

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



MONDAY, OCTOBER 1, 2018

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, October 1, 2018 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 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 Father George McGavern, The Episcopal Church of the Good Shepherd

3.0 Pledges to U.S. and Texas Flags

- Led by Boy Scout Troop, Pack 1493

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

- October 6, 2018 – **6th "Annual Paces for Pink" 5K Run**
- October 13, 2018 – **"Zomball in Tomball"** at the Depot
- October 15, 2018 – Special Joint Meeting of the City Council and Planning and Zoning Commission regarding the City of Tomball Comprehensive Plan; 5:00 p.m.
- October 20, 2018 – **Freight Train Food Truck Festival** at the Depot
- October 27, 2018 – **8th Annual Tomball Bluegrass Festival**, 12:00 p.m.-6:00 p.m.
- November 16, 2018 – **Christmas Tree Lighting at the Depot** – 7:00 p.m.
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Billy Tidwell – **"National Night Out"** – October 2, 2018

6.0 Approve the Minutes of the September 17, 2018 Regular Tomball City Council Meeting

7.0 Old Business:

7.1 Adopt, on Second Reading, Ordinance No. 2018-32, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Greg Breau, to Operate a "Mobile Food Court"; said Property being Approximately 3.39 acres, and being Legally Described as Lot 1a Block 1 Parkway Oasis 3rd Replat, Harris County, Texas, Generally Located on the West Side of Business 249 between Hirschfield Road and Alice Road; Providing Requirements and Conditions for This CUP; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; and Providing for Severability

8.0 New Business:

8.1 Adopt \$0.230000 as the Portion of the Tax Rate to Fund the Interest and Sinking (Debt Service) Fund for Fiscal Year 2018-2019

8.2 Adopt \$0.111455 as the Portion of the Tax Rate to Fund the Maintenance and Operations (M&O) Fund for Fiscal Year 2018-2019

8.3 Adopt, on First Reading, Ordinance No. 2018-33, an Ordinance of the City of Tomball, Texas, Setting the Total Tax Rate of \$0.341455/\$100 of taxable value for the Year 2018 on all Real and Personal Property located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject

8.4 Announce the Date for the Final Vote on the 2018 Tax Levy, at the Regular City Council Meeting on October 15, 2018

8.5 Award Contract for City of Tomball Project Bid No. 2018-18, City of Tomball FY 2017-18 Sidewalks, to Greenscapes Six, in the Amount of \$262,660.00

8.6 Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.072 – Deliberations Regarding the Purchase, Exchange, Lease, or Value of Real Property

9.0 Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 27th day of September 2018 by 5:30 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer

Doris Speer
City Secretary, TRMC

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

AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: October 1, 2018

Topic:

- Led by Father George McGavern, The Episcopal Church of the Good Shepherd

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: October 1, 2018

Topic:

- Led by Boy Scout Troop, Pack 1493

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: October 1, 2018

Topic:

- October 6, 2018 – **6th "Annual Paces for Pink" 5K Run**
- October 13, 2018 – **"Zomball in Tomball"** at the Depot
- October 15, 2018 – Special Joint Meeting of the City Council and Planning and Zoning Commission regarding the City of Tomball Comprehensive Plan; 5:00 p.m.
- October 20, 2018 – **Freight Train Food Truck Festival** at the Depot
- October 27, 2018 – **8th Annual Tomball Bluegrass Festival**, 12:00 p.m.-6:00 p.m.
- November 16, 2018 – **Christmas Tree Lighting at the Depot** – 7:00 p.m.
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Billy Tidwell – **"National Night Out"** – October 2, 2018

Background:

Origination:

Various

Recommendation:

N/A

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

City Secretary

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: October 1, 2018

Topic:
Approve the Minutes of the September 17, 2018 Regular Tomball City Council Meeting

Background:

Origination:
City Secretary

Recommendation:
N/A

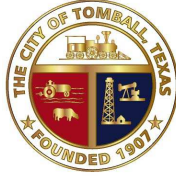
Party(ies) responsible for placing this item on agenda:
City Secretary

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

ATTACHMENTS:

Draft Minutes of the September 17, 2018 Regular Tomball City Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, SEPTEMBER 17, 2018
6:00 P.M.**

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

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – Robert Hauck
Assistant City Manager – David Esquivel
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Community Development – Craig Meyers
Director of Public Works – Beth Jones
Planner – Amelia Lindley
Assistant City Secretary – Tracy Garcia
Executive Director-TEDC – Kelly Violette

2.0 The invocation was led by Pastor Greg Sipe, Church 1:37.

3.0 Pledges to U. S. and Texas Flags were led by Harris County Commissioner, Precinct 4, R. Jack Cagle.

4.0 No public comments were received.

5.0 Reports and Announcements:

- October 6, 2018 – **6th “Annual Paces for Pink” 5K Run**
- October 13, 2018 – **“Zomball in Tomball”** at the Depot
- October 20, 2018 – **Freight Train Food Truck Festival** at the Depot

- October 27, 2018 – **8th Annual Tomball Bluegrass Festival**, 12:00 p.m.- 6:00 p.m.
- November 16, 2018 – ***Downtown Holiday Lamp Post Stroll***
- November 16, 2018 – **Christmas Tree Lighting** at the Depot – 7:00 p.m.
- Reports by City staff and members of Council about items of community interest on which no action will be taken:

- 6.0 Motion was made by Councilman Townsend, second by Councilman Stoll to approve the Minutes of the September 4, 2018 Regular Tomball City Council Meeting and the September 10, 2018 Special Tomball City Council Meeting

Motion carried unanimously.

- 7.0 Old Business:

- 7.1 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on Second Reading, Ordinance No. 2018-29, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory within Such Limits and Boundaries; Approving a Service Plan for All of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause [*Being All That Certain Tract or Parcel Containing 1.5153 Acres of Land for Proposed Annexation Purposes Situated in the Joseph House Survey, A-34 in Harris County, Texas, Same Being Comprised of a 1.5153 Acre Portion of Brown Road, (60.00 Feet in Width), According to a Deed Filed for Record in Volume 3194, Page 388 of the Harris County Deed Records) [A Portion of Brown Road from SH 249 to PFG Company Property]*. Vote was 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.

- 7.2 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to adopt, on Second Reading, Resolution No. 2018-25-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Performance Agreement by and between the Corporation and Houston PFG Inc., to make direct incentives to, or expenditures for, assistance with infrastructure costs related to the development and construction

of a commercial facility to be located at 14600 Brown Road, Tomball, Texas 77377. The estimated amount of expenditures for such Project is \$39,097.00.

Motion carried unanimously.

- 8.0 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.]*

Motion was made by Councilman Townsend, second by Councilman Ford, to approve all items under the Consent Agenda (8.1 and 8.2).

Motion carried unanimously.

- 8.1 Reappoint Michael Tiffin, Cindy Bennett-Smith, and Blair Bruce to their respective positions as Associate/Alternate Judges to the Municipal Court for an additional one-year term.
- 8.2 Reappoint Erik Berglund as Associate/Alternate Prosecutor to the Municipal Court for an additional one-year term.
- 9.0 New Business:

- 9.1 Harris County Commissioner, Precinct 4, R. Jack Cagle presented the Greenway Project and requested City consideration for financial and in-kind support of the project.

No action taken.

- 9.2 Mayor Fagan announced the Dates for the Vote on the 2018 Tax Rate, at the Regular City Council Meeting on October 1, 2018 at 6:00 p.m. and the Regular City Council Meeting on October 15, 2018 at 6:00 p.m.

No action taken.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2018-26, a Resolution of the City of Tomball, Texas, Amending the Master Fee Schedule for Fiscal Year 2018-2019.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Degges, second by Councilman Ford, to approve Resolution No. 2018-27, a Resolution of the City Council of the City of Tomball, Texas, for the Designation of Its Representative and Alternate for the Houston-Galveston Area Council 2019 General Assembly, designating Councilman Derek Townsend as the City's Representative and Councilman Stoll as the City's Alternate Representative.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve General and No Litigation Certificate of the City of Tomball for the Anticipated Issuance of "The Southeast Texas Housing Finance Corporation Multifamily Housing Revenue Bonds (Bayshore Towers Apartments), Series 2018", Not to Exceed \$15,000,000, in Connection with the Rehabilitation of the Bayshore Towers Apartments in the City of Pasadena, Harris County, Texas, and Authorize the Mayor to Execute the Requested Documents as Requested by Southeast Texas Housing Finance Corporation (SETH).

Motion carried unanimously.

- 9.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2018-28, a Resolution of the City Council of the City of Tomball, Texas supporting Hamilton Valley Management Ltd., in the Rehabilitation of the Elderly Designated Multi-Family Housing Development Known as The Village Apartments, and Authorize Mayor to Issue Letter of Support.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Klein Quinn, second by Councilman Townsend, to approve Contractual Agreement for Right-Of-Way Utility Adjustments between Harris County and the City of Tomball, for Certain Improvements to Holderrieth Road from SH 249 to 715 LF East of Existing Calvert Road.

Motion carried unanimously.

- 9.8 Consideration to Approve **Zoning Case P18-130**: Request by Greg Breau for a Conditional Use Permit to operate a Mobile Food Court on approximately 3.39 acres of land legally described as Lot 1A Block 1 Parkway Oasis 3rd Replat, generally located on the west side of Business 249 between Hirschfield Road and Alice Road and zoned General Retail District.

- Mayor Fagan opened the public hearing on **Zoning Case P18-130** at 7:02 p.m.

Fred Sembera, Owner - spoke in support of the
Pecos Grilling Company, 77375 proposed zoning change.

Beau Breaux - spoke in support of the
31411 Bearing Star Lane, 77375 proposed zoning change.

Receiving no further public comments, Mayor Fagan closed the public hearing at 7:06 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2018-32 by caption only on first reading.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on First Reading, Ordinance No. 2018-32, An Ordinance Of The City Of Tomball, Texas, Amending Chapter 50 (Zoning) Of The Tomball Code Of Ordinances By Granting A Conditional Use Permit (CUP) To Greg Breaux, To Operate A “Mobile Food Court”; Said Property Being Approximately 3.39 Acres, And Being Legally Described As Lot 1A Block 1 Parkway Oasis 3rd Replat, Harris County, Texas, Generally Located On The West Side Of Business 249 Between Hirschfield Road And Alice Road; Providing Requirements And Conditions For This CUP; Containing Findings And Other Provisions Relating To The Subject; Providing A Penalty In An Amount Not To Exceed \$2,000 For Violations Hereof; And Providing For Severability. Vote was 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

- 9.9 Executive Session: The City Council recessed at 7:11 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.071 - Consultation with attorney regarding Cause No. 2018-00921; *City of Tomball v. KCC International, LLC d/b/a*

LaQuinta Inn and Suites, in the 234th Judicial District Court in and for Harris County, Texas

- Sec. 551.074 - Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – City Manager

Upon reconvening into regular session at 7:39 p.m., the following action was taken:

- 9.10 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the proposed amendments to and extension of the Employment Contract for Robert Hauck, City Manager for one additional year.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 1st day of October 2018.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 1, 2018

Topic:

Adopt, on Second Reading, Ordinance No. 2018-32, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Greg Breaux, to Operate a “Mobile Food Court”; said Property being Approximately 3.39 acres, and being Legally Described as Lot 1a Block 1 Parkway Oasis 3rd Replat, Harris County, Texas, Generally Located on the West Side of Business 249 between Hirschfield Road and Alice Road; Providing Requirements and Conditions for This CUP; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; and Providing for Severability

Background:

On Monday, September 10, 2018, after conducting a public hearing, the Planning and Zoning Commission recommended approval of the rezoning request with three votes Aye and two votes Nay.

Origination:

Greg Breaux

Recommendation:

Approval

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

City Secretary

ACTION TAKEN

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

Ordinance No. 2018-32

P18-130 Staff Report

P18-130 Notice of Public Hearing

P18-130 Property Owner Notification

P18-130 Response Forms

ORDINANCE NO. 2018-32

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY GRANTING A CONDITIONAL USE PERMIT (CUP) TO GREG BREAU, TO OPERATE A “MOBILE FOOD COURT”; SAID PROPERTY BEING APPROXIMATELY 3.39 ACRES, AND BEING LEGALLY DESCRIBED AS LOT 1A BLOCK 1 PARKWAY OASIS 3RD REPLAT, HARRIS COUNTY, TEXAS, GENERALLY LOCATED ON THE WEST SIDE OF BUSINESS 249 BETWEEN HIRSCHFIELD ROAD AND ALICE ROAD; PROVIDING REQUIREMENTS AND CONDITIONS FOR THIS CUP; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATIONS HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

Whereas, Greg Breau, has requested a CUP to operate a “Mobile Food Court” on approximately 3.39 acres of land, legally described as Lot 1A Block 1 Parkway Oasis 3rd Replat, generally located on the west side of Business 249 between Hirschfield Road and Alice Road, in the City of Tomball, Harris County, Texas, (the "Property"), and

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

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

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

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

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

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

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

Section 2. A CUP to operate a “Mobile Food Court” at the Property and subject to the terms and conditions set forth below is hereby granted to Greg Breaux.

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

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

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

Section 6. The CUP authorized hereby shall be, and is, subject to the following additional limitations, restrictions and conditions:

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

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

Section 8. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF SEPTEMBER 2018.

COUNCILMAN FORD	<u>AYE</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 THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF OCTOBER 2018.

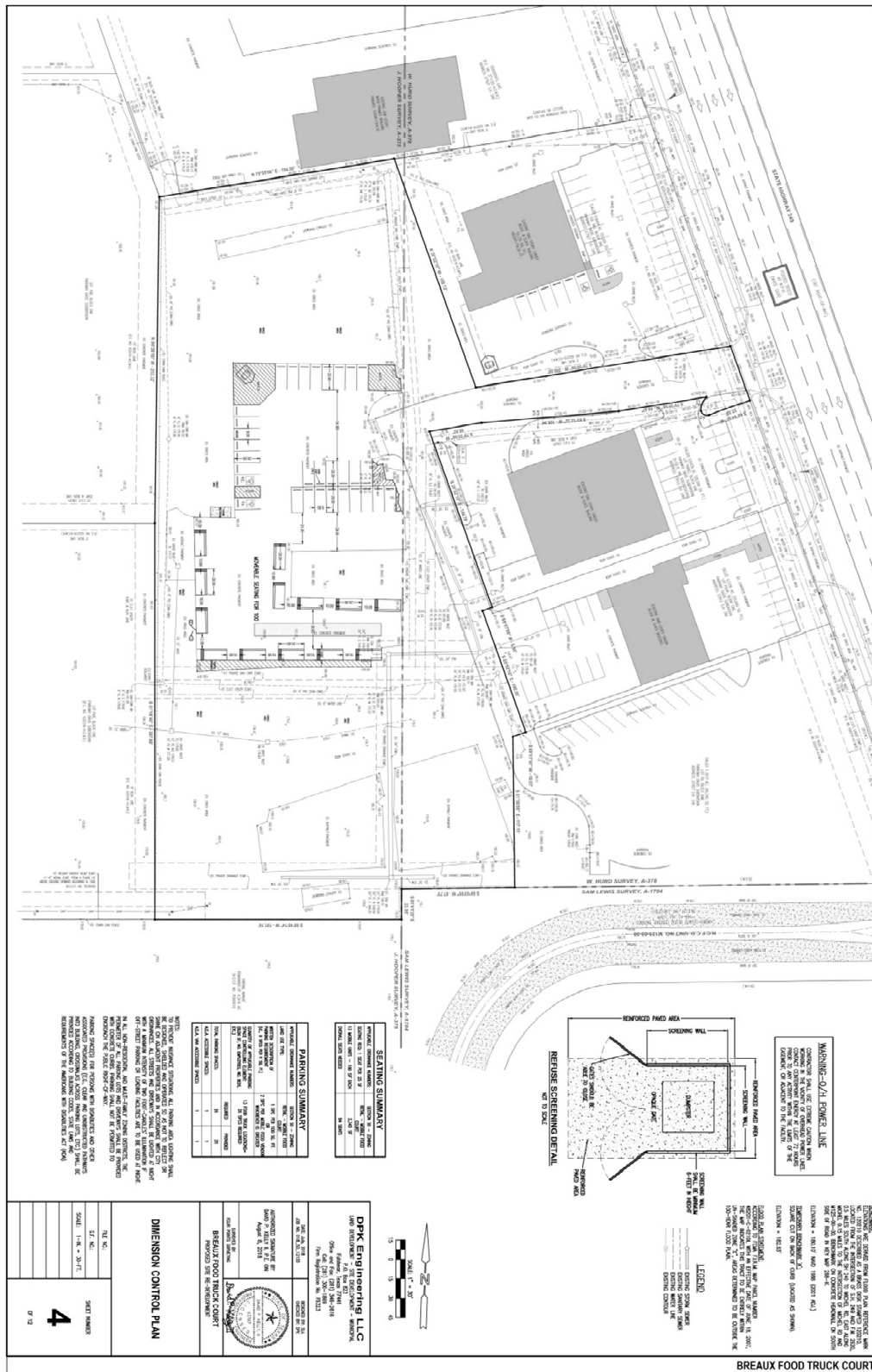
COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

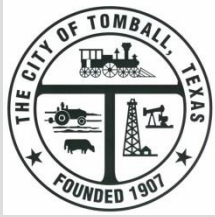
Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit “A”





Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: September 10, 2018

City Council Public Hearing Date: September 17, 2018

Rezoning Case: P18-130
Property Owner(s): Breaux Properties LTD
Applicant(s): Greg Breaux
Legal Description: Lot 1A Block 1 Parkway Oasis 3rd Replat
Location: West side of Business 249 between Hirschfield Road and Alice Road (Exhibit "A")
Area: 3.39 acres
Comp Plan Designation: Commercial (Exhibit "B")
Present Zoning and Use: General Retail (Exhibit "C") / Undeveloped property (Exhibit "D")
Proposed Use(s): Breaux Food Truck Court
Request: Conditional Use Permit (CUP) to allow the operation of a *Mobile Food Court*

Adjacent Zoning & Land Uses:

North: General Retail / Goodson's Café

South: General Retail and Agricultural / Undeveloped property, Harris County Flood Control Ditch

West: Planned Development / Breaux Machine Works

East: General Retail / Advance Auto Parts, Aaron's, Brake Check, Chicken Express

BACKGROUND

City Staff met with the applicant in July 2018 to discuss the proposed development of a mobile food truck court. City Staff informed the applicant that a Conditional Use Permit (CUP) would be required to operate a mobile food court on the subject site.

ANALYSIS

In 2016, City Council adopted ordinance No. 2016-33, allowing mobile food courts to operate in the General Retail, Commercial, Light Industrial, and Old Town & Mixed Use zoning districts with the approval of a CUP. According to the ordinance, a *mobile food court* "means a parcel of land where two or more mobile food vendors congregate to offer food or beverages for sale to the public as a principal use of the land". The applicant has proposed permanent spots for up to thirteen mobile food trucks (Exhibit "F").

The ordinance also required the following site development standards:

- a. No Mobile Food Vendor nor any associated seating areas shall be located in the required landscape buffer yard, access easement, surface drainage easement, driveway, and/or fire lane(s).
- b. All activity must occur on private property, outside of the public right-of-way.
- c. There shall be at least three (3) feet of unobstructed clearance between all individual Mobile Food Vendors and all permanent or accessory structures and at least ten (10) feet of unobstructed clearance for mobile food vendors parked side-by-side.
- d. Mobile Food Vendors shall not park in required parking stalls, rather they shall be located on a designated paved surface. Spaces for Mobile Food Vendors shall meet the minimum parking requirements per Table Section 50-112-1.
- e. Vehicular drive-thru service of food and/or beverages shall not be permitted.
- f. Accessible restroom facilities shall be provided within a permanent structure. Temporary or portable toilet facilities are not permitted.
- g. Electrical service may be provided to the Mobile Food Vendors by a permitted electrical connection or on-board generators. When using on-board generators, sound absorbing devices shall be used.
- h. A designated seating area shall be provided for patrons.
- i. A Mobile Food Vendor conducting business at a Mobile Food Court shall not be located within the same Mobile Food Court for a period in excess of 180 days. The same Mobile Food Vendor shall not return to the same Mobile Food Court for a period of 30 days.
- j. Mobile Food Vendors conducting business at a Mobile Food Court shall have current vehicular registration and shall be in a suitable operating condition for transit.
- k. All Mobile Food Vendors shall meet all other requirements per Chapter 32 – Peddlers and Solicitors.

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

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

The Comprehensive Plan Future Land Use Map identifies the subject site, and all surrounding sites, as Commercial. The Comprehensive Plan indicates the Commercial category includes “shopping centers, convenience stores, auto dealers, department stores, grocery and drug stores, entertainment facilities, food and beverage purveyors, salons, and small repair shops”. According to the applicant, the proposed development will not only provide mobile food trucks, but will also include a field and a dog park for patrons (Exhibit “E”).

The proposed development also meets goals and objectives outlined in Chapter 6 (Economic Opportunity) of the Comprehensive Plan. This chapter of the Plan explains how “Tomball will need to provide unique goods, services and experiences to get people off the Bypass [SH 249] and into the community” (Page 105). The proposed development will offer a unique service and experience that will attract citizens as well as noncitizens to Tomball.

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

According to the Zoning Ordinance, “a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions.”

According to Section 50-76 (General Retail District), the General Retail District should provide “shopping and service facilities for the retail sales of goods and services.”

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

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

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

The proposed use appears to be compatible with the adjacent developments. There is a blend of many different land uses in the immediate area including restaurants (Goodson’s Café and Chicken Express), goods and services related businesses (Advanced Auto Parts, Aaron’s, Brake Check) and a machine shop. According to the proposed concept plan (Exhibit “F”), the development will provide an approximately 250 foot long driveway from Tomball Parkway (Business 249). This will allow patrons to utilize the development at a safe distance from a public road with a lot of traffic.

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

Staff does not anticipate any adverse effects on surrounding properties.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on August 24, 2018. A sign was placed on the property and Notice of Public Hearing was published in the paper on August 29, 2018. Any public comment forms received by City Staff will be presented in the Planning & Zoning Commission and City Council packets or delivered during the time of the public meeting.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P18-130 for the following reasons:

1. The proposed use is appropriate for the location and surrounding uses;
2. The proposed use meets the intent of the General Retail Zoning District;
3. The proposed use meets the goals of the Comprehensive Plan.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

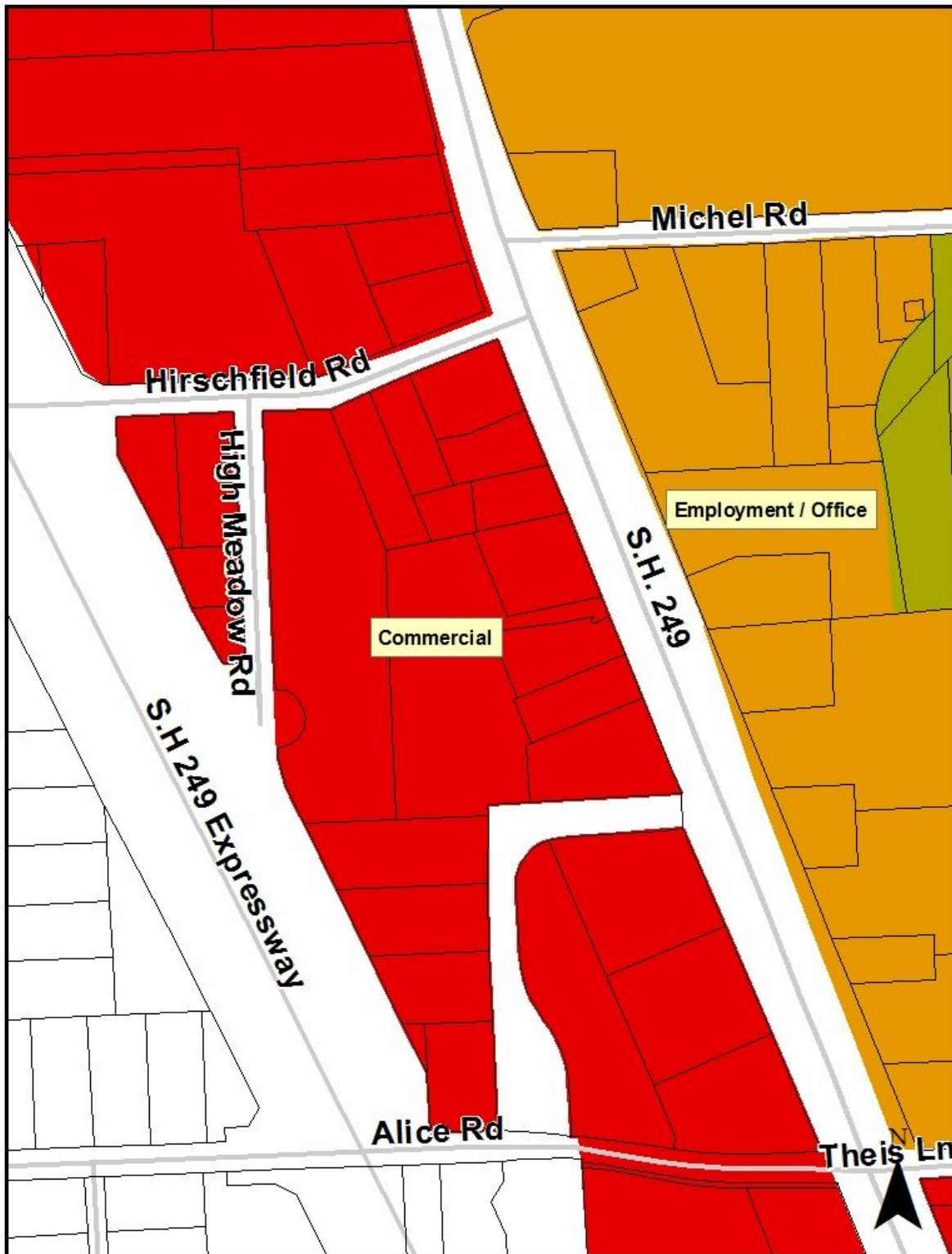
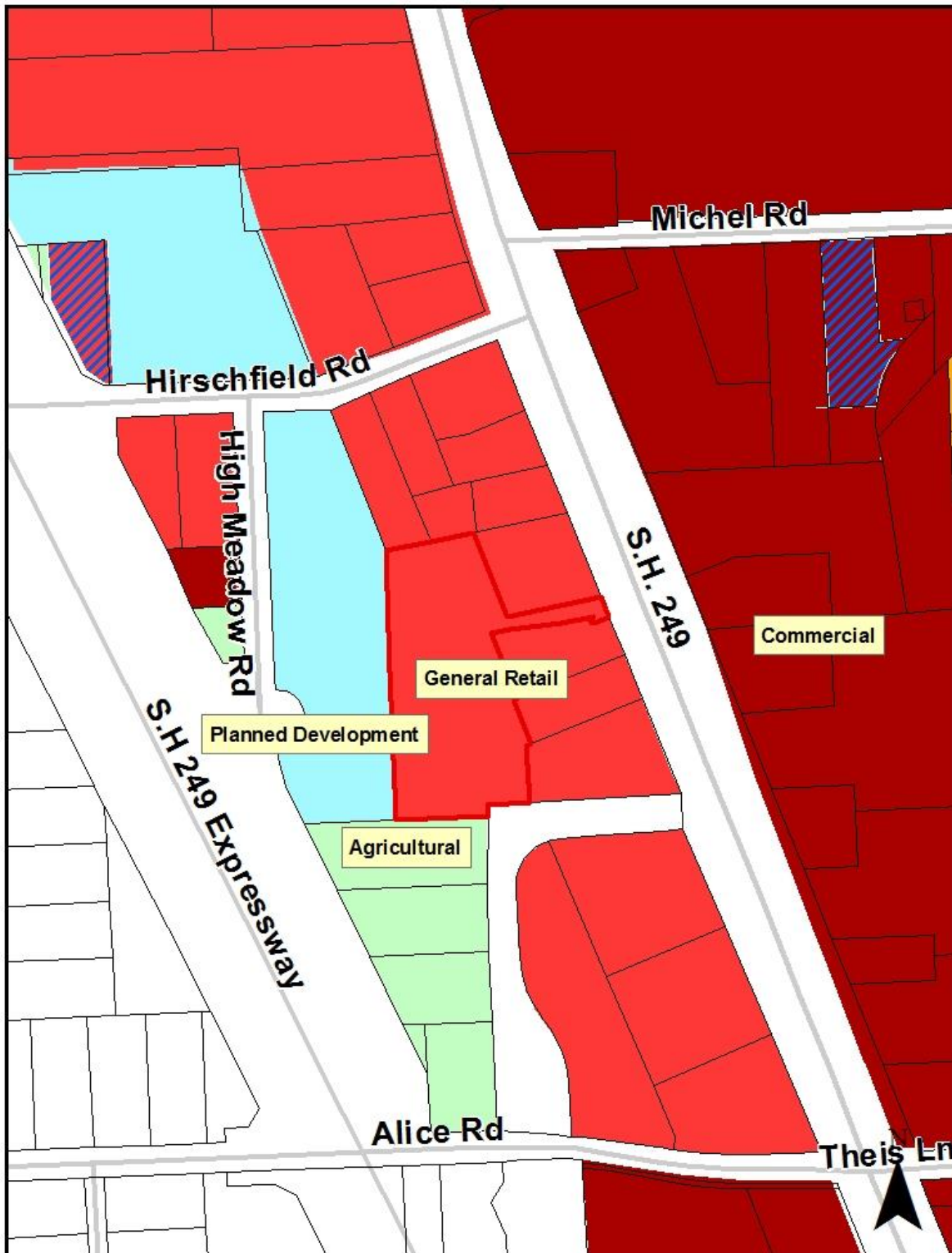


Exhibit "C"
Zoning Map

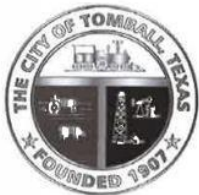


**Exhibit “D”
Site Photos**



Exhibit "E"
CUP Application

Revised 1/20/09



18-130
APPLICATION FOR
CONDITIONAL USE PERMIT
Engineering & Planning Department

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

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

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

Applicant

Name: Greg Breaux Title: Owner
Mailing Address: 14090 FM 2920 STEG-546 City: Tomball State: Texas
Zip: 77377
Phone: (281) 831-1223 Fax: () Email: breauxsftp@gmail.com

Owner

Name: Greg Breaux, DBA Title: Owner
Mailing Address: 14090 FM 2920 STEG-546 City: Tomball State: Texas
Zip: 77377
Phone: (281) 831-1223 Fax: () Email: gregbreaux@hotmail.com

Engineer/Surveyor (if applicable)

Name: DKB Engineering, LLC, David Kelly Title: President
Mailing Address: PO Box 823 City: Fulsher State: Texas
Zip: 77441
Phone: (281) 300-1869 Fax: () Email: david.kelly@dkpengineering.com

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1400

rgcroix@hotmail.com

Description of Proposed Project: Food Truck Park

Physical Location of Property: 27921 Tomball Parkway, Tomball, Texas 77375

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

Legal Description of Property: W Hurd Survey, Abstract #378, J Hooper Survey, Abstract 375

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: _____ Acreage: 3.397

Current Use of Property: No Current use, Vacant

Proposed Use of Property: Food Truck Park

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

CITY OF TOMBALL
281-351-5484

REC#: 01038589 7/30/2018 10:35 AM
OPER: LS TERM: 005
REF#: W VISA 226

ACCT #: XXXX-XXXX-XXXX-3090
AUTH #: 057656
TRAN #: 061208156289
TYPE: PURCHASE

TRAN: 130.0000 PLANNING AND ZONING
GREG BREAUX
14090 FM 2920
100-5442
CONDITIONAL USE PER 600.00CR

TENDERED: - 600.00 CREDIT CARD
APPLIED: 600.00-

CHANGE: 0.00

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

X Greg Breaux  July 30, 2018
Signature of Applicant Date

X Greg Breaux, DBA  July 30, 2018
Signature of Owner Date

Greg Breaux

July 30, 201

City of Tomball
501 James St.
Tomball, Texas 77375

To Whom it may Concern:

I am requesting that The City of Tomball and all concerned will allow me to start a new venture within the City of Tomball.

I propose to open a Food Truck Court. This business will be a Family oriented business with a variation of food choices. I will also have a Fenced Children's play area, a dog park and a turf Field (turf from Alamo Dome) for all to use.

We will have more than ample parking as well as restrooms to Accommodate large crowds.

Thank you for your kind consideration in allowing my new business in this town that I have been raised in my whole life and dearly love.

Most Sincerely,

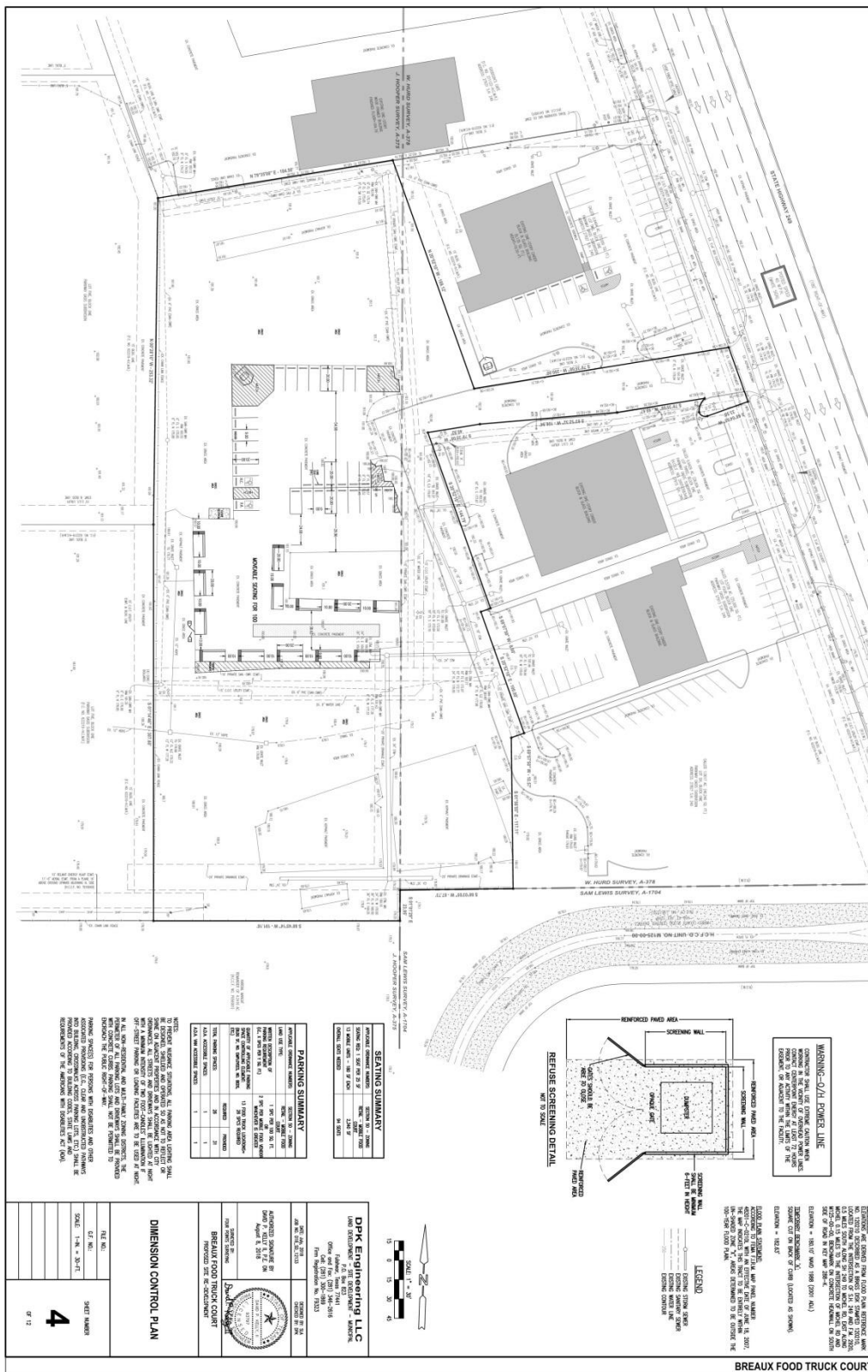


Greg Breaux
14090 FM 2920 Ste. G-546
Tomball, Texas 77377
281-831-1223
breauxsftp@gmail.com

30610 Quinn Road
Tomball, Tx 77375

281-351-9617 Office
281-290-6263 Fax

Figure “F” Concept Plan



**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
SEPTEMBER 10, 2018
&
CITY COUNCIL
SEPTEMBER 17, 2018**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, September 10, 2018, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, September 17, 2018, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P18-130: Request by Greg Breaux for a Conditional Use Permit to operate a *Mobile Food Court* on approximately 3.39 acres of land legally described as Lot 1A Block 1 Parkway Oasis 3rd Replat, generally located on the west side of Business 249 between Hirschfield Road and Alice Road and zoned General Retail District.

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

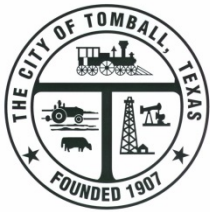
C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **6th** day of **September 2018** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Elizabeth Jones

Elizabeth Jones
Administrative Assistant

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



Notice of Public Hearing

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

CASE NUMBER: P18-130

APPLICANT/OWNER: Request by Greg Breaux

LOCATION: Generally located on the west side of Business 249 between Hirschfield Road and Alice Road

PROPOSAL: A Conditional Use Permit to operate a *Mobile Food Court* on approximately 3.39 acres of land legally described as Lot 1A Block 1 Parkway Oasis 3rd Replat, and zoned General Retail District.

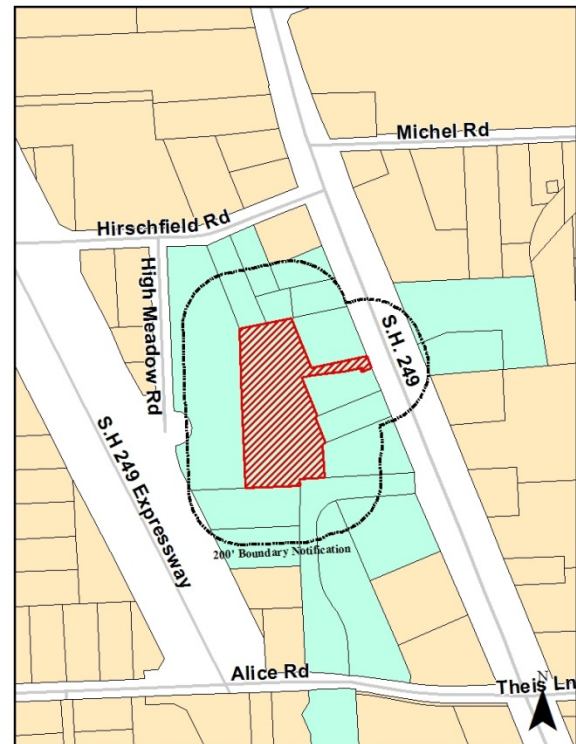
CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

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



**Planning & Zoning Commission
Public Hearing:
Monday, September 10, 2018, 6:00 PM**

**City Council Public Hearing:
*Monday, September 17, 2018, 6:00 PM**

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

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

Amelia Lindley

From: Michael Harney <MHarney@newquest.com>
Sent: Monday, September 10, 2018 9:15 AM
To: Amelia Lindley
Subject: Zoning Case P18-130

Ms. Lindley,

NewQuest Properties, through an affiliated entity A-S 69 Alice RD Hwy 249, L.P., owns property adjacent to the property for the proposed Conditional Use Permit for a Mobile Food Court referenced in the City of Tomball Zoning Case Number P18-130. We are against the proposed conditional use permit and feel that the proposed use would not be consistent with the existing quality of commercial development in the area. We encourage the City to maintain the current zoning designation and land use on the property to encourage further commercial retail development in the area.

Please do not hesitate to contact our office should you have any questions or concerns regarding this matter.

Michael Harney
Development Manager
NewQuest Properties
8827 W. Sam Houston Parkway North, Suite 200
Houston, Texas 77040
D: 281.640.7195
C: 713.899.9634

Regular City Council
Agenda Item
Data Sheet

Meeting Date: October 1, 2018

Topic:

Adopt \$0.230000 as the Portion of the Tax Rate to Fund the Interest and Sinking (Debt Service) Fund for Fiscal Year 2018-2019

Background:

During the budget process and in the published Effective Tax Rate and Rollback calculations, \$0.230000 was the recommended allocation of the total tax rate of \$0.341455 to be used to fund the payment of the City's tax-supported debt. The actual ordinance, 2018-33, adopting the tax rate for the City of Tomball for FY 2018-2019 will appear later on the agenda.

This item is only to adopt the allocation of \$0.230000 as the designated portion of the tax rate to the support the Interest and Sinking (Debt Service) Fund for Fiscal Year 2018-2019, as required Chapter 26 of the Texas Property Tax Code.

Origination:

Finance

Recommendation:

Adoption of \$0.230000 as the portion of the tax rate to support the Interest and Sinking (Debt Service) Fund for FY 2018-2019.

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

Glenn Windsor, CPA Finance Director

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
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Regular City Council
Agenda Item
Data Sheet

Meeting Date: October 1, 2018

Topic:

Adopt \$0.111455 as the Portion of the Tax Rate to Fund the Maintenance and Operations (M&O) Fund for Fiscal Year 2018-2019

Background:

During the budget process, \$0.111455 was the recommended allocation of the total tax rate of \$0.341455 to be used to fund operations and maintenance expenditures in the General Fund. The actual ordinance to approve the total tax rate of \$0.341455 will appear later on the agenda.

This item is only to adopt the allocation of \$0.111455 to fund the Maintenance and Operations Fund of the City's Budget for Fiscal Year 2018-2019, as required by Chapter 26 of the Texas Property Tax Code..

Origination:

Finance

Recommendation:

Adopt \$0.111455 as the portion of the tax rate to fund maintenance and operations for FY 2018-2019

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

Glenn Windsor, CPA Finance Director

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 1, 2018

Topic:

Adopt, on First Reading, Ordinance No. 2018-33, an Ordinance of the City of Tomball, Texas, Setting the Total Tax Rate of \$0.341455/\$100 of taxable value for the Year 2018 on all Real and Personal Property located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject

Background:

Previous items on the agenda approved the allocation of the proposed tax rate for Fiscal Year 2018-2019 (Tax Year 2018) in the amounts of \$0.230000 for the Interest & Sinking Fund and \$0.111455 for the Maintenance and Operations Fund, for a total tax rate of \$0.341455.

Adoption of Ordinance No. 2018-33 on second reading will be presented at the Regular City Council Meeting on October 15, 2018 to complete the process to levy the 2018 (FY 2018-2019) tax rate.

Origination:

Finance

Recommendation:

Adopt Ordinance 2018-33 on First Reading

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

Glenn Windsor, CPA Finance Director

ACTION TAKEN

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

Ordinanced No. 2018-33

ORDINANCE NO. 2018-33

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, SETTING THE TAX LEVY OF \$0.341455 FOR THE YEAR 2018 ON ALL TAXABLE REAL AND PERSONAL PROPERTY LOCATED IN THE CITY OF TOMBALL, TEXAS; PROVIDING FOR PENALTY, INTEREST, AND ADDITIONAL PENALTY ON TAXES NOT TIMELY PAID; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, pursuant to the provisions of the Constitution and Laws of the State of Texas, the City Council of the City of Tomball, Texas, is vested with the power to levy, assess and collect an annual tax upon all taxable real and personal property located within the City Limits, and said power allowing for the granting of homestead exemptions for all City of Tomball property owners sixty-five years of age and over or who are disabled; and

WHEREAS, pursuant to the Charter of the City of Tomball, this ordinance has been read two (2) times and considered at two (2) sessions of the City Council, and published in the City's official newspaper after the first reading; and

WHEREAS, the Council is required to set a tax rate, expressed as a rate per hundred-dollar valuation of said property, located in the City of Tomball, January 1, 2018; and

WHEREAS, Section 26.05 of the Texas Property Tax Code provides that before the later of September 30th or the 60th day after the date the certified appraisal roll is received by the taxing unit, the governing body of each taxing unit shall adopt a tax rate for the current tax year; and

WHEREAS, such Section further provides that where the tax rate consists of two components (one which will impose the amount of taxes needed to pay the unit's debt service and the other which will impose the amount of taxes needed to fund maintenance and operation expenditures of the unit for the next year), each of the components must be approved separately; and

WHEREAS, the proposed tax rate for the current tax year of the City of Tomball, Texas, consists of two components, a tax rate of \$0.230000 cents per \$100.00 dollars of taxable value for the purpose of paying the accruing interest and to provide a sinking fund for payment of the indebtedness of the City, and a tax rate of \$0.111455 cents per \$100.00 dollars of taxable value for the purpose of funding the maintenance and operation expenditures of the City for the next fiscal year; and

WHEREAS, City Council has approved, by separate motions, the tax rates heretofore specified for each of said components; and

WHEREAS, all notices and hearings required by law as a prerequisite to the passage, approval, and adoption of this Ordinance have been timely and properly given and held;

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are found to be true and correct and are hereby adopted, ratified, and confirmed.

Section 2. That said tax levied as aforesaid, based upon valuations established by Harris County Appraisal District, will be sufficient to meet the requirements of the City for the Budget Year 2017-2018.

Section 3. There is hereby levied, for the tax year 2018, to fund the City's fiscal year 2018-2019 municipal budget, an ad valorem tax at the total rate of thirty-four and one thousand four hundred fifty-five ten-thousandths cents (\$0.341455) on each One Hundred Dollars (\$100.00) of assessed valuation on all property, real, personal, and mixed, within the corporate limits of the City, upon which an ad valorem tax is authorized by law to be levied by the City of Tomball, Texas. All such taxes shall be assessed and collected in current money of the United States of America.

Section 4. Of such total tax levied in Section 2 hereof, \$0.111455 is levied to fund maintenance and operation expenditures of the City for the fiscal year 2018-2019. Of the total tax levied in Section 2 hereof, \$0.230000 is levied for the purpose of paying the interest on bonds, warrants, certificates of obligation, or other lawfully authorized evidence of indebtedness issued by the City of Tomball, Texas, including the various installments of principal due on the serial bonds, warrants, certificates of obligation, or other lawfully authorized evidence of indebtedness issued by the City as such installments shall respectively mature, in the fiscal year 2018-2019.

Section 5. This year's levy to fund both maintenance and operations expenditures and interest & sinking expenditures exceeds last year's maintenance and operations tax levy and interest & sinking tax levy.

GENERAL FUND - TO FUND MAINTENANCE AND OPERATION EXPENDITURES OF THE CITY:	\$0.111455
INTEREST & SINKING - FOR DEBT SERVICE:	\$0.230000

With reference to the tax rate of \$0.230000 for the Interest and Sinking Fund for bonded indebtedness, this rate, representing 67.3588% of the total \$0.341455 tax, shall apply to the gross amount of current taxes to be collected.

Section 6. All ad valorem taxes levied hereby, in the total amount of \$0.341455 on each One Hundred Dollars (\$100.00) of assessed valuation, as reflected by Sections 2 and 3 hereof, shall be due and payable on or before January 31, 2019. All ad valorem taxes due the City of Tomball, Texas, and not paid on or before January 31st following the year for which they were levied, shall bear penalty and interest, and if not paid before July 1st shall incur an additional penalty of twenty percent (20%), as prescribed in the Texas Property Tax Code.

Section 7. All ordinances and parts of ordinances inconsistent or in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. If any provision of this Ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not invalidate or impair the validity, force, or effect of any other provision of this Ordinance.

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 1ST DAY OF OCTOBER 2018.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 15TH DAY OF OCTOBER 2018.

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

GRETCHEN FAGAN, MAYOR
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 1, 2018

Topic:

Announce the Date for the Final Vote on the 2018 Tax Levy, at the Regular City Council Meeting on October 15, 2018

Background:

On September 4, 2018 Council set the dates for consideration and adoption of Ordinance No. 2018-33 on First and Second Readings at the regular Council meetings of October 1 and October 15, 2018.

Council must announce the dates That Council will vote on the passage of Ordinance No. 2018-33, setting the 2018 tax levy.

No special meetings are required and the Ordinance will be adopted within the 60-day time frame required under Tax Code, Sec. 26.05. The deadline to adopt the 2018 Tax Rate is October 19, the 60th day after the date we received the certified tax rolls.

Origination:

City Secretary

Recommendation:

Announce October 15, 2018 as the final date for Council consideration and vote on the 2018 Tax Rate.

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
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ATTACHMENTS:

Notice of Vote on 2018 Tax Rate

**NOTICE OF VOTE ON 2018 TAX RATE
FOR THE
CITY OF TOMBALL, TEXAS**



MONDAY, OCTOBER 1, 2018

6:00 P.M.

AND

MONDAY, OCTOBER 15, 2018

6:00 P.M.

Notice is hereby given that a **Vote to Adopt the 2018 Tax Rate** will be held by the Tomball City Council, as the Governing Body of the City of Tomball, at a Regular Council Meeting on Monday, October 1, 2018 at 6:00 p.m., and at a Regular Council Meeting on Monday, October 15, 2018 at 6:00 p.m., at TOMBALL CITY HALL, 401 MARKET STREET, Tomball, Texas 77375, for the purpose of considering the following:

Ordinance No. 2018-33, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.341455/\$100 Value Assessed for the Year 2018 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject.

A copy of the Ordinance will be available for public inspection at the office of the City Secretary, 401 Market Street, Tomball, Texas, Monday through Thursday, 7:45 a.m. to 5:00 p.m., and Friday, 7:45 a.m. to 4:00 p.m., beginning on **Monday, September 10, 2018**.

CERTIFICATION

I hereby certify that the above notice of meetings was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5th day of September 2018 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer

Doris Speer, City Secretary, TRMC, 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: October 1, 2018

Topic:

Award Contract for City of Tomball Project Bid No. 2018-18, City of Tomball FY 2017-18 Sidewalks, to Greenscapes Six, in the Amount of \$262,660.00

Background:

The City of Tomball FY 2017-18 Sidewalk Project, E&P Project 2018-10004, will install new sidewalks along Commerce Street, Walnut Street, Market Street, Theis Lane and Lawrence Street. In an effort to obtain the most favorable pricing, sealed bids were solicited and a total of ten (10) bids were submitted. After review of all bids, Greenscapes Six was determined to be the responsible low bidder. The consultant's recommendation is attached and recommendation is to award the contract for completion of the sidewalks to Greenscapes Six in the amount of \$262,660.00.

Origination:

Public Works Department

Recommendation:

Staff recommends award of the contract to Greenscapes Six in the amount of \$262,660.00.

Funding:

Yes

Account Number:400-613-6409

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

Meagan Mageo, Project Coordinator

ACTION TAKEN

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

ATTACHMENTS:

Bid Tabulation

Bid Recommendation

Gunda Project No. 18023-01

Bid Tab

B.1 Site Preparation and Earthwork Items:
B.2 SWPPP ITEMS:
B.3 PAVING ITEMS:
B.4 SIGNING AND PAVEMENT MARKING ITEMS:
B.5 STORM SEWER ITEMS:
B.6 MISCELLANEOUS ITEMS:
C**Extra Work Items:
D. Cash Allowance Table:
TOTAL SUBMITTED BASE BID PRICE:
CORRECTED BID PRICE:

Engineer's Estimate	Average of 3 low bidders	BIDDER No. 1	BIDDER No. 2	BIDDER No. 3	BIDDER No. 4	BIDDER No. 5	BIDDER No. 6	BIDDER No. 7	BIDDER No. 8	BIDDER No. 9	BIDDER No. 10
\$ 36,580.00	\$ 31,996.93	\$ 30,405.00	\$ 28,610.00	\$ 36,975.80	\$ 53,465.00	\$ 49,825.00	\$ 42,650.00	\$ 53,930.00	\$ 101,950.00	\$ 53,095.00	\$ 85,822.00
\$ 1,204.00	\$ 3,793.33	\$ 7,700.00	\$ 2,600.00	\$ 900.00	\$ 14,300.00	\$ 16,000.00	\$ 2,550.00	\$ 6,130.00	\$ 2,650.00	\$ 2,150.00	\$ 6,850.00
\$ 202,438.00	\$ 175,814.58	\$ 161,465.00	\$ 180,880.00	\$ 185,098.75	\$ 189,310.00	\$ 181,250.00	\$ 192,095.00	\$ 234,125.00	\$ 209,835.00	\$ 278,915.00	\$ 228,660.00
\$ 20,837.50	\$ 16,538.67	\$ 12,580.00	\$ 26,450.00	\$ 10,586.00	\$ 8,850.00	\$ 17,385.00	\$ 26,160.00	\$ 14,225.00	\$ 16,660.00	\$ 26,805.00	\$ 49,425.50
\$ 11,152.50	\$ 11,245.00	\$ 11,210.00	\$ 9,925.00	\$ 12,600.00	\$ 5,075.00	\$ 14,804.00	\$ 16,500.00	\$ 12,735.00	\$ 13,450.00	\$ 15,225.00	\$ 16,225.00
\$ 6,209.00	\$ 7,516.67	\$ 10,800.00	\$ 6,500.00	\$ 5,250.02	\$ 3,400.00	\$ 4,350.00	\$ 14,100.00	\$ 8,450.00	\$ 16,300.00	\$ 4,850.00	\$ 7,450.00
\$ 26,437.50	\$ 25,552.08	\$ 28,500.00	\$ 21,375.00	\$ 26,781.25	\$ 11,250.00	\$ 26,250.00	\$ 23,500.00	\$ 32,500.00	\$ 25,157.25	\$ 32,875.00	\$ 37,668.75
\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
\$ 304,858.50	\$ 272,397.27	\$ 262,660.00	\$ 276,340.00	\$ 278,191.82	\$ 285,650.00	\$ 309,864.00	\$ 317,555.00	\$ 362,095.00	\$ 386,002.25	\$ 413,915.00	\$ 432,101.25

B.1 Site Preparation and Earthwork Items:				
Item No.	Control No.	Item Description	Unit Measure	Unit Quantity
1	01502	MOBILIZATION	LS	1
2	01555	TRAFFIC CONTROL INCLUDING FLAGMEN	LS	1
02221, 02233		SITE PREPARATION TO INCLUDE GRUBBING, REMOVAL OF EXISTING HEDGES AND LANDSCAPING (CAPPING), COMPLETE IN PLACE	LS	1
3	02221	REMOVE AND DISPOSE CONCRETE, INCLUDING CONCRETE PAVEMENT, CONCRETE DRIVES, CONCRETE SLOPE PAVING, 6" CONCRETE CURB, INCLUDING SAWCUT, COMPLETE IN PLACE	SY	185
4	02221	REMOVE AND DISPOSE ASPHALT, INCLUDING ASPHALY PAVEMENT, ASPHALT DRIVES, INCLUDING SAWCUT COMPLETE IN PLACE	SY	130
5	02221	REMOVE AND DISPOSE GRAVEL, INCLUDING GRAVEL DRIVES, INCLUDING SAWCUT, COMPLETE IN PLACE	SY	40
6				
7	DWG	RELOCATE EXISTING BOLLARDS	EA	4
8	02221	RELOCATE EXISTING SET	EA	1.0
9	02922	SODDING	SY	320
TOTAL B.1 BASE UNIT PRICES				
B.2 SWPPP ITEMS:				
Item No.	Control No.	Item Description	Unit Measure	Unit Quantity
10	01572; 01410	STORM WATER POLLUTION PREVENTION (MAINTENANCE)	LS	1
11	01573; 01574	REINFORCED FILTER FABRIC FENCE	LF	50
12	01577	INLET PROTECTION BARRIERS	EA	4
TOTAL B.2 BASE UNIT PRICES				
B.3 PAVING ITEMS:				
Item No.	Control No.	Item Description	Unit Measure	Unit Quantity
13	02754	CONCRETE DRIVEWAY (6") W/ APPURTENANCES, INCLUDING EXCAVATION, COMPLETE IN PLACE	SY	340
14	02771	CURB TRANSITION (6" CURB TO 2" CURB OR 6" CURB TO 4" CURB)	LF	185
15	02771	4" x 12" MOUNTABLE CONCRETE CURB	SF	330
16	02771	6" CONCRETE CURB	LF	725
17	2771	1" CONCRETE GUTTER	LF	155
18	02775	CONCRETE SIDEWALK (4.5") W/ APPURTENANCES, INCLUDING EXCAVATION, COMPLETE IN PLACE	SY	2245
19	02775	CONCRETE WHEELCHAIR RAMP, INCLUDING	EA	1
20	02775	4" CONCRETE PAVER W/ TRUNCATED	SF	265
21	DWG	STAMPED CONCRETE PAVERS, INCLUDING CEMENT STABILIZED BEDDING SAND AND MORTAR, COMPLETE IN PLACE	SF	415
22	2960	MILL AND OVERLAY EXISTING ASPHALT PAVEMENT, INCLUDING SAWCUT, COMPLETE IN PLACE	SY	75
23	DWG	RELOCATE EXIST SIGN	EA	12
TOTAL B.3 BASE UNIT PRICES				
B.4 SIGNING AND PAVEMENT MARKING ITEMS:				
Item No.	Control No.	Item Description	Unit Measure	Unit Quantity
24	02775	THERMOPLASTIC PAVEMENT MARKING, CLASS II, 24" WHITE, SOLID	LF	645
	DWG	SMALL ROAD SIGN ASSEMBLY WITH W11-2 36" X 36" EDGE LIT SIGN SOLAR TS40 SIGN AND SW16-7P 24" X 12" SIGN, COMPLETE IN PLACE	EA	2
25	DWG	SPRFBA(1)-13 SOLAR POWERED PEDESTRIAN FLASHER ASSEMBLY WITH W11-2 36" X 36" SIGN AND W16-9P 24" X 12" SIGNS COMPLETE IN PLACE	EA	2
26				
TOTAL B.4 BASE UNIT PRICES				
B.5 STORM SEWER ITEMS:				
Item No.	Control No.	Item Description	Unit Measure	Unit Quantity
27	2314	REALIGN ROADSIDE DITCH, INCLUDING REGRAIDING (EXCAVATION AND BORROW) AND HAUL-OFF (IF NECESSARY), COMPLETE IN PLACE	LF	465
28	02631, 02611	18" RCP STORM SEWER, OPEN CUT, ALL DEPTHS, COMPLETE IN PLACE	LF	32
29	02634	18" RCP SET (TY II) (6-1) (PARALLEL DRAINAGE)	LF	2
TOTAL B.5 BASE UNIT PRICES				
B.6 MISCELLANEOUS ITEMS:				

Engineer's Estimate		Average of 3 low bidders		Greenscapes Six		TNT Miller Construction		TB Concrete Construction		Topco Environmental		LG&G Construction		WadeCon, LLC		Site Work Contractors LLC		Harper Brothers Construction, LLC		A1 Construction Services		MoBill Contractors, Inc	
Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures	Unit Price	Total in figures
\$ 11,000.00	\$ 11,000.00	\$ 6,666.67	\$ 11,666.67	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00	\$ 20,000.00	\$ 20,000.00	\$ 13,000.00	\$ 13,000.00	\$ 15,000.00	\$ 15,000.00	\$ 10,000.00	\$ 10,000.00	\$ 45,000.00	\$ 45,000.00	\$ 25,000.00	\$ 25,000.00	\$ 18,000.00	\$ 18,000.00
\$ 8,000.00	\$ 8,000.00	\$ 6,000.00	\$ 11,666.67	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00	\$ 3,000.00	\$ 3,000.00	\$ 20,000.00	\$ 20,000.00	\$ 15,000.00	\$ 15,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 28,000.00	\$ 28,000.00	\$ 6,000.00	\$ 6,000.00	\$ 11,000.00	\$ 11,000.00
\$ 8,000.00	\$ 8,000.00	\$ 3,833.33	\$ 3,833.33	\$ 1,500.00	\$ 1,500.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 20,000.00	\$ 20,000.00	\$ 12,000.00	\$ 12,000.00	\$ 15,000.00	\$ 15,000.00
\$ 16.00	\$ 2,960.00	\$ 13.33	\$ 2,405.00	\$ 15.00	\$ 2,775.00	\$ 10.00	\$ 1,850.00	\$ 15.00	\$ 2,775.00	\$ 14.00	\$ 2,590.00	\$ 27.00	\$ 4,995.00	\$ 10.00	\$ 1,850.00	\$ 50.00	\$ 9,250.00	\$ 20.00	\$ 3,700.00	\$ 9.00	\$ 1,665.00	\$ 90.00	\$ 16,650.00
\$ 20.00	\$ 2,600.00	\$ 11.67	\$ 1,863.33	\$ 15.00	\$ 1,950.00	\$ 10.00	\$ 1,300.00	\$ 10.00	\$ 1,300.00	\$ 18.00	\$ 2,340.00	\$ 25.00	\$ 3,250.00	\$ 10.00	\$ 1,300.00	\$ 50.00	\$ 6,500.00	\$ 15.00	\$ 1,950.00	\$ 9.00	\$ 1,170.00	\$ 120.00	\$ 15,600.00
\$ 10.00	\$ 400.00	\$ 11.67	\$ 573.33	\$ 15.00	\$ 600.00	\$ 10.00	\$ 400.00	\$ 10.00	\$ 400.00	\$ 18.00	\$ 720.00	\$ 20.00	\$ 800.00	\$ 10.00	\$ 400.00	\$ 30.00	\$ 1,200.00	\$ 15.00	\$ 600.00	\$ 9.00	\$ 360.00	\$ 120.00	\$ 4,800.00
\$ 500.00	\$ 2,000.00	\$ 816.67	\$ 2,433.33	\$ 1,200.00	\$ 4,800.00	\$ 500.00	\$ 2,000.00	\$ 750.00	\$ 3,000.00	\$ 125.00	\$ 500.00	\$ 5.00	\$ 20.00	\$ 250.00	\$ 1,000.00	\$ 800.00	\$ 3,200.00	\$ 150.00	\$ 600.00	\$ 800.00	\$ 3,200.00	\$ 150.00	\$ 600.00
\$ 500.00	\$ 500.00	\$ 800.00	\$ 758.33	\$ 900.00	\$ 900.00	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00	\$ 875.00	\$ 875.00	\$ 1,000.00	\$ 1,000.00	\$ 1,500.00	\$ 1,500.00	\$ 2,100.00	\$ 2,100.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 1,500.00	\$ 1,500.00
\$ 3.50	\$ 1,120.00	\$ 21.81	\$ 2,293.33	\$ 9.00	\$ 2,880.00	\$ 8.00	\$ 2,560.00	\$ 48.44	\$ 15,500.80	\$ 4.50	\$ 1,440.00	\$ 5.50	\$ 1,760.00	\$ 5.00	\$ 1,600.00	\$ 5.25	\$ 1,680.00	\$ 5.00	\$ 1,600.00	\$ 10.00	\$ 3,200.00	\$ 8.35	\$ 2,672.00
	\$ 36,580.00		\$ 37,493.33		\$ 30,405.00		\$ 28,610.00		\$ 36,975.80		\$ 53,465.00		\$ 49,825.00		\$ 42,650.00		\$ 53,930.00		\$ 101,950.00		\$ 53,095.00		\$ 85,822.00
Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures
\$ 1,000.00	\$ 1,000.00	\$ 2,416.67	\$ 3,600.00	\$ 5,000.00	\$ 5,000.00	\$ 2,000.00	\$ 2,000.00	\$ 250.00	\$ 250.00	\$ 3,800.00	\$ 3,800.00	\$ 5,000.00	\$ 5,000.00	\$ 2,000.00	\$ 2,000.00	\$ 5,000.00	\$ 5,000.00	\$ 1,800.00	\$ 1,800.00	\$ 1,500.00	\$ 1,500.00	\$ 6,000.00	\$ 6,000.00
\$ 3.00	\$ 150.00	\$ 12.67	\$ 3,900.00	\$ 30.00	\$ 1,500.00	\$ 4.00	\$ 200.00	\$ 4.00	\$ 200.00	\$ 200.00	\$ 10,000.00	\$ 200.00	\$ 10,000.00	\$ 3.00	\$ 150.00	\$ 15.00	\$ 750.00	\$ 5.00	\$ 250.00	\$ 5.00	\$ 250.00	\$ 5.00	\$ 250.00
\$ 13.50	\$ 54.00	\$ 170.83	\$ 700.00	\$ 300.00	\$ 1,200.00	\$ 100.00	\$ 400.00	\$ 112.50	\$ 450.00	\$ 125.00	\$ 500.00	\$ 250.00	\$ 1,000.00	\$ 100.00	\$ 400.00	\$ 95.00	\$ 380.00	\$ 150.00	\$ 600.00	\$ 100.00	\$ 400.00	\$ 150.00	\$ 600.00
	\$ 1,204.00		\$ 8,200.00		\$ 7,700.00		\$ 2,600.00		\$ 900.00		\$ 14,300.00		\$ 16,000.00		\$ 2,550.00		\$ 6,130.00		\$ 2,650.00		\$ 2,150.00		\$ 6,850.00
Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures
\$ 83.00	\$ 28,220.00	\$ 57.33	\$ 18,133.33	\$ 50.00	\$ 17,000.00	\$ 50.00	\$ 17,000.00	\$ 72.00	\$ 24,480.00	\$ 60.00	\$ 20,400.00	\$ 72.00	\$ 24,480.00	\$ 70.00	\$ 23,800.00	\$ 65.00	\$ 22,100.00	\$ 60.00	\$ 20,400.00	\$ 150.00	\$ 51,000.00	\$ 125.00	\$ 42,500.00
\$ 9.00	\$ 1,665.00	\$ 12.67	\$ 2,898.33	\$ 23.00	\$ 4,255.00	\$ 4.00	\$ 740.00	\$ 11.00	\$ 2,035.00	\$ 20.00	\$ 3,700.00	\$ 8.00	\$ 1,480.00	\$ 10.00	\$ 1,850.00	\$ 35.00	\$ 6,475.00	\$ 10.00	\$ 1,850.00	\$ 25.00	\$ 4,625.00	\$ 12.00	\$ 2,220.00
\$ 7.60	\$ 2,508.00	\$ 12.00	\$ 6,050.00	\$ 23.00	\$ 7,590.00	\$ 7.00	\$ 2,310.00	\$ 6.00	\$ 1,980.00	\$ 25.00	\$ 8,250.00	\$ 8.00	\$ 2,640.00	\$ 10.00	\$ 3,300.00	\$ 20.00	\$ 6,600.00	\$ 10.00	\$ 3,300.00	\$ 25.00	\$ 8,250.00	\$ 18.00	\$ 5,940.00
\$ 7.00	\$ 5,075.00	\$ 12.33	\$ 11,358.33	\$ 23.00	\$ 16,675.00	\$ 4.00	\$ 2,900.00	\$ 10.00	\$ 7,250.00	\$ 20.00	\$ 14,500.00	\$ 4.00	\$ 2,900.00	\$ 5.00	\$ 3,625.00	\$ 10.00	\$ 7,250.00	\$ 10.00	\$ 7,250.00	\$ 25.00	\$ 18,125.00	\$ 18.00	\$ 13,050.00
\$ 20.00	\$ 3,100.00	\$ 20.33	\$ 3,875.00	\$ 10.00	\$ 1,550.00	\$ 40.00	\$ 6,200.00	\$ 11.00	\$ 1,705.00	\$ 25.00	\$ 3,875.00	\$ 18.00	\$ 2,790.00	\$ 30.00	\$ 4,650.00	\$ 15.00	\$ 2,325.00	\$ 25.00	\$ 3,875.00	\$ 50.00	\$ 7,750.00	\$ 24.00	\$ 3,720.00
\$ 56.00	\$ 125,720.00	\$ 50.25	\$ 107,760.00	\$ 36.00	\$ 80,820.00	\$ 54.00	\$ 121,230.00	\$ 60.75	\$ 136,383.75	\$ 54.00	\$ 121,230.00	\$ 60.00	\$ 134,700.00	\$ 60.00	\$ 134,700.00	\$ 75.00	\$ 168,375.00	\$ 56.00	\$ 125,720.00	\$ 72.00	\$ 161,640.00	\$ 63.00	\$ 141,435.00
\$ 1,750.00	\$ 1,750.00	\$ 1,300.00	\$ 1,300.00	\$ 1,200.00	\$ 1,200.00	\$ 1,500.00	\$ 1,500.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 4,000.00	\$ 4,000.00	\$ 500.00	\$ 500.00	\$ 2,800.00	\$ 2,800.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
\$ 40.00	\$ 10,600.00	\$ 29.00	\$ 7,950.00	\$ 65.00	\$ 17,225.00	\$ 10.00	\$ 2,650.00	\$ 12.00	\$ 3,180.00	\$ 15.00	\$ 3,975.00	\$ 7.00	\$ 1,855.00	\$ 8.00	\$ 2,120.00	\$ 15.00	\$ 3,975.00	\$ 76.00	\$ 20,140.00	\$ 25.00	\$ 6,625.00	\$ 10.00	\$ 2,650.00
\$ 40.00	\$ 16,600.00	\$ 21.33	\$ 9,268.33	\$ 15.00	\$ 6,225.00	\$ 40.00	\$ 16,600.00	\$ 9.00	\$ 3,735.00	\$ 12.00	\$ 4,980.00	\$ 7.00	\$ 2,905.00	\$ 10.00	\$ 4,150.00	\$ 10.00	\$ 4,150.00	\$ 20.00	\$ 8,300.00	\$ 25.00	\$ 10,375.00	\$ 8.00	\$ 3,320.00
\$ 40.00	\$ 3,000.00	\$ 35.67	\$ 4,625.00	\$ 55.00	\$ 4,125.00	\$ 50.00	\$ 3,750.00	\$ 2.00	\$ 150.00	\$ 80.00	\$ 6,000.00	\$ 20.00	\$ 1,500.00	\$ 100.00	\$ 7,500.00	\$ 125.00	\$ 9,375.00	\$ 160.00	\$ 12,000.00	\$ 75.00	\$ 5,625.00	\$ 135.00	\$ 10,125.00
\$ 350.00	\$ 4,200.00	\$ 383.33	\$ 4,000.00	\$ 400.00	\$ 4,800.00	\$ 500.00	\$ 6,000.00	\$ 250.00	\$ 3,000.00	\$ 100.00	\$ 1,200.00	\$ 400.00	\$ 4,800.00	\$ 200.00	\$ 2,400.00	\$ 250.00	\$ 3,000.00	\$ 350.00	\$ 4,200.00	\$ 200.00	\$ 2,400.00	\$ 100.00	\$ 1,200.00
	\$ 202,438.00		\$ 177,218.33		\$ 161,465.00		\$ 180,880.00		\$ 185,098.75		\$ 189,310.00		\$ 181,250.00		\$ 192,095.00		\$ 234,125.00		\$ 209,835.00		\$ 278,915.00		\$ 228,660.00
Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures
\$ 7.50	\$ 4,837.50	\$ 6.67	\$ 5,160.00	\$ 4.00	\$ 2,580.00	\$ 10.00	\$ 6,450.00	\$ 6.00	\$ 3,870.00	\$ 10.00	\$ 6,450.00	\$ 13.00	\$ 8,385.00	\$ 8.00	\$ 5,160.00	\$ 5.00	\$ 3,225.00	\$ 8.00	\$ 5,160.00	\$ 9.00	\$ 5,805.00	\$ 9.90	\$ 6,385.50
\$ 2,500.00	\$ 5,000.00	\$ 3,059.67	\$ 5,333.33	\$ 2,500.00	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	\$ 1,679.00	\$ 3,358.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00	\$ 2,000.00	\$ 500.00	\$ 1,000.00	\$ 500.00	\$ 1,000.00	\$ 750.00	\$ 1,500.00	\$ 3,000.00	\$ 6,000.00	\$ 10,760.00	\$ 21,520.00
\$ 5,500.00	\$ 11,000.00	\$ 3,059.67	\$ 5,466.67	\$ 2,500.00	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	\$ 1,679.00	\$ 3,358.00	\$ 700.00	\$ 1,400.00	\$ 3,500.00	\$ 7,000.00	\$ 10,000.00	\$ 20,000.00	\$ 5,000.00	\$ 10,000.00	\$ 5,000.00	\$ 10,000.00	\$ 7,500.00	\$ 15,000.00	\$ 10,760.00	\$ 21,520.00
	\$ 20,837.50		\$ 15,960.00		\$ 12,580.00		\$ 26,450.00		\$ 10,586.00		\$ 8,850.00		\$ 17,385.00		\$ 26,160.00		\$ 14,225.00		\$ 16,660.00		\$ 26,805.00		\$ 49,425.50
Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures
\$ 12.50	\$ 5,812.50	\$ 11.67	\$ 3,100.00	\$ 10.00	\$ 4,650.00	\$ 5.00	\$ 2,325.00	\$ 20.00	\$ 9,300.00	\$ 5.00	\$ 2,325.00	\$ 20.00	\$ 9,300.00	\$ 20.00	\$ 9,300.00	\$ 7.00	\$ 3,255.00	\$ 10.00	\$ 4,650.00	\$ 25.00	\$ 11,625.00	\$ 25.00	\$ 11,625.00
\$ 45.00	\$ 1,440.00	\$ 60.00	\$ 2,240.00	\$ 80.00	\$ 2,560.00	\$ 50.00	\$ 1,600.00	\$ 50.00	\$ 1,600.00	\$ 80.00	\$ 2,560.00	\$ 47.00	\$ 1,504.00	\$ 100.00	\$ 3,200.00	\$ 140.00	\$ 4,480.00	\$ 200.00	\$ 6,400.00	\$ 50.00	\$ 1,600.00	\$ 50.00	\$ 1,600.00
\$ 1,950.00	\$ 3,900.00	\$ 1,950.00	\$ 3,906.67	\$ 2,000.00	\$ 4,000.00	\$ 3,000.00	\$ 6,000.00	\$ 850.00	\$ 1,700.00	\$ 95.00	\$ 4,000.00	\$ 2,000.00	\$ 4,000.00	\$ 2,000.00	\$ 4,000.00	\$ 2,500.00	\$ 5,000.00	\$ 1,200.00	\$ 2,400.00	\$ 1,000.00	\$ 2,000.00	\$ 1,500.00	\$ 3,000.00
	\$ 11,152.50		\$ 8,736.67		\$ 11,210.00		\$ 9,925.00		\$ 12,600.00		\$ 5,075.00		\$ 14,804.00		\$ 16,500.00		\$ 12,735.00		\$ 13,450.00		\$ 15,225.00		\$ 16,225.00

	Engineer's Estimate	Average of 3 low bidders	BIDDER No. 1	BIDDER No. 2	BIDDER No. 3	BIDDER No. 4	BIDDER No. 5	BIDDER No. 6	BIDDER No. 7	BIDDER No. 8	BIDDER No. 9	BIDDER No. 10
B.1 Site Preparation and Earthwork Items:	\$ 36,580.00	\$ 31,996.93	\$ 30,405.00	\$ 28,610.00	\$ 36,975.80	\$ 53,465.00	\$ 49,825.00	\$ 42,650.00	\$ 53,930.00	\$ 101,950.00	\$ 53,095.00	\$ 85,822.00
B.2 SWPPP ITEMS:	\$ 1,204.00	\$ 3,733.33	\$ 7,700.00	\$ 2,600.00	\$ 900.00	\$ 14,300.00	\$ 16,000.00	\$ 2,550.00	\$ 6,130.00	\$ 2,650.00	\$ 2,150.00	\$ 6,850.00
B.3 PAVING ITEMS:	\$ 202,438.00	\$ 175,814.58	\$ 161,465.00	\$ 180,880.00	\$ 185,098.75	\$ 189,310.00	\$ 181,250.00	\$ 192,095.00	\$ 234,125.00	\$ 209,835.00	\$ 278,915.00	\$ 228,660.00
B.4 SIGNING AND PAVEMENT MARKING ITEMS:	\$ 20,837.50	\$ 16,538.67	\$ 12,580.00	\$ 26,450.00	\$ 10,586.00	\$ 8,850.00	\$ 17,385.00	\$ 26,160.00	\$ 14,225.00	\$ 16,660.00	\$ 26,805.00	\$ 49,425.50
B.5 STORM SEWER ITEMS:	\$ 11,152.50	\$ 11,245.00	\$ 11,210.00	\$ 9,925.00	\$ 12,600.00	\$ 5,075.00	\$ 14,804.00	\$ 16,500.00	\$ 12,735.00	\$ 13,450.00	\$ 15,225.00	\$ 16,225.00
B.6 MISCELLANEOUS ITEMS:	\$ 6,209.00	\$ 7,516.67	\$ 10,800.00	\$ 6,500.00	\$ 5,250.02	\$ 3,400.00	\$ 4,350.00	\$ 14,100.00	\$ 8,450.00	\$ 16,300.00	\$ 4,850.00	\$ 7,450.00
C.**Extra Work Items:	\$ 26,437.50	\$ 25,552.08	\$ 28,500.00	\$ 21,375.00	\$ 26,781.25	\$ 11,250.00	\$ 26,250.00	\$ 23,500.00	\$ 32,500.00	\$ 25,157.25	\$ 32,875.00	\$ 37,668.75
D. Cash Allowance Table:												
TOTAL SUBMITTED BASE BID PRICE:	\$ 304,858.50	\$ 272,397.27	\$ 262,660.00	\$ 276,340.00	\$ 278,191.82	\$ 285,650.00	\$ 309,864.00	\$ 317,555.00	\$ 362,095.00	\$ 386,002.25	\$ 413,915.00	\$ 432,101.25
CORRECTED BID PRICE:												

B.1 Site Preparation and Earthwork Items:					Engineer's Estimate		Average of 3 low bidders		Greenscapes Six		TNT Miller Construction		TB Concrete Construction		Topco Environmental		LG&G Construction		WadeCon, LLC		Site Work Contractors LLC		Harper Brothers Construction, LLC		A1 Construction Services		MoBill Contractors, Inc	
Item No.	Control No.	Item Description	Unit Measure	Unit Quantity	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures
30	02086	GV&B BOX VERTICAL ADJUSTMENT STA 3+10 (MARKET ST), 7+24, AND 7+30 (THEIS LN)	EA	3	\$ 400.00	\$ 1,200.00	\$ 366.67	\$ 1,300.00	\$ 300.00	\$ 900.00	\$ 500.00	\$ 1,500.00	\$ 300.00	\$ 900.00	\$ 500.00	\$ 1,500.00	\$ 250.00	\$ 750.00	\$ 1,000.00	\$ 3,000.00	\$ 250.00	\$ 750.00	\$ 1,000.00	\$ 3,000.00	\$ 250.00	\$ 750.00	\$ 500.00	\$ 1,500.00
31	02086	MH VERTICAL ADJUSTMENT STA 5+40, 5+47 (COMMERCE ST), 7+49, 7+99, AND 8+12 (THEIS LN)	EA	5	\$ 700.00	\$ 3,500.00	\$ 566.67	\$ 2,166.67	\$ 600.00	\$ 3,000.00	\$ 500.00	\$ 2,500.00	\$ 600.00	\$ 3,000.00	\$ 200.00	\$ 1,000.00	\$ 200.00	\$ 1,000.00	\$ 1,500.00	\$ 7,500.00	\$ 350.00	\$ 1,750.00	\$ 1,000.00	\$ 5,000.00	\$ 300.00	\$ 1,500.00	\$ 500.00	\$ 2,500.00
32	02086	FIRE HYDRANT VERTICAL ADJUSTMENT STA 7+77 (MARKET ST)	EA	1	\$ 750.00	\$ 750.00	\$ 1,433.33	\$ 1,266.67	\$ 3,000.00	\$ 3,000.00	\$ 500.00	\$ 500.00	\$ 800.00	\$ 800.00	\$ 300.00	\$ 300.00	\$ 1,000.00	\$ 1,000.00	\$ 2,000.00	\$ 2,000.00	\$ 500.00	\$ 500.00	\$ 6,200.00	\$ 6,200.00	\$ 1,500.00	\$ 1,500.00	\$ 2,000.00	\$ 2,000.00
33	02762	BLAST CLEAN EXISTING STOP BARS	EA	1	\$ 9.00	\$ 9.00	\$ 1,266.67	\$ 1,266.67	\$ 3,000.00	\$ 3,000.00	\$ 500.00	\$ 500.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 3,500.00	\$ 3,500.00	\$ 600.00	\$ 600.00	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00
34	DWG	RELOCATE MAILBOX	EA	3	\$ 250.00	\$ 750.00	\$ 294.45	\$ 900.00	\$ 300.00	\$ 900.00	\$ 500.00	\$ 1,500.00	\$ 83.34	\$ 250.02	\$ 100.00	\$ 300.00	\$ 200.00	\$ 600.00	\$ 200.00	\$ 600.00	\$ 650.00	\$ 650.00	\$ 1,950.00	\$ 500.00	\$ 1,500.00	\$ 200.00	\$ 600.00	\$ 150.00
TOTAL B.6 BASE UNIT PRICES						\$ 6,209.00		\$ 6,900.00		\$ 10,800.00		\$ 6,500.00		\$ 5,250.02		\$ 3,400.00		\$ 4,350.00		\$ 14,100.00		\$ 8,450.00		\$ 16,300.00		\$ 4,850.00		\$ 7,450.00
C.**Extra Work Items:					Unit Price		Total in Figures		Unit Price		Total in Figures		Unit Price		Total in Figures		Unit Price		Total in Figures		Unit Price		Total in Figures		Unit Price		Total in Figures	
35	02221	EXTRA REMOVAL OF EXIST ASPHALT OR CONCRETE PAVMT & SUBGRADE (INCLUDING SAWCUTS)	SY	125	\$ 10.00	\$ 1,250.00	\$ 12.67	\$ 1,583.33	\$ 18.00	\$ 2,250.00	\$ 10.00	\$ 1,250.00	\$ 10.00	\$ 1,250.00	\$ 10.00	\$ 1,250.00	\$ 10.00	\$ 1,250.00	\$ 10.00	\$ 1,250.00	\$ 30.00	\$ 3,750.00	\$ 10.00	\$ 1,250.00	\$ 10.00	\$ 1,250.00	\$ 90.00	\$ 11,250.00
36	02318	Extra Hand Excavation	CY	175	\$ 25.00	\$ 4,375.00	\$ 33.33	\$ 5,833.33	\$ 50.00	\$ 8,750.00	\$ 25.00	\$ 4,375.00	\$ 25.00	\$ 4,375.00	\$ 10.00	\$ 1,750.00	\$ 25.00	\$ 4,375.00	\$ 25.00	\$ 4,375.00	\$ 25.00	\$ 4,375.00	\$ 25.00	\$ 4,375.00	\$ 25.00	\$ 4,375.00	\$ 50.00	\$ 8,750.00
37	02318	Extra Machine Excavation	CY	175	\$ 30.00	\$ 5,250.00	\$ 31.67	\$ 5,541.67	\$ 35.00	\$ 6,125.00	\$ 30.00	\$ 5,250.00	\$ 30.00	\$ 5,250.00	\$ 10.00	\$ 1,750.00	\$ 30.00	\$ 5,250.00	\$ 30.00	\$ 5,250.00	\$ 30.00	\$ 5,250.00	\$ 30.00	\$ 5,250.00	\$ 30.00	\$ 5,250.00	\$ 50.00	\$ 8,750.00
38	02318	Extra Bank Sand Backfill	CY	175	\$ 18.00	\$ 3,150.00	\$ 18.00	\$ 3,150.00	\$ 18.00	\$ 3,150.00	\$ 18.00	\$ 3,150.00	\$ 18.00	\$ 3,150.00	\$ 10.00	\$ 1,750.00	\$ 18.00	\$ 3,150.00	\$ 18.00	\$ 3,150.00	\$ 20.00	\$ 3,500.00	\$ 18.00	\$ 3,150.00	\$ 35.00	\$ 6,125.00	\$ 18.00	\$ 3,150.00
39	02321	Extra Cement-Stabilized Sand	CY	175	\$ 22.00	\$ 3,850.00	\$ 22.00	\$ 3,850.00	\$ 22.00	\$ 3,850.00	\$ 22.00	\$ 3,850.00	\$ 22.00	\$ 3,850.00	\$ 20.00	\$ 3,500.00	\$ 22.00	\$ 3,850.00	\$ 22.00	\$ 3,850.00	\$ 30.00	\$ 5,250.00	\$ 31.47	\$ 5,507.25	\$ 55.00	\$ 9,625.00	\$ 22.00	\$ 3,850.00
40	02775	5' WIDE SIDEWALK (4 1/2") W/ FOOTING, COMPLETE IN PLACE	LF	125	\$ 65.00	\$ 8,125.00	\$ 17.75	\$ 2,218.75	\$ 26.00	\$ 3,250.00	\$ 20.00	\$ 2,500.00	\$ 7.25	\$ 906.25	\$ 6.00	\$ 750.00	\$ 60.00	\$ 7,500.00	\$ 40.00	\$ 5,000.00	\$ 75.00	\$ 9,375.00	\$ 40.00	\$ 5,000.00	\$ 40.00	\$ 5,000.00	\$ 7.00	\$ 875.00
41	02922	EXTRA SODDING	SY	125.0	\$ 3.50	\$ 437.50	\$ 27.00	\$ 3,375.00	\$ 9.00	\$ 1,125.00	\$ 8.00	\$ 1,000.00	\$ 64.00	\$ 8,000.00	\$ 4.00	\$ 500.00	\$ 7.00	\$ 875.00	\$ 5.00	\$ 625.00	\$ 8.00	\$ 1,000.00	\$ 5.00	\$ 625.00	\$ 10.00	\$ 1,250.00	\$ 8.35	\$ 1,043.75
TOTAL C. BASE UNIT PRICES						\$ 26,437.50		\$ 25,552.08		\$ 28,500.00		\$ 21,375.00		\$ 26,781.25		\$ 11,250.00		\$ 26,250.00		\$ 23,500.00		\$ 32,500.00		\$ 25,157.25		\$ 32,875.00		\$ 37,668.75



GUNDA CORPORATION

Engineers, Planners & Managers

September 25, 2018

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

Attn: David Esquivel, P.E., Assistant City Manager

Re: City of Tomball
Sidewalks FY 2017-2018
Project Bid No. 2018-18; E&P Project No. 2018-10004
GUNDA Project No. 18-023-01

Tabulation of Bids Received and Recommendation

Dear Mr. Esquivel:

We have reviewed the bid tabulation for bids received for the above referenced project. The bids were tabulated, and the bid tab is attached for your review. Based on the unit bid prices, Greenscapes Six is the responsive low bidder in the amount \$ 262,660.00.

The bid submitted by Greenscapes Six shows no signs of imbalance. Therefore, Gunda poses no objection to the recommendation of awarding the construction contract for City of Tomball Sidewalks FY 2017-2018, Project Bid No. 2018-18, to Greenscapes Six as the low bidder.

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

On September 20, 2018, a total of Ten (10) bids were received and opened for the proposed project in accordance with the Notice to Bidders. The Total Bid was utilized to establish the order of the bids and identification of apparent low bidder. Bidders and their Total Bids were:

	Contractor	Bid Submitted
1)	Greenscapes Six	\$ 262,660.00
2)	TNT Miller Construction	\$ 276,340.00
3)	TB Concrete Construction	\$ 278,191.82**
4)	Topco Environmental	\$ 285,650.00**
5)	LG&G Construction	\$ 309,864.00**
6)	WadeCon, LLC	\$ 317,555.00
7)	Site Work Contractors LLC	\$ 362,095.00**
8)	Harper Brothers Construction, LLC	\$ 386,002.25
9)	A1 Construction Services	\$ 413,915.00**
10)	MoBill Contractors, Inc	\$ 432,101.25**

* Bid Correction – Total Bid addition error

** Bid Correction – Unit Bid Price & addition error

*** Nonresponsive Bid

TBPE Registration Number F-3531
11750 Katy Fwy, Suite 300 • Houston, Texas 77079
(P) 713.541.3530 • www.gundacorp.com

David Esquivel, P.E.
September 25, 2018
Page 2 of 2

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

Sincerely,

A handwritten signature in blue ink, appearing to read "David Castellano". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Castellano, PE
Project Engineer

Enclosure: Project Bid Tabulation

Regular City Council
Agenda Item
Data Sheet

Meeting Date: October 1, 2018

Topic:

Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.072 – Deliberations Regarding the Purchase, Exchange, Lease, or Value of Real Property

Background:

Origination:

City Manager

Recommendation:

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

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