Roquemore (Alternate) – Present

November 13, 2014

John Ford – Present
Brett Tynes – Present
Billy Hemby – Present
Jarmon Wolfe – Present
April Gray – Present

January 8, 2015

John Ford – Present
Jarmon Wolfe – Present
Billy Hemby – Present
Brett Tynes – Present
April Gray – Present
Christine Roquemore (Alternate)

March 12, 2015

John Ford – Present
Jarmon Wolfe – Present
Billy Hemby – Present
April Gray – Present
Rocky Pilgrim (Alternate) – Present

April 9, 2015

John Ford – Present
Jarmon Wolfe – Present
Billy Hemby – Present
Brett Tynes – Present

July 9, 2015

John Ford – Present
Jarmon Wolfe – Present
Billy Hemby – Present
April Gray – Present
Tina Roquemore (Alternate) – Present

August 13, 2015

John Ford – Present
Jarmon Wolfe – Present
Brett Tynes – Present
April Gray – Present
Michelle Beauvais (Alternate) – Present

September 10, 2015

John Ford – Present
Jarmon Wolfe – Present
Billy Hemby – Present
Brett Tynes – Present
Tina Roquemore (Alternate) – Present
Rocky Pilgrim (Alternate) – Present

November 12, 2015

John Ford – Present
Jarmon Wolfe – Present
Billy Hemby – Present
Brett Tynes – Present

December 10, 2015

Jarmon Wolfe – Present
Billy Hemby – Present
Brett Tynes – Present
April Gray – Present
Tina Roquemore (Alternate) – Present

May 12, 2016

Jarmon Wolfe – Present
Billy Hemby – Present
Brett Tynes – Present
April Gray – Present
Tina Roquemore (Alternate) – Present

June 16, 2016

Jarmon Wolfe – Present
Billy Hemby – Present
April Gray – Present
Christine Roquemore (Alternate)

November 10, 2016

Billy Hemby – Present
Brett Tynes – Present
April Gray – Present
Tina Roquemore – Present

Robert Maxwell (Alternate) – Present

December 8, 2016

Jarmon Wolfe – Present
Billy Hemby – Present
Brett Tynes – Present
April Gray – Present
Tina Roquemore (Alternate) – Present

January 12, 2017

Brett Tynes – Present
Jarmon Wolfe – Present
Billy Hemby – Present
April Gray – Present
Tina Roquemore – Present

February 9, 2017

Brett Tynes – Present
Jarmon Wolfe – Present
Billy Hemby – Present
April Gray – Present
Tina Roquemore – Present

March 9, 2017

Brett Tynes – Present
Jarmon Wolfe – Present
Billy Hemby – Present
Tina Roquemore – Present
Rocky Pilgrim (Alternate) – Present

April 13, 2017

Brett Tynes – Present
Jarmon Wolfe – Present
Billy Hemby – Present
April Gray – Present
Robert Maxwell (Alternate) – Present

July 13, 2017

Brett Tynes – Present
Jarmon Wolfe – Present
April Gray – Present
Tina Roquemore – Present
Robert Maxwell (Alternate) – Present

September 14, 2017

Brett Tynes – Present
Jarmon Wolfe – Present
Billy Hemby – Present
April Gray – Present
Tina Roquemore – Present

October 12, 2017

Brett Tynes – Present
Jarmon Wolfe – Present
Billy Hemby – Present
Tina Roquemore – Present
Robert Maxwell (Alternate) Present

December 14, 2017

Brett Tynes – Present
Jarmon Wolfe – Present
Billy Hemby – Present
April Gray – Present
Tina Roquemore – Present

January 11, 2018

Brett Tynes – Present
Jarmon Wolfe – Present
Billy Hemby – Present
April Gray – Present
Tina Roquemore – Present

April 12, 2018

Brett Tynes – Present
Jarmon Wolfe – Present
Billy Hemby – Present
April Gray – Present
Tina Roquemore – Present

August 9, 2018

Jarmon Wolfe – Present
Billy Hemby – Present
April Gray – Present
Tina Roquemore – Present
Cindy Phillips (Alternate) – Present

September 13, 2018

Jarmon Wolfe – Present
Billy Hemby – Present
April Gray – Present
Cindy Phillips (Alternate) – Present

November 8, 2018

Jarmon Wolfe – Present
Billy Hemby – Present
April Gray – Present
Tina Roquemore – Present
Susan Harris (Alternate) – Present
Cindy Phillips (Alternate) – Present

January 10, 2019

Jarmon Wolfe – Present
Billy Hemby – Present
Tina Roquemore – Present
Susan Harris – Present
Cindy Phillips (Alternate) – Present

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 4, 2019

Topic:

Appoint/Reappoint Members to the Tourism Advisory Committee for Terms Expired December 5, 2018

Background:

The positions of Mary Harvey (resident, Position 2), Cindy Vincik (business, Position 5), and Prakash Patel (hotel, Position 8) have expired. Mrs. Harvey and Mr. Patel have expressed their interest in being reappointed and have served well since 2010 and 2011, respectively. Mrs. Vincik does not wish to be reappointed.

We have received an application for a Tomball hotel position, from Raymond Francois, and an application for a business owner position from Ted Mielke, copies attached. Mr. Francois is with Hampton Inn, and Mr. Mielke is a Tomball resident and president of Tradition Plumbing.

I ask Council to reappoint Mary Harvey to resident Position 2, to appoint Ted Mielke to business Position 5, and to appoint Raymond Francois to hotel Position 8. The new terms will expire December 5, 2021.

Origination:

City Secretary

Recommendation:

N/A

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

City Secretary

ACTION TAKEN

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

ATTACHMENTS:

Ted Mielke - 2018 Bio and Application

Raymond Francois - 2018 Application

TAC Attendance

Ted Mielke Bio

Ted Mielke thrives on a challenge, unceasingly searching out and testing methods for better results. He has been in management for nearly two decades in varying industries. His drive for improvement led to the creation of Tradition Plumbing, a technologically advanced, skilled craftsmen company that inspires the new generation to be a proud part of our team and to achieve success without college debt.

Ted is concurrently the Director of Operations for Trademark Plumbing Inc. There he has helped orchestrate tens of thousands of projects while serving Houston's best home-builders since 2003. Ted is instrumental in implementing new systems and setting dramatically higher standards for logistics, automation, and communication.

In 2012 Ted and his wife, Michelle, purchased an estate that was in foreclosure near the heart of Old Town Tomball. The property was in a sad state of disrepair, but with a massive investment of tenacity and time, they now have a peaceful and beautiful home in the small town they adore.

In the evenings you'll find Ted, with his wife of 20 years and their three daughters, planting trees, gardening, or practicing archery at Spring Creek Park.

What's Next: Ted is in the planning stages of a non-profit dedicated to increasing the efficiency, pleasure, and safety of walking and biking in the City of Tomball.



CITY OF TOMBALL

APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

As an Applicant for the **Tourism Advisory Committee**, your application will be available to the public. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. 2013 applications expire on December 31, 2015; a new application will be required in 2016.

Please Type of Print Clearly:

Date: 2/7/2019

Name: Ted D Mielke

Phone: _____
(Home)

Address: 14090 FM2920 G533

Phone: _____
(Work)

City/State/Zip Tomball TX 77377

Cell:

Email: tdmielke@gmail.com

I have lived in Tomball 7 years.

I am ☒ am not ☐ a U.S. Citizen

I am applying as (please check all that apply):



- ☒ a Tomball Resident, residing within the city limits of Tomball
- ☒ an Owner, Officer or Director of a business, other than a hotel or motel,
with offices within the city limits of Tomball
- ☐ an Employee or Officer of a hotel or motel located in the
city limits of Tomball

Occupation: President of Tradition Plumbing LLC

Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

Applications for the Tourism Advisory Committee will be kept on file in the City Secretary's office (281-290-1002) for two years.

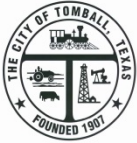
I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
dspeer@ci.tomball.tx.us
fax: 281-351-6256



Board Member Election on Disclosure

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

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

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

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

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



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

___ home address

___ home telephone number

 personal email address

___ cell or pager numbers not paid for by the City

___ emergency contact information

___ information that reveals whether I have family members.

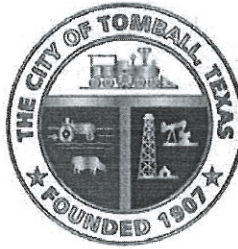


I **DO NOT** elect public access to my home address, home telephone number, cell or pager numbers, emergency contact information, or any information that reveals whether I have family members.

Board Member's Signature

Date

Board Member's Printed Name



CITY OF TOMBALL

APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

As an Applicant for the **Tourism Advisory Committee**, your application will be available to the public. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. 2013 applications expire on December 31, 2015; a new application will be required in 2016.

Please Type or Print Clearly:

Date: 11/20/18

Name: Raymond Francois

Phone: _____

Address: _____

(Home)

Phone: 281-357-1500

(Work)

City/State/Zip Tomball TX 77375

Cell: _____

Email: raymond.francois@hilton.com

I have lived in Tomball 1 years.

I am ☒ am not ☐ a U.S. Citizen

I am applying as (please check all that apply):

☒

a Tomball Resident, residing within the city limits of Tomball
an Owner, Officer or Director of a business, other than a hotel or motel,
with offices within the city limits of Tomball

☒

an Employee or Officer of a hotel or motel located in the
city limits of Tomball

Occupation: General Manager Hampton Inn Suites

Professional and/or Community Activities: Chamber ambassador

Additional Pertinent Information/References: _____

Applications for the Tourism Advisory Committee will be kept on file in the City Secretary's office (281-290-1002) for two years.

I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
dspeer@ci.tomball.tx.us
fax: 281-351-6256



Board Member Election on Disclosure

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

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

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

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

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

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

___ home address

___ home telephone number

___ personal email address

___ cell or pager numbers not paid for by the City

___ emergency contact information

___ information that reveals whether I have family members.

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

Board Member's Signature

Date

Board Member's Printed Name

As discussed the TAC Board is supposed to meet quarterly, however if we need to postpone we and eventually do conduct the meeting, hence why some of the dates are off. In addition, if there are no matters requiring a meeting, it is canceled.

The data I am providing you, goes as far back as January 2015, in order to provide you with sufficient data.

01/27/15

Ronald Tocci
Mary Harvey
Jeffie Cappadonna
Steve Hughes
Prakash Patel
Rodney Hutson
Laura Wilson

Members absent:

Kevin Lala

5/11/2015

Paige Cassel
Mary Harvey
Kevin Lala
Laura Wilson

Members absent:

Jeffie Cappadonna
Steve Hughes
Rodney Hutson
Prakash Patel

7/28/15

Rodney Hutson
Mary Harvey
Jeffie Cappadonna
Steven Hughes
Paige Cassel

Members absent:

Kevin Lala
Prakash Patel
Laura Wilson

10/27/15

Mary Harvey
Jeffie Cappadonna
Paige Cassel
Steve Hughes
Rodney Hutson
Laura Wilson

Members absent:

Kevin Lala
Prakash Patel

1/26/16

Rodney Hutson
Mary Harvey
Steven Hughes
Paige Cassel

Members absent:

Kevin Lala - excused
Prakash Patel-excused
Laura Wilson
Jeffie Cappadonna

8/30/16

Rodney Hutson
Mary Harvey
Steven Hughes
Kevin Lala
Prakash Patel
Jeffie Cappadonna
Cindy Vincik

Members absent:

Paige Cassel

10/25/2016

Paige Cassel
Mary Harvey
Steven Hughes
Jeffie Cappadonna

Members absent:

Rodney Hutson
Kevin Lala
Prakash Patel
Cindy Vincik

8/22/17

All members were present.

10/24/17

Paige Cassel
Steve Hughes
Jeffie Cappadonna
Cindy Vincik
Rodney Hutson
Kevin Lala
Prakash Patel

Members Absent:

Mary Harvey

10/23/18

Canceled Due to Lack of Quorum

11/5/2018 - Special

Mary Harvey

Paige Cassel

Steve Hughes

Jeffie Cappadonna

Rodney Hutson

Melanie Sutton

Members Absent:

Cindy Vincik

Prakash Patel

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 4, 2019

Topic:

Approve Resolution No. 2019-07, a Resolution of the City of Tomball, Texas, Canceling the Regular City Officer's Election Scheduled to be held on the 4th Day of May, 2019, in Accordance with Section 2.053(a) of the Texas Election Code; Directing the Giving of Notice of Such Cancellation of Election; and Providing Details Relating to the Cancellation of Such Election

Aprobar la Resolución Nro. 2019-07 Cancelando la Elección Regular de Funcionarios Municipales programada para celebrarse el día 4 de mayo de 2019 de acuerdo con la Sección 2.053(a) del Código Electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y proveyendo detalles relativos a la cancelación de tal elección.

Chấp thuận Nghị Quyết số 2019-07, Hủy Bỏ Cuộc Bầu Cử Viên Chức Thành Phố Thường Kỳ Dự Kiến sẽ được tổ chức vào ngày 4 tháng Năm, 2019, Chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Texas; Chỉ thị việc đưa ra Thông Báo về Hủy Bỏ Cuộc Bầu Cử đó; và Cung Cấp Thông Tin Chi Tiết Liên quan đến việc Hủy Bỏ Cuộc Bầu Cử đó.

通過決議案2019-07, 取消一般市府官員應於2019年5月4日的選舉計畫, 其是根據德克薩斯州選舉法 2.053(a)節; 茲此通知該選舉取消; 以及提供關於取消該選舉的詳情。

Background:

All filing deadlines having passed, we have unopposed incumbents for the positions of Mayor, Gretchen Fagan, and Council Position 3, Chad Degges, for the May 4, 2019 Regular City Officer's Election.

Section 2.052, Election Code, requires the City Secretary to deliver the Certification of Unopposed Candidates to City Council and request Council to accept the Certification and declare the election canceled.

Resolution No. 2019-07 cancels the election scheduled to be held on Saturday, May 4, 2019 and includes the Order of Cancellation. A copy of the Order of Cancellation will be posted on Election Day at City Hall, the polling location for all City elections.

Candidates elected through cancellation shall be declared elected "in the same manner and at the same time as provided for a candidate elected at the election" (Election Code, Sec. 2.053(c)] and shall take the oaths of office the same as candidates elected at an election.

The suggested date(s) at which the election will be canvassed and the oaths of office and election of Mayor Pro Tem will take place are either Tuesday, May 7, 2019 (Special Council meeting) at 5:00 p.m., which is the first day the canvass can be held, or Monday, May 13, 2019 (Special Council meeting) at 5:00 p.m.; Council is asked for a consensus regarding the date of the Canvass.

Origination:

City Secretary

Recommendation:

Approval of Resolution No. 2019-07 and the Order of Cancellation

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

City Secretary

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

ATTACHMENTS:

Certificate of Unopposed Candidates - May 4, 2019
Resolution No. 2019-07 and Order of Cancellation

CERTIFICATION OF UNOPPOSED CANDIDATES
(CERTIFICACIÓN DE CANDIDATOS ÚNICOS)

To: Presiding Officer of Governing Body

Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 4, 2019.

(Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 4 de mayo de 2019.)

List offices and names of candidates:

(Lista de cargos y nombres de los candidatos:)

Offices (Cargos)

Mayor (Alcalde)

Council Position 3 (Concejal Posición 3)

Candidates (Candidatos)

Gretchen Fagan

Chad Degges



Signature (Firma)

Doris Speer

Printed Name (Nombre en letra de molde)

City Secretary

Title (Puesto)

March 4, 2019

Date of Signing (Fecha de firma)

(seal) (sello)



RESOLUTION NO. 2019-07

**A RESOLUTION OF THE CITY OF TOMBALL, TEXAS, CANCELING THE
REGULAR CITY OFFICER'S ELECTION SCHEDULED TO BE HELD ON
THE 4TH DAY OF MAY 2019, IN ACCORDANCE WITH SECTION 2.053(a) OF
THE TEXAS ELECTION CODE; DIRECTING THE GIVING OF NOTICE OF
SUCH CANCELLATION OF ELECTION; AND PROVIDING DETAILS
RELATING TO THE CANCELLATION OF SUCH ELECTION**

* * * * *

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

Section 1: It is hereby ordered that the Regular Election, scheduled to be held in the City of Tomball on the 4th day of May 2019, at which election the following officers were to be elected by the qualified voters of the City, is canceled in accordance with Section 2.053(a) of the Texas Election Code.

POSITION:	MAYOR
	COUNCIL POSITION 3

Section 2: The following candidates have been certified as unopposed and are hereby elected as follows:

<u>Candidate</u>	<u>Office Sought</u>
Gretchen Fagan	Mayor
Chad Degges	Council Position 3

Section 3: A copy of the Order of Cancellation, attached herein and made part of Resolution No. 2019-07, will be posted on Election Day at the following polling place, which would have been used in the election:

POLLING PLACE
Tomball City Hall
401 Market Street
Tomball, Texas 77375

PASSED, APPROVED and RESOLVED this 4th day of March, 2019.

Gretchen Fagan, Mayor
City of Tomball

ATTEST:

Doris Speer, City Secretary
City of Tomball

RESOLUCIÓN Nro. 2019-07

RESOLUCIÓN DE LA CIUDAD DE TOMBALL, TEXAS, CANCELANDO LA ELECCIÓN REGULAR DE FUNCIONARIOS MUNICIPALES PROGRAMADA PARA EL DÍA 4 DE MAYO DE 2019 DE ACUERDO CON LA SECCIÓN 2.053(A) DEL CÓDIGO ELECTORAL DE TEXAS; INSTRUYENDO QUE SE DE AVISO DE TAL CANCELACIÓN DE ELECCIÓN; Y PROVEYENDO DETALLES RELATIVOS A LA CANCELACIÓN DE TAL ELECCIÓN

* * * * *

EL CONSEJO MUNICIPAL DE LA CIUDAD DE TOMBALL, TEXAS, RESUELVE:

Sección 1: Por la presente se ordena que la Elección Regular, programada para celebrarse en la Ciudad de Tomball el 4 de mayo de 2019, en la cual los votantes calificados de la Ciudad habrían votado para elegir a los siguientes funcionarios, sea cancelada de acuerdo con la sección 2.053(a) del Código Electoral de Texas.

POSICIÓN:	ALCALDE
	POSICIÓN 3 EN EL CONSEJO

Sección 2: Los siguientes candidatos han sido certificados como candidatos únicos y por la presente son electos como sigue a continuación:

<u>Candidato</u>	<u>Cargo que aspira ocupar</u>
Gretchen Fagan	Alcalde
Chad Degges	Posición 3 del Consejo

Sección 3: Una copia de la Orden de Cancelación, adjunta al presente y hecha parte de la Resolución Nro. 2019-07, será colocada el Día de Elección en el siguiente lugar de votación que se hubiera utilizado en la elección:

LUGAR DE VOTACIÓN
Tomball City Hall
401 Market Street
Tomball, Texas 77375

PASADA, APROBADA y RESUELTA este día 4 de marzo de 2019.

Gretchen Fagan, Alcaldesa
City of Tomball

ATESTIGUA:

Doris Speer, Secretaria de la Ciudad
Ciudad de Tomball

NGHỊ QUYẾT SỐ 2019-07

MỘT NGHỊ QUYẾT CỦA THÀNH PHỐ TOMBALL, TIỂU BANG TEXAS, HỦY BỎ CUỘC BẦU CỬ VIÊN CHỨC THÀNH PHỐ THƯỜNG KỲ DỰ KIẾN SẼ ĐƯỢC TỔ CHỨC VÀO NGÀY 4 THÁNG NĂM, 2019, CHIẾU THEO MỤC 2.053(a) CỦA BỘ LUẬT TUYỂN CỬ TEXAS; CHỈ THỊ VIỆC ĐƯA RA THÔNG BÁO VỀ HỦY BỎ CUỘC BẦU CỬ ĐÓ; VÀ CUNG CẤP THÔNG TIN CHI TIẾT LIÊN QUAN ĐẾN VIỆC HỦY BỎ CUỘC BẦU CỬ ĐÓ.

* * * * *

HỘI ĐỒNG THÀNH PHỐ CỦA THÀNH PHỐ TOMBALL, TEXAS QUYẾT NGHỊ:

Mục 1: Theo đây ra lệnh rằng Cuộc Bầu Cử Thường Kỳ, dự kiến sẽ được tổ chức tại Thành Phố Tomball vào ngày 4 tháng Năm 2019, tại đó cuộc bầu cử các viên chức sau đây đã được lựa chọn bởi các cử tri hội đủ điều kiện của Thành Phố, bị hủy bỏ chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Texas.

VỊ TRÍ:	THỊ TRƯỞNG: ỦY VIÊN HỘI ĐỒNG VỊ TRÍ 3
---------	--

Mục 2: Các ứng cử viên sau đây đã được xác nhận là không có đối thủ và theo đây được đặc cử như sau:

<u>Ứng Cử Viên</u> Gretchen Fagan Chad Degges	<u>Vị Trí Đặc Cử</u> Thị Trưởng Ủy Viên Hội Đồng Vị Trí 3
---	---

Mục 3: Một bản sao của Lệnh Hủy Bỏ, được đính kèm theo Nghị Quyết này và trở thành một phần của Nghị Quyết số 2019-07, sẽ được niêm yết vào Ngày Bầu Cử tại địa điểm bỏ phiếu sau đây, mà lẽ ra được sử dụng trong cuộc bầu cử:

ĐỊA ĐIỂM BỎ PHIẾU
Tomball City Hall
401 Market Street
Houston, Texas 77375

ĐƯỢC CHẤP THUẬN VÀ THÔNG QUA hôm nay ngày 4 tháng Ba, 2019.

Gretchen Fagan, Thị Trưởng
Thành Phố Tomball

CHỨNG THỰC:

Doris Speer, Bí Thư Thành Phố
Thành Phố Tomball

決議案編號2019-07

一德克薩斯州，TOMBALL市決議案，取消一般市府官員應於2019年5月4日的選舉計畫，其是根據德克薩斯州選舉法2.053(a)節；茲此通知該選舉取消；以及提供關於取消該選舉的詳情

* * * * *

特此由德克薩斯州，TOMBALL市決議:

第1條: 茲此命令計畫在德克薩斯州，TOMBALL市2019年5月4日舉行的選舉，在該選舉應由本市合乎資格選民選出下列官職，根據德克薩斯州選舉法2.053(a)節該選舉已取消。

席位:	市長
	委員席位 3

第2條: 下列候選人已被證實為無競爭對手當選候選人:

<u>候選人</u>	<u>當選職位</u>
Gretchen Fagan	市長
Chad Degges	委員席位 3

第3條: 本取消令命令副本，在此附上以及成為決議案編號2019-07的一部分，將於選舉日張貼在在下列可能啟用的投票場所。

投票場所
Tomball市政廳
401 Market Street
Tomball, Texas 77375

在2019年3月4日通過，批准及決議。

Gretchen Fagan市長
Tomball市

此證:

Doris Speer, 市秘書
Tomball市

ORDER OF CANCELLATION
(ORDEN DE CANCELACIÓN)
(LỆNH HỦY BỎ)
(取消命令)

The City of Tomball, Texas hereby cancels the election scheduled to be held on May 4, 2019 in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

(En conformidad con la Sección 2.053(a) del Código de Elecciones de Texas, por la presente la Ciudad de Tomball, Texas, cancela la elección programada para el 4 de mayo 2019. Los siguientes candidatos han sido certificados como candidatos únicos y por la presente son electos como sigue a continuación:)

(Thành Phố Tomball, Texas theo đây hủy bỏ cuộc bầu cử dự kiến sẽ được tổ chức vào ngày 4 tháng Năm, 2019 chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Texas. Các ứng cử viên sau đây đã được xác nhận là không có đối thủ và theo đây được đắc cử như sau:)

(茲依照德州選舉法 2.053(a) 款的規定，德克薩斯州，Tomball市在此取消計畫在 2019 年5月 4 日舉辦的選舉。以下候選人業經證實為無競選對手的候選人，並已當選以下職位：)

Candidate

(Candidato)

(Ứng Cử Viên)

(候選人)

Office Sought

(Cargo que aspira ocupar)

(Vị Trí Đắc Cử)

(當選職位)

Gretchen Fagan

Chad Degges

Mayor (Alcalde) (Thị Trưởng) (市長)

Council Position 3 (Posición 3 del Consejo)

(Ủy Viên Hội Đồng Vị Trí 3)(委員席位3)

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

(El Día de Elección se colocará una copia de esta orden en cada lugar de votación que se hubieran utilizado en la elección.)

(Một bản sao của Lệnh này sẽ được niêm yết vào Ngày Bầu Cử tại mỗi địa điểm bỏ phiếu mà lẽ ra được sử dụng trong cuộc bầu cử.)

(本取消令副本將於選舉日張貼在每個可能啟用的投票所。)

Mayor (Alcalde) (Thị Trưởng) (市長)

Secretary (Secretaria) (Thư Ký) (秘書)

(seal) (sello) (con dấu) (印鑑)

March 4, 2019

Date of Adoption (Fecha de Adopción)

(Ngày Chấp Thuận) (正式通過日期)

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 4, 2019

Topic:

Approve an Agreement between the City of Tomball and ExxonMobil Pipeline Company for Reimbursement of Costs Associated with the Work to Cut and Remove Pipeline Sections at the M121W Drainage Channel Crossings to ExxonMobil Pipeline Co., at an Estimated Cost of \$123,384.29

Background:

Based on the alignment of M121W drainage channel improvements, there will be a need for the city to cut and remove pipelines at three locations owned by ExxonMobil Pipeline Co.

ExxonMobil Pipeline Co. requires that the work is done by their company and that the City enter into a reimbursement agreement for the associated costs. The cost estimate for the work to be done is \$123,384.29.

Origination:

ACM

Recommendation:

Staff recommends approval of the reimbursement agreement

Funding:

Yes

Account Number:400; 2003-10005-180

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

David Esquivel

ACTION TAKEN

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

ATTACHMENTS:

ExxonMobil reimburse agreement

Estimate of Expenditures

REIMBURSABLE AGREEMENT

January 8, 2019

TC18091 - Drainage Ditch - Tomball
ABST 632 C N PILLOT
XCGC-0004, 0005,
0006
Cost Center 112428

Gentlemen:

Attached is a copy of a cost estimate dated September 11, 2018, totaling \$123,384.29. This represents ExxonMobil Pipeline Company's (hereon referred to as EMPCo) current best estimate of the costs EMPCo expects to incur to excavate and expose pipe at four locations, tap the line to verify zero stored energy at each location and once zero energy is verified, cold cut the pipe at the three locations to remove the pipe. The Lengths to remove will be 197 LF, 61 LF, 447 LF and 178 LF. Once pipe is cut and removed the remaining abandoned line will be capped, then backfill excavations (hereon referred to as "The Work") to allow your proposed drainage ditch over and across the abandon TOMBALL - JCT CONROE - SATSUMA SECT TX-167D-5 in Tomball, Harris County, Texas.

By executing this letter, City of Tomball, whose address is 401 Market St. Tomball, Texas, 77375, agrees to reimburse EMPCo 100 percent of the actual cost to accomplish The Work described above. Actual costs consist of but are not limited to: 1) Company Labor, 2) Personal Expenses of Company Employees, 3) Materials, 4) Contact Labor and Equipment, 5) 3rd Party Charges, (6) Administrative Overhead, and (7) Payroll Burden. The established percentages and method of application for these charges are detailed on the estimate attached (form PL-659). By execution of this letter, the City of Tomball in no way agrees to reimburse EMPCo for any work other than that The Work as described above.

Prior to performing The Work, the City of Tomball must submit a cashier's check made payable to EMPCo for \$123,384.29 to the following lockbox address:

ExxonMobil Pipeline Company
P.O. Box 74008338
Chicago, IL 60674-8338

PLEASE BE CERTAIN THAT YOUR CHECK SHOWS CUSTOMER NO. 0000478868, TO INSURE PROPER CREDIT.

Both parties agree that this is only an estimate and that actual costs of the project could exceed this amount. In the event EMPCo determines that the actual costs and expenses for The Work seem reasonably likely to exceed One Hundred Twenty-Three Thousand Three Hundred Eighty- Four

Dollars and Twenty-Nine cents (\$123,384.29), EMPCo shall promptly notify City of Tomball, David Esquivel. In the event the overage is not received from the City of Tomball by EMPCo within ____ days of such notification, the Work shall cease. The Work will continue after payment of the estimated overage is received by EMPCo and allocated to the proper project account. Upon completion of The Work, EMPCo shall provide City of Tomball with an accounting of the actual costs and expenses incurred in performing The Work, along with reasonable documentation. Should the actual costs and expenses for The Work be less than the estimated cost, the difference shall be refunded to City of Tomball within 90 days of completion of The Work. Should the actual costs and expenses for The Work be greater than the estimated cost, City of Tomball shall remit the difference to EMPCo within ninety (90) days of the presentation of an invoice to City of Tomball by EMPCo showing the actual costs and expenses for The Work.

EMPCO SHALL BE RESPONSIBLE FOR AND HOLD HARMLESS AND INDEMNIFY TOMBALL FROM AND AGAINST ALL CLAIMS, DEMANDS, OR CAUSES OF ACTION OF EVERY KIND AND CHARACTER ARISING IN CONNECTION WITH THIS AGREEMENT FOR RELEASE, THREATENED RELEASE, DISCHARGE, CONTROL OR REMOVAL OF POLLUTION, CONTAMINATION, OR ANY OTHER MATERIAL THAT ORIGINATES FROM EMPCO'S PIPELINE OR OPERATIONS OF EMPCO, ITS AGENTS, CONTRACTORS OR EMPLOYEES ON TOMBALL PROPERTY. EMPCO SHALL BE LIABLE FOR ANY AND ALL DAMAGES TO THE PERSONAL AND REAL PROPERTY OF TOMBALL BY REASON OF LBC'S ACTIONS OR OMISSIONS IN CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING, OPERATING, USING OR REMOVING FROM TOMBALL'S PROPERTY THE PIPELINE UNLESS DUE TO THE NEGLIGENCE OR GROSS NEGLIGENCE OF TOMBALL, ITS CONTRACTORS OR EMPLOYEES. THIS PROVISION SHALL SURVIVE TERMINATION AND EXPIRATION OF THIS AGREEMENT.

Please return a copy of the check with this agreement fully executed, evidencing City of Tomball's agreement to the terms contained herein, to:

ExxonMobil Pipeline Company
C/O Bradley Karasek
22777 Springwood Village Pkwy
E3.5A.556
Spring, Texas 77389

ACCEPTED AND AGREED TO THIS ____ DAY OF _____, 2019.

City of Tomball

By: _____

Name: _____

TITLE: _____

EXXONMOBIL PIPELINE COMPANY

By _____

Name: _____

TITLE: _____

PL-0659G

DATE: 9/11/2018		AFE NO:							
LOCATION OF WORK: Pipeline Easement in Tomball									
COMPLETE DESCRIPTION OF WORK TO BE PERFORMED & REASON: Excavate to expose pipe at four locations. Tap the line to verify 0 stored energy at each location and once 0 energy is verified cold cut the pipe at the three locations to remove the pipe. Lengths to remove will be 197 LF, 61 LF, 447 LF and 178 LF. Once pipe is cut and removed the remaining abandoned line will be capped. Backfill excavations.									
EXPENSES REIMBURSED BY:									
THIS ESTIMATE GOOD FOR 90 DAYS.									
QUANTITY	COMPANY LABOR	AMOUNT	TOTAL						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>DESCRIPTION</th> <th># DAYS</th> <th>DAY RATE</th> </tr> <tr> <td>EMPCo Rep daily rate with expected overtime</td> <td style="text-align: center;">15</td> <td style="text-align: right;">\$639</td> </tr> </table>	DESCRIPTION	# DAYS	DAY RATE	EMPCo Rep daily rate with expected overtime	15	\$639	\$9,585	
DESCRIPTION	# DAYS	DAY RATE							
EMPCo Rep daily rate with expected overtime	15	\$639							
			9585						
	PERSONAL EXPENSES OF COMPANY EMPLOYEES								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>OUT-OF-TOWN EXPENSES</th> <th># DAYS</th> <th>DAY RATE</th> </tr> <tr> <td>OTHER: N/A</td> <td></td> <td></td> </tr> </table>	OUT-OF-TOWN EXPENSES	# DAYS	DAY RATE	OTHER: N/A				0
OUT-OF-TOWN EXPENSES	# DAYS	DAY RATE							
OTHER: N/A									
	COMPANY VEHICLE AND EQUIPMENT EXPENSE								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th></th> <th># DAYS</th> <th>DAY RATE</th> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>		# DAYS	DAY RATE					0
	# DAYS	DAY RATE							
	MATERIALS								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>PIPE (INCLUDING FREIGHT)</th> <th>PER FOOT</th> </tr> <tr> <td></td> <td></td> </tr> </table>	PIPE (INCLUDING FREIGHT)	PER FOOT				0		
PIPE (INCLUDING FREIGHT)	PER FOOT								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>OTHER (INCLUDING FREIGHT)</th> <th>PER UNIT</th> </tr> <tr> <td></td> <td></td> </tr> </table>	OTHER (INCLUDING FREIGHT)	PER UNIT				0		
OTHER (INCLUDING FREIGHT)	PER UNIT								

CONTRACT LABOR AND EQUIPMENT				AMOUNT	TOTAL
QUANTITY	ITEM	# DAYS	Day RATE		
1	Construction Contract Crew	15	\$3,244.92	48,673.80	
	Equipment Rental and Crew Trucks	15	\$1,692	25380	
					74053.8
	CONTRACT HAULING				
	CDL Rate \$29.35	2	\$29.35/hr	\$469.60	
					469.6
	MISCELLANEOUS ITEMS				
	RIGHT OF WAY EXPENSES				
	PROPERTY DAMAGE EXPENSE				0
	PAYROLL BURDEN & WELFARE EXPENSE				
	(53.8% OF COMPANY LABOR)	9585		5300.51	5300.51
	SUB-TOTAL				89408.91
	ADMINISTRATIVE OVERHEAD (20% of SUB-TOTAL)			17881.78	
					17881.78
	SUB-TOTAL				107290.69
	CONTINGENCY 15 % OF SUB-TOTAL				16093.6029
	TOTAL ESTIMATED EXPENDITURES				123384.29
	PREPARED BY:			100 % REIMBURSABLE =	123384.2889

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 4, 2019

Topic:

Award Contract for E&P Project Number 2017-10002 Critical Needs Improvements for the North and South Wastewater Treatment Plants to Alfa Laval for Repairs to the Centrifuge at the South Wastewater Treatment Plant, in the Amount of \$132,849.27

Background:

Based on the Critical Needs Assessment completed by Freese & Nicols in 2016, replacement or repairs to the centrifuge located at the South Wastewater Treatment plant were recommended. The centrifuge at the South Wastewater Treatment plant is original to the plant and is an Alfa Laval centrifuge. A contract was issued in November to Alfa Laval, the manufacturer, for inspection of the centrifuge; the contract authorized Alfa Laval to remove the centrifuge, break it down and complete a full inspection to determine the repairs needed in order to restore the equipment to working order.

The inspection of the equipment has been completed and the following repairs have been determined as high priority in order to return the centrifuge to a “like new” condition:

- \$114,134.27 - Centrifuge repairs including repairs to DCI rotating assembly, and control panel and back drive upgrade
- \$13,465.00 – Replacement of existing Polymer System
- \$5,250.00 – Electrical related services for replacement of control panel and polymer system

Total amount for recommended repairs to return centrifuge to working condition is \$132,849.27. Cost of a new centrifuge is approximately \$1.4M.

Origination:

Public Works Department

Recommendation:

Staff recommends approving a the contract with Alfa Laval, Inc to complete necessary replacement and repairs to the centrifuge for \$132,849.27.

Funding:

Yes

Account Number:400-614-6409

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

Meagan Mageo, Project Coordinator

ACTION TAKEN

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