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

**MONDAY, AUGUST 20, 2018**

**6:00 P.M.**

**Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, August 20, 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 Tommy Hopper of St. Anne Catholic Church

3.0 Pledges to U.S. and Texas Flags

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

5.0 Presentations:

- Proclamation - ***Mary Peoples Coats - Happy 90th Birthday!" Celebration Day***

6.0 Reports and Announcements

- Tomball City Pool – 2018 Swim Season - Jerry Matheson Park Pool, from August 20 through September 2, will be open on Saturday and Sunday only. The pool will be closed every Monday, except Labor Day (September 3). Saturday and Sunday pool hours are: 12:00 p.m.-8:00 p.m.
- September 15, 2018 – ***GroovFest'18*** at the Depot
- 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.
- Reports by City staff and members of council about items of community interest on which no action will be taken:
    - Denise Fiore – report on the success of ***TOMBALL KIDS' CLUB***

7.0 Approve the Minutes of the August 6, 2018 Regular Tomball City Council Meeting

8.0 Old Business:

8.1 Adopt, on Second Reading, Ordinance No. 2018-20, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing The Zoning District Classification of Approximately 36 Acres of Land Zoned Agricultural and Approximately 3 Acres of Land Zoned Commercial to the Single-Family 6 District. The Property is Legally Described Tracts 198, 202 & 206 Tomball Outlots and Tracts 4L 21 & 22 Of The C.N. Pillot Survey, Abstract 632, within the City Of Tomball, Harris County, Texas; Said Property Being Generally Located on the South Side of Theis Lane West of Pine Meadows Subdivision and the North Side of Holderrieth Road, West of South Cherry Street; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed $2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.

8.2 Adopt, on Second Reading, Ordinance No. 2018-25, an Ordinance Amending the Code of Ordinances of The City of Tomball, Texas by Amending Section 8-122, Definitions, and Section 8-126, Potbelly Pigs, of Article III, Livestock, of Chapter 8, Animals, to Add a Definition of Pygmy Goats, and to Apply Regulations to Pygmy Goats; Providing for Severability; Providing for a Penalty of an Amount Not To Exceed $2,000 for Each Day of Violation of any Provision Hereof; Making Findings of Fact; and Providing for Other Related Matters.

8.3 Adopt, on Second Reading, Ordinance No. 2018-30, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Deleting and Replacing Section 20-28 Amendments to the 2012 International Fire Code, of Article II, Fire Code, of Chapter 20 Fire Prevention and Protection in Its Entirety; by Deleting and Replacing Section 20-47, of Article III. Standards for Installation of Fire Sprinkler Systems in Its Entirety; by Amending Section 20-48, Amendments to NFPA13D of Article III, Standards for Installation of Fire Sprinkler Systems; By Deleting Section 20-94 of Article V. Arson Rewards in Its Entirety; by Deleting Section 20-95 of Article V. Arson Rewards in Its Entirety; by Deleting Section 20-96 of Article V. Arson Rewards in Its Entirety; by Deleting Section 20-97 of Article V. Arson Rewards in Its Entirety; by Deleting Section 20-98 of Article V.

Arson Rewards in Its Entirety; by Deleting Article V. Arson Rewards in Its Entirety; Providing a Penalty in an Amount Not to Exceed $2,000.00 Per Day for Violation of Any Provision Hereof, with Each Day Constituting a Separate Offense; Providing a Repealer; Providing for Severability, and Making Other Findings Related Thereto

9.0 New Business:

9.1 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. 551.071 - Consultation with the City Attorney regarding a Matter that the Attorney's Duty Requires to be Discussed in Closed Session.

9.2 Conduct Second Public Hearing regarding the Proposed Budget for Fiscal Year 2018-2019

9.3 Adopt, on First Reading, Ordinance No. 2018-31, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2018-2019; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2017-2018 Fiscal Year in Accordance with Actual Expenditures; and Providing Other Details Relating to the Passage of This Ordinance

9.4 Conduct Second Public Hearing to Consider the Annexation of the Following Tract of Land: 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]*

9.5 Appoint/Reappoint Members to Positions 1, 3 and 5 on the Tomball Regional Health Foundation for Terms Expiring September 1, 2018

9.6 Conduct Public Hearing regarding a Proposal to Create City of Tomball, Texas, Reinvestment Zone No. 6, to Include a Tract of Land Containing 16.9 Acres, More or Less, Being Described as Approximately 16.9 acres, situated in the Elizabeth Smith Survey, Abstract No. 70, Being a Portion of Lot 5, Block 1 of Tomball Business and Technology Park, F.C. No. 563006, H.C.M.R., Located at the Northwest Corner of Holderrieth Road and South Persimmon Street, City of Tomball, City Limits, Harris County, Texas

9.7 Adopt, on First Reading, Ordinance No. 2018-27, creating Hoelscher Reinvestment Zone No. 6 for a 16.9-acre Tract of Land, out of Lot 5 of the Recorded Plat of the Tomball Business and Technology Park Subdivision, Film Code No. 653006 H.C.M.R., in the Elizabeth Smith Survey, Abstract No. 70, City of Tomball, Harris County, Texas, Generally Located at the Northwest Corner of South Persimmon Street and Holderrieth Road

9.8 Adopt, on First Reading, Ordinance No. 2018-28, 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 *[Tract One: Being a 0.6123 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 and Tract Two: 3.0223 Acres of Land for Proposed Annexation Situated in the Joseph House Survey, A-34 in Harris County, Texas, Same Being Comprised of All of Lot 1 in Block 1 of Fourteen Six Hundred Business Park, a Subdivision in Said Harris County, Texas According to the Map or Plat Thereof Filed for Record under Film Code No. 680728 of the Harris County Map Records, Located at 14600 Brown Road, Tomball, Texas; Located within the Extraterritorial Jurisdiction of the City of Tomball, Harris County, Texas]*

9.9 Consideration to Approve **Zoning Case P18-122:** Request by Russell McKee, on Behalf of Houston PFG, to Amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by Zoning Approximately 2.7 Acres of Land Legally Described as Lot 1 Block 1 Fourteen Six Hundred Business Park, Harris County, Texas, as Commercial.

- Conduct Public Hearing on **Zoning Case P18-122**
- Adopt, on First Reading, Ordinance No. 2018-24, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Establishing the Zoning District of Approximately 2.7 Acres of Land, Legally Described as Lot 1 Block 1 Fourteen Six Hundred Business Park, Within the City of Tomball, Harris County, Texas, to the Commercial District; Said Property Being Generally Located at the Northeast Corner of Brown Road and Park Place Drive; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed $2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.

9.10 Consideration to Approve **Zoning Case P18-089:** Request by Rene Rodriguez, on Behalf of Cherry Ventures, LP, to Amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by Rezoning Approximately 47.675 Acres of Land Legally Described as Tracts 4C, 4C-2, 4H, 4K, 4L & 9A, C.M. Pillot Survey, Abstract 632 Within the City of Tomball, Harris County, Texas, Generally Located on the West Side of South Cherry Street, South of Pine Meadows Subdivision and North of Holderrieth Road, from the Agricultural and General Retail Districts to the Single-Family 6 District.

- Conduct Public Hearing on **Zoning Case P18-089**
- Adopt, on First Reading, Ordinance 2018-26, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code Of Ordinances by Changing the Zoning District Classification of Approximately 47.675 Acres of Land, Legally Described Tracts 4C, 4C-2, 4H, 4K, 4L & 9A, C.M. Pillot Survey, Abstract 632, Within the City of Tomball, Harris County, Texas, from the Agricultural and General Retail Districts to the Single-Family 6 District; Said Property Being Generally Located on the West Side of South Cherry Street, South of Pine Meadows Subdivision and North of Holderrieth Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed $2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.

9.11 Consideration to Approve **Zoning Case P18-120:** Request by Benson Development, LLC, to Amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by Rezoning Approximately 25.7328 Acres of Land Legally Described as Tract 82, Tract 75B, Tract 93, Tract 94A & 95A and Part of Lots 78 & 79 (AG-USE) Tomball Outlots, Within The City Of Tomball, Harris County, Texas, Generally Located on the South Side of East Hufsmith Road Between Hospital Road and Lovett Street, from the Single-Family 9 District to the Planned Development District.

- Conduct Public Hearing on **Zoning Case P18-120**
- Adopt, on First Reading, Ordinance 2018-23, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 25.7328 Acres of Land, Legally Described Tract 82, Tract 75B, Tract 93, Tract 94A & 95A and Part of Lots 78 & 79 (AG-USE) Tomball Outlots, Within the City of Tomball, Harris County, Texas, From the Single-Family 9 District to the Planned Development (PD-11) District; Said Property Being Generally Located on East Hufsmith Road Between Hospital Road and Lovett Street; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed $2,000 for Each Day of Violation of any Provision Hereof, Making Findings of Fact; and Providing For Other Related Matters.

9.12 Consideration and Possible Action regarding TML Committees and Direction to Randy Parr, Representative for City of Tomball for Home-Rule Legislation

10.0 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 16th day of August 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: August 20, 2018

**Topic:**

- Led by Father Tommy Hopper of St. Anne Catholic Church

**Background:**

**Origination:**

**Recommendation:**

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

**ACTION TAKEN**

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

# Regular City Council
# Agenda Item
# Data Sheet

Meeting Date: August 20, 2018

**Topic:**

- Proclamation - ***Mary Peoples Coats - Happy 90th Birthday!" Celebration Day***

**Background:**

**Origination:**

**Recommendation:**

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

**ACTION TAKEN**

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

**ATTACHMENTS:**

•Proclamation - Mary Peoples Coats - Happy 90th Birthday!" Celebration Day

*Office of the Mayor*

# Tomball, Texas

# Proclamation

**WHEREAS,** it has come to the attention of the City Council of the City of Tomball, Texas that **Mary Peoples Coats** was born on August 25, 1928, the third child of Z and Nora Peoples, and grew up with three brothers and two sisters, attending Conroe ISD and Sam Houston University;

**WHEREAS,** **Mary** and Jimmy Coats moved from Shepherd, Texas to Tomball in 1952, with their daughter Cathy. Jimmy opened Tomball Jewelers in 1951, after he and Mary discovered Tomball on a Sunday afternoon drive, and Jimmy commuted between Shepherd and Tomball until a home became available to rent in 1952; and

**WHEREAS,** within six months, Jimmy and **Mary** built a new home on Baker Drive for the then princely sum of $28,000, their second daughter, Teri, was born in Tomball in 1952, and the **Coats** became and have been active members of the First Baptist Church of Tomball since 1952; and

**WHEREAS,** Jimmy and **Mary** worked at Tomball Jewelers and were active in the Tomball community—**Mary** served on school and civic activities and committees, the Tomball Garden Club, and was/still is the 'go-to' "Meme" for mums, corsages and flower arrangements/designs; and

**WHEREAS,** when all the kids and grandkids were out of school and starting their careers, **Mary** began working as a substitute teacher for Magnolia ISD, where she completed 20 years of service;

**WHEREAS,** as an active participant in local and national elections, to date, **Mary Coats** has served 10 years as a City of Tomball election clerk, 7 years as an Alternate Election Judge, and 18 years as a Presiding Election Judge, and has long been a favorite with the Tomball voters; and

**WHEREAS,** **Mary** continues to be an avid Bridge player at the Tomball Community Center, when she is not enjoying the company of her 2 daughters, 5 grandchildren, 18 great grandchildren, and 4 great-great grandchildren;

**NOW, THEREFORE, I, Gretchen Fagan,** by virtue of the authority vested in me as **Mayor of the City of Tomball**, on behalf of the Tomball City Council and all citizens hereof, hereby proclaim **Saturday, August 25, 2018,** as:

## *"Mary Peoples Coats – Happy 90th Birthday!" Celebration Day*

*In witness whereof I have hereunto set my hand and caused this seal to be affixed.*

Attest: Doris Speer

Date: August 15, 2018

# Regular City Council
# Agenda Item
# Data Sheet

Meeting Date: August 20, 2018

**Topic:**

- Tomball City Pool – 2018 Swim Season - Jerry Matheson Park Pool, from August 20 through September 2, will be open on Saturday and Sunday only. The pool will be closed every Monday, except Labor Day (September 3). Saturday and Sunday pool hours are: 12:00 p.m.-8:00 p.m.
- September 15, 2018 – ***GroovFest'18*** at the Depot
- 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.
- Reports by City staff and members of council about items of community interest on which no action will be taken:
    - Denise Fiore – report on the success of ***TOMBALL KIDS' CLUB***

**Background:**

**Origination:**
Various

**Recommendation:**
N/A

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

**ACTION TAKEN**

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

# Regular City Council
# Agenda Item
# Data Sheet

Meeting Date: August 20, 2018

**Topic:**
Approve the Minutes of the August 6, 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 | Readings Passed | Other |
|---|---|---|
| ☐ Yes ☐ No | ☐ 1st ☐ 2nd | |

**ATTACHMENTS:**

Draft Minutes of the August 6, 2018 Regular Tomball City Council Meeting

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

## MONDAY, AUGUST 6, 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
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Community Development – Craig Meyers
Director of Public Works – Beth Jones
Assistant City Secretary – Tracy Garcia
Assistant Fire Chief – Jonathon Fontenot
Fire Marshal – Joe Sykora
Community Center Manager – Rosalie Dillon
Executive Director-TEDC – Kelly Violette
Senior Accountant – Christine Brookshire
Warrant Officer/Bailiff – Ron McGullion

2.0 The invocation was led by Pastor Russell Hall, Tomball United Methodist Church

3.0 The pledges to U. S. and Texas Flags were led by members of Boy Scout Troop #469

4.0 No public comments were received.

5.0 Reports and Announcements:

- Tomball City Pool – 2018 Swim Season - Jerry Matheson Park Pool will operate with normal hours through August 19. From August 20 through September 2, the pool will be open on Saturday and Sunday only. The pool will be closed every Monday, except Labor Day (September 3). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- **TOMBALL KID'S CLUB** – August 7, 9, 14, and 16 from 10:30 a.m.-12:30 p.m., at the **Tomball Community Center** and August 10, and 17 from 10:30 a.m.-12:30 p.m. at **LoneStar College-Tomball Community Library**
- September 15, 2018 – ***GroovFest'18*** at the Depot
- October 6, 2018 – **4th "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 Noon-6:00 p.m.
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
    - Glenn Windsor presented the Quarterly Investment Report for the Period Ending June 30, 2018. The Public Funds Investment Act requires that a report of the City's Investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values at the end of the quarter, yield information, and weighted average maturities. On June 30, 2018, the City had total cash and cash equivalents in the amount of $69,643,453.
    - Mike Baxter presented an update regarding the Tomball Depot and its new attractions.

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the July 16, 2018 Special and Regular Tomball City Council Meetings and the July 30, 2018 Special City Council Meeting.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Ford, to move items 8.8 and 8.9, New Business, for consideration and action before Old Business items.

Motion carried unanimously.

8.0 New Business:

8.8 Motion was made by Councilman Townsend, second by Councilman Degges, to read Ordinance No. 2018-30 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Degges, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2018-30, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Deleting and Replacing Section 20-28 Amendments to the 2012 International Fire Code, of Article II, Fire Code, of Chapter 20 Fire Prevention and Protection in Its Entirety; by Deleting and Replacing Section 20-47, of Article III. Standards for Installation of Fire Sprinkler Systems in Its Entirety; by Amending Section 20-48, Amendments to NFPA13D of Article III, Standards for Installation of Fire Sprinkler Systems; By Deleting Section 20-94 of Article V. Arson Rewards in Its Entirety; by Deleting Section 20-95 of Article V. Arson Rewards in Its Entirety; by Deleting Section 20-96 of Article V. Arson Rewards in Its Entirety; by Deleting Section 20-97 of Article V. Arson Rewards in Its Entirety; by Deleting Section 20-98 of Article V. Arson Rewards in Its Entirety; by Deleting Article V. Arson Rewards in Its Entirety; Providing a Penalty in an Amount Not to Exceed $2,000.00 Per Day for Violation of Any Provision Hereof, with Each Day Constituting a Separate Offense; Providing a Repealer; Providing for Severability, and Making Other Findings Related Thereto. Vote was as follows:

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

Motion carried unanimously.

8.9 Motion was made by Councilman Townsend, second by Councilman Stoll, to authorize Randy Parr, Fire Chief, as Tomball's Representative to TML Municipal Policy Summit, to Make Presentations/Recommendations Supporting the City of Tomball's Values regarding Home-Rule City Legislation.

Motion to AMEND was made by Councilman Townsend, second by Councilman Stoll, to authorize Randy Parr, Fire Chief, as Tomball's Representative to TML Municipal Policy Summit, to Make Presentations/Recommendations Supporting the City of Tomball's Values regarding Home-Rule City Legislation and that City Staff bring the TML topic calendar to the August 20, 2018 meeting, for Council consideration and direction regarding topics/areas that the Council, as the governing body of the City, wish Randy Parr to advocate for or against on behalf of the City.

Motion, as AMENDED, carried unanimously.

7.0 Old Business:

7.1 The following individuals spoke regarding Ordinance No. 2017-36:

| | | |
|---|---|---|
| Vic Lawrence<br>13202 Spring Hollow, 77375 | - | Expressed his opposition to zoning change. |
| David DiCamillo<br>31215 Ulrich, 77375 | - | Expressed his opposition to zoning change. |
| Michael Young<br>Tomball Gun Club<br>12147 Misty Moss, 77070 | - | Expressed his support for zoning change. |

Bob Allen, Vice President, Zion Road Properties, LLC, presented the Declaration of Restrictions for a Portion of The Reserve at Spring Lake, as requested by Council. He stated his support for the proposed zoning change, his willingness to meet Council requests, and gratitude to Council and City staff for assisting in the development process.

Motion was made by Councilman Townsend, second by Councilman Degges, to adopt, on Second Reading, Ordinance No. 2017-36, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Changing the Zoning District Classification of Approximately 76.01 Acres of Land, Legally Described Reserve "D" Reserve At Spring Lake – Section Two, Within the City of Tomball, Harris County, Texas, from the Agricultural District to the Single-Family 20 Estate District; Said Property Being Generally Located at the North End of Spring Lake Boulevard; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed $2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

| | |
|---|---|
| Councilman Ford | Aye |
| Councilman Stoll | Aye |
| Councilman Degges | Aye |
| Councilman Townsend | Aye |
| Councilman Klein Quinn | Nay |

Motion carried, 4 votes Aye, 1 vote Nay.

7.2 Motion was made by Councilman Townsend, second by Councilman Ford, to adopt, on Second Reading, Ordinance No. 2018-22, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 13.36 Acres of

Land, Legally Described Lots 174 & 178 and Tracts 166B, 170, 170A & 170B Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; Said Property being Generally Located at the Southeast Corner of Michel Street and School Street; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed $2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

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

Motion carried unanimously.

8.0 New Business:

8.1 Mayor Fagan opened the First Public Hearing Regarding the Proposed Budget for Fiscal Year 2018-2019 at 7:07 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:07 p.m.

8.2 Mayor Fagan opened the First Public Hearing to Consider the Annexation of the Following Tract of Land: 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]* at 7:08 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:09 p.m.

8.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2018-19, a Resolution of the City Council of the City of Tomball, Texas, Approving Request by Iglesia Taller del Alfarero (The Potter's Workshop) for City Support/Co-Sponsorship to Conduct a Prayer March/Walk on FM 2920/Main Street on Saturday, September 22, 2018.

Motion carried unanimously.

8.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to accept Bid from Redeemer Church (Carolyn Pett) for Project No. 2018-15, Sale of a 1.4112-Acre Tract of Land, Located at the Northwest Corner of Brown Road and Baker Street and Authorize the Mayor to Execute Quitclaim Deed.

Motion carried unanimously.

8.5 Motion was made by Councilman Stoll, second by Councilman Townsend to approve, as a Project of the Tomball Economic Development Corporation, an Agreement with Hoelscher Weatherstrip Manufacturing Co., Inc., to Make Direct Incentives to or Expenditures for the Creation or Retention of Primary Jobs Associated with the Development of Its Corporate Headquarters Facility on Approximately 16.9 Acres of Land in the Tomball Business and Technology Park. The estimated Amount of Expenditures for Such Project is up to $168,083.00.

Motion carried unanimously.

8.6 Motion was made by Councilman Townsend, second by Councilman Degges, to approve Resolution No. 2018-20, a Resolution of the City of Tomball, Texas, Stating the City of Tomball's Intent to Participate in Tax Abatement and Establishing the Guidelines and Criteria for Granting Tax Abatements in a Reinvestment Zone Created in the City of Tomball.

Motion carried unanimously.

8.7 The following individuals spoke regarding Ordinance No. 2017-36:

| | | |
|---|---|---|
| Dan Howes<br>15223 Hilltop View, 77429 | - | Expressed his support for the change to Ordinance No. 2017-36. |
| Caitlyn & Parker<br>8303 Vintage Creek, 77379 | - | Expressed their support for the change to Ordinance No. 2017-36. |
| Lindsey Strenk<br>8303 Vintage Creek, 77379 | - | Expressed her support for the change to Ordinance No. 2017-36. |
| Darryl Romero<br>314 E. Main, 77375 | - | Expressed his support for the change to Ordinance No. 2017-36. |
| Monique Dermaux<br>2531 S. Cherry, 77375 | - | Expressed her support for the change to Ordinance No. 2017-36. |
| Kerron Dugan<br>15150 Boudreaux, 77377 | - | Expressed her opposition to the change to Ordinance No. 2017-36. |
| Connie Jones<br>310 E. Main, 77375 | - | Did not speak; read her opposition to the change to Ordinance No. 2017-36 into the record. |

| | | |
|---|---|---|
| Faye Boyce<br>308-A E. Main, 77375 | - | Did not speak; read her opposition to the change to Ordinance No. 2017-36 into the record. |
| Jennifer Gillespie<br>The Russell Family | - | Expressed her support for the change to Ordinance No. 2017-36. |

The following emails were read into the record:

| | | |
|---|---|---|
| Lori Shiffler | - | Expressed her support for the change to Ordinance No. 2017-36. |
| Sandy Francis | - | Expressed her support for the change to Ordinance No. 2017-36. |
| Carolyn Taylor | - | Expressed her support for the change to Ordinance No. 2017-36. |
| Cara Gunia | - | Expressed her support for the change to Ordinance No. 2017-36. |
| Phyllis Grey | - | Expressed her support for the change to Ordinance No. 2017-36. |
| Travis Hanson | - | Expressed his support for the change to Ordinance No. 2017-36. |
| Shirley Boone | - | Expressed her support for the change to Ordinance No. 2017-36. |
| Regina & Mike Pickering | - | Expressed their support for the change to Ordinance No. 2017-36. |
| Bert & Jackie Alexander<br>402 E. Main, 77375 | - | Expressed their support for the change to Ordinance No. 2017-36. |
| Grace Gillespie<br>25211 Barmby, 77375 | - | Expressed her support for the change to Ordinance No. 2017-36. |
| Jesica & Makayla Schronk | - | Expressed their support for the change to Ordinance No. 2017-36. |
| Barbara Henley | - | Expressed her support for the change to Ordinance No. 2017-36. |

John Mottershaw - Expressed his support for the change to Ordinance No. 2017-36.

Motion was made by Councilman Townsend, second by Councilman Degges, to read Ordinance No. 2018-25 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. 2018-25, an Ordinance Amending the Code of Ordinances of The City of Tomball, Texas by Amending Section 8-122, Definitions, and Section 8-126, Potbelly Pigs, of Article III, Livestock, of Chapter 8, Animals, to Add a Definition of Pygmy Goats, and to Apply Regulations to Pygmy Goats; Providing for Severability; Providing for a Penalty of an Amount Not To Exceed $2,000 for Each Day of Violation of any Provision Hereof; Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

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

Motion carried unanimously.

Action taken on Items 8.8 and 8.9 is recorded following Item 6.0 (pages 2-3).

8.10 Motion was made by Councilman Townsend, second by Councilman Ford, to approve Resolution No. 2018-21, a Resolution of the City Council of the City of Tomball, Texas, Authorizing the City Manager or the Assistant City Manager to Execute and Submit the 2016 Floods Most-Impacted Infrastructure Application for DR-4266 and DR-4269, the Tax Day and Memorial Day Flood incidents that Occurred in 2016.

Motion carried unanimously.

8.11 Motion was made by Councilman Townsend, second by Councilman Stoll, to reappoint Presiding Municipal Court Judge, Brett Peabody, for an Additional Two-Year Term.

Motion carried unanimously.

8.12 Motion was made by Councilman Townsend, second by Councilman Ford, to reappoint Grant Stevens as Chief Prosecutor for the Tomball Municipal Court, for an Additional Two-Year Term.

Motion carried unanimously.

8.13 Executive Session: The City Council recessed at 7:49 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. 551.072 – Deliberations Regarding the Purchase, Exchange, Lease, or Value of Real Property

Upon reconvening into regular session at 8:05 p.m., no action was taken.

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 20th day of August 2018.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

# Regular City Council
# Agenda Item
# Data Sheet

Meeting Date: August 20, 2018

**Topic:**

Adopt, on Second Reading, Ordinance No. 2018-20, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing The Zoning District Classification of Approximately 36 Acres of Land Zoned Agricultural and Approximately 3 Acres of Land Zoned Commercial to the Single-Family 6 District. The Property is Legally Described Tracts 198, 202 & 206 Tomball Outlots and Tracts 4L 21 & 22 Of The C.N. Pillot Survey, Abstract 632, within the City Of Tomball, Harris County, Texas; Said Property Being Generally Located on the South Side of Theis Lane West of Pine Meadows Subdivision and the North Side of Holderrieth Road, West of South Cherry Street; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed $2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.

**Background:**

On Monday June 11, 2018, after conducting a public hearing, the Planning and Zoning Commission recommended approval of the rezoning request with a 5-0 vote.

**Origination:**

Rene Rodriguez, LJA Engineering

**Recommendation:**

Adopt Ordinance No. 2018-20 on Second Reading

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

Doris Speer, City Secretary

**ACTION TAKEN**

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

**ATTACHMENTS:**

Ordinance No. 2018-20
Staff Report
Notice of Public Hearing
Property Owner Notification

**ORDINANCE NO. 2018-20**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 36 ACRES OF LAND ZONED AGRICULTURAL AND APPROXIMATELY 3 ACRES OF LAND ZONED COMMERCIAL TO THE SINGLE-FAMILY 6 DISTRICT. THE PROPERTY IS LEGALLY DESCRIBED TRACTS 198, 202 & 206 TOMBALL OUTLOTS AND TRACTS 4L 21 & 22 OF THE C.N. PILLOT SURVEY, ABSTRACT 632, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; SAID PROPERTY BEING GENERALLY LOCATED ON THE SOUTH SIDE OF THEIS LANE WEST OF PINE MEADOWS SUBDIVISION AND THE NORTH SIDE OF HOLDERRIETH ROAD, WEST OF SOUTH CHERRY STREET; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.**

* * * * * * * * * *

**Whereas**, Rene Rodriguez, of LJA Engineering, Inc., has requested that approximately 36 acres of land zoned Agricultural and approximately 3 acres of land zoned Commercial, legally described as Tracts 198, 202 & 206 Tomball Outlots and Tracts 4L 21 & 22 of the C.N. Pillot Survey, Abstract 632, generally located on the south side of Theis Lane, west of Pine Meadows Subdivision and the north side of Holderrieth Road, west of South Cherry Street, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

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

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

**Whereas**, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of Single-Family 6 District; and

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

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

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

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

**Section 2.** The zoning classification of the Property is hereby changed from the Agricultural District and Commercial District to the Single-Family 6 District subject to the regulations, restrictions, and conditions hereafter set forth.

**Section 3.** The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Single-Family 6 District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

**Section 4.** This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Single-Family 6 District as described above.

**Section 5**. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 6.** Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed $2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 18TH DAY OF JUNE 2018.

| | |
|---|---|
| COUNCILMAN FORD | AYE |
| COUNCILMAN STOLL | AYE |
| COUNCILMAN DEGGES | AYE |
| COUNCILMAN TOWNSEND | AYE |
| COUNCILMAN QUINN | AYE |

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20TH DAY OF AUGUST 2018.

| | |
|---|---|
| COUNCILMAN FORD | _____ |
| COUNCILMAN STOLL | _____ |
| COUNCILMAN DEGGES | _____ |
| COUNCILMAN TOWNSEND | _____ |
| COUNCILMAN QUINN | _____ |

_____
Gretchen Fagan, Mayor

ATTEST:

_____
Doris Speer, City Secretary

# *Rezoning Staff Report*

Planning & Zoning Commission Public Hearing Date: June 11, 2018
City Council Public Hearing Date: June 18, 2018

| | |
|---|---|
| **Rezoning Case:** | P18-072 |
| **Property Owner(s):** | Tomball 39 Partners LLP |
| **Applicant(s):** | Rene Rodriguez of LJA Engineering, Inc. |
| **Legal Description:** | Tracts 198, 202 & 206 Tomball Outlots and Tracts 4L 21 & 22 of the C.N. Pillot Survey, Abstract 632 |
| **Location:** | South side of Theis Lane, west of Pine Meadows Subdivision and the north side of Holderrieth Road, west of South Cherry Street (Exhibit "A") |
| **Area:** | Approximately 39 acres |
| **Comp Plan Designation:** | Medium Density Residential and Employment/Office (Exhibit "B") |
| **Present Zoning and Use:** | Commercial District (3 acres) and Agricultural District (36 acres) (Exhibit "C") / Undeveloped land (Exhibit "D") |
| **Request:** | Rezone approximately 3 acres of land from the Commercial District and approximately 36 acres from the Agricultural District to the Single-Family 6 District |

**Adjacent Zoning & Land Uses:**

**North:** Agricultural District / Rural residential and undeveloped land

**South:** Outside City Limits / Rural residential and undeveloped land

**West:** Agricultural District / Undeveloped land

**East:** Agricultural, General Retail, Commercial and Single-Family 6 / M121 West Drainage Ditch, Single-family residential subdivision (Pine Meadows), undeveloped land

## BACKGROUND

In April 2018, City Staff meet with representatives of the applicant to discuss the development of a single-family residential subdivision.

In June 2017, a rezoning request for Single-Family 6 District at the subject site, along with an additional 63 acres, was approved on First Reading; however, the applicant withdrew the application before the Second Reading.

## ANALYSIS

The subject site is approximately 39 acres, most of which is zoned Agricultural with a small portion at the southern end on Holderrieth Road zoned Commercial. A majority of the surrounding property in the area is undeveloped. On the north side of Theis Lane, there are multiple commercial businesses and two large lot residences. The east side of the subject area is separated from Pine Meadows subdivision and undeveloped land by a City drainage ditch, M121 West. Property south of the subject site is outside of the City Limits and mostly undeveloped. West of the subject site is also undeveloped.

There are multiple zoning districts in the area including Agricultural, Commercial and Light Industrial on the north side of Theis Lane; Agricultural and Commercial to the west; Agricultural, General Retail, Commercial and Single-Family 6 to the east; property to the south is outside of the City Limits.

The Future Land Use Map designates most of the property as Medium Density Residential which typically includes lots ranging from 6,000 to 20,000 square feet, according to the City Comprehensive Plan. A small portion at the southern end of the subject site is designated Employment/Office.

## ZONING CONSIDERATIONS

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

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

The uses that are permitted in the Single-Family 6 Zoning District appear to be appropriate with the immediate area. There is a similar residential development in the area as well as multiple commercial uses. The proposed subdivision will create a balance between employment and residential land uses in the area and the City as a whole.

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

Adequate utilities are available to serve this property and the existing arterial streets adjacent to the property can accommodate traffic generated by a Single-Family 6 District development. A traffic impact analysis will be required at the time of development which will determine if offsite traffic enhancements are needed for the adjacent roadways. School Street, a collector road, will extend along the west side of the development and run north/south.

Tomball ISD has been notified of the proposed neighborhood and is able to accommodate the anticipated influx of students.

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

There is very little vacant property in the City that is zoned Single-Family 6. There does not appear to be any special circumstances which may make a substantial part of any vacant land unavailable for development.

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

The most recent development in the Single-Family 6 District is Pine Meadows, which was completed in 2015. As mentioned, there is not a lot of available land of this size zoned Single-Family 6.

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

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

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

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

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

The Future Land Use Map designates a majority of the property Medium Density Residential, which is intended for lots ranging from 6,000 to 20,000 square feet. The Comprehensive Plan also outlines goals for the need for "a wide variety of housing products" and "higher density residential development adjacent to or in close proximity to high capacity roadways and multimodal facilities". The development will also be located across the street from Theis Attaway Nature Center, which will encourage pedestrian linkages to public facilities, another goal of the Comprehensive Plan. The request appears to meet the goals of the Comprehensive Plan.

## PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on May 24, 2018. The Notice of Public Hearing was published in the paper and a sign was placed on the property on May 30, 2018. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

## RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends APPROVAL of Zoning Case P18-072 for the following reasons:

1. The request will meet the goals of City's Comprehensive Plan;

2. The request is generally in conformance with the Future Land Use Map;
3. The request is generally appropriate with the surrounding land uses;
4. The request is generally appropriate with the surrounding zoning districts.

**EXHIBITS**

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

**Exhibit "A"**
**Aerial Photo**

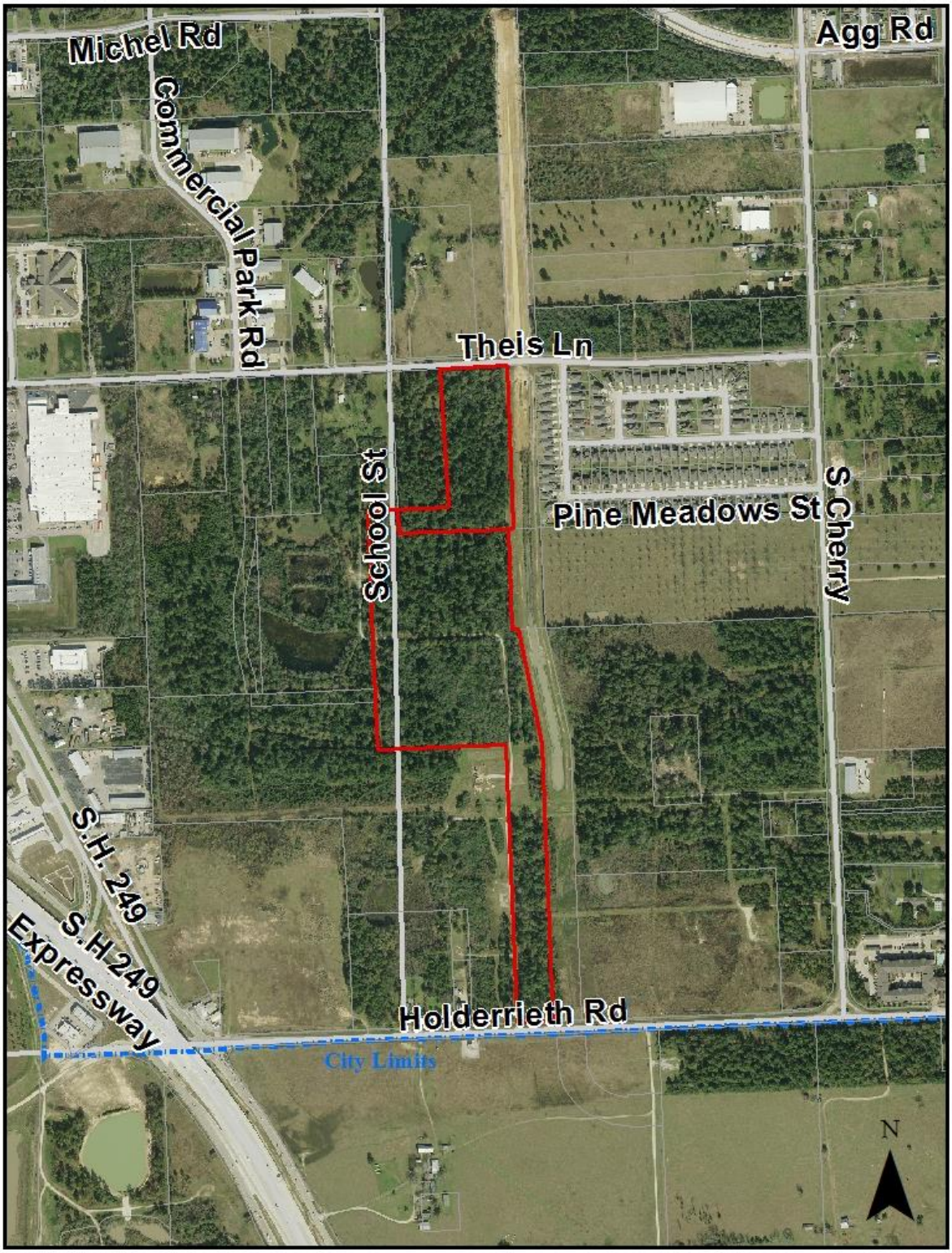


**Exhibit "B"**
**Comprehensive Plan**

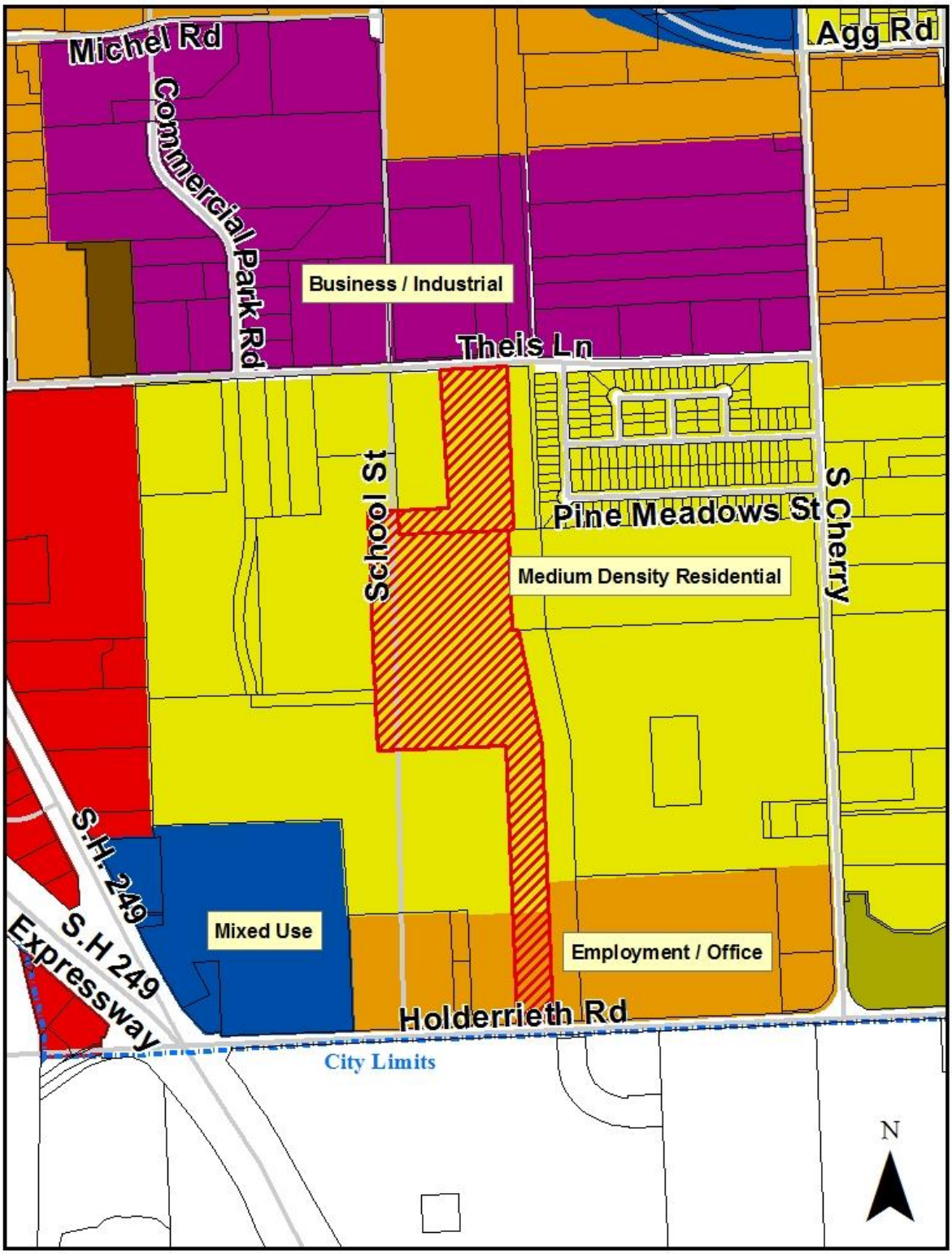


**Exhibit "C"**
**Zoning Map**

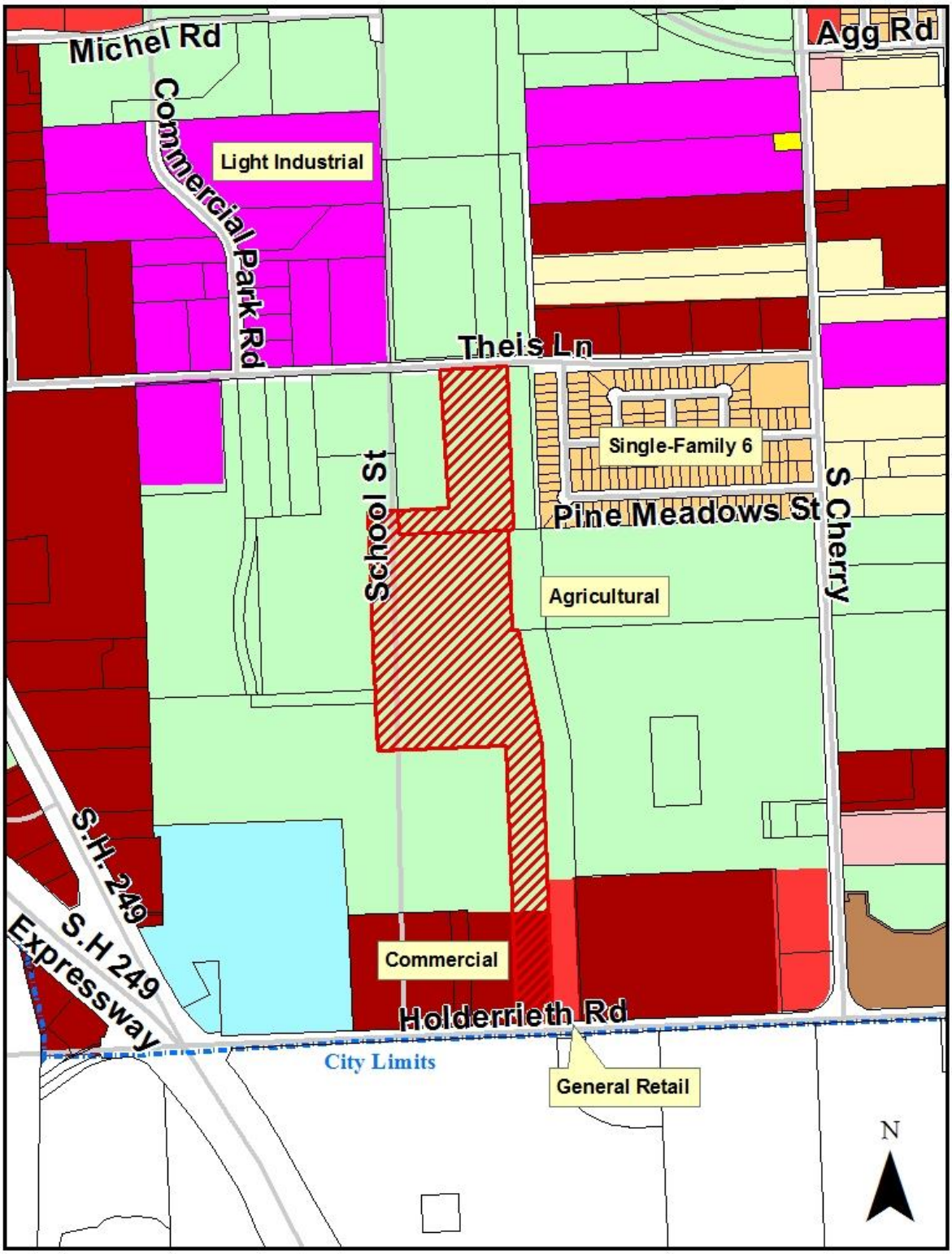
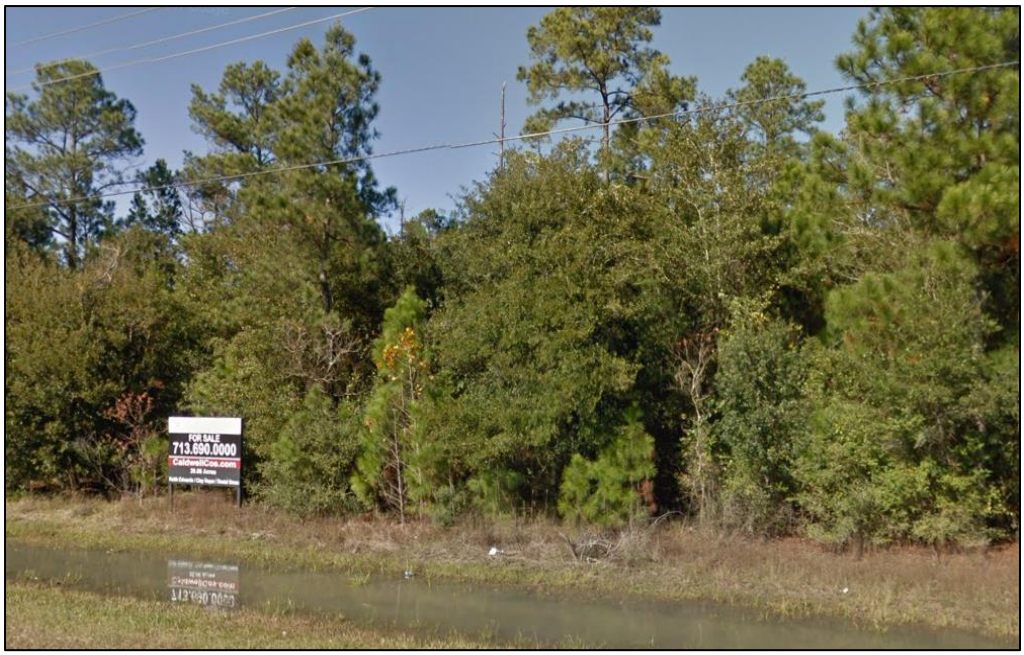


**Exhibit "D"**
**Site Photos**



**Subject Site View From Theis Lane**




**Subject Site View From Holderrieth Road**

**Exhibit "E"**
**Application**

LJA ENGINEERING

2929 Briarpark Drive, Suite 600, Houston, Texas 77042
t 713.953.5200 f 713.953.5026 LJA.com TBPE F-1386 TBPLS 10110501

May 2, 2018

Ms. Amelia Lindley
City Planner
City of Tomball
401 Market Street
Tomball, Texas 77375

Re: Re-Zoning, Tomball, Texas
39 Acre Tract
LJA Job No. 2040-5201 (6.1)

Dear Ms. Lindley:

LJA Engineering, Inc. on behalf of Tomball 39 Partners, LLP, request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 5 acres of land from the Commercial District to the Single-Family 6 District and approximately 34 acres from the Agricultural District to the Single-Family 6 District. The properties are legally described as Tracts 198, 202 & 206 Tomball Outlots and Tracts 4L 21 & 22, of the C.N. Pillot Survey, Abstract 632, Harris County, Texas and generally located on the south side of Theiss Lane and the north side of Holderrieth Road between SH 249 and South Cherry Street.

If you have any questions or need any additional information pertaining to the re-zoning, please call me at 713.953.5228. Thank you for your consideration.

Sincerely,

Rene Rodriguez
Platting Manager

RR/ew

Enclosure(s)

O:\LAND\2040\2040-5201\Zoning Notification Letter.doc

Revised 5/19/15

# APPLICATION FOR REZONING

**Community Development Department**
**Planning Division**

**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: Rene Rodriguez - LJA Engineering, Inc. Title: Platting Manager
Mailing Address: 2929 Briarpark, Suite 600 City: Houston State: Texas
Zip: 77042
Phone: (713) 953-5228 Fax: (713) 953-5026 Email: rerodriguez@lja.com

**Owner**
Name: Tomball 39 Partners, LLP Title:
Mailing Address: 14015 Park Dr, Suite 101 City: Tomball State: Texas
Zip: 77377
Phone: (___) _____ Fax: (___) _____ Email:

**Engineer/Surveyor (if applicable)**
Name: Gary Mensik Title: Sr. Vice President
Mailing Address: 2929 Briarpark, Suite 600 City: Houston State: Texas
Zip: 77042
Phone: (713) 953-5249 Fax: (713) 953-5026 Email: gmensik@lja.com

**Description of Proposed Project:** 39.03 acres out of the Claude N. Pillot Survey, Abstract 632

Physical Location of Property: Approx. 2,000-ft from the NE intersection of SH 249 and Holderreith Rd
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: 39.03 acres out of the Claude N. Pillot Survey, Abstract 632
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: AG - Agricultural

Current Use of Property: Vacant

Proposed Zoning District: SF-6 Single Family 6 District

Proposed Use of Property: Single Family Residential

HCAD Identification Number: 044-058-000-0294 035-286-0( Acreage: 39.03

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

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

X Rene Rodriguez Digitally signed by Rene Rodriguez Date: 2018.04.18 16:34:04 -05'00' April 18, 2018

**Signature of Applicant** **Date**

X DocuSigned by: Cristina Mclane AE7D694DF4F44DD... 4/30/2018

**Signature of Owner** **Date**

May 1, 2018
Job no. 2040-5201.313

DESCRIPTION OF
39.03 ACRES

Being 39.03 acres (1,700,129 square feet) of land, all of a called 39.0554 acres, conveyed to Tomabll 39 Partners, LLP, by deed recorded under County Clerk's File Number (C.F.) 20120156753 Official Public Records Real Property of Harris County, Texas (O.P.R.R.P H.C.T), said 39.03 acre tract lying in the Claude N. Pilort Survey, Abstract No. 632 and being more particularly described by metes and bounds as follows with all bearings based on Texas State Plane Coordinate System, South Central Zone, North American Datum of 1983;

BEGINNING at a found 1/2 –inch iron rod in the north line of Holderrieth Road, public R.O.W. varies, marking the southeast corner of the Residue of a called 42.954 acres, conveyed to Maritia, L.P., by deed recorded under C.F. X391496 O.P.R.R.P. H.C.T., also being the southwest corner of said 39.0554 acres and the herein described tract;

THENCE North 02°27'21" West (called North 02°26'46" West), along the east line of said Residue of a called 42.954 acres, a distance of 1556.16 feet (called 1556.03') to a found 1/2-inch iron rod, marking an external corner of said Residue, marking an internal corner of said 39.0554 acres and the herein described tract;

THENCE South 87°36'25" West (called South 87°36'36" West), along the north line of said Residue of a called 42.954 acres, a distance of 720.26 feet (called 720.22') to a found 5/8-inch iron rod, marking an internal corner of said Residue of a called 42.954 acres, also being the most northerly southwest corner of said 39.0554 acres and the herein described tract;

THENCE North 02°27'17" West (called North 02°27'07" West), along the east line of said Residue of a called 42.954 acres, a called 1.13 acres, conveyed to Keving Graham, by deed recorded under C.F. RP-2017-94165 O.P.R.R.P. H.C.T. and the Residue of a called 111.5632 acres, conveyed to said Kevin Eric Graham, by deed recorded under C.F. X648265 O.P.R.R.P. H.C.T., a distance of 1332.46 feet (called 1332.71') to a found 5/8-inch iron rod, marking the internal corner of said Residue of a called 111.5632 acres, also being an external corner of said 39.0554 acres and the herein described tract;

THENCE North 87°20'58" East, along the south line Residue of a called 111.5632 acres, a distance of 447.58 feet (called 448.17') to a found 1/2-inch iron rod, marking an external corner of said Residue of a called 111.5632 acres, also being an internal corner of said 39.0554 acres and the herein described tract;

THNECE North 03°29'02" West, along said east line of the Residue of a called 111.5632 acres, a distance of 775.50 feet to a found 5/8-inch iron rod with cap in the south R.O.W. line of Theis Lane, public R.O.W. varies, marking the northeast corner of said Residue of a called 111.5632 acres, also being the northwest corner of said 39.0554 acres and the herein described tract;

THENCE North 87°18'22" East, along said south R.O.W. line, a distance of 374.65 feet to a found 5/8-inch iron rod with cap, marking the northwest corner of a called 2.5094 acres, conveyed to the City of Tomball, by deed recorded under C.F. W565672 O.P.R.R.P. H.C.T., also being the northeast corner of said 39.0554 acres and the herein described tract;

THENCE South 02°32'12 East, along the west line of said 2.5094 acres, a distance of 910.63 feet to a found 5/8-inch iron rod with cap in the north line of a called 2.3281 acres, conveyed to the City of Tomball, by deed recorded under C.F. W549451, marking the southwest corner of said 2.5094 acres, also being an external corner of the herein described tract;

THENCE South 87°40'30" West, along the north line of said 2.3281 acres a distance of 28.91 feet to a found 3/4-inch iron pipe, marking the northwest corner of said 2.3281 acres, also being an internal corner of said 39.0554 acres and the herein described tract;

THENCE South 01°59'39" East, along the west line of said 2.3281 acres, a distance of 558.96 feet (called 559.19') to a found 1-inch iron pipe, marking the southwest corner of said 2.3281 acres, also being an internal corner of said 39.0554 acres and the herein described tract;

THENCE North 87°40'52" East a distance of 34.36 feet (called 34.02') to a found 5/8 inch iron rod with cap, marking the northwest corner of a called 7.5681 acres, conveyed to the City of Tomball, by deed recorded under C.F. W565672 O.P.R.R.P. H.C.T., marking an external corner of said 39.0554 acres and the herein described tract;

THENCE South 12°20'03 East, along the west line of said 7.5681 acres, a distance of 652.33 feet to a found 5/8-inch iron rod with cap, marking an angle point of said 7.5681 acres and said 39.0554 acres and the herein described tract;

THENCE South 02°28'46" East (called South 02°27'24" East), continuing along said east line, a distance of 1556.02 feet (called 1555.95') to a found 5/8-inch iron rod with cap in the said north R.O.W. line of said Holderrieth Road, marking the southwest corner of said 7.5681 acres, also being the southeast corner of said 39.0554 acres and herein described tract;

THENCE South 87°39'28" West, along said north R.O.W. line, a distance of 202.86 feet to the POINT OF BEGINNING and containing 39.03 acres (1,700,129 square feet) of land.

ANN HARRIS BENNETT
TAX ASSESSOR-COLLECTOR & VOTER REGISTRAR
P.O. BOX 3547
HOUSTON, TEXAS 77253-3547
TEL: 713-274-8000

* 0 4 4 0 5 8 0 0 0 0 2 9 4 *

TOMBALL 39 PARTNERS LLP
14015 PARK DR STE 101
TOMBALL TX 77377-6291

## 2017 Property Tax Statement
### Web Statement

| Statement Date: | May 1, 2018 |
|---|---|
| Account Number | |
| 044-058-000-0294 | |

Additional city sales tax reduced your city ad valorem tax by: $7.61

| Taxing Jurisdiction | Exemptions | Taxable Value | Rate per $100 | Taxes |
|---|---|---|---|---|
| Harris County | 0 | 3,969 | 0.418010 | $16.59 |
| Harris County Flood Control Dist | 0 | 3,969 | 0.028310 | $1.12 |
| Port of Houston Authority | 0 | 3,969 | 0.012560 | $0.50 |
| Harris County Hospital District | 0 | 3,969 | 0.171100 | $6.79 |
| Harris County Dept. of Education | 0 | 3,969 | 0.005195 | $0.21 |
| Lone Star College System | 0 | 3,969 | 0.107800 | $4.28 |
| City of Tomball | 0 | 3,969 | 0.341455 | $13.55 |
| Emergency Service Dist #8 (EMS) | 0 | 3,969 | 0.100000 | $3.97 |

*Page: 1 of 1*

| | |
|---|---|
| Total 2017 Taxes Due By January 31, 2018: | $47.01 |
| Payments Applied To 2017 Taxes | $47.01 |
| Total Current Taxes Due (Including Penalties) | $0.00 |
| Prior Year(s) Delinquent Taxes Due (If Any) | $0.00 |
| **Total Amount Due For May 2018** | **$0.00** |

| Penalties for Paying Late | Rate | Current Taxes | Delinquent Taxes | Total |
|---|---|---|---|---|
| By Febuary 28, 2018 | 7% | $0.00 | $0.00 | $0.00 |
| By March 31, 2018 | 9% | $0.00 | $0.00 | $0.00 |
| By April 30, 2018 | 11% | $0.00 | $0.00 | $0.00 |
| By May 31, 2018 | 13% | $0.00 | $0.00 | $0.00 |
| By June 30, 2018 | 15% | $0.00 | $0.00 | $0.00 |

**Property Description**

HOLDERRIETH RD 77375
TRS 4L 21 & 22 ABST 632 C N PILLOT
30.5279 AC

**Appraised Values**

| | |
|---|---|
| Land - Market Value | 1,329,795 |
| Impr - Market Value | 0 |
| Total Market Value | 1,329,795 |
| Less Capped Mkt Value | 1,325,826 |
| Appraised Value | 3,969 |

**Exemptions/Deferrals**

Timber Productivity

Tax Bill Increase (Decrease) from 2012 to 2017: Appraised Value 0%, Taxable Value 0%, Tax Rate 3%, Tax Bill 3%.

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.

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TOMBALL 39 PARTNERS LLP
14015 PARK DR STE 101
TOMBALL TX 77377-6291

**PAYMENT COUPON**

| Account Number |
|---|
| 044-058-000-0294 |
| Amount Enclosed |
| $_____ . _____ |

Web Statement - Date Printed: 05-01-2018

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

Make check payable to:

ANN HARRIS BENNETT
TAX ASSESSOR-COLLECTOR & VOTER REGISTRAR
P.O. BOX 4622
HOUSTON, TEXAS 77210-4622

Scan the QR code to pay online or visit www.hctax.net

044058000029 48 2017 0000000000 0000000000 0000000000 0000000000

2,263,579-1

## TAX STATEMENT 2017 +

**STATEMENT DATE:** 05/01/2018

**ACCOUNT:** 0440580000294

LEGAL: TRS 4L 21 & 22
ABST 632 C N PILLOT

OWNER: TOMBALL 39 PARTNERS LLP
PARCEL ADDRESS: 0000000 HOLDERRIETH RD
EXEMPTION CODES: AGTMB

PIDN: 0440580000294
ACRES: 30.5279

| AG LAND | APPRAISED VALUE |
|---|---|
| 61,056 | 1,329,795 |

| TAXING ENTITIES | EXEMPTION AMOUNT | TAXABLE VALUE | TAX RATE PER $100 | BASE TAX | PENALTY & INTEREST |
|---|---|---|---|---|---|
| TOMBALL ISD | 1,268,739 | 61,056 | 1.340000 | 0.00 | 0.00 |
| | | | SUBTOTAL | 0.00 | 0.00 |
| | | | PRIOR YEARS | 0.00 | |
| | | | **TOTAL AMOUNT DUE** | **0.00** | |

*This top portion and your canceled check will serve as your receipt.*

*^ Detach on perforation and return this portion with your check payable to:*

**Kristi Williams**
**PO Box 276**
**Tomball, TX 77377-0276**
**(281)357-3100**

**DELINQUENT DATE: 02/01/2018**

ACCOUNT: 0440580000294 2017 +
TOMBALL 39 PARTNERS LLP
14015 PARK DR STE 101
TOMBALL, TX 77377-6291

**TOTAL AMOUNT DUE**
**$0.00**
**^^ AMOUNT DUE ON RECEIPT ^^**

OWNER: TOMBALL 39 PARTNERS LLP
PIDN: 0440580000294

| IF PAID IN | AMOUNT DUE |
|---|---|
| JUN | 0.00 |
| JUL | 0.00 |
| AUG | 0.00 |
| SEP | 0.00 |
| OCT | 0.00 |
| NOV | 0.00 |

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TEL: 713-274-8000

* 0 3 5 2 8 6 0 0 0 0 1 9 8 *

TOMBALL 39 PARTNERS LLP
14015 PARK DR STE 101
TOMBALL TX 77377-6291

## 2017 Property Tax Statement
### Web Statement

| Statement Date: | May 1, 2018 |
|---|---|
| Account Number | |
| 035-286-000-0198 | |

Additional city sales tax reduced your city ad valorem tax by: $2.12

| Taxing Jurisdiction | Exemptions | Taxable Value | Rate per $100 | Taxes |
|---|---|---|---|---|
| Harris County | 0 | 1,108 | 0.418010 | $4.63 |
| Harris County Flood Control Dist | 0 | 1,108 | 0.028310 | $0.31 |
| Port of Houston Authority | 0 | 1,108 | 0.012560 | $0.14 |
| Harris County Hospital District | 0 | 1,108 | 0.171100 | $1.90 |
| Harris County Dept. of Education | 0 | 1,108 | 0.005195 | $0.06 |
| Lone Star College System | 0 | 1,108 | 0.107800 | $1.19 |
| City of Tomball | 0 | 1,108 | 0.341455 | $3.78 |
| Emergency Service Dist #8 (EMS) | 0 | 1,108 | 0.100000 | $1.11 |

*Page: 1 of 1*

| | |
|---|---|
| Total 2017 Taxes Due By January 31, 2018: | $13.12 |
| Payments Applied To 2017 Taxes | $13.12 |
| Total Current Taxes Due (Including Penalties) | $0.00 |
| Prior Year(s) Delinquent Taxes Due (If Any) | $0.00 |
| **Total Amount Due For May 2018** | **$0.00** |

| Penalties for Paying Late | Rate | Current Taxes | Delinquent Taxes | Total |
|---|---|---|---|---|
| By Febuary 28, 2018 | 7% | $0.00 | $0.00 | $0.00 |
| By March 31, 2018 | 9% | $0.00 | $0.00 | $0.00 |
| By April 30, 2018 | 11% | $0.00 | $0.00 | $0.00 |
| By May 31, 2018 | 13% | $0.00 | $0.00 | $0.00 |
| By June 30, 2018 | 15% | $0.00 | $0.00 | $0.00 |

| Property Description |
|---|
| THEISS RD 77375<br>TRS 198 202 & 206 TOMBALL OUTLOTS<br>8.5265 AC |

| Appraised Values | |
|---|---|
| Land - Market Value | 557,122 |
| Impr - Market Value | 0 |
| Total Market Value | 557,122 |
| Less Capped Mkt Value | 556,014 |
| Appraised Value | 1,108 |

| Exemptions/Deferrals |
|---|
| Timber Productivity |

Tax Bill Increase (Decrease) from 2012 to 2017: Appraised Value 0%, Taxable Value 0%, Tax Rate 3%, Tax Bill 3%.

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.

* 0 3 5 2 8 6 0 0 0 0 1 9 8 *

TOMBALL 39 PARTNERS LLP
14015 PARK DR STE 101
TOMBALL TX 77377-6291

**PAYMENT COUPON**

| Account Number |
|---|
| 035-286-000-0198 |
| Amount Enclosed |
| $_____ . _____ |

Web Statement - Date Printed: 05-01-2018

Make check payable to:

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TAX ASSESSOR-COLLECTOR & VOTER REGISTRAR
P.O. BOX 4622
HOUSTON, TEXAS 77210-4622

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Scan the QR code to pay online or visit www.hctax.net

035286000001983 2017 000000000 000000000 000000000 000000000

2,263,578-1

## TAX STATEMENT 2017 +

**STATEMENT DATE:** 05/01/2018
**ACCOUNT:** 0352860000198

LEGAL: TRS 198 202 & 206
TOMBALL OUTLOTS

OWNER: TOMBALL 39 PARTNERS LLP
PARCEL ADDRESS: 0000000 THEISS RD
EXEMPTION CODES: AGTMB

PIDN: 0352860000198
ACRES: 8.5265

| AG LAND | APPRAISED VALUE |
|---|---|
| 1,108 | 557,122 |

| TAXING ENTITIES | EXEMPTION AMOUNT | TAXABLE VALUE | TAX RATE PER $100 | BASE TAX | PENALTY & INTEREST |
|---|---|---|---|---|---|
| TOMBALL ISD | 556,014 | 1,108 | 1.340000 | 0.00 | 0.00 |
| | | | SUBTOTAL | 0.00 | 0.00 |
| | | | PRIOR YEARS | 0.00 | |
| | | | **TOTAL AMOUNT DUE** | **0.00** | |

*This top portion and your canceled check will serve as your receipt.*

*^ Detach on perforation and return this portion with your check payable to:*

**Kristi Williams**
**PO Box 276**
**Tomball, TX 77377-0276**
**(281)357-3100**

**DELINQUENT DATE: 02/01/2018**

ACCOUNT: 0352860000198 2017 +
TOMBALL 39 PARTNERS LLP
14015 PARK DR STE 101
TOMBALL, TX 77377-6291

**TOTAL AMOUNT DUE**
**$0.00**
**^^ AMOUNT DUE ON RECEIPT ^^**

OWNER: TOMBALL 39 PARTNERS LLP
PIDN: 0352860000198

| IF PAID IN | AMOUNT DUE |
|---|---|
| JUN | 0.00 |
| JUL | 0.00 |
| AUG | 0.00 |
| SEP | 0.00 |
| OCT | 0.00 |
| NOV | 0.00 |

# NOTICE OF PUBLIC HEARING
# CITY OF TOMBALL
# PLANNING & ZONING COMMISSION (P&Z)
# JUNE 11, 2018
# &
# CITY COUNCIL
# JUNE 18, 2018

Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, June 11, 2018, at 6:00 P.M.,** and by the City Council of the City of Tomball on **Monday, June 18, 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 P18-072:** Request by Rene Rodriguez of LJA Engineering, Inc., on behalf of Tomball 39 Partners, LLP, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3 acres of land from the Commercial District and approximately 36 acres from the Agricultural District to the Single-Family 6 District. The lots are legally described as Tracts 198, 202 & 206 Tomball Outlots and Tracts 4L 21 & 22 of the C.N. Pillot Survey, Abstract 632 and are generally located on the south side of Theis Lane, west of Pine Meadows Subdivision and the north side of Holderrieth Road, west of South Cherry Street within the City of Tomball, Texas.

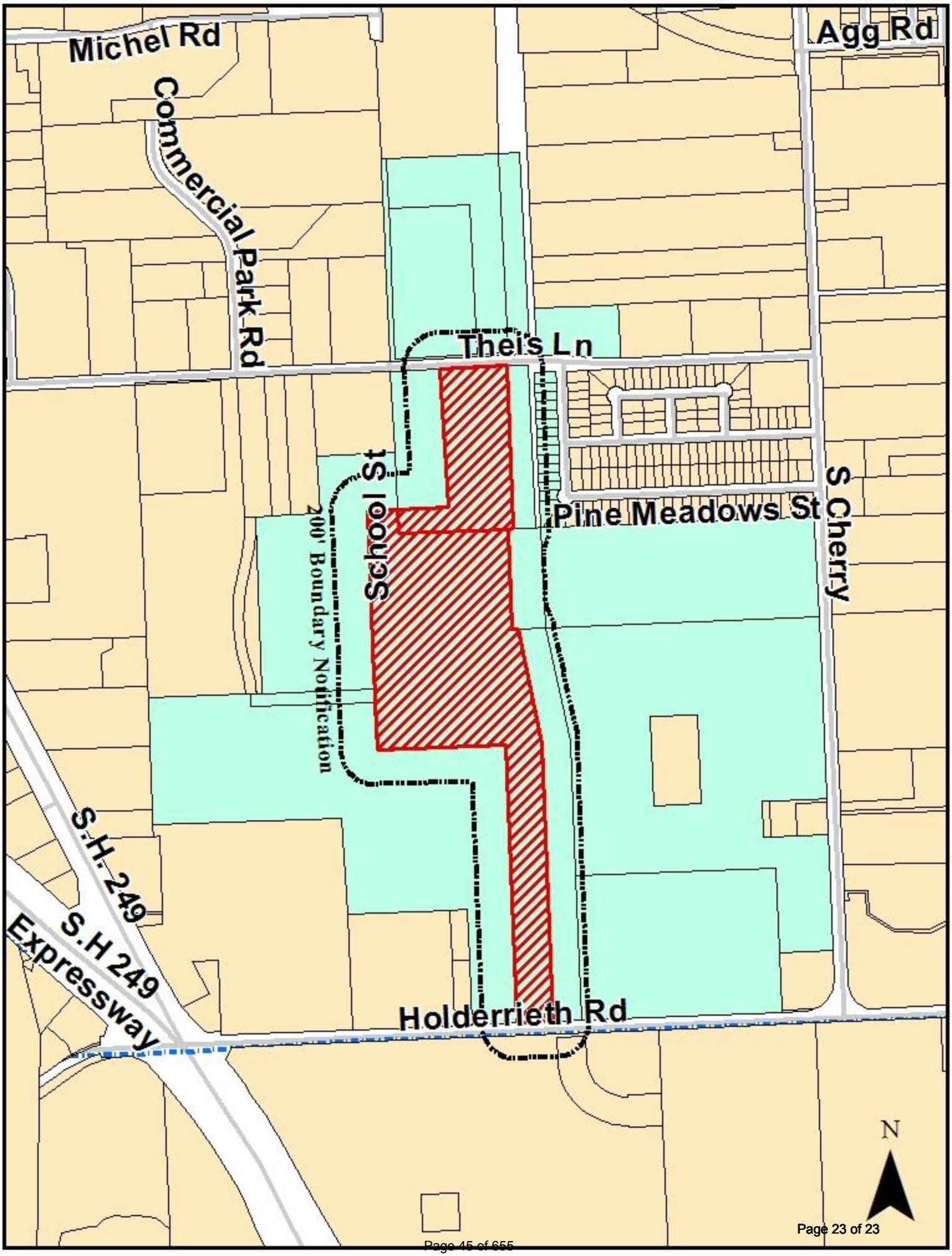
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, 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 7th day of June 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.


Michel Rd
Agg Rd
Commercial Park Rd
Theis Ln
School St
200' Boundary Notification
Pine Meadows St
S Cherry
S.H. 249
S.H 249
Expressway
Holderrieth Rd
N

# Regular City Council
# Agenda Item
# Data Sheet

Meeting Date: August 20, 2018

**Topic:**

Adopt, on Second Reading, Ordinance No. 2018-25, an Ordinance Amending the Code of Ordinances of The City of Tomball, Texas by Amending Section 8-122, Definitions, and Section 8-126, Potbelly Pigs, of Article III, Livestock, of Chapter 8, Animals, to Add a Definition of Pygmy Goats, and to Apply Regulations to Pygmy Goats; Providing for Severability; Providing for a Penalty of an Amount Not To Exceed $2,000 for Each Day of Violation of any Provision Hereof; Making Findings of Fact; and Providing for Other Related Matters.

**Background:**

A request was made to exempt pygmy goats from the City of Tomball's livestock regulations and permit up to four pygmy goats on a single property. Ordinance No. 2018-25 defines pygmy goats and provides amended regulations for them.

**Origination:**

City Staff

**Recommendation:**

Adopt Ordinance No. 2018-25 on Second Reading

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

City Secretary

**ACTION TAKEN**

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

**ATTACHMENTS:**

Ordinance No. 2018-25
National Pygmy Goat Association's Breeding Standards

**ORDINANCE NO. 2018-25**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS BY AMENDING SECTION 8-122, DEFINITIONS, AND SECTION 8-126, POTBELLY PIGS, OF ARTICLE III, LIVESTOCK, OF CHAPTER 8, ANIMALS, TO ADD A DEFINITION OF PYGMY GOATS, AND TO APPLY REGULATIONS TO PYGMY GOATS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.**

* * * * * * * * * *

**WHEREAS**, the City Council of the City of Tomball, Texas finds that it is in the best interest of the health, safety and welfare of its citizens to adopt regulations of pygmy goats; and

**WHEREAS**, the City Council desires to regulate pygmy goats in the manner set forth in this ordinance; now, therefore

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

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

**Section 2.** Section 8-122, Definitions, of Article III, Livestock, of Chapter 8, Animals, of the City of Tomball Code of Ordinances is hereby amended to add the language underscored below as follows:

"**Section 8-122. – Definitions.**

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

*Livestock* means and includes any horse, mule, jack, jenny, cow, cattle, hog, sheep, goat or similar animal; but shall not include potbelly pigs and pygmy goats.

*Potbelly pigs* means and includes Vietnamese miniature potbelly pigs meeting the published breed definition for registration by a recognized association for breeding such Vietnamese miniature potbelly pigs and weighing less than 200 pounds and standing no taller than 36 inches at the shoulders.

*Pygmy goat* means and includes a miniature domestic goat meeting the National Pygmy Goat Association's Breeding Standards."

**Section 3.** Section 8-126, Potbelly pigs and pygmy goats, of Article III, Livestock, of Chapter 8, Animals, of the City of Tomball Code of Ordinances is hereby amended to add the language underscored below and delete the language struck through below as follows:

"**Section 8-126. – Potbelly pigs and pygmy goats.**

(a) All potbelly pigs and pygmy goats shall be subject to the restrictions and ordinances set forth in article II of this chapter wherein those provisions apply to potbelly pigs and pygmy goats. Article II, division 2, pertaining to restraint and impoundment, shall also apply to potbelly pigs and pygmy goats where those restrictions apply; article II, division 3 of this chapter, vaccinations, shall also apply to potbelly pigs and pygmy goats. Article V of this chapter, relating to impoundment of livestock and fowl, shall apply to miniature livestock, as does article VI of this chapter, relating to kennels, and article VII of this chapter, relating to rabies control; except that the hereinafter set forth restrictions shall be specifically applicable to potbelly pigs and pygmy goats in addition to those which are already set out herein by reference.

(b) When no more than ~~four~~ two female or neutered male potbelly pigs and no more than four female or neutered male pygmy goats are kept, the stable, shed, pen or other enclosure in which they are kept shall be located at least 20 feet from every building or structure used for sleeping, dining or living, other than structures owned or occupied by the keeper of the potbelly pigs or pygmy goats.

(c) No more than two potbelly pigs and four pygmy goats may be kept by any one owner at any one location within the city, unless it becomes a kennel and the owner complies with all the requirements of article VI of this chapter for the operation of a kennel."

**Section 4**. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the

omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 5.** Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed $2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6th DAY OF AUGUST 2018.

| | |
|---|---|
| COUNCILMAN FORD | AYE |
| COUNCILMAN STOLL | AYE |
| COUNCILMAN DEGGES | AYE |
| COUNCILMAN TOWNSEND | AYE |
| COUNCILMAN QUINN | AYE |

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20th DAY OF AUGUST 2018.

| | |
|---|---|
| COUNCILMAN FORD | _____ |
| COUNCILMAN STOLL | _____ |
| COUNCILMAN DEGGES | _____ |
| COUNCILMAN TOWNSEND | _____ |
| COUNCILMAN QUINN | _____ |

_____
Gretchen Fagan, Mayor

ATTEST:

_____
Doris Speer, City Secretary

# NPGA BREED STANDARD

**1. GENERAL DESCRIPTION**:

The Pygmy Goat is genetically small, cobby, and compact. Its frame is clearly defined and well angulated; limbs and head are short relative to body length. The Pygmy Goat is full-barreled and well muscled; the body circumference in relation to height and weight is proportionately greater than that of dairy breeds. The Pygmy Goat is hardy, agile, alert and animated, good-natured, and gregarious. The legs and feet should work together so that the gait (tracking) is smooth, balanced, ground covering and effortless. (05-02, 06-16)

**2. BREED CHARACTERISTICS**:

**COAT** - The full coat of straight, medium long hair varies in density with seasons and climates. On does, beards may be non-existent or sparse. On adult bucks, abundant hair growth is desirable; the beard to be full, long and flowing, the copious mane draping, cape-like, across the shoulders.

**COLOR AND BREED-SPECIFIC MARKINGS**:

**SOLID BLACK**: Body Colors: All body hairs black in color. No other solid colors are acceptable. Required Markings: none. Optional Markings: white patches or bellybands anywhere on barrel between point of elbow and stifle joint

**BLACK**: Body Colors: All body hairs black in color. No other solid colors are acceptable. Required Markings: muzzle, crown, eyes and ears distinctly accented in white. Optional Markings: (a) white patches or bellybands anywhere on barrel between point of elbow and stifle joint; (b) tail accented in white.

**AGOUTI**: Body Colors: Black Agouti and Grey Agouti - Black and white hairs intermingled, producing an appearance ranging from highly grizzled to nearly solid. Brown Agouti - Brown and white hairs intermingled, producing an appearance ranging from highly grizzled to nearly solid. Required Markings: (a) muzzle, crown, eyes and ears distinctly accented in white and may be intermingled with hairs the same color as the body; (b) hoofs, face, and forehead distinctly darker than, but of the same color as, the main body color; (c) All agoutis have solid stockings (black on the Black Agouti and Grey Agouti, brown on the Brown Agouti). Stockings are defined as, from the knee down on the front legs and from the top of the hocks down on the rear legs. Optional Markings: (a) white patches or bellybands anywhere on the barrel between the point of elbow and stifle joint; (b) dorsal stripe darker than, but of the same color as, the main body color; (c) varying degrees of grizzling on areas of the body (such as the chest, shoulders, mane, and tail). (10-06)

**CARAMEL**: Body Color: **Caramel with black markings**: Any shade of white through dark tan. Required Markings: (a) muzzle, crown, eyes and ears distinctly accented in white and may be intermingled with hairs the same color as body; (b) Vertical stripes on center front of socks same color as body; (c) sides and rear of socks, dorsal stripe and martingale accented in black; (d) Face: Accented in black. Amount ranges from partial to complete according to age and gender. Optional Markings: white patches or bellybands anywhere on barrel between point of elbow and stifle joint.

**Caramel with brown markings**: Any shade of white through dark tan. Required Markings: (a) muzzle, crown, eyes and ears distinctly accented in white and may be intermingled with hairs the same color as body; (b) Vertical stripes on center front of socks same color as body; (c) sides and rear of socks, dorsal stripe and martingale accented in brown; (d) Face: Accented in brown. Amount ranges from partial to complete according to age and gender. Optional Markings: white patches or bellybands anywhere on barrel between point of elbow and stifle joint. (91-09, 04-12, 05-02, 06-16, 07-06, 09-03, 13-26)

**3. BODY STRUCTURE**:

**HEAD** - Short to medium long; profile somewhat dished. Muzzle rounded, not snipey; nose short, wide, flat. Chin and underjaw full; bite even, neither overshot nor undershot; jaws broad, strong, well muscled. Forehead broad, flat or concave. Eyes set well apart, bright, brown in color, prominent but not protruding. Ears medium sized, firm, erect, alertly mobile. Genetically horned; disbudding and dehorning permissible. (99-11)

**NECK** - Well muscled; short, round, more full-throated than dairy breeds; more refined in does than in bucks.

**WITHERS** - Nearly level with, but not lower than the spine.

**SHOULDERS** - Muscular, well angulated and laid-on, tightly attached; point of shoulder placed posterior to the sternum. RIBS - Wide apart, well sprung; rib bone long, wide, flat.

**BACK** - Strong, laterally straight, level along chine and loin. CHINE - Broad, level from withers to loin.

**Loin** - Broad, strong, nearly level, rising slightly toward the iliac crest. RUMP - Medium long, medium wide, neither level nor steep.

**Hips** - Wide, nearly level with back.

**Thurls** - High, wide apart.

**Pin bones** - Wide apart, lower than hips, pronounced.

**Tail** - Set high, wide at the base, symmetrical, carried high. FLANKS - Deep, set low on barrel.

**THIGHS** - Long and wide, well muscled, incurving towards udder. LEGS - Short, heavy bone, well muscled, wide apart.

**Fore legs** - Straight and squarely set, with elbows close to ribs; cannon bone short.

**Hind legs** - When viewed from the rear: hind legs straight, widely set to accommodate large barrel; stifle held tightly to the body. When viewed from the side: femur and tibia proportionately longer than in dairy breeds and angulated toward a more pronounced stifle joint, thus compensating for the short, flat, and flinty rear cannon bon
**HOCKS** - Cleanly molded, sharply angled; metatarsus short. PASTERNS - Short, strong and resilient.
**FEET** - Well-shaped, proportioned to size of animal; deep heel and level sole; hoofs symmetrical. (05-02)

**4. BODY CAPACITY:**

Large in proportion to size of animal, providing ample digestive and reproductive capacity as well as strength, vigor, and stamina.
**BARREL** - Broad, deep, increasing in width and depth toward flank, thus giving an impression of perpetual pregnancy; symmetrical, well supported by firm abdominal wall and well-sprung ribs. The disproportionately large circumference of the paunch is greater in does than in bucks.
**HEART GIRTH** - Large due to long, well-sprung fore-ribs.
**CHEST** - Well muscled brisket, wide floor, full at point of elbow. (05-02)

**5. MAMMARY SYSTEM (DOES)**:

**UDDER** - Firm, rounded, small to medium sized, halves evenly balanced, symmetrical.
**REAR ATTACHMENT** - High, full, tightly attached and blending smoothly into escutcheon.
**FRONT ATTACHMENT** - Well forward, tightly attached without pocket, and blending smoothly into body.
**TEXTURE** - Silky smooth, elastic, pliable but firm; free of lumps or scar tissue.
**TEATS** - Two, cylindrical, of uniform length and size, sufficient for milking with two fingers and thumb; symmetrically placed; free of obstructions, deformities, or multiple orifices. (05-02)

**6. REPRODUCTIVE SYSTEM (BUCKS)**:

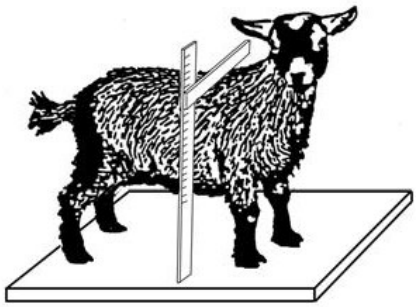
**TESTICLES** - Two, fully descended, of fairly equal size, healthy and firm.
**TEATS** - Two, cylindrical, of uniform length and size, symmetrically placed, free of deformities or multiple orifices, nonfunctional. (05-02)

7. **MEASUREMENTS (inches)**:

| | DOES | | BUCKS | |
|---|---|---|---|---|
| | MINIMUM | MAXIMUM | MINIMUM | MAXIMUM |
| Under 6 months | | | | |
| Cannon length | None | 4 | None | 4¼ |
| Height at withers | None | 18½ | None | 18⅝ |
| 6 months but under 12 months | | | | |
| Cannon length | 2¾ | 4¼ | 3 | 4½ |
| Height at withers | 13¾ | 20⅜ | 14½ | 20¾ |
| 12 months & older | | | | |
| Cannon length | 2⅞ | 4½ | 3 | 4⅝ |
| Height at withers | 16 | 22⅜ | 16 | 23⅝ |
| Allowable margin of error: ⅛th inch | | | | |

Height at withers is measured on a firm flat surface with a right angle device set perpendicular to floor and level across withers. Goat to be standing in a normal pose. Head held in typical position, neither pulled up, down or out, any of which may significantly alter height measurement. Front legs set evenly under the goat's shoulders, not forward or backward of the shoulder line. Rear legs positioned properly, neither drawn too far back nor forward. The cannon bone is measured with calipers set at the outer edge of the knee and pastern joints, with both joints sharply bent. (95-07, 05-02).

**WITHERS MEASUREMENT**



**FRONT CANNON MEASUREMENT**



**8. COMPLIANCE**:

NPGA's Breed Standard Committee shall act as the authority responsible for proposing any interpretations, changes or clarifications in the Breed Standard, the Guidelines for Judging Pygmy Goats, and the required body measurements. Recommendations for change shall be submitted to the Board of Directors for any necessary revisions and approval. Approval shall require a two-thirds majority vote.

**REGISTRATION** - Goats showing traits which are listed as disqualifying in NPGAs Guidelines for Judging Pygmy Goats shall be ineligible for registration: however, registration shall not be an indication that a goat does not possess disqualifying faults. Registration applications submitted to NPGA for animals which are believed by NPGA to have disqualifying traits or non-conforming to color/pattern will, at the request of the Business Manager, be referred to the Certification and/or Breed Standard Committee to determine whether or not they will be accepted for registration. In this event, the Business Manager will notify the owner that the application is being forwarded to the Certification/Breed Standard Committee for a decision. If additional photos are required to evaluate the color/pattern or fault, they will be requested from the owner at that time. Any application denied by the committee(s) may be appealed to the Board of Directors by following the procedure specified in Rules and Regulations, Paragraph 16. (12-19, 13-29, 15-13)

**SHOWING** - Variations from the Breed Standard will be faulted as moderate to disqualifying in accordance with NPGA Guidelines for Judging Pygmy Goats. The NPGA Breed Standard describes the ideal Pygmy Goat. The user of this Standard should not attempt to fault an animal based on the Standard itself, but should refer to the Guidelines for Judging Pygmy Goats. The Guidelines for Judging describe how variations from the Standard will be faulted, based on the severity of the variance, up to and including disqualification. (05-02, 06-16)

© National Pygmy Goat Association - Breed Standard Committee - Revised June 2015

# Regular City Council
# Agenda Item
# Data Sheet

Meeting Date: August 20, 2018

**Topic:**

Adopt, on Second Reading, Ordinance No. 2018-30, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas, by Deleting and Replacing Section 20-28 Amendments to the 2012 International Fire Code, of Article II, Fire Code, of Chapter 20 Fire Prevention and Protection in Its Entirety; by Deleting and Replacing Section 20-47, of Article III. Standards for Installation of Fire Sprinkler Systems in Its Entirety; by Amending Section 20-48, Amendments to NFPA13D of Article III, Standards for Installation of Fire Sprinkler Systems; By Deleting Section 20-94 of Article V. Arson Rewards in Its Entirety; by Deleting Section 20-95 of Article V. Arson Rewards in Its Entirety; by Deleting Section 20-96 of Article V. Arson Rewards in Its Entirety; by Deleting Section 20-97 of Article V. Arson Rewards in Its Entirety; by Deleting Section 20-98 of Article V. Arson Rewards in Its Entirety; by Deleting Article V. Arson Rewards in Its Entirety; Providing a Penalty in an Amount Not to Exceed $2,000.00 Per Day for Violation of Any Provision Hereof, with Each Day Constituting a Separate Offense; Providing a Repealer; Providing for Severability, and Making Other Findings Related Thereto

**Background:**

In 2014 Council adopted the 2012 International Fire Code (IFC), and amendments included in Chapter 20, Sec. 20-28, of our Code of Ordinance. In 2016, an issue regarding our stated definition of "fire area" was raised as being a hindrance on development, because it did not include an option for the utilization of fire walls. Because of this, staff investigated the issue, and Council approved an amendment to the Code.

Recently, a different issue came to the attention of staff, in which the language in Sec. 20-28, Section 903.2.4 of the amendments to the 2012 IFC, required sprinklers to be installed in a Factory Industrial F-2 (Low-hazard Occupancy), when the 2012 IFC only requires sprinklers in a Factory Industrial F-1 (High-hazard Group). Instead of simply reviewing this single section of the code, staff (Fire Marshal, Fire Chief, and City Management) conducted a complete review of all amendments to the IFC.

After conducting said review; staff prepared a comprehensive revision to Chapter 20, Sec. 20-28, Amendments to the 2012 International Fire Code, and recommends that Council approve the changes.

**Origination:**

City Management

**Recommendation:**

Council approve revisions to Chapter 20, Sec. 20-28. Amendments to the 2012 International Fire Code.

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

Robert S. Hauck, City Manager

**ACTION TAKEN**

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

**ATTACHMENTS:**

Ordinance No. 2018-30
Explanation of Revisions to Code
City Attorney Revisions

**ORDINANCE NO. 2018-30**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING AND REPLACING SECTION 20-28 AMENDMENTS TO THE 2012 INTERNATIONAL FIRE CODE, OF ARTICLE II, FIRE CODE, OF CHAPTER 20 FIRE PREVENTION AND PROTECTION IN ITS ENTIRETY; BY DELETING AND REPLACING SECTION 20-47, OF ARTICLE III. STANDARDS FOR INSTALLATION OF FIRE SPRINKLER SYSTEMS IN ITS ENTIRETY; BY AMENDING SECTION 20-48, AMENDMENTS TO NFPA13D OF ARTICLE III, STANDARDS FOR INSTALLATION OF FIRE SPRINKLER SYSTEMS; BY DELETING SECTION 20-94 OF ARTICLE V. ARSON REWARDS IN ITS ENTIRETY; BY DELETING SECTION 20-95 OF ARTICLE V. ARSON REWARDS IN ITS ENTIRETY; BY DELETING SECTION 20-96 OF ARTICLE V. ARSON REWARDS IN ITS ENTIRETY; BY DELETING SECTION 20-97 OF ARTICLE V. ARSON REWARDS IN ITS ENTIRETY; BY DELETING SECTION 20-98 OF ARTICLE V. ARSON REWARDS IN ITS ENTIRETY; BY DELETING ARTICLE V. ARSON REWARDS IN ITS ENTIRETY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 PER DAY FOR VIOLATION OF ANY PROVISION HEREOF, WITH EACH DAY CONSTITUTING A SEPARATE OFFENSE; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY, AND MAKING OTHER FINDINGS RELATED THERETO.**

* * * * * * * * * *

**WHEREAS,** the City Council of the City of Tomball, Texas finds it to be in the best interest of the health, safety and welfare of its citizens to amend the International Fire Code to be; now, therefore,

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

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

**Section 2.** The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-28, Amendments to the 2012 International Fire Code, of Article II, Fire Code of Chapter 20 fire Prevention and Protection, in its entirety and replacing it with a new Section 20-28, as follows:

"Sec. 20-28. - Amendments to the 2012 International Fire Code.

(a) Section 102.7 of the fire code adopted in section 20-27 is hereby amended to provide as follows:

*102.7 Referenced codes and standards.* The codes and standards referenced in this code shall be those that are listed in chapter 80 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well.

(b) Section 103 is hereby amended by deleting sections 103.1, 103.2 103.3, and 103.4 of said code and substituting therefore a new section 103.1 to provide as follows:

*103.1 Fire Prevention Division.* The Tomball Fire Department, Fire Prevention Division is responsible for the enforcement of this code shall be under the administrative and operational control of the Fire Marshal. The Fire Marshal shall be selected by the fire chief with the approval of the City Manager. The Fire Marshal may appoint deputies to assist him/her, subject to the approval of the Fire Chief.

(c) Section 108 is hereby amended by deleting section 108.3 and substituting therefore a new section 108.3 to provide as follows:

108.3 *Board of Appeals*. The Board of Appeals shall be made up of the members of the City Council of the City of Tomball.

(d) Section 109.4 of said code is hereby amended to provide as follows:

*109.4 Violation penalties.* Any person, firm, corporation, or other entity who violates a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not more than two thousand dollars ($2,000.00). Each day that a violation continues shall constitute a separate offense.

(e) Section 111.4 of said code is hereby amended to provide as follows:

*111.4 Failure to comply.* Any person, firm, corporation, or other entity who shall continue any work after having been served with a stop work order, except such work as that person, firm, corporation, or other entity is directed to perform to remove a violation or unsafe condition, shall be liable for a fine not to exceed two thousand dollars ($2,000.00).

(f) Section 202 of the code is hereby amended by adding and/or changing the following definitions:

*City.* Shall mean the City of Tomball, Texas.

*Fire Chief.* Shall mean the City of Tomball chief of the fire department.

*Fire Code Official.* The fire marshal, or a duly authorized representative, is the designated authority charged by the fire chief with the duties of administration and enforcement of the code.

*Fire Marshal.* See fire code official.

*Fireworks.* Any firecrackers, cannon crackers, skyrockets, torpedoes, roman candles, sparklers, squibs, fire balloons, star shells, gerbs or any other substance in whatever combination by any designated name intended for use in obtaining visible or audible pyrotechnic display; and such term shall include all articles or substances within the commonly accepted meaning of fireworks whether herein specially designated and defined or not.

*Standby Personnel.* Qualified fire service personnel, approved by the fire chief or fire marshal. When utilized, the number required shall be as directed by the fire chief or fire marshal. Charges for utilization shall be as normally calculated by the jurisdiction.

(g) Section 307.2 of said code is hereby amended to provide as follows:

*307.2 Permit required.* A permit shall be obtained from the fire code official in accordance with section 105.6 prior to kindling a fire for recognized silvicultural practices, prevention or control of disease or pests. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Examples of state or local law, or regulations referenced elsewhere in this section may include but not be limited to the following:

1. Texas Commission on Environmental Quality guidelines and/or restrictions.

2. State, county or local temporary or permanent bans on open burning.

3. Local written policies as established by the code official.

(h) Section 307.2.1 of said code is hereby added to provide as follows:

307.2.1. Open burning is prohibited within the city limits of Tomball unless a permit has been issued by the fire marshal for ceremonial fires, trench burning operations for major land clearing, and the prevention or disposal of diseased livestock. A permit is not required for barbeque pits and approved outdoor fireplaces, which are used for its actual design and intent and used in accordance with this code.

(i) Section 307.2.2 of said code is hereby amended to provide as follows:

*307.2.2 Trench Burns.* Trench burns shall be conducted in air curtain trenches and in accordance with section 307.2.

(j) Section 307.4 of said code is hereby amended to provide as follows:

*307.4 Location.* The location for open burning shall not be less than 300 feet (91,440 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 300 feet (91,440 mm) of any structure.

(k) Section 307.4.1 of said code is hereby deleted in its entirety.

(l) Section 307.4.2 of said code is hereby deleted in its entirety.

(m) Section 307.5 of said code is hereby amended to provide as follows:

*307.5 Attendance.* Trench burns or ceremonial fires shall be constantly attended until the fire is completely extinguished. A minimum of one portable fire extinguisher complying with section 906 with a minimum 4-A rating or other approved on site fire extinguishing equipment, such as dirt, sand, water, garden hose or water truck, shall be available for immediate utilization. A permit is required from the fire marshal's office, prior to the ignition of any said fire. The fire marshal may require a dedicated standby of qualified personnel to assist in the supervision.

(n) Section 308.1.2 of said code is hereby amended to provide as follows:

*308.1.2 Throwing or placing sources of ignition.* No person shall throw, sail, launch, or place, or cause to be thrown, sailed, launched, or placed, a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.

(o) Section 308.1.4 of said code is hereby amended to provide as follows:

*308.1.4 Open-flame cooking devices.* Charcoal burners and other open-flame cooking devices used for cooking or recreational uses shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

No permit is required for this operation.

Exceptions:

1. One and two-family dwellings.

(p) Section 404 of said code is hereby amended to as follows:

*404.6 Evacuation plan retention box.* Where determined by the fire code official, certain occupancies shall install an approved repository of records containing the evacuation plans, floor plans, emergency cut-offs and other pertinent information to the building.

(q) Section 503.2.1 of said code is hereby amended to provide as follows:

*503.2.1 Dimensions.* Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7315 mm) and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

(r) Section 503.3 of said code is hereby amended to provide as follows:

*503.3 Marking.* Approved striping or, when allowed by the code official, signs, or both, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs and striping shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

1. Striping—Fire apparatus access roads shall be marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words lettered "FIRE LANE—NO PARKING—TOW AWAY ZONE" shall appear in four inch (4") white letters on the red border markings along both sides of the fire lanes. Where a curb is available, the stripping shall be on the vertical face of the curb.

2. Signs—Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be 12" wide and 18" high. Signs shall be painted on a white

background with letters and borders in red, using not less than 2" lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6'6") above finished grade. Signs shall be spaced not more than thirty feet (30') apart. Signs may be installed on permanent buildings or walls or as approved by the fire marshal.

(s) Section 503.4 of said code is hereby amended to provide as follows:

*503.4 Obstruction of fire apparatus access roads.* Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in section 503.2.1, and any area marked as a fire lane as described in section 503.3, shall be maintained at all times. This shall include painted fire lanes or tow away zones maintained and/or managed by a company or firm.

(t) Section 506 of said code is hereby deleted and a new section 506 is substituted therefore to provide as follows:

*506.1 Key boxes required.* The following structures and/or properties shall be equipped with an approved key lock security system box or electronic override key switch at or near the main entrance or such other location as required by the fire marshal:

1. Structures that are either equipped with, or required to be equipped with, fire sprinkler systems or fire detection alarm systems that report to an alarm monitoring center;

2. Multifamily residential structures that have restricted access through locked doors or gates and that have a common area or corridor for access to the living units;

3. Buildings, regardless of use or occupancy, that contains four (4) or more occupancies within the same structure that have separate entryways and exit ways that are separated by tenant space and/or have restricted common entryways and exit ways into the common area of the building;

4. Properties having mechanical gates that control vehicular and pedestrian access to commercial property or to streets in subdivisions, apartment complexes, condominiums or other residential developments which contain more than two residential units; or

5. Commercial property with parking garages or secured parking and storage unit areas that will restrict access for emergency services.

6. In new and existing buildings where an elevator is provided, an approved box suitable for the storage of elevator keys and shall be located near the elevator car.

7. For any building above two stories or any Group E, H, I occupancy, including buildings used for higher education; a box shall be provided in an approved location for the storage of building specific data, not limited to floor plans, MSDS information and equipment disconnects to assist with emergency operations.

*506.3 Type of key lock box required.* The fire marshal shall designate the type of key lock box system to be implemented within the city and shall have the authority to require all structures and/or property to use the designated system.

*506.4 Access to buildings.* The owner or operator of a structure and/or property required to have a key lock box shall at all times keep the required keys in the lock box that will allow for access to the structure, required rooms and/or property. Required keys shall not include keys to individual living units.

(u) Section 807.4.4.2 of said code is hereby amended by adding an exception to provide as follows:

Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with section 903.3.1.1 shall be limited to 50 percent of the wall area.

(v) Section 901.7 of said code is hereby amended to provide as follows:

*901.7 Systems out of service.* Where a required fire protection system is out of service or in the event of an excessive number of activations, the fire department and the code official shall be notified immediately and, where required by the code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.

(w) Section 903 Automatic Sprinkler System of said code is hereby amended by deleting the following exceptions.

Section 903.2.10

Section 903.2.11.3, exception #1 and #2 only

Section 903.4, exceptions #1 and #3 only

(x) Section 903.2 of said code is hereby amended by adding the following paragraphs:

Any building or individual suite in a multitenant strip center, having a fire area and/or occupant load greater than that allowed by the code shall be provided with an automatic fire sprinkler system if it is determined that an amount greater or equal to fifty percent (50%) of the properties appraised value is effected by a manmade or natural disaster, including fire.

(y) Section 903.3.1.2 of said code is hereby amended to provide as follows:

*903.3.1.2 NFPA 13R sprinkler systems.* Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13R. However, sprinkler protection is required in attic spaces, and elevator control rooms of such buildings three or more stories in height.

(z) Section 903.3.5.1 of said code is hereby amended by adding a second paragraph to provide as follows:

Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every fire protection system shall be designed with a 10-psi safety factor.

(aa) Section 907.1.3 of said code is hereby amended by adding the following section:

*907.1.3.1 Design Standards.* All fire alarm systems new or replacement serving fifty (50) or more alarm actuating devices shall be intelligent addressable fire detection systems.

Exception: Existing systems need not comply unless a building remodel or expansion initiated after the effective date of this code, as adopted, causes the total fire area to exceed the square footage of the building in the applicable sections of this code.

(bb) Section 907.2 of said code is hereby amended to provide as follows:

*907.2 Where required—New buildings and structures.* A manual and automatic fire alarm system shall be provided in new buildings and structures other than in Group U occupancies that have a fire area exceeding 5000 square feet in accordance with sections 907.2.1 through 907.2.23. Systems shall be equipped with **at least** one means of automatic activation, and manual activation.

Approved automatic fire detection systems shall be installed in accordance with the provisions of this code and NFPA 72. Devices, combinations of devices, appliances and equipment shall comply with section 907.1.2. The automatic fire detectors shall be smoke detectors, except that an approved alternative type of detector shall be installed in spaces such as boiler rooms where, during normal operation, products of combustion are present in sufficient quantity to actuate a smoke detector.

(cc) Section 907.4 of said code is hereby amended by adding a second sentence to provide as follows:

Manual alarm actuating devices shall be an approved double action type.

(dd) Section 907.6.5 of said code is hereby amended to provide as follows:

*Section 907.6.5 Monitoring.* An approved supervising station in accordance with NFPA 72 fire alarm systems shall monitor all new and existing manual, automatic, or manual and automatic fire alarm system.

(ee) Section 912.1 of said code is hereby amended by adding criteria #1 and #2 to provide as follows:

1. The fire department connection for standpipe systems shall be located remotely.

(ff) Section 1015.1 of said code is hereby amended by adding #4 to the list of requirements.

4. Each individual tenant space in a retail strip center shall be provided with a secondary exit door in an approved location, regardless of travel distance or occupant load.

(gg) Section 5601.1 of said code is hereby amended by deleting the "exceptions" contained in paragraphs numbered 1 through 4 and adding the following sections:

*5601.1.3 Fireworks.* The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the corporate limits of the city.

The possession, manufacture, storage, sale, handling and use of fireworks are declared to be a nuisance and are prohibited within the area immediately adjacent and contiguous to the city limits and extending outside the city limits for a distance of five thousand (5,000) feet unless such area is within the corporate limits of another municipality.

Exceptions:

Only when approved for fireworks displays, storage and handling of fireworks as provided in section 5601.2.4.2 and 5601.4.

The use of fireworks for approved displays as permitted in section 5608.

(hh) Appendix table D103.4 of said code is hereby amended to provide as follows:

*Table D103.4.* Width should be a minimum of 24 feet for lengths up to 500 feet.

(ii) Appendix D103.5 of said code is hereby amended to provide as follows:

*Appendix D103.5.* Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 24 feet.

"(c) Section 109.3 of said code is hereby amended to provide as follows:

*109.3 Violation penalties.* Any person, firm, corporation, or other entity who violates a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not more than two thousand dollars ($2,000.00). Each day that a violation continues shall constitute a separate offense."

**Section 3**. The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-47, NFPA 13, NDP 13D, and NFPA 13R Standards for the Installation of Sprinkler Systems, of Article III, Standards for Installation of Fire Sprinkler Systems, of Chapter 20 fire Prevention and Protection, in its entirety.

**Section 4**. The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-48, Amendments to NFPA 13D, of Article III, Standards for Installation of Fire Sprinkler Systems, of Chapter 20 fire Prevention and Protection, in its entirety and replacing it with a new Section 20-48, as follows:

"Sec. 20-48. - Amendments to NFPA 13D.

(a) Section 3.3.13.2 of NFPA 13 D Is hereby amended by deleting the definition of "Control Valve" and substituting therefore a new definition to provide as follows:

Each system shall have a single control valve arranged to shut off both the domestic system and the sprinkler system, and there shall be a separate shutoff valve for the domestic system only. However, the sprinkler system shall be permitted to have a separate control valve where supervised by a central station or remote station alarm service."

**Section 5**. The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-94. Established, of Article V. Arson Rewards, of Chapter 20 fire Prevention and Protection, in its entirety.

**Section 6**. The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-95. How Offered, of Article V. Arson Rewards, of Chapter 20 fire Prevention and Protection, in its entirety.

**Section 7**. The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-96. Notice, of Article V. Arson Rewards, of Chapter 20 fire Prevention and Protection, in its entirety.

**Section 8**. The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-97. Payment, of Article V. Arson Rewards, of Chapter 20 fire Prevention and Protection, in its entirety.

**Section 9**. The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-98. City Officers, of Article V. Arson Rewards, of Chapter 20 fire Prevention and Protection, in its entirety.

**Section 10**. The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Article V. Arson Rewards, of Chapter 20 fire Prevention and Protection, in its entirety.

**Section 11.** All ordinances in conflict or inconsistent with this ordinance are, to the extent of such conflict or inconsistency, repealed.

**Section 12. Severability**. 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.

**Section 13.** This Ordinance shall take effect fourteen (14) days from and after its passage and the publication of the caption hereof, as provided by law and the City's Home Rule Charter.

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 6TH DAY OF AUGUST 2018.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20TH DAY OF AUGUST 2018

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

_____
Gretchen Fagan, Mayor

ATTEST:

_____
Doris Speer, City Secretary

# Chapter 20 - FIRE PREVENTION AND PROTECTION[1]

Footnotes:

--- (**1**) ---

**Charter reference—** City fire department, § 7.06.

**State Law reference—** Public safety, V.T.C.A., Local Government Code ch. 341 et seq.; safety, V.T.C.A., Health and Safety Code ch. 751 et seq.

## ARTICLE I. - IN GENERAL

### Secs. 20-1—20-24. - Reserved.

## ARTICLE II. - FIRE CODE

### Sec. 20-25. - International Fire Code adopted.

For the purpose of providing regulations consistent with nationally recognized practices for the reasonable protection of life and property from the hazards of fire, the city hereby adopts the International Fire Code, 2012 edition, hereinafter sometimes referred to as the "code," with appendix chapters B through J, as published by the International Code Council, Inc., except such portions as are deleted or amended by this article, and the same are hereby adopted and incorporated as fully as if set out at length herein. One copy of the code is now filed in the office of the city secretary. From the date on which the ordinance from which this article is derived shall take effect, the provisions thereof shall be controlling within the limits of the city and its extraterritorial jurisdiction.

(Code 1993, § 34-71; Ord. No. 2006-01, § 3, 3-6-2006; Ord. No. 2008-03, § 1(34-71), 3-3-2008; Ord. No. 2014-11, § 1(34-71), 5-5-2014)

### Sec. 20-26. - Life Safety Code, NFPA 101.

The NFPA 101, 2012 edition, as published by the National Fire Protection Association, Inc., and as amended herein, is hereby adopted in its entirety with the listed exceptions. A copy of said Life Safety Code is attached to the ordinance from which this article is derived and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary.

(Ord. No. 2008-03, § 1(34-71a), 3-3-2008; Ord. No. 2014-11, § 1(34-71a), 5-5-2014)

### Sec. 20-27. - Gas flare fires.

It shall be unlawful for any person to allow gas flares to burn within the city.

(Code 1993, § 34-73; Ord. No. 2006-01, § 3, 3-6-2006; Ord. No. 2008-03, § 1(34-73), 3-3-2008; Ord. No. 2014-11, § 1(34-73), 5-5-2014)

### Sec. 20-28. - Amendments to the 2012 International Fire Code.

(a) Section 102.7 of the fire code adopted in section 20-27 is hereby amended to provide as follows:

*102.7 Referenced codes and standards.* The codes and standards referenced in this code shall be those that are listed in chapter 80 and such codes and standards shall be considered part of the

requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well.

(b) Section 103 is hereby amended by deleting sections 103.1, 103.2 and 103.3 of said code and substituting therefore a new section 103.1 to provide as follows:

*103.1 Department of Fire Prevention.* The enforcement of this code shall be under the administrative and operational control of the fire marshal. The fire marshal shall be selected by the fire chief and serve in the position at the pleasure of the city council. The fire marshal may appoint deputies to assist him/her, subject to the approval of the fire chief.

Recommend Change to:

*103.1 Fire Prevention Division.* The Tomball Fire Department, Fire Prevention Division is responsible for the enforcement of this code shall be under the administrative and operational control of the Fire Marshal. The Fire Marshal shall be selected by the fire chief with the approval of the City Manager. The Fire Marshal may appoint deputies to assist him/her, subject to the approval of the Fire Chief.

*Justification*

1. *Changing the verbiage to align with that of the City of Tomball ie: Community Development Department*

(c) Section 109.3 of said code is hereby amended to provide as follows:

*109.3 Violation penalties.* Any person, firm, corporation, or other entity who violates a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not more than two thousand dollars ($2,000.00). Each day that a violation continues shall constitute a separate offense.

*Required to enforce and fine for violations. Changed in 2017 to remove enforcement by jail time.*

(d) Section 111.4 of said code is hereby amended to provide as follows:

*111.4 Failure to comply.* Any person, firm, corporation, or other entity who shall continue any work after having been served with a stop work order, except such work as that person, firm, corporation, or other entity is directed to perform to remove a violation or unsafe condition, shall be liable for a fine not to exceed two thousand dollars ($2,000.00).

*Required to enforce and fine for violations.*

(e) Section 202 of the code is hereby amended by adding and/or changing the following definitions:

*City.* Shall mean the City of Tomball, Texas.

*Fire Chief.* Shall mean the City of Tomball chief of the fire department.

*Fire Code Official.* The fire marshal, or a duly authorized representative, is the designated authority charged by the fire chief with the duties of administration and enforcement of the code.

*Fire Marshal.* See fire code official.

*Fireworks.* Any firecrackers, cannon crackers, skyrockets, torpedoes, roman candles, sparklers, squibs, fire balloons, star shells, gerbs or any other substance in whatever combination by any designated name intended for use in obtaining visible or audible pyrotechnic display; and such term shall include all articles or substances within the commonly accepted meaning of fireworks whether herein specially designated and defined or not.

*This defines Fireworks to a layperson.*

~~*High-Rise Building.* A building having any floors used for human occupancy located more than 55 feet (16,764 mm) or three stories above the lowest level of fire department vehicle access.~~

*Brings back to Code Verbiage.*

~~*Self Service Storage Facility.* Real property designated and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.~~

*Recommend Removal as these are defined as S-1 occupancies as per the International Code Council.*

*Standby Personnel.* Qualified fire service personnel, approved by the fire chief or fire marshal. When utilized, the number required shall be as directed by the fire chief or fire marshal. Charges for utilization shall be as normally calculated by the jurisdiction.

*Standby personnel is not defined by the code, however may be required for such events as fireworks displays ot those that may be permitted in section f – l of this chapter.*

(f) Section 307.2 of said code is hereby amended to provide as follows:

*307.2 Permit required.* A permit shall be obtained from the fire code official in accordance with section 105.6 prior to kindling a fire for recognized silvicultural practices, prevention or control of disease or pests. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Examples of state or local law, or regulations referenced elsewhere in this section may include but not be limited to the following:

1. Texas Commission on Environmental Quality guidelines and/or restrictions.

2. State, county or local temporary or permanent bans on open burning.

3. Local written policies as established by the code official.

(g) Section 307.2.1 of said code is hereby added to provide as follows:

307.2.1. Open burning is prohibited within the city limits of Tomball unless a permit has been issued by the fire marshal for ceremonial fires, trench burning operations for major land clearing, and the prevention or disposal of diseased livestock. A permit is not required for barbeque pits and approved outdoor fireplaces, which are used for its actual design and intent and used in accordance with this code.

(h) Section 307.2.2 of said code is hereby amended to provide as follows:

*307.2.2 Trench Burns.* Trench burns shall be conducted in air curtain trenches and in accordance with section 307.2.

(i) Section 307.4 of said code is hereby amended to provide as follows:

*307.4 Location.* The location for open burning shall not be less than 300 feet (91,440 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 300 feet (91,440 mm) of any structure.

(j) Section 307.4.1 of said code is hereby deleted in its entirety.

*Deals with the location of a bonfire which is not permitted by 307.2.1*

(k) Section 307.4.2 of said code is hereby deleted in its entirety.

*Defines and describes locations for Recreational fires that are not permitted by 307.2.1*

(l) Section 307.5 of said code is hereby amended to provide as follows:

*307.5 Attendance.* Trench burns or ceremonial fires shall be constantly attended until the fire is completely extinguished. A minimum of one portable fire extinguisher complying with section 906 with a minimum 4-A rating or other approved on site fire extinguishing equipment, such as dirt, sand, water, garden hose or water truck, shall be available for immediate utilization. A permit is required from the fire marshal's office, prior to the ignition of any said fire. The fire marshal may require a dedicated standby of qualified personnel to assist in the supervision.

*Adds the highlighted verbiage and ties back to the standby personnel verbiage.*

(m) Section 308.1.2 of said code is hereby amended to provide as follows:

*308.1.2 Throwing or placing sources of ignition.* No person shall throw, sail, launch, or place, or cause to be thrown, sailed, launched, or placed, a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.

*Adds additional verbiage of sail, launch and related verbiage. This would be an item such as a Sky Lantern.*

(n) Section 308.1.4 of said code is hereby amended to provide as follows:

*308.1.4 Open-flame cooking devices.* Charcoal burners and other open-flame cooking devices used for cooking or recreational uses shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

No permit is required for this operation.

Exceptions:

1. One and two-family dwellings.

*Removes verbiage from the code related to small cooking devices such as a camping stove and balconies. Also adds recreational devices, such as a chiminea, and defines the distance from a building of combustible construction.*

(o) Section 404.6 of said code is hereby amended to provide as follows:

*404.6 Evacuation plan retention box.* Where determined by the fire code official, certain occupancies shall install an approved repository of records containing the evacuation plans, floor plans, emergency cut-offs and other pertinent information to the building.

*Cleans up to align with the code Section 404 is Fire Safety and Evacuation Plans.*

(p) Section 503.2.1 of said code is hereby amended to provide as follows:

*503.2.1 Dimensions.* Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7315 mm) and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

*Originally, 20 feet, and 13ft 6"; due to height of apparatus and width these should remain the same to align with Chapter 50 Zoning. Our apparatus height is 14'.*

(q) Section 503.3 of said code is hereby amended to provide as follows:

*503.3 Marking.* Approved striping or, when allowed by the code official, signs, or both, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs and striping shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

1. Striping—Fire apparatus access roads shall be marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words lettered "FIRE LANE—NO PARKING—TOW AWAY ZONE" shall appear in four inch (4") white letters on the red border markings along both sides of the fire lanes. Where a curb is available, the stripping shall be on the vertical face of the curb.

2. Signs—Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be 12" wide and 18" high. Signs shall be painted on a white background with letters and borders in red, using not less than 2" lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6'6") above finished grade. Signs shall be spaced not more than thirty feet (30') apart. Signs may be installed on permanent buildings or walls or as approved by the fire marshal.

*An addition was made to include the verbiage Tow Away Zone. This allows the property owner to handle the situation appropriately without city involvement.*

(r) Section 503.4 of said code is hereby amended to provide as follows:

*503.4 Obstruction of fire apparatus access roads.* Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in section 503.2.1, and any area marked as a fire lane as described in section 503.3, shall be maintained at all times. This shall include painted fire lanes or tow away zones maintained and/or managed by a company or firm.

*Definition of FIRE APPARATUS ACCESS ROAD. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway.*

*Adds highlighted verbiage. This allows for ticketing in streets blocked by cars or other obstructions by Code Enforcement or the Fire Prevention Division.*

(s) Section 506 of said code is hereby deleted and a new section 506 is substituted therefore to provide as follows:

*506.1 Key boxes required.* The following structures and/or properties shall be equipped with an approved key lock security system box or electronic override key switch at or near the main entrance or such other location as required by the fire marshal:

1. Structures that are either equipped with, or required to be equipped with, fire sprinkler systems or fire detection alarm systems that report to an alarm monitoring center;

2. Multifamily residential structures that have restricted access through locked doors or gates and that have a common area or corridor for access to the living units;

3. Buildings, regardless of use or occupancy, that contains four (4) or more occupancies within the same structure that have separate entryways and exit ways that are separated by tenant space and/or have restricted common entryways and exit ways into the common area of the building;

4. Properties having mechanical gates that control vehicular and pedestrian access to commercial property or to ~~private~~ streets in subdivisions, apartment complexes,

condominiums or other residential developments which contain more than two residential units; or

5. Commercial property with parking garages or secured parking and storage unit areas that will restrict access for emergency services.

6. In new and existing buildings where an elevator is provided, an approved box suitable for the storage of elevator keys and shall be located near the elevator car.

7. For any building above two stories or any Group E, H, I occupancy, including buildings used for higher education; a box shall be provided in an approved location for the storage of building specific data, not limited to floor plans, MSDS information and equipment disconnects to assist with emergency operations.

*506.3 Type of key lock box required.* The fire marshal shall designate the type of key lock box system to be implemented within the city and shall have the authority to require all structures and/or property to use the designated system.

*506.4 Access to buildings.* The owner or operator of a structure and/or property required to have a key lock box shall at all times keep the required keys in the lock box that will allow for access to the structure, required rooms and/or property. Required keys shall not include keys to individual living units.

*Removes section 506 KEY BOXES and allows for the continuation of the Knox Box Program and should not be changed. The one removal of streets allows for all streets within the city that are formed under a PID and become city streets.*

~~(t) Section 509.2 of said code is hereby amended by adding a second paragraph as follows:~~

~~In new buildings equipped or required to be equipped with an automatic fire sprinkler system, access to the fire sprinkler control valves shall be provided directly through an exterior door.~~

*Removal and returning to code verbiage.*

(u) Section 807.4.4.2 of said code is hereby amended by adding an exception to provide as follows:

Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with section 903.3.1.1 shall be limited to 50 percent of the wall area.

*This keeps flammable materials to a maximum of 50% of a wall area in day cares. It expands the 20% requirement mandated in the code for non-sprinkled facilities.*

(v) Section 901.7 of said code is hereby amended to provide as follows:

*901.7 Systems out of service.* Where a required fire protection system is out of service or in the event of an excessive number of activations, the fire department and the code official shall be notified immediately and, where required by the code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.

*Allows for areas such as the movie theater to continue operations in the event of excessive alarms. Excessive alarms were added due to the crywolf system.*

(w) Section 902.1 of said Code is hereby amended by changing the following definition:

~~*Fire area.* The aggregate floor area enclosed and bounded by fire walls, exterior walls or horizontal assemblies of a building. Areas of the building not provided with surrounding walls shall be included in the fire area if such areas are included within the horizontal projection of the roof or floor next above.~~

*Returning to code verbiage. FIRE AREA. The aggregate floor area enclosed and bounded by fire walls, fire barriers, exterior walls or horizontal assemblies of a building. Areas of the building not provided with surrounding walls shall be included in the fire area if such areas are included within the horizontal projection of the roof or floor next above.*

(x) Section 903 Automatic Sprinkler System of said code is hereby amended by deleting the following exceptions.

Section 903.2.10

Section 903.2.11.3, exception #1 and #2 only

Section 903.4, exceptions #1 and #3 only

~~(y) Section 903.2 of said code is hereby amended by adding the following paragraphs:~~

~~Any building having a gross floor area of more than 12,000 square feet (1115 m$^{2}$) must be provided with an approved automatic sprinkler system throughout the building if, as a result of any addition, the total gross floor area of the building will exceed 12,000 square feet (1115 m$^{2}$) following the addition, regardless of existing firewall separation.~~

~~Exception:~~

~~1. Existing retail strip center buildings containing more than 5 spaces, regardless of occupancy use.~~

~~2. F-2 Occupancies~~

~~Any building or individual suite in a multitenant strip center, having a fire area and/or occupant load greater than that allowed by the code shall be provided with an automatic fire sprinkler system if it is determined that an amount greater or equal to fifty percent (50%) of the properties appraised value is effected by a manmade or natural disaster, including fire.~~

~~(z) Section 903.2.4 of said code is hereby amended to provide as follows:~~

~~*Section 903.2.4 Group F-1 and F-*2. An automatic sprinkler system shall be provided throughout all newly constructed buildings containing Group F-1 or Group F-2 occupancy where one of the following exists:~~

~~1: Where the Group F-1 or Group F-2 fire area exceeds 12,000 square feet;~~

~~2: Where the Group F-1 or Group F-2 fire area contains more than one story above grade; or~~

~~3: Where the combined area of all Group F-1 or Group F-2 fire areas on all floors, including any mezzanines, exceeds 12,000 square feet.~~

~~4. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet (232 m2).~~

~~(aa) Section 903.2.7 of said code is hereby amended to provide as follows:~~

~~*903.2.7 Group M and Group B.* An automatic sprinkler system shall be provided throughout all newly constructed buildings containing Group M and Group B occupancy where one of the following conditions exists:~~

1: Where a Group M or Group B fire area exceeds 12,000 square feet;

2: Where a Group M or Group B fire area contains occupancy space that is located more than two stories above grade; or

3: Where the combined area of all Group M or Group B fire areas on all floors, including any mezzanines, exceeds 12,000 square feet.

(bb) Section 903.2.9.1 of said code is hereby amended to provide as follows:

*903.2.9.1 Repair garages.* An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with the International Building Code, as shown:

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5,000 square feet.

2. Buildings no more than one story above grade plane, with a fire area containing a repair garage exceeding 5,000 square feet (1115 $m^2$).

3. Buildings with repair garages servicing vehicles parked in basements.

4. A Group S-1 fire area used for the repair of commercial trucks or buses where the fire area exceeds 5,000 square feet

(cc) Section 903.2.9.3 of said code is hereby amended to provide as follows:

*903.2.9.3 Self-service storage facility.* An automatic sprinkler system shall be installed throughout all newly constructed self-service storage buildings exceeding 5000 square feet per fire area when access to each storage space is only available from an interior corridor.

*Removing and returning to code verbiage.*

(dd) Section 903.2.11 of said code is hereby amended by changing section 903.2.11.3, and adding sections 903.2.11.3.1, 903.2.11.6.1 and 903.2.11.6.2, to provide as follows:

*903.2.11.3 Buildings more than thirty feet (30') or three (3) stories in height.*

An automatic sprinkler system shall be installed throughout all newly constructed buildings with a floor level, other than penthouses in compliance with section 1509 of the International Building Code that is located thirty feet (30') or three (3) stories or more above the lowest level of fire department vehicle access.

Exceptions:

1. Airport control towers.

*903.2.11.3.1 High-Piled Combustible Storage.* For any building with a clear height exceeding twelve feet (12'), see chapter 23 to determine if those provisions apply.

*903.2.11.6.1 Spray Booths and Rooms.* New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

*903.2.11.6.2 Mixing Room.* New and existing mixing booths shall be protected by an approved automatic fire-extinguishing system.

*Removing and Returning to code verbiage*

(ee) Section 903.3.1.2 of said code is hereby amended to provide as follows:

*903.3.1.2 NFPA 13R sprinkler systems.* Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13R. However, sprinkler protection is required in attic spaces, and elevator control rooms of such buildings three or more stories in height.

(ff) Section 903.3.5.1 of said code is hereby amended by adding a second paragraph to provide as follows:

Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every fire protection system shall be designed with a 10-psi safety factor.

~~(gg) Section 906.2 of the said code is hereby amended as by deleting the exceptions.~~

*Returning to Code Verbiage.*

(hh) Section 907.1.3 of said code is hereby amended by adding the following section:

*907.1.3.1 Design Standards.* All fire alarm systems new or replacement serving fifty (50) or more alarm actuating devices shall be intelligent addressable fire detection systems.

Exception: Existing systems need not comply unless a building remodel or expansion initiated after the effective date of this code, as adopted, causes the total fire area to exceed the square footage of the building in the applicable sections of this code.

(ii) Section 907.2 of said code is hereby amended to provide as follows:

*907.2 Where required—New buildings and structures.* A manual and automatic fire alarm system shall be provided in new buildings and structures other than in Group U occupancies that have a fire area exceeding 5000 square feet in accordance with sections 907.2.1 through 907.2.23. Systems shall be equipped with at least one means of automatic activation, and manual activation.

Approved automatic fire detection systems shall be installed in accordance with the provisions of this code and NFPA 72. Devices, combinations of devices, appliances and equipment shall comply with section 907.1.2. The automatic fire detectors shall be smoke detectors, except that an approved alternative type of detector shall be installed in spaces such as boiler rooms where, during normal operation, products of combustion are present in sufficient quantity to actuate a smoke detector.

*Adding the verbiage, at least, to*

(jj) Section 907.4 of said code is hereby amended by adding a second sentence to provide as follows:

Manual alarm actuating devices shall be an approved double action type.

*This allows places such as a daycare a prealert when a child pulls the 1st box off.*

(kk) Section 907.6.5 of said code is hereby amended to provide as follows:

*Section 907.6.5 Monitoring.* An approved supervising station in accordance with NFPA 72 fire alarm systems shall monitor all new and existing manual, automatic, or manual and automatic fire alarm system.

*Brings inline with NFPA 72*

(ll) Section 912.1 of said code is hereby amended by adding criteria #1 and #2 to provide as follows:

~~1. Fire department connections to the fire sprinkler system shall consist of a five inch (5") "Storz" type adapter as approved by the code official.~~

~~a. Exception: NFPA 13D installed sprinkler systems.~~

2. The fire department connections for standpipe systems shall be located remotely, ~~at a distance no greater than 100 feet to the nearest fire hydrant.~~

*Standpipe systems are those that are utilized by firefighters in certain buildings to extend hose lengths. A firefighter will connect to a standpipe to fight a fire in a remotely located area of a building. By locating these away from the building if there is a collapse between the fire department apparatus and the building will allow for additional time for firefighters to safely exit or remain in place until they are rescued.*

~~(mm) Section 1011.1 of said code is hereby amended by adding criteria #1 to provide as follows:~~

~~Buildings two (2) or more stories in height shall provide secondary exits signs located near each exit access. These signs shall be mounted no higher than sixteen inches (16") from the finished floor surface to the bottom of the sign. Approved signs may be self-luminescent for means of illumination.~~

*Returning to code verbiage.*

(nn)Section 1015.1 of said code is hereby amended by adding #4 to the list of requirements.

4. Each individual tenant space in a retail strip center shall be provided with a secondary exit door in an approved location, regardless of travel distance or occupant load.

~~(oo) Section 2404.4 of said code is hereby amended to provide as follows:~~

~~*2404.4 Fire Protection.* New and existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system complying with chapter 9 which shall also protect exhaust plenums, exhaust ducts and both sides of dry filters when such filters are used.~~

~~(pp) Section 3202 of said code is hereby amended by adding a second paragraph to the definition of "High-Piled Combustible Storage" to provide as follows:~~

~~Any building exceeding 3,000 square feet that has a clear height in excess of 12 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high piled storage and shall comply with the provisions of this section. When a specific product cannot be identified, a fire protection system shall be installed as for Class IV commodities, to the maximum pile height~~.

*Returning to code verbiage.*

(qq) Section 5601.1 of said code is hereby amended by deleting the "exceptions" contained in paragraphs numbered 1 through 4 and adding the following sections:

*5601.1.3 Fireworks.* The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the corporate limits of the city.

The possession, manufacture, storage, sale, handling and use of fireworks are declared to be a nuisance and are prohibited within the area immediately adjacent and contiguous to the city limits and extending outside the city limits for a distance of five thousand (5,000) feet unless such area is within the corporate limits of another municipality.

Exceptions:

Only when approved for fireworks displays, storage and handling of fireworks as provided in section 5601.2.4.2 and 5601.4.

The use of fireworks for approved displays as permitted in section 5608.

~~(rr) Section 5605.1 of said code is hereby deleted.~~

*Returning to Code Verbiage, as we now have zoning.*

(ss) Appendix table D103.4 of said code is hereby amended to provide as follows:

*Table D103.4.* Width should be a minimum of 24 feet for lengths up to 500 feet.

*Keeps inline with requirement for fire lane and zoning*

(tt) Appendix D103.5 of said code is hereby amended to provide as follows:

*Appendix D103.5.* Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 24 feet.

*Keeps inline with requirement for fire lane and zoning*

(Code 1993, § 34-74; Ord. No. 2006-01, § 3, 3-6-2006; Ord. No. 2008-03, § 1(34-74), 3-3-2008; Ord. No. 2014-11, § 1(34-71), 5-5-2014; Ord. No. 2016-19, § 1, 9-6-2016; Ord. No. 2017-32, § 2, 10-2-2017)

Secs. 20-29—20-46. - Reserved.

ARTICLE III. - STANDARDS FOR INSTALLATION OF FIRE SPRINKLER SYSTEMS

~~Sec. 20-47. - NFPA 13, NFPA 13D, and NFPA 13R standards for the installation of sprinkler systems.~~

~~(a) The NFPA 13, NFPA 13D, and NFPA 13R Standards, hereinafter sometimes referred to as the "standards", as published by the National Fire Protection Association, Inc., and as amended herein, are hereby adopted.~~

~~(b) Sprinkler systems shall comply with the most recent edition of applicable standards at the time of installation. A copy of said standards is attached to the ordinance from which this section is derived and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary.~~

~~(Code 1993, § 34-91; Ord. No. 2006-01, § 4, 3-6-2006; Ord. No. 2008-03, § 1(34-91), 3-3-2008; Ord. No. 2014-11, § 1(34-91), 5-5-2014)~~

*Returning to NFPA verbiage and requirements.*

Sec. 20-48. - Amendments to NFPA 13D.

~~(a) Section 3.3.13.1 of NFPA 13 D is hereby amended by deleting the definition of "Check Valve" and substituting therefor a new definition to provide as follows:~~

~~*Double Check Valve.* A valve that allows flow in one direction only, on the system side~~.

*This is redundant as it is required by Public Works for any connection to the system.*

(b) Section 3.3.13.2 of NFPA 13 D Is hereby amended by deleting the definition of "Control Valve" and substituting therefore a new definition to provide as follows:

Each system shall have a single control valve arranged to shut off both the domestic system and the sprinkler system, and there shall be a separate shutoff valve for the domestic system only. However, the sprinkler system shall be permitted to have a separate control valve where supervised by a central station or remote station alarm service.

~~(c) Section 8.3.1 of NFPA 13D is here by amended to provide as follows:~~

~~8.3.1 Sprinklers shall be installed in all areas.~~

*Removing and returning to NFPA Requirements.*

(Code 1993, § 34-92; Ord. No. 2006-01, § 4, 3-6-2006; Ord. No. 2008-03, § 1(34-92), 3-3-2008; Ord. No. 2014-11, § 1(34-92), 5-5-2014)

Secs. 20-49—20-69. - Reserved.

ARTICLE IV. - FIRE LANES

Sec. 20-70. - Definitions.

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

*Fire lane* means any area appurtenant to entrances or exits of a building deemed necessary by the fire marshal to remain free and clear of parked vehicles for access to such building in case of fire or other emergency and designated by him as such, and may, in the discretion of the fire marshal include sidewalks, driveways, portions of parking lots, or any other area adjacent to or near the entrances or exits to any building.

*Hospital* means any public or private hospital, convalescent home or nursing home.

*Shopping center* means a group of commercial business establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property, and related in location, size, and types of shops to the trade area that the unit serves.

(Code 1993, § 34-93; Ord. No. 2006-01, § 5, 3-6-2006)

Sec. 20-71. - Designation and location.

The fire marshal is hereby authorized to designate fire lanes on the property of shopping centers and hospitals, appurtenant to buildings or the entrances or exits to stores, groups of stores or buildings, where in his opinion, such areas must be kept free of parked vehicles and other obstructions to provide ready access to such stores, groups of stores, or buildings, in case of fire or other emergencies. The designation by the fire marshal of such fire lanes shall never be held to make the city responsible for the maintenance of such fire lanes on private property, but the owner of such property shall continue to be responsible for the maintenance of such area. The official record of the designation and location of any such fire lanes shall be kept in the office of the fire marshal of the city and under the custody and control of the fire marshal.

(Code 1993, § 34-94; Ord. No. 2006-01, § 5, 3-6-2006)

Sec. 20-72. - Fire lane marking.

Upon the designation of a fire lane pursuant to section 20-71, the fire marshal shall give notice of such designation to the owner of such shopping center or hospital, directing the owner to cause signs to be posted at the expense of the owner, at either extremity of such fire lanes, lettered "Fire Lane—No Parking—Tow Away Zone." Such signs shall be of a standard size and color, of standard lettering and mounting, such standards of size, coloring and lettering to conform to patterns, drawings or samples of same to be obtained from the city department of traffic and transportation of the city and such standards

of mounting, including, but not limited to, the height above the grade at which such sign is to be mounted, to be adopted by the fire marshal.

(Code 1993, § 34-95; Ord. No. 2006-01, § 5, 3-6-2006)

Sec. 20-73. - Proposed construction; submittal of plot plans.

The building inspector of the city shall hereafter submit plot plans of proposed shopping center or hospital construction, prior to the issuance of a building permit thereon, to the fire marshal for his review and approval of the adequacy of fire lanes provided therefor.

(Code 1993, § 34-96; Ord. No. 2006-01, § 5, 3-6-2006)

Sec. 20-74. - Parking prohibited within fire lane.

When signs are erected giving notice thereof, it shall be unlawful for the owner or operator of any motor vehicle to allow, cause or permit such vehicle to remain standing or parked within any fire lane hereafter designated by the fire marshal.

(Code 1993, § 34-97; Ord. No. 2006-01, § 5, 3-6-2006)

Sec. 20-75. - Summons.

Any summons or notice to appear in answer to a charge of parking in violation of section 20-74 shall be issued on official forms therefor prescribed by the city. Such summons or notice shall require the appearance of the violator before the city court and all fines paid by the violator shall be paid to the municipal court clerk's department. The summons or notice to appear in answer to a charge of parking in violation of section 20-74, specifying the location of the fire lane in which such violation occurred and the date and time of such violation, may be issued by the fire marshal's office or any member of the city police department otherwise empowered to issue tickets for parking violations.

(Code 1993, § 34-98; Ord. No. 2006-01, § 5, 3-6-2006)

Secs. 20-76—20-93. - Reserved.

~~ARTICLE V. - ARSON REWARDS~~

~~Sec. 20-94. - Established.~~

~~The mayor is hereby empowered to offer a reward of $250.00, payable to the person who shall be responsible for the arrest and conviction of any person committing in the city the crime of arson as the same is now defined by the state Penal Code.~~

~~(Code 1978, § 8-1; Code 1993, § 34-1)~~

~~**State Law reference** — Arson generally, V.T.C.A., Penal Code § 28.02; crime stoppers, V.T.C.A., Government Code ch. 414.~~

~~Sec. 20-95. - How offered.~~

~~Whenever the mayor shall be informed that any fire occurring in the city was of an incendiary origin, he shall call for a report on the same by the city fire marshal, and if the marshal shall report that such fire was caused by the commission of the crime of arson, it shall become the duty of the mayor to offer the reward provided by section 20-94, which reward shall be in the form of a proclamation duly issued by the mayor under his official signature and attested by the seal of the city.~~

~~(Code 1978, § 8-2; Code 1993, § 34-2)~~

~~Sec. 20-96. - Notice.~~

~~(a) The city secretary is hereby directed to have prepared and posted an arson reward notice on placards eight inches by 12 inches in size showing the following reward notice:~~

~~"Arson Reward. The City of Tomball, Texas, hereby offers the reward of $250.00 for the arrest and conviction of any person or persons found guilty of committing the crime of arson within the corporate limits of the City of Tomball, Texas. This reward is a standing offer and shall be paid out of the general fund of the City of Tomball, Texas."~~

~~(b) Such placards shall be placed in wooden frames under glass and shall be posted inside at least six different public buildings within the city, one of which shall be the city hall, in accordance with the regulations of the state fire insurance department.~~

~~(Code 1978, § 8-3; Code 1993, § 34-3)~~

~~Sec. 20-97. - Payment.~~

~~Upon information being given by any person causing the arrest and conviction of any person guilty of the specific crime of arson, and upon the final conviction of such person, the person giving such information shall be entitled to receive the reward offered in section 20-94 from the city.~~

~~(Code 1978, § 8-4; Code 1993, § 34-4)~~

~~Sec. 20-98. - City officers.~~

~~No officer in the employ of the city, county or state, whose duty it is to detect violations of the law or make arrests in connection therewith, shall be entitled to any reward for information leading to the arrest or conviction of any person guilty of arson.~~

~~(Code 1978, § 8-5; Code 1993, § 34-5)~~

*This was adopted in 1978, prior to CrimeStoppers, it is recommended that this be removed as CrimeStoppers could handle this situation.*

**ORDINANCE NO. 2018-30**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING AND REPLACING SECTION 20-28 AMENDMENTS TO THE 2012 INTERNATIONAL FIRE CODE, OF ARTICLE II, FIRE CODE, OF CHAPTER 20 FIRE PREVENTION AND PROTECTION IN ITS ENTIRETY; BY DELETING AND REPLACING SECTION 20-47, OF ARTICLE III. STANDARDS FOR INSTALLATION OF FIRE SPRINKLER SYSTEMS IN ITS ENTIRETY; BY AMENDING SECTION 20-48, AMENDMENTS TO NFPA13D OF ARTICLE III, STANDARDS FOR INSTALLATION OF FIRE SPRINKLER SYSTEMS; BY DELETING SECTION 20-94 OF ARTICLE V. ARSON REWARDS IN ITS ENTIRETY; BY DELETING SECTION 20-95 OF ARTICLE V. ARSON REWARDS IN ITS ENTIRETY; BY DELETING SECTION 20-96 OF ARTICLE V. ARSON REWARDS IN ITS ENTIRETY; BY DELETING SECTION 20-97 OF ARTICLE V. ARSON REWARDS IN ITS ENTIRETY; BY DELETING SECTION 20-98 OF ARTICLE V. ARSON REWARDS IN ITS ENTIRETY; BY DELETING ARTICLE V. ARSON REWARDS IN ITS ENTIRETY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 PER DAY FOR VIOLATION OF ANY PROVISION HEREOF, WITH EACH DAY CONSTITUTING A SEPARATE OFFENSE; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY, AND MAKING OTHER FINDINGS RELATED THERETO.**

* * * * * * * * * *

**WHEREAS,** the City Council of the City of Tomball, Texas finds it to be in the best interest of the health, safety and welfare of its citizens to amend the International Fire Code to be; now, therefore,

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

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

**Section 2.** The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-28, Amendments to the 2012 International Fire Code, of Article II, Fire Code of Chapter 20 fire Prevention and Protection, in its entirety and replacing it with a new Section 20-28, as follows:

"Sec. 20-28. - Amendments to the 2012 International Fire Code.

(a) Section 102.7 of the fire code adopted in section 20-27 is hereby amended to provide as follows:

*102.7 Referenced codes and standards.* The codes and standards referenced in this code shall be those that are listed in chapter 80 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well.

(b) Section 103 is hereby amended by deleting sections 103.1, 103.2 ~~and~~ 103.3, and 103.4 of said code and substituting therefore a new section 103.1 to provide as follows:

*103.1 Fire Prevention Division.* The Tomball Fire Department, Fire Prevention Division is responsible for the enforcement of this code shall be under the administrative and operational control of the Fire Marshal. The Fire Marshal shall be selected by the fire chief with the approval of the City Manager. The Fire Marshal may appoint deputies to assist him/her, subject to the approval of the Fire Chief.

(c) Section 108 is hereby amended by deleting section 108.3 and substituting therefore a new section 108.3 to provide as follows:

108.3 *Board of Appeals*. The Board of Appeals shall be made up of the members of the City Council of the City of Tomball.

(~~c~~d) Section 109.~~3~~4 of said code is hereby amended to provide as follows:

*109.~~3~~4 Violation penalties.* Any person, firm, corporation, or other entity who violates a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not more than two thousand dollars ($2,000.00). Each day that a violation continues shall constitute a separate offense.

(~~d~~e) Section 111.4 of said code is hereby amended to provide as follows:

*111.4 Failure to comply.* Any person, firm, corporation, or other entity who shall continue any work after having been served with a stop work order, except such work as that person, firm, corporation, or other entity is directed to perform to remove a violation or unsafe condition, shall be liable for a fine not to exceed two thousand dollars ($2,000.00).

(~~e~~f) Section 202 of the code is hereby amended by adding and/or changing the following definitions:

*City.* Shall mean the City of Tomball, Texas.

*Fire Chief.* Shall mean the City of Tomball chief of the fire department.

*Fire Code Official.* The fire marshal, or a duly authorized representative, is the designated authority charged by the fire chief with the duties of administration and enforcement of the code.

*Fire Marshal.* See fire code official.

*Fireworks.* Any firecrackers, cannon crackers, skyrockets, torpedoes, roman candles, sparklers, squibs, fire balloons, star shells, gerbs or any other substance in whatever combination by any designated name intended for use in obtaining visible or audible pyrotechnic display; and such term shall include all articles or substances within the commonly accepted meaning of fireworks whether herein specially designated and defined or not.

*Standby Personnel.* Qualified fire service personnel, approved by the fire chief or fire marshal. When utilized, the number required shall be as directed by the fire chief or fire marshal. Charges for utilization shall be as normally calculated by the jurisdiction.

(~~f~~g) Section 307.2 of said code is hereby amended to provide as follows:

*307.2 Permit required.* A permit shall be obtained from the fire code official in accordance with section 105.6 prior to kindling a fire for recognized silvicultural practices, prevention or control of disease or pests. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Examples of state or local law, or regulations referenced elsewhere in this section may include but not be limited to the following:

1. Texas Commission on Environmental Quality guidelines and/or restrictions.

2. State, county or local temporary or permanent bans on open burning.

3. Local written policies as established by the code official.

(~~g~~h) Section 307.2.1 of said code is hereby added to provide as follows:

307.2.1. Open burning is prohibited within the city limits of Tomball unless a permit has been issued by the fire marshal for ceremonial fires, trench burning operations for major land clearing, and the prevention or disposal of diseased livestock. A permit is not required for barbeque pits and approved outdoor fireplaces, which are used for its actual design and intent and used in accordance with this code.

(~~h~~i) Section 307.2.2 of said code is hereby amended to provide as follows:

*307.2.2 Trench Burns.* Trench burns shall be conducted in air curtain trenches and in accordance with section 307.2.

(~~i~~j) Section 307.4 of said code is hereby amended to provide as follows:

*307.4 Location.* The location for open burning shall not be less than 300 feet (91,440 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 300 feet (91,440 mm) of any structure.

(~~j~~k) Section 307.4.1 of said code is hereby deleted in its entirety.

(~~k~~l) Section 307.4.2 of said code is hereby deleted in its entirety.

(~~l~~m) Section 307.5 of said code is hereby amended to provide as follows:

*307.5 Attendance.* Trench burns or ceremonial fires shall be constantly attended until the fire is completely extinguished. A minimum of one portable fire extinguisher complying with section 906 with a minimum 4-A rating or other approved on site fire extinguishing equipment, such as dirt, sand, water, garden hose or water truck, shall be available for immediate utilization. A permit is required from the fire marshal's office, prior to the ignition of any said fire. The fire marshal may require a dedicated standby of qualified personnel to assist in the supervision.

(~~m~~n) Section 308.1.2 of said code is hereby amended to provide as follows:

*308.1.2 Throwing or placing sources of ignition.* No person shall throw, sail, launch, or place, or cause to be thrown, sailed, launched, or placed, a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.

(~~n~~o) Section 308.1.4 of said code is hereby amended to provide as follows:

*308.1.4 Open-flame cooking devices.* Charcoal burners and other open-flame cooking devices used for cooking or recreational uses shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

No permit is required for this operation.

Exceptions:

1. One and two-family dwellings.

(~~o~~p) Section 404 of said code is hereby amended to as follows:

*404.6 Evacuation plan retention box.* Where determined by the fire code official, certain occupancies shall install an approved repository of records containing the evacuation plans, floor plans, emergency cut-offs and other pertinent information to the building.

(~~p~~q) Section 503.2.1 of said code is hereby amended to provide as follows:

*503.2.1 Dimensions.* Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7315 mm) and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

(~~q~~r) Section 503.3 of said code is hereby amended to provide as follows:

*503.3 Marking.* Approved striping or, when allowed by the code official, signs, or both, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs and striping shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

1. Striping—Fire apparatus access roads shall be marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words lettered "FIRE LANE—NO PARKING—TOW AWAY ZONE" shall appear in four inch (4") white letters on the red border markings along both sides of the fire lanes. Where a curb is available, the stripping shall be on the vertical face of the curb.

2. Signs—Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be 12" wide and 18" high. Signs shall be painted on a white

background with letters and borders in red, using not less than 2" lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6'6") above finished grade. Signs shall be spaced not more than thirty feet (30') apart. Signs may be installed on permanent buildings or walls or as approved by the fire marshal.

(~~r~~s) Section 503.4 of said code is hereby amended to provide as follows:

*503.4 Obstruction of fire apparatus access roads.* Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in section 503.2.1, and any area marked as a fire lane as described in section 503.3, shall be maintained at all times. This shall include painted fire lanes or tow away zones maintained and/or managed by a company or firm.

(st) Section 506 of said code is hereby deleted and a new section 506 is substituted therefore to provide as follows:

*506.1 Key boxes required.* The following structures and/or properties shall be equipped with an approved key lock security system box or electronic override key switch at or near the main entrance or such other location as required by the fire marshal:

1. Structures that are either equipped with, or required to be equipped with, fire sprinkler systems or fire detection alarm systems that report to an alarm monitoring center;

2. Multifamily residential structures that have restricted access through locked doors or gates and that have a common area or corridor for access to the living units;

3. Buildings, regardless of use or occupancy, that contains four (4) or more occupancies within the same structure that have separate entryways and exit ways that are separated by tenant space and/or have restricted common entryways and exit ways into the common area of the building;

4. Properties having mechanical gates that control vehicular and pedestrian access to commercial property or to streets in subdivisions, apartment complexes, condominiums or other residential developments which contain more than two residential units; or

5. Commercial property with parking garages or secured parking and storage unit areas that will restrict access for emergency services.

6. In new and existing buildings where an elevator is provided, an approved box suitable for the storage of elevator keys and shall be located near the elevator car.

7. For any building above two stories or any Group E, H, I occupancy, including buildings used for higher education; a box shall be provided in an approved location for the storage of building specific data, not limited to floor plans, MSDS information and equipment disconnects to assist with emergency operations.

*506.3 Type of key lock box required.* The fire marshal shall designate the type of key lock box system to be implemented within the city and shall have the authority to require all structures and/or property to use the designated system.

*506.4 Access to buildings.* The owner or operator of a structure and/or property required to have a key lock box shall at all times keep the required keys in the lock box that will allow for access to the structure, required rooms and/or property. Required keys shall not include keys to individual living units.

(~~t~~u) Section 807.4.4.2 of said code is hereby amended by adding an exception to provide as follows:

Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with section 903.3.1.1 shall be limited to 50 percent of the wall area.

(~~u~~v) Section 901.7 of said code is hereby amended to provide as follows:

*901.7 Systems out of service.* Where a required fire protection system is out of service or in the event of an excessive number of activations, the fire department and the code official shall be notified immediately and, where required by the code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.

(~~v~~w) Section 903 Automatic Sprinkler System of said code is hereby amended by deleting the following exceptions.

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Section 903.2.10

Section 903.2.11.3, exception #1 and #2 only

Section 903.4, exceptions #1 and #3 only

(~~w~~x) Section 903.2 of said code is hereby amended by adding the following paragraphs:

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Any building or individual suite in a multitenant strip center, having a fire area and/or occupant load greater than that allowed by the code shall be provided with an automatic fire sprinkler system if it is determined that an amount greater or equal to fifty percent (50%) of the properties appraised value is effected by a manmade or natural disaster, including fire.

(~~x~~y) Section 903.3.1.2 of said code is hereby amended to provide as follows:

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*903.3.1.2 NFPA 13R sprinkler systems.* Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13R. However, sprinkler protection is required in attic spaces, and elevator control rooms of such buildings three or more stories in height.

(~~y~~z) Section 903.3.5.1 of said code is hereby amended by adding a second paragraph to provide as follows:

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Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every fire protection system shall be designed with a 10-psi safety factor.

(~~z~~aa) Section 907.1.3 of said code is hereby amended by adding the following section:

*907.1.3.1 Design Standards.* All fire alarm systems new or replacement serving fifty (50) or more alarm actuating devices shall be intelligent addressable fire detection systems.

Exception: Existing systems need not comply unless a building remodel or expansion initiated after the effective date of this code, as adopted, causes the total fire area to exceed the square footage of the building in the applicable sections of this code.

(~~aa~~bb) Section 907.2 of said code is hereby amended to provide as follows:

*907.2 Where required—New buildings and structures.* A manual and automatic fire alarm system shall be provided in new buildings and structures other than in Group U occupancies that have a fire area exceeding 5000 square feet in accordance with sections 907.2.1 through 907.2.23. Systems shall be equipped with **at least** one means of automatic activation, and manual activation.

Approved automatic fire detection systems shall be installed in accordance with the provisions of this code and NFPA 72. Devices, combinations of devices, appliances and equipment shall comply with section 907.1.2. The automatic fire detectors shall be smoke detectors, except that an approved alternative type of detector shall be installed in spaces such as boiler rooms where, during normal operation, products of combustion are present in sufficient quantity to actuate a smoke detector.

(~~bb~~cc) Section 907.4 of said code is hereby amended by adding a second sentence to provide as follows:

Manual alarm actuating devices shall be an approved double action type.

(~~cc~~dd) Section 907.6.5 of said code is hereby amended to provide as follows:

*Section 907.6.5 Monitoring.* An approved supervising station in accordance with NFPA 72 fire alarm systems shall monitor all new and existing manual, automatic, or manual and automatic fire alarm system.

(~~dd~~ee) Section 912.1 of said code is hereby amended by adding criteria #1 and #2 to provide as follows:

1. The fire department connection for standpipe systems shall be located remotely.

(~~ee~~ff) Section 1015.1 of said code is hereby amended by adding #4 to the list of requirements.

4. Each individual tenant space in a retail strip center shall be provided with a secondary exit door in an approved location, regardless of travel distance or occupant load.

(~~ff~~gg) Section 5601.1 of said code is hereby amended by deleting the "exceptions" contained in paragraphs numbered 1 through 4 and adding the following sections:

*5601.1.3 Fireworks.* The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the corporate limits of the city.

The possession, manufacture, storage, sale, handling and use of fireworks are declared to be a nuisance and are prohibited within the area immediately adjacent and contiguous to the city limits and extending outside the city limits for a distance of five thousand (5,000) feet unless such area is within the corporate limits of another municipality.

Exceptions:

Only when approved for fireworks displays, storage and handling of fireworks as provided in section 5601.2.4.2 and 5601.4.

The use of fireworks for approved displays as permitted in section 5608.

(~~gg~~hh) Appendix table D103.4 of said code is hereby amended to provide as follows:

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*Table D103.4.* Width should be a minimum of 24 feet for lengths up to 500 feet.

(~~hh~~ii) Appendix D103.5 of said code is hereby amended to provide as follows:

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*Appendix D103.5.* Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 24 feet.

"(c) Section 109.3 of said code is hereby amended to provide as follows:

*109.3 Violation penalties.* Any person, firm, corporation, or other entity who violates a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not more than two thousand dollars ($2,000.00). Each day that a violation continues shall constitute a separate offense."

**Section 3**. The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-47, NFPA 13, NDP 13D, and NFPA 13R Standards for the Installation of Sprinkler Systems, of Article III, Standards for Installation of Fire Sprinkler Systems, of Chapter 20 fire Prevention and Protection, in its entirety.

**Section 4**. The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-48, Amendments to NFPA 13D, of Article III, Standards for Installation of Fire Sprinkler Systems, of Chapter 20 fire Prevention and Protection, in its entirety and replacing it with a new Section 20-48, as follows:

"Sec. 20-48. - Amendments to NFPA 13D.

(a) Section 3.3.13.2 of NFPA 13 D Is hereby amended by deleting the definition of "Control Valve" and substituting therefore a new definition to provide as follows:

Each system shall have a single control valve arranged to shut off both the domestic system and the sprinkler system, and there shall be a separate shutoff valve for the domestic system only. However, the sprinkler system shall be permitted to have a separate control valve where supervised by a central station or remote station alarm service."

**Section 5**. The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-94. Established, of Article V. Arson Rewards, of Chapter 20 fire Prevention and Protection, in its entirety.

**Section 6**. The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-95. How Offered, of Article V. Arson Rewards, of Chapter 20 fire Prevention and Protection, in its entirety.

**Section 7**. The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-96. Notice, of Article V. Arson Rewards, of Chapter 20 fire Prevention and Protection, in its entirety.

**Section 8**. The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-97. Payment, of Article V. Arson Rewards, of Chapter 20 fire Prevention and Protection, in its entirety.

**Section 9**. The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-98. City Officers, of Article V. Arson Rewards, of Chapter 20 fire Prevention and Protection, in its entirety.

**Section 10**. The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Article V. Arson Rewards, of Chapter 20 fire Prevention and Protection, in its entirety.

**Section 11.** All ordinances in conflict or inconsistent with this ordinance are, to the extent of such conflict or inconsistency, repealed.

**Section 12. Severability**. 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.

**Section 1~~2~~3.** This Ordinance shall take effect fourteen (14) days from and after its passage and the publication of the caption hereof, as provided by law and the City's Home Rule Charter.

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 6TH DAY OF AUGUST 2018.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20TH DAY OF AUGUST 2018

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

_____
Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

# Regular City Council
# Agenda Item
# Data Sheet

Meeting Date: August 20, 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. 551.071 - Consultation with the City Attorney regarding a Matter that the Attorney's Duty Requires to be Discussed in Closed Session.

**Background:**

**Origination:**

City Manager

**Recommendation:**

N/A

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

City Secretary

**ACTION TAKEN**

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

# Regular City Council
# Agenda Item
# Data Sheet

Meeting Date: August 20, 2018

**Topic:**
Conduct Second Public Hearing regarding the Proposed Budget for Fiscal Year 2018-2019

**Background:**

**Origination:**
City Manager/Finance Director

**Recommendation:**
N/A

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

**ACTION TAKEN**

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

**ATTACHMENTS:**

Proposed Budget for FY 2018-2019 - Final
Notice of Public Hearings - August 6 and August 20, 2018

# City of Tomball




# FY 2018-2019 Proposed Budget

# CITY OF TOMBALL

Office of the City Manager

To: Honorable Mayor and Council

From: Robert S. Hauck, City Manager

Subject: Budget Memo – City Manager's Proposed FY2019 Budget

Date: July 30, 2018

As required in Section 8.03 of the Tomball City Charter, please find attached the proposed budget for fiscal year 2018-2019 (FY2019). The budget is a planning tool, providing guidance and direction to City staff for the upcoming budget year.

The City staff continues to remain very conservative in our forecasting approach. That approach has served us well as revenue projections and spending are well within the current budget.

Sales tax revenues have increased for each of the first seven months of this fiscal year. A colder than normal winter has resulted in increased Enterprise Fund revenues, while other revenues have remained stable. We continue to provide high levels of service to our citizens, while identifying opportunities for service enhancements.

## FY2019 Proposed Budget

The total proposed budget for FY2019, including all funds and capital projects, totals $65,658,418. Total budgeted ending fund balances of $49,854,142 provide reserve levels of 76% of operating expenditures which exceed the Charter requirement of 25%.

## General Fund Overview

Revenues for FY2018 will be approximately $1,889,276 more than projected, and expenditures $174,028 below budget.

We estimate revenues for FY2019 to increase $410,139 over FY2018, and expenditures will be approximately $1,317,385 more, due to transfers to capital projects, supplemental items, and salary adjustment\survey. Overall, our ending fund balance will remain strong at $13,043,014, or 55%.

The preliminary assessed property tax value provided by the Harris County Appraisal District (HCAD) is $2,028,815,979, a 9.9% increase over last year. A significant number of appraisals are still under protest. Therefore, the actual tax rate cannot be adopted until after the City receives the Certified Appraisal Roll in late August.

## Personnel

In an effort to maintain a competitive salary level and benefits for employees, a three percent (3%) salary increase and salary survey adjustment is proposed in FY2019, with a total estimated cost of $ 858,866 for all funds.
The City contribution to the Texas Municipal Retirement System will increase from 13.61% to 13.68% a cost of approximately $5,637.

A number of new personnel were requested by departments during the budget process. After thoughtful consideration, and based on organizational capacity\needs at this time, the following positions are proposed:

a. Finance – PT to FT Accountant $68,173 – General Fund
b. Court – PT to FT Assistant Court Clerk $54,270 – General Fund
c. Fire Department – Six (6) FT Firefighters $ 256,811 – General Fund (Net cost after restructuring PT deployment).

## Supplemental Items

During the budget preparation process, a variety of supplemental projects were identified as priorities and incorporated into the budget document. Those proposed expenditures are projected in the budget document and range from park improvements, technology, safety, water quality issues, and major utility system improvements. The total for supplemental items in the General Fund this fiscal year is $1,363,501; Enterprise Fund $1,965,244; Sewer Recovery Fund $240,000; Water Recovery Fund $60,000; and Seizure Fund $15,000.

## Enterprise Fund Overview

Revenues for FY2018 will be approximately $1,542,050 more than projected, and expenditures $382,781 higher than originally budgeted.

We estimate revenues for FY2019 to increase $297,494 over FY2018, and expenditures will be approximately $1,534,167 more, due to transfers to capital projects, supplemental items, and salary adjustment\survey. Overall, our ending fund balance will remain strong at $6,294,492, or 49%.

The City is in the process of conducting a utility rate study that will include recommendations associated with water and sewer model findings. While all elements of the study have not been completed, the rate specific portion indicates no change in FY2019. Upon completion of the final project, Council will be provided with results and recommendations. Fees paid to North Harris County Regional Water Authority have increased from $2.90 to $3.40.

## Debt Service Fund Overview

The FY2019 ending fund balance in the Debt Service Fund is budgeted to be $5,395,842 and represents a reserve level of 124% of proposed debt service expenditures. Our high reserve levels give us flexibility to issue debt to facilitate projects proposed in the Capital Improvement Plan. This is a positive factor in maintaining our high Standard & Poor's bond rating of AA+.

## Capital Projects Fund

The City sponsored a joint H-GAC grant application with TxDOT in April, 2015 for major improvements to FM2920 (Main Street) from Four Corners to Willow Street. The City Council authorized local funding participation in the amount of $3.0 million toward this estimated $30 million dollar TxDOT project. In FY2017 the City appropriated an initial $1.5 million, then in FY2018 an additional $250,000 was appropriated, and it is proposed to fund another $250,000 in FY2019. We will continue to monitor project timelines, and recommend funding of the remaining $1.0 million dollars as needed. This deliberate delay in making large appropriations provides additional stability to the General Fund.

Additional capital projects receiving funding for FY2019 include:

- Broussard Park $350,000
- Matheson Park $100,000
- Critical Needs Assessment Phase III $1.2 million
- SCADA System $60,000
- Impact Fee Update $60,000
- CAD System $300,000 ( ½ FY2019 and ½ FY2020)
- Alleys/sidewalks $713,000

## Hotel / Motel Tax

The Tourism Advisory Committee meets quarterly to review projects and activities. The Marketing Department continues to promote and make the City of Tomball name more prevalent for outside tourism. Revenues have recovered from a lull in FY2017, resulting in a projected increase of $126,096 for FY2018. Ending fund balance of $237,291, remains solid at 31%.

## Fleet Replacement

Based on the staff review of maintenance, condition of the vehicle/equipment, and the vehicle replacement schedule, 10 vehicles and 1 piece of equipment are proposed to be replaced at a cost of $464,008. The general fund accounts for $324,808 and the enterprise fund $139,200. The remaining vehicles not proposed to be replaced ($314,690) are still in good condition. The ending fund balance for the vehicle replacement fund is $2,583,970.

## Additional Information

In 2015, the City of Tomball received the Platinum Leadership Award from the State Comptroller's Office. For the past five (5) years, the City has continued to maintain this highest

level of transparency. Recently, the Comptroller's Office added the Transparency Stars program that allows municipalities to "go above and beyond" in their transparency efforts. To date, we have received two stars, and staff is currently working on obtaining two more. The Finance Department also received the Government Finance Officers Association Distinguished Budget Award for FY2017-2018.

City staff prepared and submitted the first five-year financial plan during FY2018. This plan will be updated and presented to Council during FY2019.

I appreciate the time and effort Council has taken to review the proposed budget. This is an important document that will assist us in providing our community with the quality of service they deserve.

There are many who assisted with this process, but special recognition goes to the following individuals who spent countless hours and many long meetings in the preparation of this budget. They have been a great budget team and simply stated, I could not have done it without them:

David Esquivel, Assistant City Manager
Glenn Windsor, Finance Director
Kacie Richardson, Senior Accountant
Christine Brookshire, Senior Accountant

I am blessed to work with a wonderful group of employees who are truly dedicated to providing the highest levels of service, and we pledge our commitment to you and the community at-large!

Yours truly,



Robert S. Hauck
City Manager

# Fund Summaries

**Consolidated Statement of Anticipated Receipts and Revenues and Expenditures and Changes in Fund Balance- All Funds**
**City Manager 2018-2019 Proposed Budget**

| | Governmental | | | Proprietary | Internal Service | | | | | Consolidated |
|---|---|---|---|---|---|---|---|---|---|---|
| | General Fund | Special Revenue Funds | Debt Service | Enterprise Fund | Fleet Replacement Fund | Health Insurance Trust Fund | Water Captial Recovery | Sewer Capital Recovery | Capital Projects Fund | All Funds FY 2019 |
| Funds | 100 | 200-290/990 | 300 | 600 | 650 | 910 | 730 | 740 | 400/460 | |
| **Revenues:** | | | | | | | | | | |
| Property taxes | 2,245,000 | - | $ 4,600,000 | - | - | - | - | - | - | 6,845,000 |
| Hotel Occupancy | - | 625,000 | - | - | - | - | - | - | - | 625,000 |
| Sales taxes | 12,500,000 | - | - | - | - | - | - | - | - | 12,500,000 |
| Franchise taxes | 1,265,000 | - | - | - | - | - | - | - | - | 1,265,000 |
| Permits and licenses | 485,700 | - | - | - | - | - | - | - | - | 485,700 |
| Fines and warrants | 531,200 | 177,050 | - | - | - | - | - | - | - | 708,250 |
| Service fees | 2,000,000 | - | - | 10,797,500 | - | - | - | - | - | 12,797,500 |
| Transfers In | 2,530,209 | - | - | - | 415,000 | 2,950,558 | - | - | 2,986,644 | 8,882,411 |
| Contributions/Grants | 392,817 | - | 536,113 | 558,148 | - | - | - | - | - | 1,487,078 |
| Interest | 185,528 | 13,250 | 52,500 | 71,250 | 25,000 | 20,000 | 26,000 | 23,000 | 505,000 | 921,528 |
| Other | 1,325,291 | 181,000 | - | 301,244 | 10,000 | 82,000 | 200,000 | 200,000 | - | 2,299,535 |
| Total Revenues | $ 23,460,745 | $ 996,300 | $ 5,188,613 | $ 11,728,142 | $ 450,000 | $ 3,052,558 | $ 226,000 | $ 223,000 | $ 3,491,644 | $ 48,817,002 |
| **Expenditures:** | | | | | | | | | | |
| General Government | 4,144,326 | - | - | - | - | 2,968,558 | - | - | 15,502,836 | 22,615,720 |
| Transfers out | 2,617,391 | - | - | - | - | - | - | - | - | 2,617,391 |
| Public Safety | 9,847,173 | 303,039 | - | - | - | - | - | - | - | 10,150,212 |
| Public Works | 5,389,436 | - | - | - | - | - | - | - | - | 5,389,436 |
| Engineering and Planning | 645,496 | - | - | - | - | - | - | - | - | 645,496 |
| Parks and Recreation | 1,279,537 | 22,200 | - | - | - | - | - | - | - | 1,301,737 |
| Tourism & Arts | - | 772,403 | - | - | - | - | - | - | - | 772,403 |
| Utilities | - | - | - | 12,954,269 | - | - | 106,656 | 322,088 | 3,237,927 | 16,620,940 |
| Capital Projects/Outlay | - | - | - | - | 464,008 | - | - | - | - | 464,008 |
| Debt Service | - | - | 4,430,044 | 651,031 | - | - | - | - | - | 5,081,075 |
| Total Expenditures | $ 23,923,359 | $ 1,097,642 | $ 4,430,044 | $ 13,605,300 | $ 464,008 | $ 2,968,558 | $ 106,656 | $ 322,088 | $ 18,740,763 | $ 65,658,418 |
| **Other Sources (Uses):** | | | | | | | | | | |
| Debt Proceeds | - | - | - | - | - | - | | | - | - |
| Total Other Sources (Uses) | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - |
| **Revenues Over (Under) Expenditures** | $ (462,615) | $ (101,343) | $ 758,569 | $ (1,877,158) | $ (14,008) | $ 84,000 | $ 119,344 | $ (99,088) | $ (15,249,119) | $ (16,841,417) |
| **Beginning Fund Balance** | $ 13,505,628 | $ 945,567 | $ 4,637,273 | $ 8,171,652 | $ 2,597,978 | $ 1,393,595 | $ 1,908,486 | $ 1,599,540 | $ 31,935,839 | $ 66,695,559 |
| **Ending Fund Balance** | $ 13,043,014 | $ 844,224 | $ 5,395,842 | $ 6,294,494 | $ 2,583,970 | $ 1,477,595 | $ 2,027,830 | $ 1,500,452 | $ 16,686,720 | $ 49,854,142 |
| Adopted Reserve Level | 55% | 77% | 122% | 49% | 557% | 50% | 1901% | 466% | | 76% |

General Fund - 100
Statement of Revenues, Expenditures, and Changes in Fund Balance
2018-2019 Proposed Budget Worksheet

| | FY 2016 Actuals | FY 2017 Actuals | Current FY2018 | FY2018 Projections | FY 2019 Budget |
|---|---|---|---|---|---|
| **Revenues:** | | | | | |
| Contributions | $ 298,988 | $ 603,390 | $ 445,603 | $ 453,412 | $ 392,817 |
| Fines & Warrants | 536,934 | 500,309 | 556,200 | 496,200 | 531,200 |
| Franchise Taxes | 1,331,077 | 1,307,171 | 1,328,000 | 1,265,000 | 1,265,000 |
| Interest | 39,148 | 95,325 | 125,000 | 177,395 | 185,528 |
| Lease Proceeds | | | | | |
| Other Revenue | 670,626 | 753,992 | 773,861 | 1,348,933 | 1,325,291 |
| Permits & Licenses | 424,164 | 464,344 | 423,500 | 480,500 | 485,700 |
| Property Taxes | 1,855,706 | 1,964,345 | 2,040,000 | 2,045,000 | 2,245,000 |
| Sales Taxes | 10,578,683 | 10,791,147 | 10,850,000 | 12,500,000 | 12,500,000 |
| Services | 2,234,322 | 2,236,863 | 2,235,000 | 1,900,000 | 2,000,000 |
| **Total Revenues** | **17,969,648** | **18,716,886** | **18,777,164** | **20,666,440** | **20,930,536** |
| **Expenditures:** | | | | | |
| Administrative | 387,152 | 393,950 | 415,452 | 459,976 | 389,832 |
| Building Permits and Inspections | 391,462 | 386,153 | 491,216 | 445,724 | 458,449 |
| Mayor and Council | 72,481 | 52,185 | 93,248 | 73,868 | 97,198 |
| City Secretary | 321,301 | 352,470 | 406,511 | 344,207 | 414,819 |
| Human Resources | 383,106 | 374,009 | 492,725 | 440,443 | 478,447 |
| Finance | 628,800 | 632,843 | 694,482 | 756,031 | 754,098 |
| Information Systems | 637,916 | 654,974 | 721,553 | 688,974 | 853,203 |
| Legal | 127,311 | 159,704 | 142,000 | 142,250 | 142,000 |
| Non-Departmental* | 460,715 | 513,547 | 515,394 | 473,150 | 756,280 |
| Police | 5,036,804 | 5,379,589 | 5,789,418 | 5,656,768 | 5,708,159 |
| Municipal Court | 318,387 | 347,067 | 384,316 | 377,581 | 446,906 |
| Community Center | 182,087 | 147,046 | 164,296 | 164,280 | 167,624 |
| Fire Marshal | 98,358 | - | - | - | - |
| Fire | 2,714,292 | 2,896,840 | 2,918,950 | 2,673,934 | 2,826,961 |
| Emergency Management | 14,865 | 18,381 | 21,645 | 22,239 | 27,850 |
| ESD#15 Station 5 | 169,594 | 301,990 | 286,171 | 694,989 | 837,297 |
| Public Works Administration | 56,644 | 57,323 | 55,120 | 58,039 | 57,375 |
| Garage | 172,310 | 141,261 | 154,061 | 132,221 | 165,474 |
| Parks | 1,002,939 | 867,978 | 1,133,845 | 1,134,926 | 1,111,913 |
| Streets | 2,210,941 | 2,383,979 | 2,020,085 | 2,055,815 | 2,141,449 |
| Sanitation | 2,166,414 | 1,975,363 | 2,162,844 | 2,153,474 | 2,227,772 |
| Engineering and Planning | 517,350 | 486,670 | 724,629 | 654,256 | 645,496 |
| Facilities Maintenance | 645,936 | 636,940 | 760,800 | 771,588 | 797,366 |
| Transfer Out to Hotel Occupancy * | 20,000 | 20,000 | 20,000 | 20,000 | 30,000 |
| Transfer Out to Health Insurance * | 1,822,403 | 2,110,591 | 2,211,241 | 2,211,241 | 2,387,391 |
| **Total Expenditures** | **20,559,568** | **21,290,853** | **22,780,002** | **22,605,974** | **23,923,359** |
| **Net Income from Operations** | **(2,589,920)** | **(2,573,967)** | **(4,002,838)** | **(1,939,534)** | **(2,992,824)** |
| **Other Sources/(Uses):** | | | | | |
| Transfer In from Enterprise Fund | 2,400,125 | 2,342,169 | 2,384,166 | 2,384,166 | 2,530,209 |
| **Total Other Sources/(Uses)** | **2,400,125** | **2,342,169** | **2,384,166** | **2,384,166** | **2,530,209** |
| **Revenues Over/(Under) Expenditures** | **(189,795)** | **(231,798)** | **(1,618,672)** | **444,632** | **(462,615)** |
| **Beginning Fund Balance** | **13,482,578** | **13,292,789** | **13,060,996** | **13,060,996** | **13,505,628** |
| **Ending Fund Balance** | **$ 13,292,789** | **$ 13,060,996** | **$ 11,442,324** | **$ 13,505,628** | **$ 13,043,014** |
| 25% of Operating Expenses - Target | 65% | 61% | 50% | 60% | 55% |

# CITY OF TOMBALL
## GENERAL FUND REVENUES - 100

| GENERAL FUND | 2016 ACTUAL | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|---|
| 5110 CURRENT TAXES | 1,815,589 | 1,919,752 | 2,000,000 | 2,000,000 | 2,200,000 |
| 5120 DELINQUENT TAXES | 25,988 | 25,027 | 25,000 | 30,000 | 30,000 |
| 5130 PENALTY,INTEREST,ATTY FEES | 14,129 | 19,566 | 15,000 | 15,000 | 15,000 |
| 5140 SALES TAX | 10,578,683 | 10,791,147 | 10,850,000 | 12,500,000 | 12,500,000 |
| 5141 ALCOHOLIC BEVERAGE TAX | 63,154 | 69,215 | 65,000 | 75,000 | 70,000 |
| 5150 ELECTRICAL FRANCHISE TAX | 702,886 | 704,353 | 700,000 | 700,000 | 700,000 |
| 5160 T.V. CABLE FRANCHISE TAX | 191,227 | 182,225 | 190,000 | 150,000 | 150,000 |
| 5161 1% IN KIND/ PEG FEES | 38,297 | 36,445 | 38,000 | 30,000 | 30,000 |
| 5170 COMMUNICATIONS ROW LINE FEE | 200,581 | 206,355 | 200,000 | 225,000 | 225,000 |
| 5175 SANITATION FRANCHISE TAX | 198,086 | 177,793 | 200,000 | 160,000 | 160,000 |
| 5190 BINGO TAX | 10 | 66 | 65 | 25 | 25 |
| 5200 BUILDING PERMITS | 227,014 | 204,812 | 210,000 | 225,000 | 225,000 |
| 5210 CONSTRUCTION PERMITS | 32,494 | 55,701 | 45,000 | 50,000 | 50,000 |
| 5215 PLUMBING PERMIT | 23,230 | 22,504 | 25,000 | 30,000 | 30,000 |
| 5220 MECHANICAL PERMITS | 26,087 | 44,792 | 22,000 | 25,000 | 25,000 |
| 5230 ELECTRICAL PERMITS | 30,492 | 26,639 | 24,000 | 35,000 | 35,000 |
| 5235 FIRE PERMIT FEES | 29,774 | 50,965 | 40,000 | 60,000 | 60,000 |
| 5240 OTHER PERMITS | 5,157 | 3,147 | 3,000 | 3,000 | 3,000 |
| 5245 MISCELLANEOUS PERMIT FEES | 156 | - | 300 | 300 | 500 |
| 5250 MIXED BEVERAGE FEES | 15,515 | 13,590 | 15,000 | 15,000 | 15,000 |
| 5255 LICENSE FEES | 3,940 | 4,477 | 4,000 | 4,000 | 4,000 |
| 5260 AMBULANCE PERMITS | 6,300 | 4,000 | 3,400 | 7,000 | 7,000 |
| 5300 MUNICIPAL COURT FINES | 301,319 | 281,092 | 325,000 | 270,000 | 300,000 |
| 5310 COURT COSTS/ADMIN FEES | 157,200 | 145,935 | 150,000 | 165,000 | 165,000 |
| 5320 COURT WARRANT FEES | 71,281 | 66,733 | 75,000 | 55,000 | 60,000 |
| 5340 TIME PYMT.FEE-10% CITY JUDICL. | 1,425 | 1,310 | 1,200 | 1,200 | 1,200 |
| 5341 TIME PAYMENT FEE-40% FOR CITY | 5,709 | 5,239 | 5,000 | 5,000 | 5,000 |
| 5430 SANITATION FEES | 2,234,322 | 2,236,863 | 2,235,000 | 1,900,000 | 2,000,000 |
| 5440 PLAT FEES | 12,264 | 18,802 | 17,000 | 15,000 | 15,000 |
| 5441 REZONING APPLICATION FEE | 6,128 | 7,768 | 6,200 | 8,000 | 9,000 |
| 5442 CONDITIONAL USE PERMIT | 1,200 | 4,869 | 5,500 | 1,000 | 4,000 |
| 5444 SITE PLAN REVIEW | 17,753 | 11,325 | 15,000 | 15,000 | 15,000 |
| 5445 PLAN REVIEW FEES- OTHER | 50 | 1,398 | 100 | 200 | 200 |
| 5446 ZONING FEES- OTHER | 2,125 | 3,145 | 3,000 | 2,000 | 3,000 |
| 5450 BIRTH AND DEATH CERTIFICATE FEES | 43,520 | 50,597 | 43,000 | 50,000 | 55,000 |
| 5451 NOTARY FEES | 26 | 66 | 50 | 75 | 75 |
| 5460 ALARM SYSTEM REGISTRATION FEES | 36,085 | 28,635 | 30,000 | 25,000 | 25,000 |
| 5461 FALSE ALARM SERVICE FEE | 39,550 | 27,075 | 32,000 | 18,500 | 20,000 |
| 5470 EMERGENCY SERVICE DISTRCT FEES | 112,701 | 145,382 | 154,000 | 173,884 | 180,000 |
| 5472 ESD#15 S5 OPERATING COST REIMBURSEMENT | 16,298 | 19,483 | 21,775 | 23,140 | 25,707 |
| 5474 ESD#15 STATION 5 PAYROLL REIMBURSEMENT | 136,998 | 263,023 | 242,121 | 648,709 | 785,884 |
| 5480 LIFE SAFETY PLAN REVIEW | 3,743 | 3,301 | 3,000 | 3,000 | 3,000 |
| 5481 STATE LICENSED FACILITIES | 675 | 1,555 | 2,000 | 1,500 | 1,500 |
| 5482 ANNUAL FIRE INSPECTIONS | 1,200 | 725 | 750 | - | - |
| 5500 SALE OF CITY PROPERTY | 82,153 | 6,838 | 30,000 | 211,000 | 35,000 |
| 5505 RENT REVENUES | 7,800 | 3,250 | - | - | - |
| 5510 COMMUNITY CENTER FEES | 31,428 | 27,985 | 28,000 | 25,000 | 25,000 |
| 5515 CONGREGATE MEAL SERV. REVENUE | 6,242 | 8,929 | 7,000 | 9,000 | 9,000 |

# CITY OF TOMBALL
## GENERAL FUND REVENUES - 100

| GENERAL FUND | 2016 ACTUAL | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|---|
| 5520 PARK RENTAL FEE | 12,249 | 12,000 | 15,000 | 15,000 | 15,000 |
| 5550 MISCELLANEOUS INCOME | 28,608 | 44,363 | 50,000 | 25,000 | 30,000 |
| 5560 RETURNED CHECK FINES | 90 | 60 | 100 | 100 | 100 |
| 5690 SANITATION PENALTY | 32,581 | 27,854 | 35,000 | 30,000 | 30,000 |
| 5730 SCHOOL RESOURCE OFFICERS (SRO) | 288,988 | 412,214 | 431,603 | 424,412 | 366,817 |
| 5740 OTHER GRANTS | - | 181,176 | 4,000 | 4,000 | 1,000 |
| 5770 TEDC CONTRIBUTIONS | 10,000 | 10,000 | 10,000 | 25,000 | 25,000 |
| 5800 INTEREST INCOME | 46,688 | 97,140 | 125,000 | 177,395 | 185,528 |
| 5801 UNREALIZED GAIN ON INVESTMENTS | (7,540) | (1,815) | - | - | - |
| 5961 TRANSFERS IN | 2,400,125 | 2,342,169 | 2,384,166 | 2,384,166 | 2,530,209 |
| **TOTAL GENERAL FUND REVENUES** | **$ 20,369,773** | **$ 21,059,055** | **$ 21,161,330** | **$ 23,050,606** | **$ 23,460,745** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | ADMINISTRATIVE | 100-111 ADMINISTRATIVE |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $267,300 | $309,084 | $279,492 | $253,820 |
| 6003 WAGES-FULL TIME | $0 | $0 | $0 | $0 |
| 6005 WAGES-OVERTIME | $0 | $0 | $0 | $0 |
| 6009 WAGES-OTHER | $14,358 | $0 | $8,710 | $0 |
| 6011 VACATION PAY | $17,450 | $0 | $20,656 | $13,588 |
| 6012 SICK PAY | $3,553 | $4,755 | $37,496 | $14,975 |
| 6019 MISCELLANEOUS PAY | $905 | $1,025 | $1,025 | $875 |
| 6021 FICA-MED/SS | $19,700 | $25,554 | $24,763 | $23,379 |
| 6022 TMRS-EMPLOYER | $44,228 | $45,597 | $50,065 | $41,754 |
| 6024 HEALTH INSURANCE | $0 | $0 | $0 | $0 |
| 6025 WORKER COMPENSATION INSURANCE | $200 | $237 | $212 | $237 |
| **PERSONNEL SERVICES** | **$367,694** | **$386,252** | **$422,419** | **$348,628** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $360 | $500 | $2,500 | $1,000 |
| 6105 FOOD SUPPLIES | $68 | $100 | $500 | $500 |
| 6107 CLOTHING AND UNIFORMS | $0 | $0 | $200 | $200 |
| **SUPPLIES** | **$428** | **$600** | **$3,200** | **$1,700** |
| **REPAIRS AND MAINTENANCE** | **$0** | **$0** | **$0** | **$0** |
| 6312 COMMUNICATION SERVICES | $1,920 | $2,000 | $2,117 | $2,304 |
| 6332 TRAVEL AND MEALS | $4,613 | $6,000 | $6,000 | $8,000 |
| 6333 DUES AND SUBSCRIPTIONS | $4,200 | $3,700 | $5,000 | $5,000 |
| 6334 AUTOMOBILE ALLOWANCES | $14,400 | $14,400 | $16,740 | $19,200 |
| 6337 TRAINING | $695 | $2,500 | $4,500 | $5,000 |
| **SERVICES AND CHARGES** | **$25,828** | **$28,600** | **$34,357** | **$39,504** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL GENERAL-ADMINISTRATIVE** | **$393,950** | **$415,452** | **$459,976** | **$389,832** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | PERMITS/INSPCTNS. | 100-112 PERMITS/INSPCTNS. |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $58,470 | $73,603 | $69,417 | $67,238 |
| 6003 WAGES-FULL TIME | $180,760 | $230,910 | $209,756 | $226,450 |
| 6005 WAGES-OVERTIME | $5,011 | $4,120 | $4,100 | $5,408 |
| 6009 WAGES-OTHER | $12,520 | $0 | $6,852 | $0 |
| 6011 VACATION PAY | $15,045 | $0 | $4,247 | $15,044 |
| 6012 SICK PAY | $6,447 | $1,979 | $3,220 | $14,786 |
| 6019 MISCELLANEOUS PAY | $970 | $1,380 | $1,530 | $1,955 |
| 6021 FICA-MED/SS | $19,999 | $24,028 | $22,199 | $25,537 |
| 6022 TMRS-EMPLOYER | $38,567 | $42,873 | $41,089 | $45,608 |
| 6025 WORKER COMPENSATION INSURANCE | $1,017 | $1,523 | $914 | $1,523 |
| **PERSONNEL SERVICES** | **$338,806** | **$380,416** | **$363,324** | **$403,549** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $2,830 | $2,500 | $3,500 | $2,500 |
| 6102 EDUCATIONAL SUPPLIES | $1,537 | $4,000 | $1,500 | $4,000 |
| 6106 MATERIALS AND PARTS | $0 | $0 | $0 | $1,000 |
| 6107 CLOTHING AND UNIFORMS | $2,945 | $3,000 | $3,000 | $3,000 |
| 6108 FUEL, OIL AND LUBRICANTS | $5,653 | $6,800 | $7,500 | $7,500 |
| 6119 OTHER SUPPLIES | $347 | $500 | $0 | $0 |
| **SUPPLIES** | **$13,312** | **$16,800** | **$15,500** | **$18,000** |
| 6205 VEHICLE MAINTENANCE | $5,414 | $6,000 | $6,000 | $6,000 |
| **REPAIRS AND MAINTENANCE** | **$5,414** | **$6,000** | **$6,000** | **$6,000** |
| 6304 PROFESSIONAL SERVICES, OTHER | $10,114 | $30,000 | $5,000 | $5,000 |
| 6312 COMMUNICATION SERVICES | $5,028 | $5,000 | $5,100 | $5,100 |
| 6332 TRAVEL AND MEALS | $8,734 | $12,000 | $10,000 | $10,000 |
| 6333 DUES AND SUBSCRIPTIONS | $141 | $1,000 | $1,000 | $1,000 |
| 6337 TRAINING | $3,975 | $9,200 | $9,000 | $9,000 |
| 6362 PERMITS AND LICENSES | $629 | $800 | $800 | $800 |
| **SERVICES AND CHARGES** | **$28,621** | **$58,000** | **$30,900** | **$30,900** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| 6998 TRANSFER TO FLEET REPLACEMENT | $0 | $30,000 | $30,000 | $0 |
| **TRANSFERS** | **$0** | **$30,000** | **$30,000** | **$0** |
| **TOTAL GENERAL-PERMITS/INSPCTNS.** | **$386,153** | **$491,216** | **$445,724** | **$458,449** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | MAYOR AND COUNCIL | 100-113 MAYOR AND COUNCIL |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6004 WAGES- PART TIME | $26,200 | $30,600 | $27,200 | $30,600 |
| 6021 FICA- MED/ SS | $2,004 | $2,341 | $2,081 | $2,341 |
| 6025 WORKER COMPENSATION INSURANCE | $40 | $57 | $37 | $57 |
| **PERSONNEL SERVICES** | **$28,244** | **$32,998** | **$29,318** | **$32,998** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $82 | $150 | $150 | $100 |
| 6105 FOOD SUPPLIES | $1,787 | $2,000 | $1,800 | $2,000 |
| 6119 OTHER SUPPLIES | $8,544 | $8,000 | $8,000 | $9,000 |
| **SUPPLIES** | **$10,413** | **$10,150** | **$9,950** | **$11,100** |
| 6304 PROFESSIONAL SERVICES- OTHER | $0 | $25,000 | $12,000 | $20,000 |
| 6329 OTHER SERVICES | $0 | $100 | $100 | $100 |
| 6332 TRAVEL AND MEALS | $1,820 | $7,000 | $4,500 | $10,000 |
| 6333 DUES AND SUBSCRIPTIONS | $3,496 | $5,000 | $6,000 | $7,000 |
| 6337 TRAINING | $325 | $3,000 | $2,000 | $3,000 |
| 6398 BANQUETS, DEDICATION, RECEP | $7,887 | $10,000 | $10,000 | $13,000 |
| **SERVICES AND CHARGES** | **$13,528** | **$50,100** | **$34,600** | **$53,100** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL MAYOR AND COUNCIL** | **$52,185** | **$93,248** | **$73,868** | **$97,198** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | CITY SECRETARY | 100-114 CITY SECRETARY |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $83,288 | $99,793 | $93,656 | $88,955 |
| 6003 WAGES-FULL TIME | $108,837 | $122,531 | $113,142 | $115,606 |
| 6005 WAGES-OVERTIME | $4,508 | $3,605 | $4,000 | $4,120 |
| 6009 WAGES-OTHER | $10,262 | $0 | $6,069 | $0 |
| 6011 VACATION PAY | $16,063 | $0 | $5,264 | $16,436 |
| 6012 SICK PAY | $8,345 | $2,868 | $4,628 | $11,159 |
| 6013 EMERGENCY PAY | $636 | $0 | $0 | $0 |
| 6019 MISCELLANEOUS PAY | $2,585 | $2,175 | $2,175 | $2,455 |
| 6021 FICA-S.S. AND MEDICARE TAXES | $16,950 | $17,867 | $17,287 | $18,466 |
| 6022 TMRS-EMPLOYER | $32,511 | $31,880 | $31,594 | $32,980 |
| 6025 WORKER COMPENSATION INS. | $451 | $474 | $424 | $474 |
| **PERSONNEL SERVICES** | **$284,436** | **$281,193** | **$278,239** | **$290,651** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $14,021 | $15,000 | $14,000 | $15,000 |
| 6102 EDUCATIONAL SUPPLIES | $626 | $1,200 | $900 | $1,200 |
| 6104 JANITORIAL AND CLEANING SUPPLY | $346 | $500 | $450 | $600 |
| 6105 FOOD SUPPLIES | $738 | $800 | $1,000 | $1,100 |
| 6109 POSTAGE | $630 | $1,400 | $1,400 | $1,400 |
| 6119 OTHER SUPPLIES | $290 | $600 | $400 | $600 |
| **SUPPLIES** | **$16,651** | **$19,500** | **$18,150** | **$19,900** |
| 6201 OFFICE EQUIPMENT MAINT. | $0 | $600 | $400 | $600 |
| 6206 BUILDING MAINTENANCE | $25,139 | $0 | $0 | $0 |
| **REPAIRS AND MAINTENANCE** | **$25,139** | **$600** | **$400** | **$600** |
| 6304 PROF.SERV.-OTHER | $1,108 | $8,500 | $8,500 | $10,000 |
| 6312 COMMUNICATION SERVICES | $768 | $868 | $868 | $868 |
| 6316 PRINTING AND BINDING | $32 | $50 | $50 | $100 |
| 6329 OTHER SERVICES | $1,915 | $1,000 | $1,000 | $1,200 |
| 6332 TRAVEL AND MEALS | $5,483 | $10,800 | $7,000 | $11,000 |
| 6333 DUES AND SUBSCRIPTIONS | $1,368 | $3,000 | $3,000 | $4,000 |
| 6335 ADVERTISING COST | $11,933 | $20,000 | $20,000 | $20,000 |
| 6337 TRAINING | $2,320 | $6,000 | $4,500 | $6,500 |
| 6348 PROPERTY ACQUISITION COSTS | $0 | $5,000 | $0 | $0 |
| 6371 ELECTION SERVICES | $1,317 | $50,000 | $2,500 | $50,000 |
| **SERVICES AND CHARGES** | **$26,244** | **$105,218** | **$47,418** | **$103,668** |
| **TOTAL CITY SECRETARY** | **$352,470** | **$406,511** | **$344,207** | **$414,819** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | HUMAN RESOURCES | 100-115 HUMAN RESOURCES |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $100,579 | $117,789 | $109,406 | $107,325 |
| 6003 WAGES-FULL TIME | $92,257 | $108,148 | $98,654 | $102,312 |
| 6004 WAGES-PART TIME | $26,739 | $30,900 | $32,000 | $32,960 |
| 6005 WAGES-OVERTIME | $3,047 | $5,150 | $6,150 | $6,180 |
| 6009 WAGES-OTHER | $10,509 | $0 | $6,777 | $0 |
| 6011 VACATION PAY | $12,016 | $0 | $4,963 | $14,758 |
| 6012 SICK PAY | $4,841 | $3,476 | $6,611 | $11,730 |
| 6013 EMERGENCY PAY | $402 | $0 | $170 | $0 |
| 6014 RETIREMENT PAYOUT | $0 | $50,000 | $0 | $0 |
| 6019 MISCELLANEOUS PAY | $1,220 | $1,400 | $1,400 | $1,580 |
| 6021 FICA-S.S. AND MEDICARE TAXES | $17,945 | $20,528 | $19,724 | $21,294 |
| 6022 TMRS-EMPLOYER | $30,908 | $32,411 | $32,152 | $33,385 |
| 6025 WORKER COMPENSATION INS. | $301 | $355 | $318 | $355 |
| 6026 STATE UNEMPLOYMENT TAXES | $3,678 | $10,000 | $10,000 | $10,000 |
| **PERSONNEL SERVICES** | **$304,442** | **$380,157** | **$328,325** | **$341,879** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $5,503 | $6,000 | $6,000 | $6,000 |
| 6102 EDUCATIONAL SUPPLIES | $1,392 | $1,500 | $1,500 | $1,500 |
| 6105 FOOD SUPPLIES | $2,516 | $2,800 | $2,800 | $3,000 |
| 6107 CLOTHING AND UNIFORMS | $0 | $300 | $300 | $300 |
| 6108 FUEL, OIL AND LUBRICANTS | $0 | $400 | $200 | $200 |
| 6109 POSTAGE | $134 | $200 | $200 | $200 |
| 6119 OTHER SUPPLIES | $7,453 | $8,000 | $8,000 | $8,000 |
| **SUPPLIES** | **$16,998** | **$19,200** | **$19,000** | **$19,200** |
| 6205 VEHICLE MAINTENANCE | $608 | $500 | $250 | $500 |
| **REPAIRS AND MAINTENANCE** | **$608** | **$500** | **$250** | **$500** |
| 6304 PROF.SERV.-OTHER | $0 | $6,000 | $6,000 | $30,000 |
| 6312 COMMUNICATION SERVICES | $768 | $768 | $768 | $768 |
| 6329 OTHER SERVICES | $34,092 | $40,000 | $40,000 | $40,000 |
| 6332 TRAVEL AND MEALS | $52 | $5,800 | $5,800 | $5,800 |
| 6333 DUES AND SUBSCRIPTIONS | $1,334 | $1,800 | $1,800 | $1,800 |
| 6335 ADVERTISING COST | $0 | $3,500 | $3,500 | $3,500 |
| 6337 TRAINING | $5,560 | $24,000 | $24,000 | $24,000 |
| 6398 BANQUETS, DEDICATION, RECEP | $10,155 | $11,000 | $11,000 | $11,000 |
| **SERVICES AND CHARGES** | **$51,961** | **$92,868** | **$92,868** | **$116,868** |
| **TOTAL HUMAN RESOURCES** | **$374,009** | **$492,725** | **$440,443** | **$478,447** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | FINANCE | 100-116 FINANCE |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $201,692 | $241,256 | $257,076 | $259,712 |
| 6003 WAGES-FULL TIME | $69,081 | $84,025 | $69,389 | $75,404 |
| Supplemental FY19 - Upgrade PT to FT Accoutant - $68,173 | | | | |
| 6004 WAGES-PART TIME | $7,675 | $10,712 | $12,020 | $0 |
| 6005 WAGES-OVERTIME | $1,645 | $1,545 | $1,545 | $1,545 |
| 6009 WAGES-OTHER | $14,802 | $0 | $7,269 | $0 |
| 6011 VACATION PAY | $16,531 | $0 | $10,916 | $18,482 |
| 6012 SICK PAY | $8,056 | $2,846 | $19,037 | $17,554 |
| 6013 EMERGENCY PAY | $1,797 | $0 | $0 | $0 |
| 6019 MISCELLANEOUS PAY | $1,650 | $1,950 | $1,710 | $1,300 |
| 6021 FICA-S.S. AND MEDICARE TAXES | $24,120 | $26,486 | $28,928 | $28,968 |
| 6022 TMRS-EMPLOYER | $43,738 | $47,260 | $50,584 | $51,736 |
| 6024 HEALTH INSURANCE | $0 | $0 | $0 | $0 |
| 6025 WORKER COMPENSATION INS. | $551 | $652 | $583 | $711 |
| **PERSONNEL SERVICES** | **$391,338** | **$416,732** | **$459,057** | **$455,412** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $3,635 | $6,500 | $4,000 | $6,000 |
| 6105 FOOD SUPPLIES | $150 | $150 | $100 | $100 |
| 6107 CLOTHING AND UNIFORMS | $379 | $450 | $450 | $600 |
| 6109 POSTAGE | $100 | $300 | $100 | $300 |
| 6119 OTHER SUPPLIES | $0 | $0 | $200 | $200 |
| **SUPPLIES** | **$4,264** | **$7,400** | **$4,850** | **$7,200** |
| 6204 OTHER EQUIPMENT MAINTENANCE | $345 | $350 | $800 | $350 |
| **REPAIRS AND MAINTENANCE** | **$345** | **$350** | **$800** | **$350** |
| 6301 PROF.SERV.-AUDIT AND ACCTNG. | $50,860 | $70,000 | $70,000 | $70,000 |
| 6304 PROF.SERV.-OTHER | $9,372 | $15,000 | $15,000 | $15,000 |
| 6312 COMMUNICATION SERVICES | $1,362 | $1,400 | $2,100 | $2,236 |
| 6316 PRINTING AND BINDING | $870 | $1,200 | $1,000 | $1,000 |
| 6317 APPRAISAL SERVICES | $43,973 | $46,500 | $46,500 | $46,500 |
| 6332 TRAVEL AND MEALS | $4,267 | $4,800 | $7,000 | $5,900 |
| 6333 DUES AND SUBSCRIPTIONS | $1,715 | $5,350 | $2,000 | $2,500 |
| 6335 ADVERTISING COST | $6,869 | $4,500 | $6,000 | $6,000 |
| 6337 TRAINING | $2,511 | $4,250 | $5,000 | $5,000 |
| 6397 CREDIT CARD PROCESSING FEE | $96,651 | $95,000 | $114,724 | $115,000 |
| 6399 SERVICE CHARGES | $18,446 | $22,000 | $22,000 | $22,000 |
| **SERVICES AND CHARGES** | **$236,896** | **$270,000** | **$291,324** | **$291,136** |
| **TOTAL FINANCE** | **$632,843** | **$694,482** | **$756,031** | **$754,098** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | INFORMATION SYSTEMS | 100-117 INFORMATION |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES- ADMINISTRATIVE | $191,718 | $217,068 | $203,412 | $204,945 |
| 6009 WAGES- OTHER | $10,167 | $0 | $5,928 | $0 |
| 6011 VACATION PAY | $9,894 | $0 | $7,592 | $13,003 |
| 6012 SICK PAY | $3,226 | $3,323 | $3,525 | $12,136 |
| 6019 MISCELLANEOUS PAY | $1,435 | $1,615 | $1,615 | $1,795 |
| 6021 FICA-S.S. AND MEDICARE TAXES | $17,324 | $18,069 | $17,928 | $18,827 |
| 6022 TMRS-EMPLOYER | $31,576 | $32,241 | $32,241 | $33,625 |
| 6025 WORKER COMPENSATION INS. | $1,042 | $1,287 | $1,070 | $1,050 |
| **PERSONNEL SERVICES** | **$266,382** | **$273,603** | **$273,311** | **$285,381** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $42,153 | $59,000 | $55,000 | $40,000 |
| 6103 COMPUTER EQUIPMENT <$20,000 | $2,550 | $0 | $0 | $0 |
| 6107 CLOTHING AND UNIFORMS | $192 | $100 | $100 | $300 |
| 6109 POSTAGE | $46 | $100 | $113 | $100 |
| **SUPPLIES** | **$44,941** | **$59,200** | **$55,213** | **$40,400** |
| 6201 OFFICE EQUIPMENT MAINTENANCE | $12,026 | $7,500 | $7,500 | $7,500 |
| 6202 COMPUTER EQUIPMENT MAINT | $291 | $1,200 | $900 | $1,200 |
| **REPAIRS AND MAINTENANCE** | **$12,317** | **$8,700** | **$8,400** | **$8,700** |
| 6304 PROF.SERV.-OTHER | $39,720 | $45,000 | $20,000 | $40,000 |
| 6312 COMMUNICATION SERVICES | $79,025 | $87,000 | $87,000 | $87,000 |
| 6320 COMPUTER SOFTWARE SERV. | $199,589 | $232,950 | $232,950 | $226,622 |
| 6332 TRAVEL AND MEALS | $691 | $1,500 | $500 | $1,500 |
| 6333 DUES AND SUBSCRIPTIONS | $1,064 | $1,000 | $1,000 | $1,000 |
| 6334 AUTOMOBILE ALLOWANCES | $9,600 | $9,600 | $9,600 | $9,600 |
| 6337 TRAINING | $1,645 | $3,000 | $1,000 | $3,000 |
| **SERVICES AND CHARGES** | **$331,334** | **$380,050** | **$352,050** | **$368,722** |
| 6999 CAPITAL PROJECTS | $0 | $0 | $0 | $150,000 |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$150,000** |
| **TOTAL INFORMATION SYSTEMS** | **$654,974** | **$721,553** | **$688,974** | **$853,203** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | LEGAL | 100-118 LEGAL |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6102 EDUCATIONAL SUPPLIES | $0 | $0 | $250 | $0 |
| **SUPPLIES** | **$0** | **$0** | **$250** | **$0** |
| 6303 PROF.SERV.-LEGAL | $159,704 | $142,000 | $142,000 | $142,000 |
| **SERVICES AND CHARGES** | **$159,704** | **$142,000** | **$142,000** | **$142,000** |
| **TOTAL LEGAL** | **$159,704** | **$142,000** | **$142,250** | **$142,000** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | NON-DEPARTMENTAL | 100-119 NON-DEPARTMENTAL |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **PERSONNEL SERVICES** | **$0** | **$0** | **$0** | **$0** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $5,248 | $4,000 | $4,300 | $4,700 |
| 6108 FUEL, OIL AND LUBRICANTS | $0 | $0 | $0 | $9,000 |
| 6109 POSTAGE | $12,223 | $11,920 | $10,200 | $12,200 |
| **SUPPLIES** | **$17,471** | **$15,920** | **$14,500** | **$25,900** |
| **REPAIRS AND MAINTENANCE** | **$0** | **$0** | **$0** | **$0** |
| 6329 OTHER SERVICES | $33,709 | $26,400 | $19,600 | $22,800 |
| 6330 INSURANCE | $237,903 | $245,000 | $260,000 | $260,000 |
| 6336 EQUIPMENT RENTALS | $50,302 | $40,824 | $32,080 | $30,280 |
| 6340 SPECIAL EVENTS | $0 | $0 | $0 | $47,300 |
| 6346 ECONOMIC DEVELOPMENT AGREEMENT | $174,162 | $187,250 | $146,970 | $170,000 |
| **SERVICES AND CHARGES** | **$496,076** | **$499,474** | **$458,650** | **$530,380** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| 6691 TRANSFER OUT | $20,000 | $20,000 | $20,000 | $30,000 |
| 6692 TRANSFER TO EMP. BEN. TRUST | $2,110,591 | $2,211,241 | $2,211,241 | $2,387,391 |
| 6698 TRANSFER TO FLEET REPLACEMENT | $0 | $0 | $0 | $200,000 |
| **TRANSFERS** | **$2,130,591** | **$2,231,241** | **$2,231,241** | **$2,617,391** |
| **TOTAL NON-DEPARTMENTAL** | **$2,644,138** | **$2,746,635** | **$2,704,391** | **$3,173,671** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | POLICE DEPARTMENT | 100-121 POLICE DEPARTMENT |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $280,801 | $324,455 | $292,912 | $298,384 |
| 6003 WAGES-FULL TIME | $2,637,588 | $3,319,504 | $2,955,145 | $3,099,565 |
| 6004 WAGES-PART TIME | $43,902 | $54,856 | $54,841 | $60,384 |
| 6005 WAGES-OVERTIME | $429,202 | $398,340 | $400,000 | $371,948 |
| 6009 WAGES-OTHER | $165,358 | $0 | $98,445 | $0 |
| 6011 VACATION PAY | $190,114 | $0 | $120,846 | $206,850 |
| 6012 SICK PAY | $99,144 | $32,181 | $90,411 | $168,658 |
| 6013 EMERGENCY PAY | $6,075 | $0 | $763 | $0 |
| 6019 MISCELLANEOUS PAY | $29,835 | $31,600 | $30,175 | $26,595 |
| 6021 FICA-MED/SS | $286,194 | $320,529 | $305,190 | $325,734 |
| 6022 TMRS-EMPLOYER | $529,061 | $564,436 | $547,696 | $573,495 |
| 6024 HEALTH INSURANCE | $0 | $0 | $0 | $0 |
| 6025 WORKER COMPENSATION INSURANCE | $58,311 | $75,597 | $59,424 | $58,626 |
| **PERSONNEL SERVICES** | **$4,755,585** | **$5,121,498** | **$4,955,848** | **$5,190,239** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $11,935 | $15,000 | $17,000 | $15,000 |
| 6102 EDUCATIONAL SUPPLIES | $3,659 | $1,500 | $1,500 | $1,500 |
| 6104 JANITORIAL SUPPLIES | $311 | $500 | $500 | $500 |
| 6105 FOOD SUPPLIES | $6,530 | $5,000 | $6,500 | $6,500 |
| 6106 MATERIALS AND PARTS | $61,346 | $60,000 | $60,000 | $60,000 |
| 6107 CLOTHING AND UNIFORMS | $57,358 | $40,000 | $40,000 | $40,000 |
| 6108 FUEL, OIL AND LUBRICANTS | $80,347 | $95,000 | $95,000 | $95,000 |
| 6109 POSTAGE | $517 | $2,000 | $2,000 | $2,000 |
| 6119 OTHER SUPPLIES | $3,312 | $1,000 | $1,500 | $1,500 |
| **SUPPLIES** | **$225,315** | **$220,000** | **$224,000** | **$222,000** |
| 6201 OFFICE EQUIPMENT MAINTENANCE | $363 | $1,500 | $1,500 | $1,500 |
| 6204 OTHER EQUIPMENT MAINTENANCE | $8,221 | $20,000 | $20,000 | $10,000 |
| 6205 VEHICLE MAINTENANCE | $70,357 | $55,000 | $80,000 | $55,000 |
| 6206 BUILDING MAINTENANCE | $0 | $23,500 | $10,000 | $30,000 |
| **REPAIRS AND MAINTENANCE** | **$78,941** | **$100,000** | **$111,500** | **$96,500** |
| 6304 PROFESSIONAL SERVICES,OTHER | $25,292 | $12,000 | $16,000 | $12,000 |
| 6312 COMMUNICATION SERVICES | $83,924 | $70,000 | $80,000 | $70,000 |
| 6316 PRINTING AND BINDING | $0 | $500 | $500 | $500 |
| 6318 ANIMAL CONTROL-HARRIS COUNTY | $22,000 | $30,000 | $30,000 | $30,000 |
| 6324 JAIL SERVICE EXPENSE | $2,994 | $10,000 | $10,000 | $10,000 |
| 6325 BUY MONEY | $2,500 | $4,000 | $4,000 | $4,000 |
| 6328 BIKE PATROL | $1,050 | $3,000 | $3,000 | $3,000 |
| 6329 OTHER SERVICES | $850 | $2,500 | $2,500 | $2,500 |
| 6332 TRAVEL AND MEALS | $33,800 | $20,000 | $28,000 | $20,000 |
| 6333 DUES AND SUBSCRIPTIONS | $3,944 | $7,000 | $7,000 | $7,000 |
| 6336 EQUIPMENT RENTALS | $524 | $420 | $420 | $420 |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | POLICE DEPARTMENT | 100-121 POLICE DEPARTMENT |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6337 TRAINING | $38,058 | $40,000 | $40,000 | $40,000 |
| **SERVICES AND CHARGES** | **$214,936** | **$199,420** | **$221,420** | **$199,420** |
| 6402 COMPUTER EQUIPMENT | $0 | $9,000 | $4,500 | $0 |
| 6404 RADIO EQUIPMENT | $0 | $0 | $0 | $0 |
| **CAPITAL OUTLAY** | **$0** | **$9,000** | **$4,500** | **$0** |
| 6998 TRANSFER TO FLEET REPLACEMENT | $104,812 | $139,500 | $139,500 | $0 |
| **TRANSFERS** | **$104,812** | **$139,500** | **$139,500** | **$0** |
| **TOTAL GENERAL-POLICE DEPARTMENT** | **$5,379,589** | **$5,789,418** | **$5,656,768** | **$5,708,159** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | MUNICIPAL COURT | 100-122 MUNICIPAL COURT |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $55,951 | $68,863 | $64,912 | $70,152 |
| 6003 WAGES-FULL TIME | $102,967 | $130,322 | $122,876 | $152,727 |
| 6004 WAGES-PART TIME | $43,405 | $45,569 | $44,326 | $38,156 |
| 6005 WAGES-OVERTIME | $2,318 | $6,180 | $6,180 | $8,240 |
| 6009 WAGES-OTHER | $8,634 | $0 | $6,292 | $0 |
| 6011 VACATION PAY | $12,960 | $0 | $4,498 | $13,857 |
| 6012 SICK PAY | $3,968 | $1,696 | $2,170 | $12,083 |
| 6019 MISCELLANEOUS PAY | $1,860 | $2,115 | $2,115 | $2,220 |
| 6021 FICA-MED/SS | $17,329 | $19,546 | $19,216 | $22,877 |
| 6022 TMRS-EMPLOYER | $25,946 | $30,118 | $28,631 | $35,644 |
| 6024 HEALTH INSURANCE | $0 | $0 | $0 | $0 |
| 6025 WORKER COMPENSATION INSURANCE | $561 | $592 | $535 | $652 |
| **PERSONNEL SERVICES** | **$275,899** | **$305,001** | **$301,751** | **$356,608** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $3,387 | $3,000 | $2,500 | $3,000 |
| 6102 EDUCATIONAL SUPPLIES | $556 | $400 | $400 | $400 |
| 6107 CLOTHING AND UNIFORMS | $0 | $400 | $400 | $500 |
| **SUPPLIES** | **$3,943** | **$3,800** | **$3,300** | **$3,900** |
| **REPAIRS AND MAINTENANCE** | **$0** | **$0** | **$0** | **$0** |
| 6303 PROFESSIONAL SERVICES,LEGAL | $59,500 | $62,000 | $62,000 | $70,000 |
| 6312 COMMUNICATION SERVICES | $0 | $0 | $320 | $768 |
| 6316 PRINTING AND BINDING | $1,316 | $2,000 | $1,200 | $1,600 |
| 6329 OTHER SERVICES | $396 | $2,080 | $1,380 | $2,080 |
| 6332 TRAVEL AND MEALS | $2,154 | $5,300 | $4,150 | $5,000 |
| 6333 DUES AND SUBSCRIPTIONS | $1,602 | $635 | $880 | $1,100 |
| 6337 TRAINING | $2,257 | $3,500 | $2,600 | $5,850 |
| **SERVICES AND CHARGES** | **$67,225** | **$75,515** | **$72,530** | **$86,398** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL GENERAL-MUNICIPAL COURT** | **$347,067** | **$384,316** | **$377,581** | **$446,906** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | COMMUNITY CENTER | 100-131 COMMUNITY CENTER |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $43,832 | $48,911 | $46,836 | $45,525 |
| 6003 WAGES-FULL TIME | $31,435 | $38,135 | $34,713 | $34,758 |
| 6004 WAGES-PART TIME | $18,781 | $24,723 | $20,201 | $25,473 |
| 6005 WAGES-OVERTIME | $1,036 | $1,030 | $1,500 | $1,545 |
| 6009 WAGES-OTHER | $4,226 | $0 | $1,967 | $0 |
| 6011 VACATION PAY | $4,447 | $0 | $1,908 | $5,928 |
| 6012 SICK PAY | $1,443 | $1,339 | $2,366 | $4,223 |
| 6013 EMERGENCY PAY | $427 | $0 | $0 | $0 |
| 6019 MISCELLANEOUS PAY | $980 | $1,100 | $1,100 | $1,220 |
| 6021 FICA-MED/SS | $7,669 | $8,863 | $8,253 | $9,127 |
| 6022 TMRS-EMPLOYER | $12,115 | $12,440 | $12,418 | $12,820 |
| 6025 WORKER COMPENSATION INSURANCE | $301 | $355 | $318 | $355 |
| **PERSONNEL SERVICES** | **$126,692** | **$136,896** | **$131,580** | **$140,974** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $432 | $1,000 | $1,000 | $1,000 |
| 6104 JANITORIAL SUPPLIES | $172 | $400 | $400 | $500 |
| 6105 FOOD SUPPLIES | $6,332 | $5,500 | $6,000 | $6,750 |
| 6108 FUEL,OIL AND LUBRICANTS | $187 | $500 | $500 | $500 |
| 6119 OTHER SUPPLIES | $3,769 | $5,000 | $10,000 | $6,500 |
| 6130 FURNITURE <$20,000 | $1,028 | $1,600 | $1,600 | $1,500 |
| **SUPPLIES** | **$11,920** | **$14,000** | **$19,500** | **$16,750** |
| 6204 OTHER EQUIPMENT MAINTENANCE | $0 | $400 | $400 | $400 |
| 6205 VEHICLE MAINTENANCE | $1,041 | $400 | $400 | $400 |
| 6206 BUILDING MAINTENANCE | $0 | $5,000 | $4,800 | $0 |
| **REPAIRS AND MAINTENANCE** | **$1,041** | **$5,800** | **$5,600** | **$800** |
| 6329 OTHER SERVICES | $585 | $1,000 | $1,000 | $1,750 |
| 6332 TRAVEL AND MEALS | $2,984 | $3,650 | $3,650 | $3,650 |
| 6335 ADVERTISING COST | $3,763 | $2,800 | $2,800 | $3,500 |
| 6362 PERMITS AND LICENSES | $61 | $150 | $150 | $200 |
| **SERVICES AND CHARGES** | **$7,393** | **$7,600** | **$7,600** | **$9,100** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL GENERAL-COMMUNITY CENTER** | **$147,046** | **$164,296** | **$164,280** | **$167,624** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | FIRE DEPARTMENT | 100-142 FIRE DEPARTMENT |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $230,717 | $274,583 | $256,510 | $261,469 |
| 6003 WAGES - FULL TIME | $784,084 | $978,855 | $737,865 | $1,018,889 |
| 6004 WAGES - PART TIME | $364,976 | $308,580 | $279,599 | $119,348 |
| 6005 WAGES - OVERTIME | $257,524 | $176,307 | $141,638 | $184,957 |
| 6009 WAGES - OTHER | $50,908 | $0 | $31,501 | $0 |
| 6010 FIRE RUN PAYMENTS | $46,200 | $35,000 | $31,240 | $29,200 |
| 6011 VACATION PAY | $35,821 | $0 | $24,599 | $69,977 |
| 6012 SICK PAY | $21,168 | $10,083 | $23,311 | $66,909 |
| 6013 EMERGENCY PAY | $134 | $0 | $0 | $0 |
| 6019 MISCELLANEOUS PAY | $4,305 | $5,330 | $5,545 | $4,835 |
| 6020 VOLUNTEERS' STATE RETIREMENT | $0 | $15,000 | $5,000 | $5,000 |
| 6021 SOCIAL SECURITY AND MEDICARE TAX | $133,724 | $134,726 | $114,496 | $134,936 |
| 6022 TMRS-RETIREMENT-EMPLOYER | $186,117 | $194,368 | $164,559 | $219,159 |
| 6024 HEALTH INSURANCE | $0 | $0 | $0 | $0 |
| 6025 WORKERS' COMPENSATION INS | $20,227 | $22,398 | $23,821 | $19,567 |
| 6030 EMPLOYEE TUITION REIMBURSEMENT | $2,558 | $8,000 | $8,000 | $8,000 |
| **PERSONNEL SERVICES** | **$2,138,463** | **$2,163,230** | **$1,847,684** | **$2,142,246** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $8,111 | $5,900 | $6,000 | $6,250 |
| 6102 EDUCATIONAL SUPPLIES | $12,054 | $14,450 | $13,700 | $10,600 |
| 6104 JANITORIAL SUPPLIES | $5,677 | $16,600 | $17,004 | $5,750 |
| 6105 FOOD SUPPLIES | $7,584 | $15,150 | $13,550 | $13,550 |
| 6106 MATERIALS AND PARTS | $1,765 | $10,500 | $9,300 | $7,300 |
| 6107 CLOTHING AND UNIFORMS | $88,118 | $111,850 | $128,410 | $107,350 |
| 6108 FUEL, OIL AND LUBRICANTS | $32,578 | $42,000 | $39,100 | $39,750 |
| 6109 POSTAGE | $78 | $385 | $135 | $135 |
| 6110 CHEMICAL SUPPLIES | $3,421 | $14,250 | $12,020 | $12,720 |
| 6119 OTHER SUPPLIES | $73,216 | $54,100 | $56,850 | $14,550 |
| 6130 FURNITURE <$20,000 | $600 | $4,000 | $4,000 | $4,000 |
| 6141 SCBA PARTS AND SUPPLIES | $40,971 | $53,300 | $53,300 | $25,100 |
| 6142 COMMUNICATION PARTS AND SUPPLIES | $27,156 | $29,500 | $29,500 | $39,000 |
| 6143 FF TOOL PARTS AND SUPPLIES | $18,129 | $30,000 | $27,000 | $34,000 |
| **SUPPLIES** | **$319,458** | **$401,985** | **$409,869** | **$320,055** |
| 6201 OFFICE EQUIPMENT MAINTENANCE | $96 | $1,100 | $1,100 | $1,100 |
| 6204 OTHER EQUIPMENT MAINTENANCE | $5,746 | $9,800 | $7,500 | $7,500 |
| 6205 VEHICLE MAINTENANCE | $145,802 | $107,600 | $170,851 | $113,500 |
| 6206 BUILDING MAINTENANCE | $3,759 | $0 | $0 | $0 |
| 6219 OTHER MAINTENANCE | $18,379 | $16,500 | $28,500 | $16,500 |
| 6241 SCBA MAINTENANCE AND TESTING | $9,425 | $16,300 | $18,200 | $15,900 |
| 6242 COMMUNICATION MAINTENANCE | $1,340 | $14,000 | $14,250 | $13,950 |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | FIRE DEPARTMENT | 100-142 FIRE DEPARTMENT |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6243 FIREFIGHTING TOOL MAINTENANCE | $9,437 | $17,500 | $14,000 | $14,000 |
| **REPAIRS AND MAINTENANCE** | **$193,984** | **$182,800** | **$254,401** | **$182,450** |
| 6304 PROFESSIONAL SERVICES-OTHER | $36,504 | $30,600 | $30,600 | $38,400 |
| 6312 COMMUNICATION SERVICES | $40,257 | $34,080 | $30,800 | $29,000 |
| 6316 PRINTING AND BINDING | $1,945 | $4,000 | $3,000 | $3,000 |
| 6320 COMPUTER SOFTWARE SERVICES | $5,369 | $0 | $0 | $0 |
| 6329 OTHER SERVICES | $4,552 | $4,200 | $4,200 | $4,200 |
| 6332 TRAVEL AND MEALS | $23,805 | $30,700 | $26,700 | $17,700 |
| 6333 DUES AND SUBSCRIPTIONS | $10,756 | $12,155 | $11,200 | $9,000 |
| 6335 ADVERTISING COST | $2,475 | $2,000 | $3,400 | $2,500 |
| 6336 EQUIPMENT RENTALS | $3,192 | $1,300 | $1,600 | $1,600 |
| 6337 TRAINING | $33,256 | $40,800 | $39,660 | $38,060 |
| 6343 FIREFIGHTING TOOL RENTALS | $0 | $1,500 | $1,500 | $1,500 |
| 6350 CHILD SAFETY EDUCATION | $4,806 | $4,600 | $3,600 | $3,900 |
| 6398 BANQUETS, DEDICATIONS AND RECEPT | $5,065 | $5,000 | $5,720 | $6,350 |
| **SERVICES AND CHARGES** | **$171,982** | **$170,935** | **$161,980** | **$155,210** |
| 6405 VEHICLE EQUIPMENT | $35,953 | $0 | $0 | $27,000 |
| 6406 LAND AND BUILDINGS | $0 | $0 | $0 | $0 |
| **CAPITAL OUTLAY** | **$35,953** | **$0** | **$0** | **$27,000** |
| 6998 TRANSFER TO FLEET REPLACEMENT | $37,000 | $0 | $0 | $0 |
| **TRANSFERS** | **$37,000** | **$0** | **$0** | **$0** |
| **DEBT** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL GENERAL-FIRE DEPARTMENT** | **$2,896,840** | **$2,918,950** | **$2,673,934** | **$2,826,961** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | EMERGENCY MANAGEMENT | 100-143 EMERGENCY |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6101 OFFICE AND COMPUTER SUPPLIES | $0 | $500 | $200 | $500 |
| 6102 EDUCATIONAL SUPPLIES | $0 | $750 | $750 | $750 |
| 6105 FOOD SUPPLIES | $923 | $300 | $300 | $300 |
| 6107 CLOTHING AND UNIFORMS | $0 | $800 | $1,639 | $1,800 |
| 6119 OTHER SUPPLIES | $187 | $0 | $0 | $0 |
| **SUPPLIES** | **$1,110** | **$2,350** | **$2,889** | **$3,350** |
| **REPAIRS AND MAINTENANCE** | **$0** | **$0** | **$0** | **$0** |
| 6312 COMMUNICATION SERVICES | $4,355 | $5,000 | $4,650 | $4,700 |
| 6316 PRINTING AND BINDING | $480 | $0 | $0 | $0 |
| 6332 TRAVEL AND MEALS | $1,130 | $1,500 | $0 | $1,500 |
| 6333 DUES AND SUBSCRIPTIONS | $240 | $595 | $1,000 | $600 |
| 6335 ADVERTISING COST | $0 | $0 | $1,700 | $1,500 |
| 6337 TRAINING | $675 | $1,200 | $1,000 | $1,200 |
| 6345 KTTF EXPENSES | $10,391 | $11,000 | $11,000 | $15,000 |
| **SERVICES AND CHARGES** | **$17,271** | **$19,295** | **$19,350** | **$24,500** |
| **TOTAL EMERGENCY MANAGEMENT** | **$18,381** | **$21,645** | **$22,239** | **$27,850** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | ESD#15 STATION 5 | 100-145 ESD#15 STATION 5 |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6003 WAGES-FULL TIME | $147,023 | $162,744 | $293,664 | $328,787 |
| 6004 WAGES-PART TIME | $0 | $0 | $147,552 | $155,490 |
| 6005 WAGES-OVERTIME | $52,620 | $28,763 | $66,350 | $65,345 |
| 6009 WAGES-OTHER | $6,160 | $0 | $6,536 | $0 |
| 6010 FIRE RUN PAYMENTS | $0 | $0 | $14,720 | $14,600 |
| 6011 VACATION PAY | $3,389 | $0 | $7,678 | $16,796 |
| 6012 SICK PAY | $965 | $1,215 | $3,310 | $16,093 |
| 6019 MISCELLANEOUS PAY | $0 | $280 | $0 | $1,265 |
| 6021 FICA-S.S. AND MEDICARE TAXES | $15,685 | $14,777 | $40,208 | $44,688 |
| 6022 TMRS-EMPLOYER | $28,820 | $26,367 | $49,403 | $57,816 |
| 6025 WORKER COMPENSATION INS. | $2,150 | $2,500 | $6,688 | $6,864 |
| 6030 EMPLOYEE TUITION REIMBURSE | $0 | $0 | $0 | $4,000 |
| **PERSONNEL SERVICES** | **$256,812** | **$236,646** | **$636,109** | **$711,744** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $1,447 | $1,000 | $750 | $750 |
| 6102 EDUCATIONAL SUPPLIES | $0 | $100 | $100 | $3,700 |
| 6104 JANITORIAL AND CLEANING SUPPLY | $3,159 | $2,800 | $3,000 | $3,000 |
| 6105 FOOD SUPPLIES | $1,277 | $1,200 | $1,800 | $1,800 |
| 6106 MATERIALS AND PARTS | $0 | $0 | $0 | $2,000 |
| 6107 CLOTHING AND UNIFORMS | $2,655 | $2,600 | $8,300 | $53,740 |
| 6119 OTHER SUPPLIES | $1,315 | $500 | $1,000 | $1,000 |
| 6130 FURNITURE<$20,000 | $901 | $250 | $250 | $250 |
| **SUPPLIES** | **$10,754** | **$8,450** | **$15,200** | **$66,240** |
| 6204 OTHER EQUIPMENT MAINT. | $0 | $0 | $0 | $600 |
| 6206 BUILDING MAINTENANCE | $8,186 | $7,600 | $9,545 | $8,195 |
| 6242 COMMUNICATION MAINTENANCE | $0 | $0 | $0 | $300 |
| **REPAIRS AND MAINTENANCE** | **$8,186** | **$7,600** | **$9,545** | **$9,095** |
| 6304 PROF.SERV.-OTHER | $900 | $1,000 | $1,800 | $3,200 |
| 6312 COMMUNICATION SERVICES | $2,559 | $3,200 | $3,710 | $3,360 |
| 6313 UTILITIES | $20,122 | $26,000 | $26,125 | $26,125 |
| 6316 PRINTING AND BINDING | $0 | $0 | $0 | $333 |
| 6332 TRAVEL AND MEALS | $1,432 | $500 | $0 | $5,800 |
| 6333 DUES AND SUBSCRIPTIONS | $0 | $275 | $0 | $1,700 |
| 6337 TRAINING | $1,225 | $2,500 | $2,500 | $9,700 |
| **SERVICES AND CHARGES** | **$26,238** | **$33,475** | **$34,135** | **$50,218** |
| **TOTAL GENERAL-ESD#15 STATION 5** | **$301,990** | **$286,171** | **$694,989** | **$837,297** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | PUBLIC WORKS ADM. | 100-151 PUBLIC WORKS ADM. |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6003 WAGES-FULL TIME | $34,910 | $34,921 | $32,665 | $33,777 |
| 6005 WAGES-OVERTIME | $342 | $1,030 | $1,030 | $1,030 |
| 6009 WAGES-OTHER | $1,560 | $0 | $970 | $0 |
| 6011 VACATION PAY | $1,823 | $0 | $604 | $1,407 |
| 6012 SICK PAY | $1,387 | $0 | $420 | $1,407 |
| 6019 MISCELLANEOUS PAY | $0 | $75 | $75 | $135 |
| 6021 FICA-MED/SS | $3,036 | $2,757 | $2,737 | $2,890 |
| 6022 TMRS-EMPLOYER | $5,479 | $4,919 | $4,882 | $5,161 |
| 6025 WORKER COMPENSATION INSURANCE | $100 | $118 | $106 | $118 |
| **PERSONNEL SERVICES** | **$48,637** | **$43,820** | **$43,489** | **$45,925** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $1,012 | $1,100 | $1,000 | $1,200 |
| 6102 EDUCATIONAL SUPPLIES | $124 | $400 | $400 | $400 |
| 6105 FOOD SUPPLIES | $2,801 | $1,800 | $3,000 | $3,000 |
| 6107 CLOTHING AND UNIFORMS | $275 | $300 | $300 | $300 |
| 6108 FUEL, OIL AND LUBRICANTS | $3,623 | $4,000 | $5,000 | $1,500 |
| 6119 OTHER SUPPLIES | $252 | $120 | $250 | $250 |
| **SUPPLIES** | **$8,087** | **$7,720** | **$9,950** | **$6,650** |
| 6205 VEHICLE MAINTENANCE | $238 | $150 | $800 | $1,000 |
| **REPAIRS AND MAINTENANCE** | **$238** | **$150** | **$800** | **$1,000** |
| 6312 COMMUNICATION SERVICES | $361 | $380 | $500 | $500 |
| 6332 TRAVEL AND MEALS | $0 | $50 | $300 | $300 |
| 6337 TRAINING | $0 | $3,000 | $3,000 | $3,000 |
| **SERVICES AND CHARGES** | **$361** | **$3,430** | **$3,800** | **$3,800** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL GENERAL-PUBLIC WORKS ADM.** | **$57,323** | **$55,120** | **$58,039** | **$57,375** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | GARAGE | 100-152 GARAGE |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6003 WAGES-FULL TIME | $86,616 | $105,412 | $74,226 | $84,812 |
| 6005 WAGES-OVERTIME | $7,699 | $8,240 | $10,000 | $8,240 |
| 6009 WAGES-OTHER | $4,498 | $0 | $1,315 | $0 |
| 6011 VACATION PAY | $4,968 | $0 | $2,015 | $5,354 |
| 6012 SICK PAY | $2,897 | $0 | $513 | $4,997 |
| 6013 EMERGENCY PAY | $526 | $0 | $0 | $0 |
| 6019 MISCELLANEOUS PAY | $965 | $1,085 | $490 | $880 |
| 6021 FICA-MED/SS | $7,883 | $8,839 | $6,703 | $8,045 |
| 6022 TMRS-EMPLOYER | $14,926 | $15,771 | $12,192 | $14,366 |
| 6025 WORKER COMPENSATION INSURANCE | $1,994 | $2,345 | $1,986 | $2,000 |
| **PERSONNEL SERVICES** | **$132,972** | **$141,692** | **$109,440** | **$128,694** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $243 | $50 | $50 | $50 |
| 6106 MATERIALS AND PARTS | $976 | $1,500 | $2,500 | $4,000 |
| 6107 CLOTHING AND UNIFORMS | $1,096 | $1,430 | $1,430 | $1,130 |
| 6108 FUEL, OIL AND LUBRICANTS | $780 | $1,100 | $900 | $1,100 |
| 6119 OTHER SUPPLIES | $1,393 | $800 | $2,000 | $5,000 |
| **SUPPLIES** | **$4,488** | **$4,880** | **$6,880** | **$11,280** |
| 6204 OTHER EQUIPMENT MAINTENANCE | $0 | $300 | $300 | $300 |
| 6205 VEHICLE MAINTENANCE | $33 | $500 | $400 | $500 |
| 6206 BUILDING MAINTENANCE | $169 | $0 | $0 | $10,000 |
| 6207 SYSTEM MAINTENANCE | $497 | $3,000 | $4,600 | $4,000 |
| **REPAIRS AND MAINTENANCE** | **$699** | **$3,800** | **$5,300** | **$14,800** |
| 6312 COMMUNICATION SERVICES | $721 | $750 | $1,100 | $800 |
| 6329 OTHER SERVICES | $0 | $0 | $6,600 | $6,000 |
| 6333 DUES AND SUBSCRIPTIONS | $1,728 | $1,728 | $1,728 | $2,000 |
| 6336 EQUIPMENT RENTALS | $473 | $473 | $473 | $500 |
| 6337 TRAINING | $180 | $600 | $600 | $1,200 |
| 6362 PERMITS AND LICENSES | $0 | $138 | $100 | $200 |
| **SERVICES AND CHARGES** | **$3,102** | **$3,689** | **$10,601** | **$10,700** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL GENERAL-GARAGE** | **$141,261** | **$154,061** | **$132,221** | **$165,474** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | GENERAL-PARKS | 100-153 PARKS |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6003 WAGES-FULL TIME | $145,283 | $222,151 | $197,640 | $211,884 |
| 6004 WAGES-PART TIME | $36,756 | $42,907 | $49,729 | $48,707 |
| 6005 WAGES-OVERTIME | $13,969 | $10,815 | $13,800 | $13,390 |
| 6009 WAGES-OTHER | $8,375 | $0 | $6,843 | $0 |
| 6011 VACATION PAY | $6,802 | $0 | $6,480 | $11,770 |
| 6012 SICK PAY | $4,355 | $1,145 | $3,324 | $9,371 |
| 6013 EMERGENCY PAY | $0 | $0 | $505 | $0 |
| 6019 MISCELLANEOUS PAY | $1,595 | $1,800 | $2,430 | $2,325 |
| 6021 FICA-MED/SS | $16,022 | $21,573 | $21,216 | $22,926 |
| 6022 TMRS-EMPLOYER | $24,775 | $32,637 | $31,740 | $34,290 |
| 6025 WORKER COMPENSATION INSURANCE | $2,666 | $3,932 | $3,169 | $3,200 |
| **PERSONNEL SERVICES** | **$260,598** | **$336,960** | **$336,876** | **$357,863** |
| 6106 MATERIALS AND PARTS | $17,148 | $19,000 | $24,000 | $30,000 |
| 6107 CLOTHING AND UNIFORMS | $2,571 | $4,575 | $4,450 | $3,750 |
| 6108 FUEL, OIL AND LUBRICANTS | $9,132 | $10,000 | $9,000 | $10,000 |
| 6110 CHEMICAL SUPPLIES | $5,365 | $6,000 | $6,000 | $6,000 |
| 6119 OTHER SUPPLIES | $9,929 | $34,950 | $40,000 | $17,000 |
| **SUPPLIES** | **$44,145** | **$74,525** | **$83,450** | **$66,750** |
| 6204 OTHER EQUIPMENT MAINTENANCE | $4,581 | $5,000 | $6,000 | $5,000 |
| 6205 VEHICLE MAINTENANCE | $1,411 | $1,000 | $2,000 | $3,100 |
| 6206 BUILDING MAINTENANCE | $0 | $0 | $0 | $15,000 |
| 6207 SYSTEM MAINTENANCE | $56,751 | $50,000 | $60,000 | $109,000 |
| **REPAIRS AND MAINTENANCE** | **$62,743** | **$56,000** | **$68,000** | **$132,100** |
| 6304 PROFESSIONAL SERVICES,OTHER | $555 | $0 | $0 | $0 |
| 6312 COMMUNICATION SERVICES | $2,497 | $2,200 | $2,700 | $2,700 |
| 6321 SYSTEM CONTRACT SERVICES | $10,249 | $20,000 | $10,000 | $10,000 |
| 6329 OTHER SERVICES | $456 | $500 | $700 | $500 |
| 6332 TRAVEL AND MEALS | $200 | $0 | $200 | $500 |
| 6336 EQUIPMENT RENTALS | $2,340 | $2,160 | $5,500 | $5,500 |
| 6337 TRAINING | $445 | $1,000 | $1,000 | $1,000 |
| **SERVICES AND CHARGES** | **$16,742** | **$25,860** | **$20,100** | **$20,200** |
| 6403 MACHINERY AND EQUIPMENT | $0 | $56,000 | $42,000 | $0 |
| 6409 SYSTEM EXPANSION | $3,750 | $0 | $0 | $85,000 |
| 6412 JUERGENS PARK | $0 | $4,500 | $4,500 | $0 |
| **CAPITAL OUTLAY** | **$3,750** | **$60,500** | **$46,500** | **$85,000** |
| 6999 TRANSFER TO CAPITAL PROJ. FUND | $480,000 | $580,000 | $580,000 | $450,000 |
| **TRANSFERS** | **$480,000** | **$580,000** | **$580,000** | **$450,000** |
| **TOTAL GENERAL-PARKS** | **$867,978** | **$1,133,845** | **$1,134,926** | **$1,111,913** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | STREETS | 100-154 STREETS |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $62,091 | $73,506 | $68,421 | $66,976 |
| 6003 WAGES-FULL TIME | $196,747 | $289,545 | $254,389 | $274,289 |
| 6004 WAGES-PART TIME | $2,264 | $4,635 | $10,000 | $5,150 |
| 6005 WAGES-OVERTIME | $18,933 | $26,265 | $26,242 | $26,265 |
| 6009 WAGES-OTHER | $15,052 | $0 | $10,317 | $0 |
| 6011 VACATION PAY | $18,901 | $0 | $10,960 | $20,903 |
| 6012 SICK PAY | $18,702 | $2,781 | $5,579 | $16,394 |
| 6013 EMERGENCY PAY | $1,647 | $0 | $0 | $0 |
| 6019 MISCELLANEOUS PAY | $3,150 | $2,825 | $2,715 | $2,900 |
| 6021 FICA-MED/SS | $25,467 | $30,906 | $29,567 | $31,785 |
| 6022 TMRS-EMPLOYER | $46,635 | $54,514 | $51,983 | $56,062 |
| 6024 HEALTH INSURANCE | $0 | $0 | $0 | $0 |
| 6025 WORKER COMPENSATION INSURANCE | $13,956 | $19,208 | $16,587 | $16,900 |
| **PERSONNEL SERVICES** | **$423,545** | **$504,185** | **$486,760** | **$517,624** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $148 | $70 | $250 | $250 |
| 6106 MATERIALS AND PARTS | $34,959 | $35,000 | $35,000 | $55,500 |
| 6107 CLOTHING AND UNIFORMS | $4,172 | $7,305 | $7,550 | $7,050 |
| 6108 FUEL, OIL AND LUBRICANTS | $15,308 | $20,000 | $20,000 | $20,000 |
| 6119 OTHER SUPPLIES | $5,860 | $6,500 | $6,500 | $20,000 |
| **SUPPLIES** | **$60,447** | **$68,875** | **$69,300** | **$102,800** |
| 6204 OTHER EQUIPMENT MAINTENANCE | $13,064 | $15,000 | $27,000 | $15,000 |
| 6205 VEHICLE MAINTENANCE | $3,426 | $5,000 | $5,000 | $5,000 |
| 6207 SYSTEM MAINTENANCE | $235,469 | $258,000 | $258,000 | $358,000 |
| **REPAIRS AND MAINTENANCE** | **$251,959** | **$278,000** | **$290,000** | **$378,000** |
| 6302 PROFESSIONAL SERVICES, ENG | $0 | $0 | $8,000 | $10,000 |
| 6304 PROFESSIONAL SERVICES,OTHER | $13,261 | $14,000 | $14,000 | $14,000 |
| 6312 COMMUNICATION SERVICES | $2,723 | $2,800 | $2,800 | $2,800 |
| 6319 MOSQUITO CONTROL | $13,038 | $15,000 | $15,000 | $15,000 |
| 6329 OTHER SERVICES | $11,048 | $10,000 | $10,000 | $10,000 |
| 6336 EQUIPMENT RENTALS | $0 | $1,500 | $1,500 | $1,500 |
| 6337 TRAINING | $502 | $400 | $400 | $400 |
| 6338 STREET LIGHTS | $107,256 | $110,000 | $110,000 | $110,000 |
| 6362 PERMITS AND LICENSES | $200 | $325 | $200 | $325 |
| **SERVICES AND CHARGES** | **$148,028** | **$154,025** | **$161,900** | **$164,025** |
| 6403 MACHINERY AND EQUIPMENT | $0 | $0 | $0 | $16,000 |
| 6409 SYSTEM EXPANSION | $0 | $0 | $32,855 | $0 |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$32,855** | **$16,000** |
| 6998 TRANSFER TO FLEET REPLACEMENT | $0 | $105,000 | $105,000 | $0 |
| 6999 TRANSFER TO CAPITAL PROJ. FUND | $1,500,000 | $910,000 | $910,000 | $963,000 |
| **TRANSFERS** | **$1,500,000** | **$1,015,000** | **$1,015,000** | **$963,000** |
| **TOTAL GENERAL-STREETS** | **$2,383,979** | **$2,020,085** | **$2,055,815** | **$2,141,449** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | SANITATION | 100-155 SANITATION |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **PERSONNEL SERVICES** | **$0** | **$0** | **$0** | **$0** |
| 6119 OTHER SUPPLIES | $39,760 | $42,000 | $42,000 | $42,000 |
| **SUPPLIES** | **$39,760** | **$42,000** | **$42,000** | **$42,000** |
| **REPAIRS AND MAINTENANCE** | **$0** | **$0** | **$0** | **$0** |
| 6304 PROFESSIONAL SERVICES-OTHER | $155,201 | $120,000 | $120,000 | $150,000 |
| 6327 GARBAGE SERVICES | $1,777,932 | $1,973,274 | $1,973,274 | $2,032,472 |
| 6329 OTHER SERVICES | $2,270 | $2,270 | $3,000 | $3,000 |
| 6362 PERMITS AND LICENSES | $200 | $300 | $200 | $300 |
| **SERVICES AND CHARGES** | **$1,935,603** | **$2,095,844** | **$2,096,474** | **$2,185,772** |
| 6409 SYSTEM EXPANSION | $0 | $25,000 | $15,000 | $0 |
| **CAPITAL OUTLAY** | **$0** | **$25,000** | **$15,000** | **$0** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL SANITATION** | **$1,975,363** | **$2,162,844** | **$2,153,474** | **$2,227,772** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | ENGINEERING AND PLANNING | 100-156 ENGINEERING & PLANNING |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $239,230 | $321,981 | $300,645 | $309,973 |
| 6003 WAGES-FULL TIME | $34,903 | $41,670 | $38,967 | $38,128 |
| 6005 WAGES-OVERTIME | $1,473 | $2,060 | $2,060 | $773 |
| 6009 WAGES-OTHER | $13,687 | $0 | $8,926 | $0 |
| 6011 VACATION PAY | $8,790 | $0 | $10,683 | $16,848 |
| 6012 SICK PAY | $4,273 | $3,450 | $4,633 | $17,466 |
| 6013 EMERGENCY PAY | $0 | $0 | $481 | $0 |
| 6019 MISCELLANEOUS PAY | $480 | $765 | $765 | $870 |
| 6021 FICA-S.S. AND MEDICARE TAXES | $22,747 | $28,948 | $28,280 | $30,026 |
| 6022 TMRS-EMPLOYER | $42,580 | $51,653 | $51,268 | $53,625 |
| 6025 WORKER COMPENSATION INS. | $1,058 | $1,630 | $898 | $987 |
| **PERSONNEL SERVICES** | **$369,221** | **$452,157** | **$447,606** | **$468,696** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $5,893 | $6,000 | $7,500 | $7,500 |
| 6102 EDUCATIONAL SUPPLIES | $0 | $300 | $0 | $0 |
| 6105 FOOD SUPPLIES | $282 | $1,000 | $1,000 | $500 |
| 6107 CLOTHING AND UNIFORMS | $39 | $300 | $300 | $300 |
| 6109 POSTAGE | $4,665 | $6,000 | $6,000 | $6,000 |
| **SUPPLIES** | **$10,879** | **$13,600** | **$14,800** | **$14,300** |
| **REPAIRS AND MAINTENANCE** | **$0** | **$0** | **$0** | **$0** |
| 6302 PROF.SERV.-ENGINEERING | $80,750 | $90,000 | $70,000 | $90,000 |
| 6304 PROF.SERV.-OTHER | $1,700 | $135,000 | $90,000 | $40,000 |
| 6312 COMMUNICATION SERVICES | $2,240 | $3,072 | $3,100 | $3,100 |
| 6316 PRINTING AND BINDING | $78 | $1,500 | $1,250 | $500 |
| 6332 TRAVEL AND MEALS | $6,943 | $11,600 | $10,000 | $10,500 |
| 6333 DUES AND SUBSCRIPTIONS | $365 | $1,000 | $1,000 | $1,000 |
| 6334 AUTOMOBILE ALLOWANCES | $4,800 | $4,800 | $4,800 | $4,800 |
| 6335 ADVERTISING COST | $4,585 | $4,100 | $4,100 | $5,000 |
| 6337 TRAINING | $4,929 | $7,200 | $7,000 | $7,000 |
| 6362 PERMITS AND LICENSES | $180 | $600 | $600 | $600 |
| **SERVICES AND CHARGES** | **$106,570** | **$258,872** | **$191,850** | **$162,500** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL ENGINEERING AND PLANNING** | **$486,670** | **$724,629** | **$654,256** | **$645,496** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | FACILITIES MAINTENANCE | 100-157 FACILITIES |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6003 WAGES-FULL TIME | $69,553 | $89,681 | $80,767 | $83,582 |
| 6005 WAGES-OVERTIME | $3,778 | $5,150 | $5,311 | $5,150 |
| 6009 WAGES-OTHER | $4,518 | $0 | $1,920 | $0 |
| 6011 VACATION PAY | $7,607 | $0 | $5,110 | $8,191 |
| 6012 SICK PAY | $1,602 | $665 | $2,340 | $4,312 |
| 6013 EMERGENCY PAY | $586 | $0 | $0 | $0 |
| 6019 MISCELLANEOUS PAY | $2,170 | $2,290 | $2,290 | $2,410 |
| 6021 FICA-S.S. AND MEDICARE TAXES | $6,879 | $7,606 | $7,516 | $8,026 |
| 6022 TMRS-EMPLOYER | $12,519 | $13,572 | $13,503 | $14,334 |
| 6025 WORKER COMPENSATION INS. | $2,136 | $2,525 | $2,131 | $2,200 |
| **PERSONNEL SERVICES** | **$111,348** | **$121,489** | **$120,888** | **$128,205** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $290 | $0 | $0 | $0 |
| 6104 JANITORIAL AND CLEANING SUPPLY | $9,549 | $9,500 | $8,000 | $9,500 |
| 6105 FOOD SUPPLIES | $5,810 | $4,800 | $4,800 | $5,000 |
| 6106 MATERIALS AND PARTS | $314 | $500 | $500 | $500 |
| 6107 CLOTHING AND UNIFORMS | $1,195 | $1,550 | $1,550 | $1,250 |
| 6108 FUEL, OIL AND LUBRICANTS | $1,732 | $1,700 | $1,700 | $1,700 |
| 6119 OTHER SUPPLIES | $1,091 | $28,200 | $0 | $7,500 |
| **SUPPLIES** | **$19,981** | **$46,250** | **$16,550** | **$25,450** |
| 6205 VEHICLE MAINTENANCE | $665 | $200 | $200 | $200 |
| 6206 BUILDING MAINTENANCE | $105,393 | $193,000 | $226,150 | $168,150 |
| 6219 OTHER MAINTENANCE | $0 | $0 | $0 | $25,000 |
| **REPAIRS AND MAINTENANCE** | **$106,058** | **$193,200** | **$226,350** | **$193,350** |
| 6304 PROF. SERV. - OTHER | $0 | $0 | $0 | $40,000 |
| 6311 JANITORIAL SERVICES | $69,973 | $70,500 | $70,500 | $73,000 |
| 6312 COMMUNICATION SERVICES | $175,193 | $167,000 | $175,000 | $175,000 |
| 6313 UTILITIES | $151,669 | $160,000 | $160,000 | $160,000 |
| 6329 OTHER SERVICES | $150 | $0 | $0 | $0 |
| 6336 EQUIPMENT RENTALS | $2,507 | $2,300 | $2,300 | $2,300 |
| 6362 PERMITS AND LICENSES | $61 | $61 | $0 | $61 |
| **SERVICES AND CHARGES** | **$399,553** | **$399,861** | **$407,800** | **$450,361** |
| 6999 TRANSFER TO CAPITAL PROJECTS | $0 | $0 | $0 | $0 |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL FACILITIES MAINTENANCE** | **$636,940** | **$760,800** | **$771,588** | **$797,366** |

# 200 - General Special Revenue Fund

**Statement of Revenues, Expenditures and Changes in Fund Balance**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projected | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Abandoned Vehicles | - | | | - | - | - |
| Seized Funds | 16,406 | 2,456 | 3,310 | 5,000 | 7,500 | 97,500 |
| Child Safety | 12,885 | 13,877 | 13,037 | 13,000 | 13,000 | 13,000 |
| Interest | 132 | 519 | 895 | 200 | 1,500 | 750 |
| Other | - | | | - | - | - |
| Total | 29,423 | 16,852 | 17,242 | 18,200 | 22,000 | 111,250 |
| **Expenditures:** | | | | | | |
| Supplies | 13,325 | 17,360 | 22,740 | 15,000 | 15,000 | 25,000 |
| Services and Charges | 14,131 | 36,662 | 7,050 | 23,300 | 23,300 | 15,000 |
| Maintenance | - | - | - | - | - | 61,000 |
| Total | 27,456 | 54,022 | 29,790 | 38,300 | 38,300 | 101,000 |
| **Revenues Over (Under) Expenditures** | 1,967 | (37,170) | (12,548) | (20,100) | (16,300) | 10,250 |
| **Beginning Fund Balance** | 149,547 | 151,514 | 114,344 | 101,796 | 101,796 | 85,496 |
| **Ending Fund Balance** | 151,514 | 114,344 | 101,796 | 81,696 | 85,496 | 95,746 |

Fund Description

The General Special Revenue fund accounts for Police forfeiture funds and Child Safety fees. Forfeiture funds are awards of monies or property by the courts related to cases that involve the Tomball Police Department. According to Chapter 59, Article 6, Paragraph (d) of the Code of Criminal Procedure, "Proceeds awarded under this chapter to a law enforcement agency may be spent by the agency after a budget for the expenditures of the proceeds has been submitted to the governing body of the municipality." Child Safety Fees are received through the Harris County Tax Assessor/Collector. These fees represent a portion of each citation written by the Tomball Police Department. The State of Texas allocates a percentage of each court fee to the Child Safety Program and is remitted back to the municipality to be used for educational material for children, coloring books, pencils, goody bags, etc and are distributed at various community events each year.

| CITY OF TOMBALL<br>SPECIAL REVENUE FUND - 200 | | | | | | |
|---|---|---|---|---|---|---|
| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
| **GENERAL SPECIAL FUND** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5785 POLICE SEIZED FUNDS | 16,406 | 2,456 | 3,310 | 5,000 | 7,500 | 97,500 |
| 5790 CHILD SAFETY FUND | 12,885 | 13,877 | 13,037 | 13,000 | 13,000 | 13,000 |
| 5800 INTEREST | 132 | 519 | 895 | 200 | 1,500 | 750 |
| **TOTAL GENERAL SPECIAL FUND** | 29,423 | 16,852 | 17,242 | 18,200 | 22,000 | 111,250 |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL SPECIAL FUND | POLICE SEIZURE FUNDS | 200-221 POLICE SEIZURE FUNDS |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **PERSONNEL SERVICES** | **$0** | **$0** | **$0** | **$0** |
| 6103 COMPUTER SUPPLIES | $8,140 | $0 | $0 | $0 |
| 6106 MATERIALS AND SUPPLIES | $14,600 | $10,000 | $10,000 | $10,000 |
| 6119 OTHER SUPPLIES | $0 | $5,000 | $5,000 | $15,000 |
| **SUPPLIES** | **$22,740** | **$15,000** | **$15,000** | **$25,000** |
| 6201 EQUIPMENT MAINTENANCE | $0 | $0 | $0 | $61,000 |
| **REPAIRS AND MAINTENANCE** | **$0** | **$0** | **$0** | **$61,000** |
| 6320 COMPUTER SOFTWARE SERVICES | $0 | $8,300 | $8,300 | $0 |
| **SERVICES AND CHARGES** | **$0** | **$8,300** | **$8,300** | **$0** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL POLICE SEIZURE FUNDS** | **$22,740** | **$23,300** | **$23,300** | **$86,000** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL SPECIAL FUND | CHILD SAFETY FUND | 200-222 CHILD SAFETY FUND |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **SUPPLIES** | **$0** | **$0** | **$0** | **$0** |
| 6350 CHILD SAFETY EDUCATION | $7,050 | $15,000 | $15,000 | $15,000 |
| **SERVICES AND CHARGES** | **$7,050** | **$15,000** | **$15,000** | **$15,000** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL CHILD SAFETY FUND** | **$7,050** | **$15,000** | **$15,000** | **$15,000** |

# 220 - Municipal Court Building Security Fund

**Statement of Revenues, Expenditures and Changes in Fund Balance**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projection | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Fines and Warrants | 14,530 | 12,125 | 10,723 | 14,000 | 10,000 | 11,000 |
| Interest | 200 | 922 | 1,961 | 1,200 | 3,500 | 2,000 |
| Transfers In | - | | | - | - | - |
| Total | 14,730 | 13,047 | 12,684 | 15,200 | 13,500 | 13,000 |
| **Expenditures:** | | | | | | |
| Personnel | - | | | - | - | - |
| Supplies | - | - | 46,660 | 25,000 | 25,000 | 50,000 |
| Maintenance | | | | - | - | - |
| Services and Charges | - | - | | - | - | - |
| Capital | | | | - | - | - |
| Total | - | - | 46,660 | 25,000 | 25,000 | 50,000 |
| **Revenues Over (Under) Expenditures** | 14,730 | 13,047 | (33,976) | (9,800) | (11,500) | (37,000) |
| **Beginning Fund Balance** | 226,977 | 241,707 | 254,754 | 220,778 | 220,778 | 209,278 |
| **Ending Fund Balance** | 241,707 | 254,754 | 220,778 | 210,978 | 209,278 | 172,278 |

| Supplemental Programs | Non-Recur. |
|---|---|
| Keyless Entry System | $20,665 |
| Metal Detector | 3,660 |

## Fund Description

In prior years, the General Fund accounted for the City's court building security fees. In order to more accurately account for these funds, in FY 2006-07, the City created the Municipal Court Building Security Fee fund. These fees are generated from court fines. By law, these funds can only be spent on the City's municipal court.

## CITY OF TOMBALL
## MUNI COURT BLDG SECURITY - 220

| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
|---|---|---|---|---|---|---|
| **MUNI COURT- BLDG SECURITY** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5311 MUNICIPAL COURT BLDG-SECURITY | 14,530 | 12,125 | 10,723 | 14,000 | 10,000 | 11,000 |
| 5800 INTEREST INCOME | 200 | 922 | 1,961 | 1,200 | 3,500 | 2,000 |
| **TOTAL MUNI COURT- BLDG SECURITY** | **$ 14,730** | **$ 13,047** | **$ 12,684** | **$ 15,200** | **$ 13,500** | **$ 13,000** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| MUNI COURT- BLDG SECURITY | MUNICIPAL COURT | 220-122 MUNICIPAL COURT |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **PERSONNEL SERVICES** | **$0** | **$0** | **$0** | **$0** |
| 6119 OTHER SUPPLIES | $46,660 | $25,000 | $25,000 | $50,000 |
| **SUPPLIES** | **$46,660** | **$25,000** | **$25,000** | **$50,000** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL GENERAL-MUNICIPAL COURT** | **$46,660** | **$25,000** | **$25,000** | **$50,000** |

# 230 - Municipal Court Technology Fund

**Statement of Revenues, Expenditures and Changes in Fund Balance**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projection | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Fines and Warrants | 19,369 | 16,167 | 14,297 | 20,000 | 15,000 | 16,000 |
| Interest | 191 | 911 | 1,654 | 1,000 | 3,200 | 2,000 |
| Transfers In | | | | - | - | - |
| Total | 19,560 | 17,078 | 15,951 | 21,000 | 18,200 | 18,000 |
| | | | | | | |
| **Expenditures:** | | | | | | |
| Supplies | 6,216 | 27,348 | 47,385 | 39,000 | 41,000 | 15,000 |
| Maintenance | - | | | | | |
| Services and Charges | 1,500 | 1,500 | 7,270 | 92,400 | 26,500 | 15,000 |
| Capital | - | | | - | - | - |
| Total | 7,716 | 28,848 | 54,655 | 131,400 | 67,500 | 30,000 |
| | | | | | | |
| **Revenues Over (Under) Expenditures** | 11,844 | (11,770) | (38,704) | (110,400) | (49,300) | (12,000) |
| **Beginning Fund Balance** | 270,297 | 282,141 | 270,371 | 231,670 | 231,670 | 182,370 |
| **Ending Fund Balance** | 282,141 | 270,371 | 231,670 | 121,270 | 182,370 | 170,370 |

Fund Description

In prior years, the General Fund accounted for the City's court technology fees. In order to more accurately account for these funds, in FY 2006-07, the City created the Municipal Court Technology Fund. These fees are generated from court fines. By law, these funds can only be spent on the City's municipal court.

## CITY OF TOMBALL
## Muni Court Technology Fund Detail - 230

| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
|---|---|---|---|---|---|---|
| **MUNICIPAL COURT TECH FUND** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5312 COURT TECHNOLOGY FEE | 19,369 | 16,167 | 14,297 | 20,000 | 15,000 | 16,000 |
| 5800 INTEREST INCOME | 191 | 911 | 1,654 | 1,000 | 3,200 | 2,000 |
| **TOTAL MUNICIPAL COURT TECH FUND** | **$ 19,560** | **$ 17,078** | **$ 15,951** | **$ 21,000** | **$ 18,200** | **$ 18,000** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| MUNICIPAL COURT TECH FUND | MUNICIPAL COURT | 230-122 MUNICIPAL COURT |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6101 OFFICE AND COMPUTER SUPPLIES | $11,587 | $39,000 | $41,000 | $15,000 |
| 6103 COMPUTER SUPPLIES | $35,798 | $0 | $0 | $0 |
| **SUPPLIES** | **$47,385** | **$39,000** | **$41,000** | **$15,000** |
| **REPAIRS AND MAINTENANCE** | **$0** | **$0** | **$0** | **$0** |
| 6320 COMPUTER SOFTWARE | $7,270 | $92,400 | $26,500 | $15,000 |
| **SERVICES AND CHARGES** | **$7,270** | **$92,400** | **$26,500** | **$15,000** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL GENERAL-MUNICIPAL COURT** | **$54,655** | **$131,400** | **$67,500** | **$30,000** |

# 240 - Hotel Occupancy Tax Fund

**Statement of Revenues, Expenditures and Changes in Fund Balance**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projection | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Occupancy Tax | 471,693 | 565,768 | 485,558 | 525,000 | 600,000 | 625,000 |
| Miscellaneous Income | 25,411 | 6,595 | 5,790 | 15,000 | 15,000 | 15,000 |
| Event Revenue | 500 | 500 | 2,600 | 2,500 | 2,500 | 2,500 |
| TEDC Contributions | - | - | - | - | - | - |
| Interest | 315 | 1,574 | 3,456 | 1,500 | 6,000 | 4,000 |
| Transfers In | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 30,000 |
| Total | 517,919 | 594,437 | 517,404 | 564,000 | 643,500 | 676,500 |
| **Expenditures:** | | | | | | |
| Chaparral Genealogical | | | | | | |
| Grants | 164,814 | 213,581 | 236,503 | 223,000 | 228,000 | 243,000 |
| Greater Tomball Chamber | | | | | | |
| Main Street Advertising | | | | | | |
| Second Saturday Events | 63,072 | 65,544 | 91,881 | 107,442 | 104,850 | 109,467 |
| Spring Creek Historical | | | | | | |
| The Regional Arts Council | | | | | | |
| Tomball Community Chorus | | | | | | |
| Tomball Sister City | | | | | | |
| Tourism | 216,030 | 219,116 | 270,737 | 386,160 | 378,652 | 399,118 |
| Transfer to Employee Benefits Trust Fund | 18,532 | 17,288 | 19,794 | 20,224 | 20,224 | 20,818 |
| Total | 462,449 | 515,530 | 618,915 | 736,827 | 731,727 | 772,403 |
| **Revenues Over (Under) Expenditures** | 55,500 | 78,899 | (101,513) | (172,826) | (88,197) | (95,873) |
| **Beginning Fund Balance** | 388,475 | 443,975 | 522,874 | 421,361 | 421,361 | 333,164 |
| **Ending Fund Balance** | 443,975 | 522,874 | 421,361 | 248,535 | 333,164 | 237,291 |

The Hotel Occupancy Tax Fund accounts for revenues received from hotel occupancy taxes. By state statute, cities with populations of less than 125,000 must spend at least 1% of hotel tax revenues on advertising, no more than 15% on the encouragement, promotion, improvement, and application of the arts and a maximum of 50% on historical preservation. Hotels submit quarterly to the City an occupancy tax based upon 7% of total room receipts. Compliance with the provisions of the state statutes is monitored by the City administration on a continuing basis.

**25% of Operating Expenses - Target** **31%**

# CITY OF TOMBALL
## HOTEL OCCUPANCY TAX FUND - 240

| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
|---|---|---|---|---|---|---|
| **HOTEL OCCUPANCY FUND** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5180 HOTEL OCCUPANCY TAX | 471,693 | 565,768 | 485,558 | 525,000 | 600,000 | 625,000 |
| 5550 MISCELLANEOUS INCOME | 25,411 | 6,595 | 5,785 | 15,000 | 15,000 | 15,000 |
| 5555 EVENT SPONSORSHIP REVENUE | 500 | 500 | 2,600 | 2,500 | 2,500 | 2,500 |
| 5800 INTEREST INCOME | 315 | 1,574 | 3,456 | 1,500 | 6,000 | 4,000 |
| 5910 TRANSFER FROM GENERAL FUND | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 30,000 |
| **TOTAL HOTEL OCCUPANCY FUND** | **517,919** | **594,437** | **517,399** | **564,000** | **643,500** | **676,500** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| HOTEL OCCUPANCY TAX | HOTEL OCCUPANCY TAX | 240-240 HOT |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **PERSONNEL SERVICES** | **$0** | **$0** | **$0** | **$0** |
| **SUPPLIES** | **$0** | **$0** | **$0** | **$0** |
| 6301 PROF.SERV.-AUDIT AND ACCTNG. | $1,000 | $3,000 | $3,000 | $3,000 |
| 6342 DEPOT MUSEUM | $0 | $0 | $0 | $5,000 |
| 6351 TOMBALL CHAMBER OF COMMERCE | $35,000 | $35,000 | $35,000 | $35,000 |
| 6356 TOMBALL SISTER CITY ORG. | $158,003 | $125,000 | $160,000 | $160,000 |
| 6359 GRANTS | $42,500 | $60,000 | $30,000 | $40,000 |
| **SERVICES AND CHARGES** | **$236,503** | **$223,000** | **$228,000** | **$243,000** |
| **TOTAL HOTEL OCCUPANCY TAX** | **$236,503** | **$223,000** | **$228,000** | **$243,000** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| HOTEL OCCUPANCY TAX | 2ND SATURDAY EVENTS | 240-241 2ND SATURDAY |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES- ADMINISTRATIVE | $42,727 | $48,911 | $47,114 | $46,493 |
| 6009 WAGES-OTHER | $2,466 | $0 | $1,034 | $0 |
| 6011 VACATION PAY | $2,192 | $0 | $752 | $1,937 |
| 6012 SICK PAY | $822 | $752 | $752 | $2,712 |
| 6019 MISCELLANEOUS PAY | $135 | $195 | $195 | $255 |
| 6021 FICA-S.S. AND MEDICARE TAXES | $3,802 | $4,303 | $3,987 | $4,421 |
| 6022 TMRS RETIREMENT-EMPLOYER | $7,065 | $7,245 | $7,242 | $7,463 |
| 6025 WORKERS COMPENSATION INSURANCE | $100 | $118 | $106 | $118 |
| **PERSONNEL SERVICES** | **$59,309** | **$61,524** | **$61,182** | **$63,399** |
| 6101 OFFICE SUPPLIES | $799 | $2,000 | $1,000 | $1,000 |
| 6105 FOOD SUPPLIES | $970 | $1,500 | $1,400 | $1,500 |
| 6119 OTHER SUPPLIES | $6,952 | $8,500 | $8,500 | $8,500 |
| 6130 FURNITURE <$20,000 | $0 | $1,000 | $500 | $500 |
| **SUPPLIES** | **$8,721** | **$13,000** | **$11,400** | **$11,500** |
| **REPAIRS AND MAINTENANCE** | **$0** | **$0** | **$0** | **$0** |
| 6304 PROFESSIONAL SERVICES, OTHER | $3,960 | $5,500 | $5,500 | $5,500 |
| 6312 COMMUNICATION SERVICES | $768 | $768 | $768 | $768 |
| 6327 GARBAGE SERVICES | $0 | $750 | $0 | $0 |
| 6329 OTHER SERVICES | $7,274 | $6,500 | $6,500 | $7,500 |
| 6332 TRAVEL AND MEALS | $0 | $0 | $750 | $1,000 |
| 6333 DUES AND SUBSCRIPTIONS | $0 | $0 | $350 | $400 |
| 6334 AUTOMOBILE ALLOWANCE | $2,400 | $2,400 | $2,400 | $2,400 |
| 6335 ADVERTISING COST | $3,622 | $7,500 | $6,500 | $6,500 |
| 6336 EQUIPMENT RENTALS | $907 | $2,500 | $2,500 | $2,500 |
| 6337 TRAINING | $0 | $0 | $0 | $500 |
| 6358 OTHER TOURISM EXPENDITURE | $4,920 | $7,000 | $7,000 | $7,500 |
| **SERVICES AND CHARGES** | **$23,851** | **$32,918** | **$32,268** | **$34,568** |
| 6692 TRANSFER TO EMP. BEN. TRUST | $9,857 | $10,112 | $10,112 | $10,382 |
| **TRANSFERS** | **$9,857** | **$10,112** | **$10,112** | **$10,382** |
| **TOTAL 2ND SATURDAY EVENTS** | **$101,738** | **$117,554** | **$114,962** | **$119,849** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| HOTEL OCCUPANCY TAX | VISITORS/CONVENTION CNTR | 240-243 VISITORS/CONVENTION |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES- ADMINISTRATIVE | $76,033 | $86,639 | $82,317 | $85,047 |
| 6004 WAGES- PART TIME | $6,628 | $10,712 | $12,000 | $17,803 |
| 6005 WAGES-OVERTIME | $206 | $0 | $300 | $309 |
| 6009 WAGES-OTHER | $3,235 | $0 | $2,000 | $0 |
| 6011 VACATION PAY | $4,853 | $0 | $2,333 | $5,429 |
| 6012 SICK PAY | $1,294 | $1,333 | $1,333 | $5,067 |
| 6019 MISCELLANEOUS PAY | $340 | $400 | $400 | $460 |
| 6021 FICA-S.S. AND MEDICARE TAXES | $7,600 | $8,580 | $8,252 | $9,734 |
| 6022 TMRS-EMPLOYER | $12,779 | $14,550 | $13,090 | $16,623 |
| 6024 HEALTH INSURANCE | $0 | $0 | $0 | $0 |
| 6025 WORKER COMPENSATION INS. | $150 | $178 | $159 | $178 |
| **PERSONNEL SERVICES** | **$113,118** | **$122,392** | **$122,184** | **$140,650** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $432 | $4,700 | $4,700 | $4,700 |
| 6105 FOOD SUPPLIES | $200 | $1,000 | $1,000 | $1,000 |
| 6107 CLOTHING AND UNIFORMS | $352 | $1,700 | $1,700 | $1,700 |
| 6109 POSTAGE | $0 | $0 | $700 | $1,000 |
| 6119 OTHER SUPPLIES | $3,406 | $6,000 | $6,000 | $6,000 |
| **SUPPLIES** | **$4,390** | **$13,400** | **$14,100** | **$14,400** |
| 6304 PROFESSIONAL SERVICES, OTHER | $41,280 | $60,000 | $60,000 | $65,000 |
| 6312 COMMUNICATION SERVICES | $768 | $768 | $768 | $768 |
| 6320 SOFTWARE SERVICES | $0 | $0 | $8,300 | $0 |
| 6327 GARBAGE SERVICES | $1,700 | $3,500 | $3,500 | $3,500 |
| 6329 OTHER SERVICES | $10,962 | $25,800 | $15,000 | $20,000 |
| 6332 TRAVEL AND MEALS | $5,000 | $4,000 | $4,000 | $4,000 |
| 6333 DUES AND SUBSCRIPTIONS | $6,836 | $8,000 | $8,000 | $10,000 |
| 6334 AUTOMOBILE ALLOWANCE | $4,800 | $4,800 | $4,800 | $4,800 |
| 6335 ADVERTISING COST | $50,022 | $82,500 | $77,000 | $75,000 |
| 6336 EQUIPMENT RENTALS | $19,952 | $50,000 | $50,000 | $50,000 |
| 6337 TRAINING | $847 | $3,000 | $3,000 | $3,000 |
| 6358 OTHER TOURISM EXPENDITURES | $11,062 | $8,000 | $8,000 | $8,000 |
| **SERVICES AND CHARGES** | **$153,229** | **$250,368** | **$242,368** | **$244,068** |
| 6692 TRANSFER TO EMP. BEN. TRUST | $9,937 | $10,112 | $10,112 | $10,436 |
| **TRANSFERS** | **$9,937** | **$10,112** | **$10,112** | **$10,436** |
| **TOTAL VISITORS/CONVENTION CNTR** | **$280,674** | **$396,272** | **$388,764** | **$409,554** |

# 250 - Red Light Camera Program Fund

**Statement of Revenues, Expenditures and Changes in Fund Balance**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projection | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Fines and Warrants | 299,685 | 327,428 | 285,755 | 275,150 | 140,000 | 150,050 |
| Interest | 191 | 1,414 | 4,011 | 2,000 | 5,000 | 4,000 |
| Other Grants | - | | | - | - | - |
| Total | 299,876 | 328,842 | 289,766 | 277,150 | 145,000 | 154,050 |
| | | | | | | |
| **Expenditures:** | | | | | | |
| Personnel Costs | 22,064 | 15,261 | 18,883 | 58,692 | 58,278 | 61,539 |
| Supplies | 37,094 | 102,545 | 14,418 | 40,000 | 16,000 | 13,500 |
| Maintenance | - | 9,261 | 24,414 | 10,000 | 18,000 | 10,000 |
| Services and Charges | 7,526 | 10,227 | 21,094 | 16,500 | 25,000 | 17,000 |
| Capital | - | | | | | |
| Transfer to Veh. Repl. Fund | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 |
| Transfer to Capital Projects Fund | - | - | 323,541 | 310,000 | 310,000 | - |
| Total | 86,684 | 157,294 | 422,350 | 455,192 | 447,278 | 122,039 |
| | | | | | | |
| **Revenues Over (Under) Expenditures** | 213,193 | 171,549 | (132,586) | (178,041) | (302,277) | 32,012 |
| **Beginning Fund Balance** | 151,201 | 364,393 | 535,941 | 403,355 | 403,355 | 101,078 |
| **Ending Fund Balance** | 364,393 | 535,941 | 403,355 | 225,314 | 101,078 | 133,090 |
| **25% of Operating Expenses - Target** | | | | | | **109%** |

Automated red light photo enforcement cameras were setup during FY 2008. Four intersections were selected for this initiative with a goal of reducing the number of injury accidents caused by "red light running". By law, the use of the revenues is limited to traffic safety programs, including pedestrian safety programs, public safety programs, intersection improvements, and traffic enforcement.

# CITY OF TOMBALL
## RED LIGHT CAMERA - 250

| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
|---|---|---|---|---|---|---|
| **RED LIGHT CAMERA FUND** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5300 MUNICIPAL COURT FINES | 299,635 | 327,428 | 285,705 | 275,000 | 140,000 | 150,000 |
| 5310 COURT COSTS/ADM.FEES | 50 | - | 50 | 150 | - | 50 |
| 5800 INTEREST INCOME | 191 | 1,414 | 4,011 | 2,000 | 5,000 | 4,000 |
| **TOTAL RED LIGHT CAMERA FUND** | **299,876** | **328,842** | **289,766** | **277,150** | **145,000** | **154,050** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| RED LIGHT CAMERA PROGRAM | POLICE DEPARTMENT | 250-121 POLICE DEPARTMENT |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6004 WAGES-PART TIME | $16,064 | $35,720 | $35,696 | $38,557 |
| 6005 WAGES-OVERTIME | $325 | $15,450 | $15,450 | $15,450 |
| 6021 FICA-S.S. AND MEDICARE TAXES | $1,254 | $3,915 | $3,913 | $4,132 |
| 6022 TMRS-EMPLOYER | $0 | $2,000 | $2,000 | $2,000 |
| 6025 WORKERS COMPENSATION | $1,240 | $1,607 | $1,219 | $1,400 |
| **PERSONNEL SERVICES** | **$18,883** | **$58,692** | **$58,278** | **$61,539** |
| 6102 EDUCATIONAL SUPPLIES | $99 | $0 | $0 | $0 |
| 6106 MATERIALS AND PARTS | $13,222 | $25,000 | $10,000 | $10,000 |
| 6107 CLOTHING AND UNIFORMS | $0 | $5,000 | $1,000 | $1,000 |
| 6108 FUEL, OIL, AND LUBRICANTS | $1,025 | $0 | $0 | $0 |
| 6119 OTHER SUPPLIES | $72 | $10,000 | $5,000 | $2,500 |
| **SUPPLIES** | **$14,418** | **$40,000** | **$16,000** | **$13,500** |
| 6205 VEHICLE MAINTENANCE | $24,414 | $10,000 | $18,000 | $10,000 |
| **REPAIRS AND MAINTENANCE** | **$24,414** | **$10,000** | **$18,000** | **$10,000** |
| 6303 PROF. SERV. - LEGAL | $124 | $500 | $0 | $0 |
| 6304 PROFESSIONAL SERVICES, OTHER | $1,245 | $1,000 | $10,000 | $2,000 |
| 6330 INSURANCE | $4,248 | $5,000 | $10,000 | $10,000 |
| 6337 TRAINING | $15,477 | $10,000 | $5,000 | $5,000 |
| **SERVICES AND CHARGES** | **$21,094** | **$16,500** | **$25,000** | **$17,000** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| 6998 TRANSFER TO FLEET REPLACEMENT | $20,000 | $20,000 | $20,000 | $20,000 |
| 6999 TRANSFER TO CAPITAL PROJ. FUND | $323,541 | $310,000 | $310,000 | $0 |
| **TRANSFERS** | **$343,541** | **$330,000** | **$330,000** | **$20,000** |
| **TOTAL GENERAL-POLICE DEPARTMENT** | **$422,350** | **$455,192** | **$447,278** | **$122,039** |

## 290 - Tomball Fun Runs Fund

**Statement of Revenues, Expenditures and Changes in Fund Balance**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projection | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Event Revenue | 18,457 | 20,233 | 23,325 | 17,000 | 17,000 | 23,000 |
| Interest | 2 | 2 | 5 | 3 | 60 | 50 |
| Transfers In | - | | | - | - | - |
| Total | 18,459 | 20,235 | 23,330 | 17,003 | 17,060 | 23,050 |
| **Expenditures:** | | | | | | |
| Supplies | 9,064 | 11,225 | 8,041 | 9,200 | 5,200 | 7,200 |
| Services and Charges | 12,547 | 10,413 | 17,368 | 14,000 | 15,000 | 15,000 |
| Total | 21,611 | 21,638 | 25,409 | 23,200 | 20,200 | 22,200 |
| **Revenues Over (Under) Expenditures** | (3,152) | (1,403) | (2,079) | (6,197) | (3,140) | 850 |
| **Beginning Fund Balance** | 18,698 | 15,546 | 14,144 | 12,065 | 12,065 | 8,925 |
| **Ending Fund Balance** | 15,546 | 14,144 | 12,065 | 5,868 | 8,925 | 9,775 |

# CITY OF TOMBALL
## FUN RUN FUND - 290

| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
|---|---|---|---|---|---|---|
| **FUN RUN FUND** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5555 EVENT SPONSORSHIP REVENUE | 7,550 | 8,725 | 13,955 | 5,000 | 5,000 | 5,000 |
| 5556 EVENT REGISTRATION FEE | 10,907 | 11,508 | 9,370 | 12,000 | 12,000 | 18,000 |
| 5800 INTEREST INCOME | 2 | 2 | 5 | 3 | 60 | 50 |
| **TOTAL FUN RUN FUND** | **18,459** | **20,235** | **23,330** | **17,003** | **17,060** | **23,050** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| TOMBALL "FUN RUNS" | FUN RUNS | 290-290 FUN RUNS |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6101 OFFICE SUPPLIES | $281 | $200 | $200 | $200 |
| 6119 OTHER SUPPLIES | $7,760 | $9,000 | $5,000 | $7,000 |
| **SUPPLIES** | **$8,041** | **$9,200** | **$5,200** | **$7,200** |
| 6304 PROFESSIONAL SERVICES-OTHER | $685 | $500 | $500 | $500 |
| 6329 OTHER SERVICES | $8,865 | $8,500 | $9,500 | $8,500 |
| 6335 ADVERTISING COST | $7,818 | $5,000 | $5,000 | $6,000 |
| **SERVICES AND CHARGES** | **$17,368** | **$14,000** | **$15,000** | **$15,000** |
| **TOTAL FUN RUNS** | **$25,409** | **$23,200** | **$20,200** | **$22,200** |

# 300 Debt Service Fund

**Statement of Revenues, Expenditures, and Changes in Fund Balance**
**City Manager 2018-2019 Proposed Budget**

| | FY2015 Actual | FY2016 Actual | FY2017 Actual | FY2018 Budget | FY2018 Projection | FY2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Current taxes | $ 3,470,335 | $ 3,741,118 | $ 3,953,733 | $ 4,025,000 | $ 4,100,000 | $ 4,500,000 |
| Delinquent taxes | 30,147 | 50,601 | 50,271 | 50,000 | 79,000 | 60,000 |
| Penalty and interest | 25,497 | 26,772 | 36,425 | 28,500 | 65,000 | 40,000 |
| Interest | 2,402 | 14,350 | 36,555 | 23,800 | 77,300 | 52,500 |
| Bond Proceeds | - | | | | | |
| Other | - | | | | | |
| TEDC Contributions | 524,913 | 528,013 | 530,913 | 533,613 | 533,613 | 536,113 |
| Total Revenues | 4,053,294 | 4,360,854 | 4,607,897 | 4,660,913 | 4,854,913 | 5,188,613 |
| **Expenditures:** | | | | | | |
| Principal | 2,198,000 | 2,216,750 | 3,048,250 | 3,249,250 | 3,249,250 | 2,990,250 |
| Interest | 854,622 | 811,986 | 1,249,301 | 1,443,284 | 1,443,284 | 1,352,131 |
| Lease Payment- Fire Truck | 544,812 | 68,858 | 71,123 | 73,463 | 73,463 | 75,880 |
| Fees | 11,015 | 10,163 | 11,780 | 13,883 | 13,883 | 11,783 |
| Total Expenditures | 3,608,449 | 3,107,757 | 4,380,454 | 4,779,880 | 4,779,880 | 4,430,044 |
| **Other Sources/(Uses):** | | | | | | |
| Premium on issuance of bonds | - | | | - | - | - |
| Issuance of refunding bonds | - | | | - | - | - |
| Payment to bond refunding escrow | - | | | - | - | - |
| Transfers in/Transfers Out (net) | - | | | - | - | - |
| **Total Other Sources/(Uses)** | - | | | - | - | - |
| **Revenues Over/(Under) Expenditures** | 444,845 | 1,253,095 | 227,442 | (118,967) | 75,033 | 758,569 |
| **Beginning Fund Balance** | 2,636,858 | 3,081,703 | 4,334,798 | 4,562,240 | 4,562,240 | 4,637,273 |
| **Ending Fund Balance** | $ 3,081,703 | $ 4,334,798 | $ 4,562,240 | $ 4,443,273 | $ 4,637,273 | $ 5,395,842 |
| Ending FB as % of Next Year's Debt Service Requirement | 99% | 99% | 95% | 93% | 105% | 124% |

# CITY OF TOMBALL
## DEBT SERVICE FUND - 300

| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
|---|---|---|---|---|---|---|
| **DEBT SERVICE FUND** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5110 CURRENT TAXES | 3,470,335 | 3,741,118 | 3,953,733 | 4,025,000 | 4,100,000 | 4,500,000 |
| 5120 DELINQUENT TAXES | 30,147 | 50,601 | 50,271 | 50,000 | 79,000 | 60,000 |
| 5130 PENALTY,INTEREST, ATTY FEES | 25,497 | 27,267 | 38,941 | 28,500 | 65,000 | 40,000 |
| 5800 INTEREST INCOME | 2,402 | 14,350 | 36,555 | 23,800 | 77,300 | 52,500 |
| 5801 UNREALIZED GAIN ON INVESTMENTS | - | (495) | (2,516) | - | - | - |
| 5770 TEDC CONTRIBUTIONS | 524,913 | 528,013 | 530,913 | 533,613 | 533,613 | 536,113 |
| **TOTAL DEBT SERVICE FUND** | **4,053,294** | **4,360,854** | **4,607,897** | **4,660,913** | **4,854,913** | **5,188,613** |

# CITY OF TOMBALL

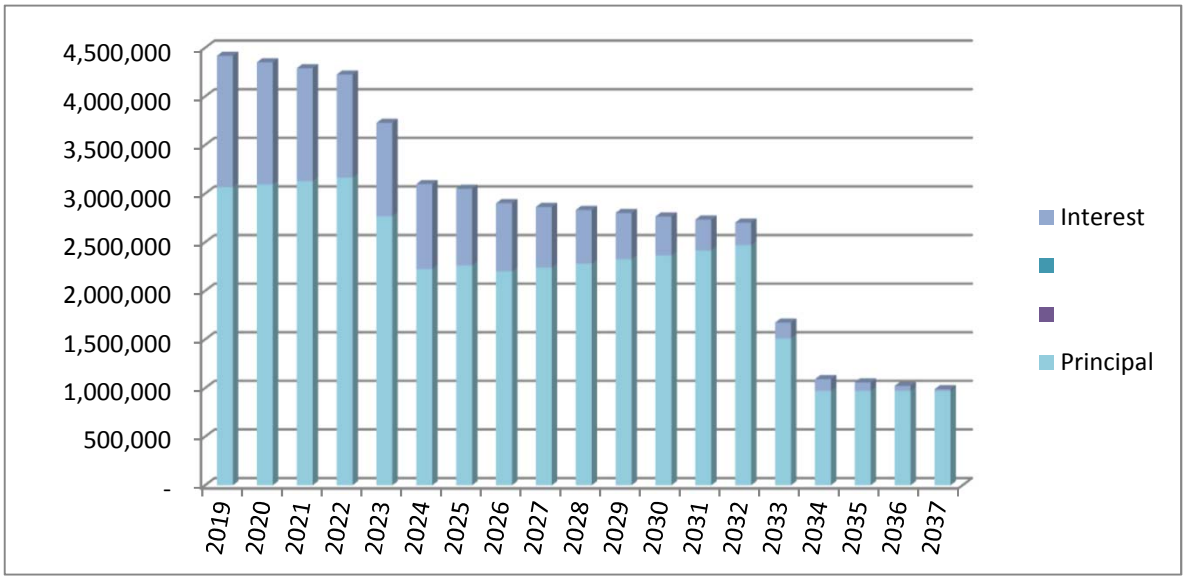
| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| DEBT SERVICE FUND | DEBT SERVICE | 300-300 DEBT SERVICE |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **SERVICES AND CHARGES** | **$0** | **$0** | **$0** | **$0** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| 6901 INTEREST-BONDS | $1,249,301 | $1,443,284 | $1,443,284 | $1,352,131 |
| 6906 BOND FEES AND COST | $11,780 | $13,883 | $13,883 | $11,783 |
| 6911 PRINCIPAL-BONDS | $3,048,250 | $3,249,250 | $3,249,250 | $2,990,250 |
| 6915 CAPITAL LEASE PAYMENTS | $71,123 | $73,463 | $73,463 | $75,880 |
| **DEBT** | **$4,380,454** | **$4,779,880** | **$4,779,880** | **$4,430,044** |
| **TOTAL DEBT SERVICE** | **$4,380,454** | **$4,779,880** | **$4,779,880** | **$4,430,044** |

**City of Tomball**
**Debt Service Fund**
**Consolidated Debt Payment Schedule**
**2018-2019 Annual Budget**

| Fiscal Year | Principal | Interest | Total |
|---|---|---|---|
| 2019 | 3,066,130 | 1,352,129 | 4,418,259 |
| 2020 | 3,094,626 | 1,256,365 | 4,350,991 |
| 2021 | 3,127,705 | 1,161,571 | 4,289,276 |
| 2022 | 3,163,618 | 1,060,307 | 4,223,925 |
| 2023 | 2,766,370 | 961,481 | 3,727,851 |
| 2024 | 2,224,211 | 874,142 | 3,098,353 |
| 2025 | 2,262,146 | 788,682 | 3,050,828 |
| 2026 | 2,200,000 | 700,775 | 2,900,775 |
| 2027 | 2,240,000 | 622,975 | 2,862,975 |
| 2028 | 2,280,000 | 551,425 | 2,831,425 |
| 2029 | 2,325,000 | 476,775 | 2,801,775 |
| 2030 | 2,365,000 | 399,406 | 2,764,406 |
| 2031 | 2,415,000 | 317,959 | 2,732,959 |
| 2032 | 2,470,000 | 232,122 | 2,702,122 |
| 2033 | 1,510,000 | 163,300 | 1,673,300 |
| 2034 | 970,000 | 121,250 | 1,091,250 |
| 2035 | 970,000 | 87,300 | 1,057,300 |
| 2036 | 970,000 | 52,744 | 1,022,744 |
| 2037 | 970,000 | 17,581 | 987,581 |
| Total | $ 41,389,806 | $ 11,198,288 | $ 52,588,094 |



**City of Tomball**
**Series 2011 General Obligation Refunding Bonds**
**$8,650,000 - Tax Supported 45%, Utility System 55%**
**Issue Date : July 1, 2011**

| Fiscal Year | Payment Date | Principal | Coupon | Interest | Total P & I | Fiscal Year Total |
|---|---|---|---|---|---|---|
| 2019 | 2/15/2019 | 470,250 | 3.000% | 34,414 | 504,664 | |
| | 8/15/2019 | | | 27,360 | 27,360 | 532,024 |
| 2020 | 2/15/2020 | 461,250 | 4.000% | 27,360 | 488,610 | |
| | 8/15/2020 | | | 18,135 | 18,135 | 506,745 |
| 2021 | 2/15/2021 | 456,750 | 4.000% | 18,135 | 474,885 | |
| | 8/15/2021 | | | 9,000 | 9,000 | 483,885 |
| 2022 | 2/15/2022 | 450,000 | 4.000% | 9,000 | 459,000 | 459,000 |
| Total | | $ 1,838,250 | | $ 143,404 | $ 1,981,654 | $ 1,981,654 |

**City of Tomball**
**Combination Tax & Revenue Certificates of Obligation, Series 2012**
**$14,500,000 - Tax Supported 100%**
**Issue Date : January 1, 2012**
**Closing Date: January 5, 2012**
**Projects: Medical Complex Drive; M121 West Drainage Project**

| Fiscal Year | Payment Date | Principal | Coupon | Interest | Total P & I | Fiscal Year Total |
|---|---|---|---|---|---|---|
| 2019 | 2/15/2019 | 635,000 | 3.000% | 196,319 | 831,319 | |
| | 8/15/2019 | | | 186,794 | 186,794 | 1,018,113 |
| 2020 | 2/15/2020 | 650,000 | 3.000% | 186,794 | 836,794 | |
| | 8/15/2020 | | | 177,044 | 177,044 | 1,013,838 |
| 2021 | 2/15/2021 | 670,000 | 3.000% | 177,044 | 847,044 | |
| | 8/15/2021 | | | 166,994 | 166,994 | 1,014,038 |
| 2022 | 2/15/2022 | 690,000 | 3.000% | 166,994 | 856,994 | |
| | 8/15/2022 | | | 156,644 | 156,644 | 1,013,638 |
| 2023 | 2/15/2023 | 710,000 | 3.000% | 156,644 | 866,644 | |
| | 8/15/2023 | | | 145,994 | 145,994 | 1,012,638 |
| 2024 | 2/15/2024 | 730,000 | 3.250% | 145,994 | 875,994 | |
| | 8/15/2024 | | | 134,131 | 134,131 | 1,010,125 |
| 2025 | 2/15/2025 | 755,000 | 3.500% | 134,131 | 889,131 | |
| | 8/15/2025 | | | 120,919 | 120,919 | 1,010,050 |
| 2026 | 2/15/2026 | 780,000 | 3.625% | 120,919 | 900,919 | |
| | 8/15/2026 | | | 106,781 | 106,781 | 1,007,700 |
| 2027 | 2/15/2027 | 810,000 | 3.750% | 106,781 | 916,781 | |
| | 8/15/2027 | | | 91,594 | 91,594 | 1,008,375 |
| 2028 | 2/15/2028 | 840,000 | 4.000% | 91,594 | 931,594 | |
| | 8/15/2028 | | | 74,794 | 74,794 | 1,006,388 |
| 2029 | 2/15/2029 | 870,000 | 4.000% | 74,794 | 944,794 | |
| | 8/15/2029 | | | 57,394 | 57,394 | 1,002,188 |
| 2030 | 2/15/2030 | 900,000 | 4.000% | 57,394 | 957,394 | |
| | 8/15/2030 | | | 39,394 | 39,394 | 996,788 |
| 2031 | 2/15/2031 | 935,000 | 4.125% | 39,394 | 974,394 | |
| | 8/15/2031 | | | 20,109 | 20,109 | 994,503 |
| 2032 | 2/15/2032 | 975,000 | 4.125% | 20,109 | 995,109 | 995,109 |
| Total | | $ 10,950,000 | | $ 3,153,488 | $ 14,103,488 | $ 14,103,488 |

**City of Tomball**
**General Obligation Refunding Bonds, Series 2013**
**$6,370,000 - Tax Supported 90.59%, Utility System 9.41%***
**Issue Date : January 1, 2013**
**Closing Date: January 17, 2013**
**Refunded Series 2002 Certificates of Obligation (Unrefunded portion of original issue) and Series 2003 Certificates of Obligation**

| Fiscal Year | Payment Date | Principal | Coupon | Interest | Total P & I | Fiscal Year Total |
|---|---|---|---|---|---|---|
| 2019 | 2/15/2019 | 530,000 | 1.050% | 19,164 | 549,164 | |
| | 8/15/2019 | | | 16,381 | 16,381 | 565,545 |
| 2020 | 2/15/2020 | 545,000 | 1.250% | 16,381 | 561,381 | |
| | 8/15/2020 | | | 12,975 | 12,975 | 574,356 |
| 2021 | 2/15/2021 | 550,000 | 1.400% | 12,975 | 562,975 | |
| | 8/15/2021 | | | 9,125 | 9,125 | 572,100 |
| 2022 | 2/15/2022 | 560,000 | 1.550% | 9,125 | 569,125 | |
| | 8/15/2022 | | | 4,785 | 4,785 | 573,910 |
| 2023 | 2/15/2023 | 580,000 | 1.650% | 4,785 | 584,785 | 584,785 |
| Total | | $ 2,765,000 | | $ 105,696 | $ 2,870,696 | $ 2,870,696 |

*Tax supported 100% 2015 to 2023

**City of Tomball**
**Combination Tax & Revenue Certificates of Obligation, Series 2013**
**$ 8,500,000 - Tax Supported 100%**
**Issue Date : May 15, 2013**
**Sale Date: May 23, 2013**
**Project: Business Park**

| Fiscal Year | Payment Date | Principal | Coupon | Interest | Total P & I | Fiscal Year Total |
|---|---|---|---|---|---|---|
| 2019 | 2/15/2019 | 380,000 | 2.000% | 79,956 | 459,956 | |
| | 8/15/2019 | | | 76,156 | 76,156 | 536,113 |
| 2020 | 2/15/2020 | 385,000 | 2.000% | 76,156 | 461,156 | |
| | 8/15/2020 | | | 72,306 | 72,306 | 533,463 |
| 2021 | 2/15/2021 | 395,000 | 2.000% | 72,306 | 467,306 | |
| | 8/15/2021 | | | 68,356 | 68,356 | 535,663 |
| 2022 | 2/15/2022 | 405,000 | 2.000% | 68,356 | 473,356 | |
| | 8/15/2022 | | | 64,306 | 64,306 | 537,663 |
| 2023 | 2/15/2023 | 415,000 | 2.000% | 64,306 | 479,306 | |
| | 8/15/2023 | | | 60,156 | 60,156 | 539,463 |
| 2024 | 2/15/2024 | 430,000 | 2.000% | 60,156 | 490,156 | |
| | 8/15/2024 | | | 55,856 | 55,856 | 546,013 |
| 2025 | 2/15/2025 | 440,000 | 2.000% | 55,856 | 495,856 | |
| | 8/15/2025 | | | 51,456 | 51,456 | 547,313 |
| 2026 | 2/15/2026 | 450,000 | 2.000% | 51,456 | 501,456 | |
| | 8/15/2026 | | | 46,956 | 46,956 | 548,413 |
| 2027 | 2/15/2027 | 460,000 | 2.250% | 46,956 | 506,956 | |
| | 8/15/2027 | | | 41,781 | 41,781 | 548,738 |
| 2028 | 2/15/2028 | 470,000 | 2.250% | 41,781 | 511,781 | |
| | 8/15/2028 | | | 36,494 | 36,494 | 548,275 |
| 2029 | 2/15/2029 | 485,000 | 2.500% | 36,494 | 521,494 | |
| | 8/15/2029 | | | 30,431 | 30,431 | 551,925 |
| 2030 | 2/15/2030 | 495,000 | 2.750% | 30,431 | 525,431 | |
| | 8/15/2030 | | | 23,625 | 23,625 | 549,056 |
| 2031 | 2/15/2031 | 510,000 | 3.000% | 23,625 | 533,625 | |
| | 8/15/2031 | | | 15,975 | 15,975 | 549,600 |
| 2032 | 2/15/2032 | 525,000 | 3.000% | 15,975 | 540,975 | |
| | 8/15/2032 | | | 8,100 | 8,100 | 549,075 |
| 2033 | 2/15/2033 | 540,000 | 3.000% | 8,100 | 548,100 | 548,100 |
| Total | | $ 6,785,000 | | $ 1,383,869 | $ 8,168,869 | $ 8,168,869 |

**City of Tomball**
**2015 Lease Purchase- Pierce Velocity Fire Truck**
**Issue Date : October 23, 2014**

| Fiscal Year | Payment Date | Principal | Interest | Total P & I | Fiscal Year Total |
|---|---|---|---|---|---|
| 2019 | 10/23/2018 | 75,880 | 19,298 | 95,178 | 95,178 |
| 2020 | 10/23/2019 | 78,376 | 16,801 | 95,177 | 95,177 |
| 2021 | 10/23/2020 | 80,955 | 14,223 | 95,178 | 95,178 |
| 2022 | 10/23/2021 | 83,618 | 11,559 | 95,177 | 95,177 |
| 2023 | 10/23/2022 | 86,370 | 8,808 | 95,178 | 95,178 |
| 2024 | 10/23/2023 | 89,211 | 5,967 | 95,178 | 95,178 |
| 2025 | 10/23/2024 | 92,146 | 3,032 | 95,178 | 95,178 |
| Total | | $ 586,556 | $ 79,688 | $ 666,244 | $ 666,244 |

**City of Tomball**
**Combination Tax & Revenue Certificates of Obligation, Series 2016**
**$20,240,000 - Tax Supported 100%**
**Issue Date : 12/15/2016**
**Sale Date: 12/20/16**
**Projects: Medical Complex Drive Segment 4B; Persimmon Street**

| Fiscal Year | Payment Date | Principal | Coupon | Interest | Total P & I | Fiscal Year Total |
|---|---|---|---|---|---|---|
| 2019 | 2/15/2019 | 975,000.00 | 5.000% | 360,331 | 1,335,331 | |
| | 8/15/2019 | | | 335,956 | 335,956 | 1,671,288 |
| 2020 | 2/15/2020 | 975,000.00 | 4.000% | 335,956 | 1,310,956 | |
| | 8/15/2020 | | | 316,456 | 316,456 | 1,627,413 |
| 2021 | 2/15/2021 | 975,000.00 | 4.000% | 316,456 | 1,291,456 | |
| | 8/15/2021 | | | 296,956 | 296,956 | 1,588,413 |
| 2022 | 2/15/2022 | 975,000.00 | 5.000% | 296,956 | 1,271,956 | |
| | 8/15/2022 | | | 272,581 | 272,581 | 1,544,538 |
| 2023 | 2/15/2023 | 975,000.00 | 5.000% | 272,581 | 1,247,581 | |
| | 8/15/2023 | | | 248,206 | 248,206 | 1,495,788 |
| 2024 | 2/15/2024 | 975,000.00 | 5.000% | 248,206 | 1,223,206 | |
| | 8/15/2024 | | | 223,831 | 223,831 | 1,447,038 |
| 2025 | 2/15/2025 | 975,000.00 | 5.000% | 223,831 | 1,198,831 | |
| | 8/15/2025 | | | 199,456 | 199,456 | 1,398,288 |
| 2026 | 2/15/2026 | 970,000.00 | 5.000% | 199,456 | 1,169,456 | |
| | 8/15/2026 | | | 175,206 | 175,206 | 1,344,663 |
| 2027 | 2/15/2027 | 970,000.00 | 3.000% | 175,206 | 1,145,206 | |
| | 8/15/2027 | | | 160,656 | 160,656 | 1,305,863 |
| 2028 | 2/15/2028 | 970,000.00 | 3.000% | 160,656 | 1,130,656 | |
| | 8/15/2028 | | | 146,106 | 146,106 | 1,276,763 |
| 2029 | 2/15/2029 | 970,000.00 | 3.000% | 146,106 | 1,116,106 | |
| | 8/15/2029 | | | 131,556 | 131,556 | 1,247,663 |
| 2030 | 2/15/2030 | 970,000.00 | 3.000% | 131,556 | 1,101,556 | |
| | 8/15/2030 | | | 117,006 | 117,006 | 1,218,563 |
| 2031 | 2/15/2031 | 970,000.00 | 3.125% | 117,006 | 1,087,006 | |
| | 8/15/2031 | | | 101,850 | 101,850 | 1,188,856 |
| 2032 | 2/15/2032 | 970,000.00 | 3.250% | 101,850 | 1,071,850 | |
| | 8/15/2032 | | | 86,088 | 86,088 | 1,157,938 |
| 2033 | 2/15/2033 | 970,000.00 | 3.500% | 86,088 | 1,056,088 | |
| | 8/15/2033 | | | 69,113 | 69,113 | 1,125,200 |
| 2034 | 2/15/2034 | 970,000.00 | 3.500% | 69,113 | 1,039,113 | |
| | 8/15/2034 | | | 52,138 | 52,138 | 1,091,250 |
| 2035 | 2/15/2035 | 970,000.00 | 3.500% | 52,138 | 1,022,138 | |
| | 8/15/2035 | | | 35,163 | 35,163 | 1,057,300 |
| 2036 | 2/15/2036 | 970,000.00 | 3.625% | 35,163 | 1,005,163 | |
| | 8/15/2036 | | | 17,581 | 17,581 | 1,022,744 |
| 2037 | 2/15/2037 | 970,000.00 | 3.625% | 17,581 | 987,581 | 987,581 |
| Total | | $ 18,465,000 | | $ 6,332,144 | $ 24,797,144 | $ 24,797,144 |

**City of Tomball**
**400 Capital Projects Fund**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projection | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Transfers from General Fund | 1,209,747 | 1,161,277 | 1,980,000 | 1,490,000 | 1,490,000 | 1,563,000 |
| Transfers from Enterprise Fund | (424,208) | 398,053 | 1,229,505 | 55,000 | 855,000 | 1,123,644 |
| Transfers from Other Sources | - | - | 1,789,524 | 310,000 | 310,000 | 300,000 |
| Certificates of Obligation | - | - | 21,146,430 | - | - | - |
| TEDC Contributions | 71,841 | - | - | - | - | - |
| Other Revenue Sources | 73,752 | 1,498 | - | 625,000 | 625,000 | - |
| Interest | 11,424 | 50,147 | 296,907 | 261,000 | 570,000 | 500,000 |
| Total | $ 942,556 | $ 1,610,975 | $ 26,442,366 | $ 2,741,000 | $ 3,850,000 | $ 3,486,644 |
| **Expenditures:** | | | | | | |
| Capital Outlay - General Fund | 3,152,769 | 1,431,921 | 2,555,829 | 10,675,000 | 7,114,491 | 15,502,836 |
| Capital Outlay - Enterprise Fund | - | - | - | 2,117,232 | 1,688,096 | 3,237,927 |
| Debt Service | - | - | 396,430 | - | - | - |
| Total | $ 3,152,769 | $ 1,431,921 | $ 2,952,259 | $ 12,792,232 | $ 8,802,587 | $ 18,740,763 |
| **Revenues Over (Under) Expenditures** | $ (2,210,213) | $ 179,054 | $ 23,490,107 | $ (10,051,232) | $ (4,952,587) | $ (15,254,119) |
| **Beginning Fund Balance** | $ 14,491,441 | $ 12,281,228 | $ 12,460,282 | $ 35,950,389 | $ 35,950,389 | $ 30,997,802 |
| **Ending Fund Balance** | $ 12,281,228 | $ 12,460,282 | $ 35,950,389 | $ 25,899,157 | $ 30,997,802 | $ 15,743,683 |

**City of Tomball**
**400 Capital Projects Fund - Enterprise Fund Projects and Fund 250/730/740**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Budget | FY 2016 Projections | FY 2017 Proposed |
|---|---|---|---|---|
| **Revenues:** | | | | |
| Transfers | ($424,208) | $0 | $650,000 | $2,139,924 |
| Interest | - | - | - | - |
| Total | $ (424,208) | $ - | $ 650,000 | $ 2,139,924 |
| **Expenditures:** | | | | |
| Capital Outlay | $ 810,000 | $ 1,593,459 | | |
| Total | $ 810,000 | $ 1,593,459 | $ - | $ - |
| **Revenues Over (Under) Expenditures** | $ (1,234,208) | $ (1,593,459) | $ 650,000 | $ 2,139,924 |
| **Beginning Fund Balance** | $ 1,416,853 | $ 182,645 | $ 182,645 | $ 832,645 |
| **Ending Fund Balance** | $ 182,645 | $ (1,410,814) | $ 832,645 | $ 2,972,569 |

# CITY OF TOMBALL
## CAPITAL PROJECTS FUND - 400

| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
|---|---|---|---|---|---|---|
| **CAPITAL PROJECTS** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5740 GRANTS | - | - | - | 625,000 | 625,000 | - |
| 5770 TEDC CONTRIBUTIONS | 71,841 | - | - | - | - | - |
| 5800 INTEREST INCOME | 11,424 | 50,147 | 296,907 | 261,000 | 570,000 | 500,000 |
| 5820 DRAINAGE CAPITAL RECOVERY FEES | 73,752 | 1,498 | - | - | - | - |
| 5900 DEBT PROCEEDS | - | - | 20,234,743 | - | - | - |
| 5901 PREMIUM ON BONDS | - | - | 911,687 | - | - | - |
| 5910 TRANSFER FROM GENERAL FUND | 1,209,747 | 1,161,277 | 1,980,000 | 1,490,000 | 1,490,000 | 1,563,000 |
| 5911 TRANSFER FROM UTILITY FUND | (424,208) | 398,053 | 1,229,505 | 55,000 | 855,000 | 1,123,644 |
| 5961 TRANSFERS IN | - | - | 1,789,524 | 310,000 | 310,000 | 300,000 |
| **TOTAL CAPITAL PROJECTS** | **942,556** | **1,610,975** | **26,442,366** | **2,741,000** | **3,850,000** | **3,486,644** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL CAPITAL PROJECTS | RED LIGHT | 400-121 |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6409 SYSTEM EXPANSION | $135,584 | $0 | $310,000 | $0 |
| **CAPITAL OUTLAY** | **$135,584** | **$0** | **$310,000** | **$0** |
| **TOTAL GENERAL-PARKS** | **$135,584** | **$0** | **$310,000** | **$0** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL CAPITAL PROJECTS | PARKS | 400-153 PARKS |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6409 SYSTEM EXPANSION | $201,296 | $1,405,000 | $1,392,455 | $582,870 |
| **CAPITAL OUTLAY** | **$201,296** | **$1,405,000** | **$1,392,455** | **$582,870** |
| **TOTAL GENERAL-PARKS** | **$201,296** | **$1,405,000** | **$1,392,455** | **$582,870** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL CAPITAL PROJECTS | STREETS | 400-154 STREETS |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **SERVICES AND CHARGES** | **$0** | **$0** | **$0** | **$0** |
| 6409 SYSTEM EXPANSION | $2,218,949 | $9,270,000 | $5,412,036 | $14,919,966 |
| **CAPITAL OUTLAY** | **$2,218,949** | **$9,270,000** | **$5,412,036** | **$14,919,966** |
| **TOTAL GENERAL-STREETS** | **$2,218,949** | **$9,270,000** | **$5,412,036** | **$14,919,966** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL CAPITAL PROJECTS | DEBT SERVICE | 400-300 DEBT SERVICE |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6906 BOND FEES AND COST | $396,430 | $0 | $0 | $0 |
| **DEBT** | **$396,430** | **$0** | **$0** | **$0** |
| **TOTAL DEBT SERVICE** | **$396,430** | **$0** | **$0** | **$0** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL CAPITAL PROJECTS | UTILITY-WATER | 400-613 UTILITY-WATER |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **SERVICES AND CHARGES** | **$0** | **$0** | **$0** | **$0** |
| 6409 SYSTEM EXPANSION | $0 | $617,232 | $188,096 | $601,905 |
| **CAPITAL OUTLAY** | **$0** | **$617,232** | **$188,096** | **$601,905** |
| **TOTAL UTILITY-WATER** | **$0** | **$617,232** | **$188,096** | **$601,905** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL CAPITAL PROJECTS | UTILITY-SEWER | 400-614 UTILITY-SEWER |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **SERVICES AND CHARGES** | **$0** | **$0** | **$0** | **$0** |
| 6409 SYSTEM EXPANSION | $0 | $1,500,000 | $1,500,000 | $2,636,022 |
| **CAPITAL OUTLAY** | **$0** | **$1,500,000** | **$1,500,000** | **$2,636,022** |
| **TOTAL UTILITY-SEWER** | **$0** | **$1,500,000** | **$1,500,000** | **$2,636,022** |

**City of Tomball**
**460-Capital Projects Fund - Business Park**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projection | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Transfers | $ - | | | $ - | $ - | $ - |
| Certificates of Obligation | - | | | - | - | - |
| Premium on Bonds | - | | | - | | |
| Interest | 7,951 | 16,558 | 13,264 | 6,000 | 15,000 | 5,000 |
| Total | $ 7,951 | $ 16,558 | $ 13,264 | $ 6,000 | $ 15,000 | $ 5,000 |
| **Expenditures:** | | | | | | |
| Capital Outlay | 1,658,320 | 5,636,263 | 125,642 | - | - | - |
| Bond Fees and Costs | $ - | | | $ - | $ - | $ - |
| Total | $ 1,658,320 | $ 5,636,263 | $ 125,642 | $ - | $ - | $ - |
| **Revenues Over (Under) Expenditures** | $ (1,650,369) | $ (5,619,705) | $ (112,378) | $ 6,000 | $ 15,000 | $ 5,000 |
| **Beginning Fund Balance** | $ 8,305,489 | $ 6,655,120 | $ 1,035,415 | $ 923,037 | $ 923,037 | $ 938,037 |
| **Ending Fund Balance** | $ 6,655,120 | $ 1,035,415 | $ 923,037 | $ 929,037 | $ 938,037 | $ 943,037 |

## CITY OF TOMBALL
## BUSINESS PARK PROJECTS FUND - 460

| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
|---|---|---|---|---|---|---|
| **BUSINESS PARK PROJECTS** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5800 INTEREST INCOME | 7,951 | 16,558 | 13,264 | 6,000 | 15,000 | 15,000 |
| **TOTAL BUSINESS PARK PROJECTS** | **7,951** | **16,558** | **13,264** | **6,000** | **15,000** | **15,000** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| BUSINESS PARK | TEDC BUSINESS PARK | 460-460 TEDC BUSINESS PARK |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6409 SYSTEM EXPANSION | $125,642 | $0 | $0 | $0 |
| **CAPITAL OUTLAY** | **$125,642** | **$0** | **$0** | **$0** |
| **DEBT** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL TEDC BUSINESS PARK** | **$125,642** | **$0** | **$0** | **$0** |

# CITY OF TOMBALL
# CAPITAL IMPROVEMENT PROJECTS
# As of 6/30/2018

| PROJECT # | PROJECT NAME | PROJECT DESCRIPTION | DETAIL OF CASH ALLOCATED FOR PROJECT | SUMMARY OF CASH ALLOCATED FOR PROJECT | PAID TO DATE | REMAINING CASH ALLOCATED FOR PROJECT | UNOBLIGATED CASH |
|---|---|---|---|---|---|---|---|
| 75 | Agg Road Extension (Medical Complex Drive) | Segment 3 of the proposed Medical Complex Corridor commences at SH249 Business and continues easterly to South Cherry St. Medical Complex Corridor is depicted on the COT's Major Thoroughfare Plan as a major east-west connector to FM 2920 (east & west of Tomball). | | $ 2,492,071.00 | $ 2,069,812.40 | $ 422,258.60 | |
| | | FY2012 GF 400-154-6409 | $ 10,451.00 | | | | |
| | | FY2012 EF 400-613-6409 | $ 292,500.00 | | | | |
| | | FY2012 EF 400-614-6409 | $ 495,000.00 | | | | |
| | | FY2012 EF 400-615-6409 | $ 360,000.00 | | | | |
| | | FY2013 GF Reprogrammed from 400-154-6409 | $ 165,120.00 | | | | |
| | | FY2014 EF 400-613-6409 | $ 150,000.00 | | | | |
| | | FY2014 EF 400-614-6409 | $ 7,000.00 | | | | |
| | | FY2015 EF 400-613-6409 | $ 100,000.00 | | | | |
| | | FY2015 GF 400-154-6409 | $ 340,000.00 | | | | |
| | | FY2015 GF 400-156-6302 | $ 60,000.00 | | | | |
| | | FY2016 GF 400-154-6409 | $ 500,000.00 | | | | |
| | | FY2018 GF 400-156-6302 RCL from Proj 75 | $ 12,000.00 | | | | |
| | | FY2011 TEDC GRANT | $ 3,000.00 | | | | |
| | | FY2012 TEDC GRANT | $ 911,310.05 | | | | |
| | | FY2013 TEDC GRANT | $ 389,463.93 | | | | |
| | | FY2014 TEDC GRANT | $ 332,030.36 | | | | |
| | | FY2015 TEDC GRANT | $ 64,196 | | | | |
| 181 | Medical Complex Drive Segment 3 (Bond Funded) | Medical Complex corridor is depicted on the COT"s major thoroughfare plan as a major east-west connector to FM 2920 (east & west of Tomball). Commences at SH 249 Business and continues easterly to South Cherry St | | $ 4,007,019 | $ 4,429,277 | $ (422,259) | |
| | | FY2012 Bonds 400-154-6409 | $ 3,700,000 | | | | |
| | | FY2015 Bonds 400-154-6409 Reprogrammed from Proj 180 | $ 266,267 | | | | |
| | | FY2019 Bonds 400-154-6409 Reprogrammed from Proj 180 | $ 40,752 | | | | |
| | | | | | **MEDICAL COMPLEX SEG 3 NET TOTAL** | **$ -** | **$ -** |
| 103 | M124 - Willow Creek Tributaries | The M124 basin occupies a major portion of the westerly area of Tomball, out flowing to Willow Creek. Project to mitigate channel and loss of existing floodplain storage. The project has been divided into M124 North, described as area north of FM 2920 to SH 249, and M124 South, described as area south of FM 2920 | | $ 134,798.47 | $ 134,798.47 | $ - | $ - |
| | | FY2012 GF 400-154-6409 | $ 156,718.00 | | | | |
| | | FY2012 GF 400-154-6409 Reprogrammed | $ 50,000.00 | | | | |
| | | FY2019 GF 400-154-6409 Reprogrammed to Proj 205 | $ (16,515.53) | | | | |
| | | FY2019 GF 400-154-6409 Reprogrammed to Proj 208 | $ (55,404.00) | | | | |
| 161 | Rudolph Road and Utilities | Project includes land acquisition and providing street and utility improvements to current standards as a collector street | | $ 480,221.01 | $ 79,460.53 | $ 400,760.48 | $ - |
| | | FY2012 EF Reprogrammed from 400-615-6409 | $ 62,507 | | | | |
| | | FY2012 EF 400-613-6409 | $ 46,656 | | | | |
| | | FY2012 EF 400-614-6409 | $ 45,617 | | | | |
| | | FY2012 EF 400-615-6409 | $ 49,481 | | | | |
| | | FY2012 EF reprogrammed from 400-614-6409 | $ 34,387 | | | | |
| | | FY2012 GF 400-154-6409 | $ 59,489 | | | | |
| | | FY2013 EF Reprogrammed from 400-614-6409 | $ 2,084 | | | | |
| | | FY2019 EF 400-614-6409 (Supplemental) | $ 180,000 | | | | |
| 180 | M121 Final Phase (Bond Funded) | Consists of two drainage channels, i.e. 121W & 121E. M500 reduce detention Basin. Serving a central area of Tomball. Project to alleviate conditions that cause localized flooding and on-site detention. M121 West is being constructed with bond funds. | | $ 11,294,083 | $ 3,999,168 | $ 7,294,915 | $ - |
| | | FY2012 Bonds 400-154-6409 | $ 10,801,102 | | | | |
| | | FY2015 Bonds 400-154-6409 Reprogrammed from Proj 180 to 181 | $ (266,267) | | | | |
| | | Harris county reimbursement for purchase of land (Estimated amount) | $ 800,000 | | | | |
| | | FY2019 Bonds 400-154-6409 Reprogrammed to Proj 181 | $ (40,752) | | | | |
| 184 | Infrastructure Master Plan and Capital Recovery Fee | The 10 Year Master Plan is a planning tool to estimate growth within the city limits and ETJ from 2013 to 2023 and at ultimate buildout. This helps determine the infrastructure needs to accommodate growth and estimate the cost and impact fee related to the infrastructure improvements | | $ 49,115 | $ 49,115 | $ - | $ - |
| | | FY2013 GF 400-454-6304 | $ 51,000 | | | | |
| | | FY2019 Reprogrammed to Drainage Cap Recovery | $ (1,885) | | | | |
| 186 | Downtown Development (Main Street) | Development of the Downtown area, Main street to Four Corners | | $ 1,159,633 | $ 96,456 | $ 1,063,178 | |
| | | FY2014 RLC 400-121-6409 | $ 100,000 | | | | |
| | | FY2014 GF 400-154-6409 | $ 75,000 | | | | |
| | | FY2014 GF 400-154-6409 | $ 500,000 | | | | |
| | | FY2015 GF 400-154-6409 | $ 50,000 | | | | |
| | | FY2015 GF 400-154-6409 | $ 400,000 | | | | |
| | | FY2015 RLC 400-121-6409 Reprogrammed from Medical District Sidewalks | $ 34,633 | | | | |
| 207 | 2920 Main St. Project | Funding for major improvements to FM2920 (Main Street) from the downtown area to Four Corners in conjunction with H-GAC and TxDOT. Initial funding for surveying, engineering, and right of way acquisition. (Cap $3M) | | $ 2,000,000 | $ - | $ 2,000,000 | |
| | | FY2017 400-154-6409 | $ 1,500,000 | | | | |
| | | FY2018 400-154-6409 | $ 250,000 | | | | |
| | | FY2019 400-154-6409 | $ 250,000 | | | | |
| | | | | | **PROJ 186 & 207 NET TOTAL** | **$ 3,063,178** | **$ 63,178** |
| 188 | Broussard Community Park | Community Park located on E. Hufsmith near the intersection of Zion Rd. The park will include soccer fields and interactive areas. | | $ 1,775,000 | $ 271,861 | $ 1,503,139 | $ - |
| | | FY2015 GF 100-153-6409 | $ 43,803 | | | | |
| | | FY2015 GF 400-153-6409 | $ 156,197 | | | | |
| | | FY2016 GF 400-153-6409 | $ 100,000 | | | | |
| | | FY2017 GF 400-153-6409 | $ 300,000 | | | | |
| | | FY2018 GF 400-153-6409 | $ 200,000 | | | | |
| | | FY2018 HOSPITAL GRANT - Approved Reim. Grant | $ 225,000 | | | | |
| | | FY2018 PARKS AND WILDLIFE - Approved Reim. Grant | $ 400,000 | | | | |
| | | FY2019 GF 400-153-6409 (Supplemental) | $ 350,000 | | | | |
| 195 | Wayne Stovall Sports Complex Improvement | Funding for additional improvements to Wayne Stovall Sports Complex including concession stands and replacement of the barn | | $ 755,580 | $ 366,954 | $ 388,626 | $ - |
| | | FY2016 100-153-6207 | $ 195,580 | | | | |
| | | FY2017 400-153-6409 | $ 180,000 | | | | |
| | | FY2018 400-153-6409 | $ 380,000 | | | | |
| 198 | Upgrades to NWWTP | Replace electrical conductors, and clarifier equipment, inspect and rehab hydro tanks in the non-potable water system, replace air lift pump controls and new sluice gate, replace electric conduits in the dechlorination and chlorination systems and sludge thickener. | | $ 2,838,135 | $ - | $ 2,838,135 | |

# CITY OF TOMBALL
# CAPITAL IMPROVEMENT PROJECTS
## As of 6/30/2018

| PROJECT # | PROJECT NAME | PROJECT DESCRIPTION | DETAIL OF CASH ALLOCATED FOR PROJECT | SUMMARY OF CASH ALLOCATED FOR PROJECT | PAID TO DATE | REMAINING CASH ALLOCATED FOR PROJECT | UNOBLIGATED CASH |
|---|---|---|---|---|---|---|---|
| | | FY2016 EF 400-614-6409 | $ 450,000 | | | | |
| | | FY2017 EF 400-614-6409 | $ 1,388,135 | | | | |
| | | FY2017 EF 400-614-6409 | $ 1,000,000 | | | | |
| 199 | Upgrades to SWWTP | Install new vertical turbine pumps, extend piping and relocate flow meters, renovate operations building | | $ 648,525 | $ - | $ 648,525 | |
| | | FY2016 EF 400-614-6409 | $ 200,000 | | | | |
| | | FY2017 EF 400-614-6409 | $ 448,525 | | | | |
| 202 | Critical Needs Assessment - Improvements | Freese & Nichols Critical Needs Assessment Report recommendations for improvements/upgrades to both the north and south wastewater treatment plants. | | $ 1,878,744 | $ 1,316,477 | $ 562,267 | |
| | | FY2018 EF 400-614-6409 (Budget Request) - Projection | $ 800,000 | | | | |
| | | FY2019 EF 400-614-6409 (Supplemental) - Budget | $ 1,078,744 | | | | |
| | | | | | **WWTP PROJ 198 / 199 / 202** | **$ 4,048,927** | **$ -** |
| 201 | Sewer Modeling | Create a computer model of the sewer system using GIS to represent how it performs in the field to assess and predict performance changes | | $ 194,900 | $ 192,587 | $ 2,313 | $ - |
| | | FY2017 EF 400-614-6409 | $ 150,000 | | | | |
| | | FY2019 EF 400-614-6409 | $ 44,900 | | | | |
| 203 | Medical Complex Drive Segment 4B and M118 (Proposed bond funded) | Construct a two lane roadway and install utilities between South Persimmon east to Hufsmith Kohrville and construct M118 drainage channel south of the Medical Complex Drive location. | | $ 20,225,000 | $ 817,628 | $ 19,407,372 | $ - |
| | | FY2017 GF 400-154-6409 | $ 20,225,000 | | | | |
| 205 | Sidewalks | FY2017- Quinn and Holderreith - $323,541 (121)<br>FY2018 -Theis and Johnson - $310,000 (121)<br>FY2018 - S of Commerce, Elm to Cherry $100,406 (154)<br>FY2018 - W of Walnut, Commerce to N of Main $18,646 (154)<br>FY2018 - S of Market, Whisp.Willow to Cherry $22,950 (154)<br>FY2018 - N of Market from Cherry to Walnut $48,768 (154) | | $ 767,097 | $ 312,175 | $ 454,922 | $ (26,528) |
| | | FY2017 Red Light - RLC 400-121-6409 | $ 323,541 | | | | |
| | | FY2017 Red Light - RCL 400-121-6409 to Proj 194 | $ (82,959) | | | | |
| | | FY2018 Red Light - 400-121-6409 | $ 310,000 | | | | |
| | | FY2018 GF - 400-154-6409 | $ 200,000 | | | | |
| | | FY2019 GF - 400-154-6409 Reprogrammed from Proj 103 | $ 16,515 | | | | |
| 206 | East Side Water Loop Line | Install water line beginning at Snook, east on Hufsmith, around to Broussard Park and then west on Zion Rd. to form a loop on the east side of the City. | | $ 800,001 | $ 150,886 | $ 649,115 | $ - |
| | | FY2017 EF 400-613-6409 Reprogrammed | $ 145,479 | | | | |
| | | FY2017 EF 400-613-6409 Reprogrammed | $ 69,718 | | | | |
| | | FY2017 EF 400-613-6409 Reprogrammed | $ 29,014 | | | | |
| | | FY2017 EF 400-613-6409 Reprogrammed | $ 89,806 | | | | |
| | | FY2017 EF 400-613-6409 Reprogrammed | $ 465,983 | | | | |
| 208 | Sherwood Forest Drainage Improvements | Drainage improvements along Winfro Drive, Limerick Lane, Wickford Drive within the Sherwood Forest Subdivision at Zion Road | | $ 331,762 | $ 268,819 | $ 62,943 | $ - |
| | | FY2018 GF 400-154-6409 Reprogrammed from proj 205 - Sidewalks | $ 276,358 | | | | |
| | | FY2019 GF 400-154-6409 Reprogrammed from Proj 103 | $ 55,404 | | | | |
| 210 | 2017 Water Modeling | Study showing different water demand scenarios including fire flow demands will be modeled through the City. | | $ 75,798 | $ 75,798 | $ - | $ 1,298 |
| | | FY2017 EF 400-613-6409 | $ 20,000 | | | | |
| | | FY2018 EF 400-613-6409 | $ 55,000 | | | | |
| | | FY2019 EF 400-613-6409 | $ 798 | | | | |
| 211 | Public Works Parking Lot Expansion | Expanding Public Works Parking lot in two phases. Phase 1 will be directly in front of the administrative building. Phase 2 will be directly in front of the service center. Each phase is $230,000 | | $ 460,000 | $ 25,376 | $ 434,624 | $ - |
| | | FY2018 GF 400-154-6409 | $ 460,000 | | | | |
| 179 | Tomball Business and Technology Park (bond funded) | Located at the NW corner of Hufsmith Kohrville and Holderrieth Road for the development of a Business Park | | $ 8,500,000 | $ 7,636,574 | $ 863,426 | |
| | | FY2013-Bond Funded - 460-460-6409 | $ 8,500,000 | | | | |
| NWWTP Sewer Effluent Reuse | | Study to determine if the treated water can be used for irrigation | | $ 75,000 | $ - | $ 75,000 | |
| | | FY2014 EF 400-614-6409 | $ 75,000 | | | | |
| SWWTP Expansion | | Initial Study to determine if the SWWTP needs to be expanded and when design should begin | | $ 75,000 | $ - | $ 75,000 | |
| | | FY2014 EF 400-614-6409 | $ 75,000 | | | | |
| M&R Matheson Park | | Needed improvements to Mathson Park including completion of replacement of fencing, mulch, addition of retaining wall, and new playground equipment. Two year estimated project | | $ 100,000 | $ - | $ 100,000 | |
| | | FY2019 GF 400-153-6409 (Supplemental) | $ 100,000 | | | | |
| Computer Aided Dispatch | | Upgrade of aging public safety CAD system city-wide; Two year estimated project | | $ 150,000 | $ - | $ 150,000 | |
| | | FY2019 GF 400-117-6409 (Supplemental) | $ 150,000 | | | | |
| Design of SCADA | | Create the platform and basis of a SCADA (Supervisory control and data acquisition) system for all the utilities - water, sewer, and gas | | $ 60,000 | $ - | $ 60,000 | |
| | | FY2019 EF 400-614-6409 (Supplemental) | $ 30,000 | | | | |
| | | FY2019 EF 400-613-6409 (Supplemental) | $ 30,000 | | | | |
| Impact Fee Update | | | | $ 60,000 | $ - | $ 60,000 | |
| | | FY2019 EF 400-614-6409 (Supplemental) | $ 30,000 | | | | |
| | | FY2019 EF 400-613-6409 (Supplemental) | $ 30,000 | | | | |
| Drainage Capital Recovery | | Fund Balance | | $ 165,747 | $ - | $ 165,747 | |
| | | FY2012 | $ 139,611 | | | | |
| | | FY2013 Budget for project 184 | $ (51,000) | | | | |
| | | FY2015 | $ 73,752 | | | | |
| | | FY2016 | $ 1,498 | | | | |
| | | FY2019 | $ 1,885 | | | | |

| PROJECT DESCRIPTION | DETAIL OF CASH ALLOCATED FOR PROJECT | EXPENSE TO DATE | REMAINING CASH ALLOCATED FOR PROJECT |
|---|---|---|---|
| 100-153-6207 | 195,580 | 195,580.00 | - |
| 100-153-6409 | 43,803 | 43,803.00 | - |
| 400-117-6409 | 150,000 | | |
| 400-121-6409 | 685,216 | 312,175.10 | 373,040.55 |
| 400-153-6409 | 1,766,197 | 399,432.06 | 1,366,764.94 |
| 400-154-6409 | 35,746,648 | 5,385,153.78 | 30,361,493.92 |
| 400-454-6304 | 49,115 | 49,114.98 | - |
| 400-613-6304 | - | 2,160.00 | (2,160.00) |
| 400-613-6409 | 982,454 | 241,586.05 | 740,868.18 |
| 400-614-6409 | 6,030,079 | 1,524,579.11 | 4,505,499.62 |
| 400-615-6304 | - | 1,369.52 | (1,369.52) |
| 400-615-6409 | 111,988 | 2,603.50 | 109,384.30 |
| HOSPITAL GRANT | 225,000 | - | 225,000.00 |
| PARKS AND WILDLIFE | 400,000 | - | 400,000.00 |
| 460-460-6409 | 8,500,000 | 7,636,574.34 | 863,425.66 |
| **TOTAL FOR FUND 400** | **$ 54,886,079.09** | **$ - $ 15,794,131.44** | **$ 38,941,947.65** |
| | | **Funding vs. Contract Variance** | **$ 37,948.35** |

## Enterprise Fund - 600
### Statement of Revenues, Expenditures, and Changes in Fund Balance
### City Manager 2018-2019 Proposed Budget

| | FY2015 Actuals | FY2016 Actuals | FY2017 Actuals | FY2018 Budget | FY2018 Projection | FY2019 Budget |
|---|---|---|---|---|---|---|
| Operating Revenues: | | | | | | |
| Water sales | 4,447,785 | 4,654,043 | 5,092,916 | 4,250,000 | 4,750,000 | 4,800,000 |
| Sewer sales | 2,320,748 | 2,316,495 | 2,434,143 | 2,125,000 | 2,450,000 | 2,500,000 |
| Gas sales | 3,295,521 | 2,844,005 | 2,655,884 | 2,600,000 | 3,200,000 | 3,300,000 |
| Tap fees | 173,983 | 105,060 | 129,410 | 105,000 | 205,000 | 170,000 |
| Reconnect fees | 24,919 | 27,394 | 26,681 | 27,500 | 27,000 | 27,500 |
| Interest | 22,668 | 32,465 | 60,912 | 65,000 | 87,250 | 71,250 |
| Contributions | 670,000 | 558,148 | 558,148 | 558,148 | 558,148 | 558,148 |
| Other | 167,155 | 199,590 | 142,892 | 157,950 | 153,250 | 301,244 |
| Transfers | - | | | - | - | - |
| **Total Operating Revenues** | 11,122,777 | 10,737,200 | 11,100,984 | 9,888,596 | 11,430,646 | 11,728,140 |
| Expenses: | | | | | | |
| Enterprise Administration | 4,195,752 | 4,758,133 | 4,805,717 | 3,358,652 | 3,389,014 | 3,741,683 |
| Utility Billing | 246,465 | 268,105 | 275,695 | 383,943 | 377,856 | 351,927 |
| Water | 2,268,271 | 2,593,340 | 3,032,640 | 3,536,679 | 3,634,436 | 4,169,565 |
| Wastewater | 1,601,951 | 2,296,380 | 2,777,501 | 1,977,548 | 2,215,256 | 2,785,317 |
| Gas | 1,687,978 | 1,215,878 | 1,353,339 | 1,752,091 | 1,775,132 | 1,905,777 |
| **Total Operating Expenses** | 10,000,417 | 11,131,836 | 12,244,892 | 11,008,913 | 11,391,694 | 12,954,269 |
| **Net Revenue Available for Debt** | 1,122,360 | (394,636) | (1,143,908) | (1,120,317) | 38,952 | (1,226,129) |
| Debt Service | 3,314,651 | 113,075 | 96,284 | 679,439 | 679,439 | 651,031 |
| **Total Debt Service** | 3,314,651 | 113,075 | 96,284 | 679,439 | 679,439 | 651,031 |
| **Net Income (Excluding Depr.)** | (2,192,291) | (507,711) | (1,240,191) | (1,799,756) | (640,487) | (1,877,160) |
| **Beginning Fund Balance** | 12,752,332 | 10,560,041 | 10,052,330 | 8,812,139 | 8,812,139 | 8,171,652 |
| **Ending Fund Balance** | 10,560,041 | 10,052,330 | 8,812,139 | 7,012,383 | 8,171,652 | 6,294,492 |
| Operating Costs per Day | | | | | | |
| Fund Balance as % of Operating Costs | 106% | 90% | 72% | 64% | 72% | 49% |

| CITY OF TOMBALL<br>ENTERPRISE FUND - 600 | | | | | | |
|---|---|---|---|---|---|---|
| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
| **ENTERPRISE FUND** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5500 SALE OF CITY PROPERTY | - | 39,850 | 11,511 | 15,000 | 15,000 | 25,000 |
| 5550 MISCELLANEOUS INCOME | 873 | - | 1,158 | 1,200 | 1,000 | 750 |
| 5560 RETURNED CHECK FINES | 768 | 433 | 626 | 750 | 750 | 750 |
| 5600 WATER SALES | 4,447,785 | 4,654,043 | 5,092,916 | 4,250,000 | 4,750,000 | 4,800,000 |
| 5610 WATER TAPS | 60,035 | 40,790 | 46,640 | 50,000 | 75,000 | 55,000 |
| 5620 WATER RECONNECT FEES | 24,919 | 27,394 | 26,681 | 27,500 | 27,000 | 27,500 |
| 5630 AMP PLAN BALANCE | 1,598 | 570 | (2,021) | 1,000 | 1,500 | 1,000 |
| 5640 SEWER SALES | 2,320,748 | 2,316,495 | 2,434,143 | 2,125,000 | 2,450,000 | 2,500,000 |
| 5650 SEWER TAPS | 47,515 | 21,435 | 30,940 | 25,000 | 55,000 | 55,000 |
| 5670 GAS SALES | 3,295,521 | 2,844,005 | 2,655,884 | 2,600,000 | 3,200,000 | 3,300,000 |
| 5680 GAS TAPS | 66,433 | 42,835 | 51,830 | 30,000 | 75,000 | 60,000 |
| 5690 PENALTIES | 108,374 | 111,565 | 86,379 | 100,000 | 90,000 | 100,000 |
| 5695 ADMINISTRATIVE CHARGES | 46,221 | 47,021 | 47,794 | 40,000 | 45,000 | 45,000 |
| 5770 TEDC CONTRIBUTIONS | 670,000 | 558,148 | 558,148 | 558,148 | 558,148 | 558,148 |
| 5800 INTEREST INCOME | 22,668 | 32,465 | 60,912 | 65,000 | 87,250 | 71,250 |
| 5961 TRANSFER IN | - | - | - | - | - | 128,744 |
| 5801 UNREALIZED GAIN ON INVESTMENTS | 9,321 | 151 | (2,555) | - | - | - |
| **TOTAL ENTERPRISE FUND** | **11,122,779** | **10,737,200** | **11,100,986** | **9,888,598** | **11,430,648** | **11,728,142** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| ENTERPRISE FUND | ADMINISTRATIVE | 600-611 ADMINISTRATIVE |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $218,458 | $253,403 | $240,883 | $230,245 |
| 6003 WAGES-FULL TIME | $32,900 | $40,491 | $37,747 | $38,504 |
| 6005 WAGES-OVERTIME | $918 | $2,060 | $2,060 | $2,060 |
| 6009 WAGES-OTHER | $13,365 | $0 | $10,254 | $0 |
| 6011 VACATION PAY | $18,588 | $0 | $4,052 | $19,075 |
| 6012 SICK PAY | $8,179 | $2,857 | $3,980 | $15,442 |
| 6013 EMERGENCY PAY | $576 | $0 | $0 | $0 |
| 6019 MISCELLANEOUS PAY | $2,495 | $2,735 | $2,735 | $2,900 |
| 6021 FICA-MED/SS | $21,934 | $23,696 | $23,303 | $24,177 |
| 6022 TMRS-EMPLOYER | $122,668 | $42,281 | $42,554 | $43,179 |
| 6025 WORKER COMPENSATION INSURANCE | $2,842 | $4,138 | $3,255 | $3,518 |
| 6030 EMPLOYEE TUITION REIMBURSEMENT | $2,941 | $4,000 | $4,000 | $4,000 |
| 6040 OTHER POST EMPLOYEMENT BEN. | $19,158 | $0 | $0 | $0 |
| **PERSONNEL SERVICES** | **$465,022** | **$375,661** | **$374,823** | **$383,100** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $534 | $1,100 | $1,000 | $1,100 |
| 6102 EDUCATIONAL SUPPLIES | $0 | $800 | $800 | $800 |
| 6105 FOOD SUPPLIES | $1,206 | $750 | $1,500 | $2,000 |
| 6107 CLOTHING AND UNIFORMS | $1,165 | $1,555 | $1,405 | $1,000 |
| 6108 FUEL, OIL AND LUBRICANTS | $2,552 | $2,500 | $2,500 | $3,000 |
| 6109 POSTAGE | $63 | $100 | $100 | $100 |
| 6119 OTHER SUPPLIES | $68 | $350 | $350 | $350 |
| **SUPPLIES** | **$5,588** | **$7,155** | **$7,655** | **$8,350** |
| 6205 VEHICLE EQUIPMENT MAINTENANCE | $372 | $150 | $200 | $200 |
| **REPAIRS AND MAINTENANCE** | **$372** | **$150** | **$200** | **$200** |
| 6302 PROFESSIONAL SERVICES,ENGINEER | $0 | $30,000 | $55,000 | $0 |
| 6304 PROFESSIONAL SERVICES, OTHER | $0 | $0 | $0 | $20,000 |
| 6312 COMMUNICATION SERVICES | $43,461 | $42,000 | $46,000 | $46,000 |
| 6320 SOFTWARE SERVICE | $0 | $3,300 | $2,550 | $3,300 |
| 6332 TRAVEL AND MEALS | $794 | $1,000 | $1,000 | $1,000 |
| 6333 DUES AND SUBSCRIPTIONS | $371 | $400 | $400 | $400 |
| 6334 AUTOMOBILE ALLOWANCES | $4,800 | $4,800 | $7,200 | $7,200 |
| 6335 ADVERTISING COST | $1,146 | $0 | $0 | $0 |
| 6337 TRAINING | $1,222 | $4,300 | $4,300 | $4,300 |
| 6362 PERMITS AND LICENSES | $255 | $275 | $275 | $275 |
| **SERVICES AND CHARGES** | **$52,049** | **$86,075** | **$116,725** | **$82,475** |
| 6410 DEPRECIATION EXPENSE | $1,472,653 | $0 | $0 | $0 |
| **CAPITAL OUTLAY** | **$1,472,653** | **$0** | **$0** | **$0** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| ENTERPRISE FUND | ADMINISTRATIVE | 600-611 ADMINISTRATIVE |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6691 TRANSFERS OUT | $2,342,169 | $2,384,166 | $2,384,166 | $2,530,209 |
| 6692 TRANSFER TO EMP. BEN. TRUST | $467,864 | $505,445 | $505,445 | $542,349 |
| 6998 TRANSFER TO FLEET REPLACEMENT | $0 | $0 | $0 | $195,000 |
| 6999 TRANSFER TO CAPITAL PROJECTS | | | $0 | $0 |
| **TRANSFERS** | **$2,810,033** | **$2,889,611** | **$2,889,611** | **$3,267,558** |
| **TOTAL UTILITY-ADMINISTRATIVE** | **$4,805,717** | **$3,358,652** | **$3,389,014** | **$3,741,683** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| ENTERPRISE FUND | UTILITY BILLING | 600-612 UTILITY BILLING |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $41,887 | $48,954 | $45,649 | $46,533 |
| 6003 WAGES-FULL TIME | $99,304 | $145,833 | $131,893 | $146,718 |
| 6005 WAGES-OVERTIME | $653 | $3,348 | $3,348 | $3,348 |
| 6009 WAGES-OTHER | $7,729 | $0 | $5,190 | $0 |
| 6011 VACATION PAY | $6,910 | $0 | $2,656 | $10,730 |
| 6012 SICK PAY | $5,237 | $0 | $2,792 | $9,494 |
| 6013 EMERGENCY PAY | $366 | $0 | $0 | $0 |
| 6019 MISCELLANEOUS PAY | $895 | $1,145 | $1,145 | $1,865 |
| 6021 FICA-S.S. AND MEDICARE TAXES | $11,867 | $15,293 | $14,556 | $16,847 |
| 6022 TMRS-EMPLOYER | $22,498 | $27,288 | $26,464 | $30,087 |
| 6025 WORKER COMPENSATION INS. | $1,589 | $3,182 | $2,613 | $2,755 |
| **PERSONNEL SERVICES** | **$198,935** | **$245,043** | **$236,306** | **$268,377** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $16,168 | $3,200 | $18,200 | $3,200 |
| 6105 FOOD SUPPLIES | $33 | $100 | $100 | $100 |
| 6106 MATERIALS AND PARTS | $177 | $800 | $800 | $800 |
| 6107 CLOTHING AND UNIFORMS | $759 | $3,000 | $3,000 | $3,000 |
| 6108 FUEL, OIL AND LUBRICANTS | $1,400 | $3,500 | $2,000 | $3,500 |
| 6109 POSTAGE | $21,055 | $22,000 | $22,000 | $22,000 |
| 6119 OTHER SUPPLIES | $295 | $500 | $250 | $250 |
| **SUPPLIES** | **$39,887** | **$33,100** | **$46,350** | **$32,850** |
| 6203 RADIO EQUIPMENT MAINTENANCE | $1,945 | $6,500 | $3,000 | $4,000 |
| 6205 VEHICLE MAINTENANCE | $705 | $1,000 | $1,000 | $1,000 |
| **REPAIRS AND MAINTENANCE** | **$2,650** | **$7,500** | **$4,000** | **$5,000** |
| 6304 PROFESSIONAL SERVICES,OTHER | $14,971 | $27,500 | $20,000 | $20,000 |
| 6312 COMMUNICATION SERVICES | $1,863 | $2,000 | $2,400 | $2,400 |
| 6320 SOFTWARE SERVICE | $0 | $20,000 | $20,000 | $0 |
| 6329 OTHER SERVICES | $13,364 | $17,000 | $17,000 | $17,000 |
| 6332 TRAVEL AND MEALS | $1,288 | $1,500 | $1,800 | $1,500 |
| 6333 DUES AND SUBSCRIPTIONS | $95 | $300 | $300 | $300 |
| 6337 TRAINING | $850 | $1,500 | $1,200 | $1,000 |
| 6362 PERMITS AND LICENSES | $1,792 | $3,500 | $3,500 | $3,500 |
| **SERVICES AND CHARGES** | **$34,223** | **$73,300** | **$66,200** | **$45,700** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| 6998 TRANSFER TO FLEET REPLACEMENT | $0 | $25,000 | $25,000 | $0 |
| **TRANSFERS** | **$0** | **$25,000** | **$25,000** | **$0** |
| **TOTAL UTILITY BILLING** | **$275,695** | **$383,943** | **$377,856** | **$351,927** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| ENTERPRISE FUND | UTILITY-WATER | 600-613 UTILITY-WATER |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6003 WAGES-FULL TIME | $280,945 | $339,249 | $264,031 | $313,278 |
| 6004 WAGES-PART TIME | $3,071 | $4,635 | $10,000 | $5,150 |
| 6005 WAGES-OVERTIME | $17,528 | $9,785 | $13,285 | $13,648 |
| 6006 WAGES-ON CALL | $0 | $10,300 | $4,000 | $10,300 |
| 6009 WAGES-OTHER | $16,753 | $0 | $5,844 | $0 |
| 6011 VACATION PAY | $19,906 | $0 | $6,254 | $21,143 |
| 6012 SICK PAY | $15,595 | $2,832 | $6,775 | $14,684 |
| 6013 EMERGENCY PAY | $147 | $0 | $636 | $0 |
| 6019 MISCELLANEOUS PAY | $3,840 | $4,345 | $3,305 | $3,675 |
| 6021 FICA-MED/SS | $25,825 | $28,726 | $23,590 | $29,359 |
| 6022 TMRS-EMPLOYER | $49,320 | $50,623 | $41,741 | $51,730 |
| 6025 WORKER COMPENSATION INSURANCE | $10,560 | $11,589 | $9,408 | $9,850 |
| 6030 EMPLOYEE TUITION REIMBURSEMENT | $0 | $4,000 | $2,000 | $4,000 |
| **PERSONNEL SERVICES** | **$443,490** | **$466,084** | **$390,869** | **$476,817** |
| 6101 OFFICE SUPPLIES | $486 | $200 | $300 | $300 |
| 6106 MATERIALS AND PARTS | $101,738 | $90,000 | $90,000 | $90,000 |
| 6107 CLOTHING AND UNIFORMS | $4,724 | $6,520 | $6,650 | $6,300 |
| 6108 FUEL, OIL AND LUBRICANTS | $11,158 | $12,000 | $12,000 | $12,000 |
| 6109 POSTAGE | $81 | $0 | $0 | $0 |
| 6110 CHEMICAL SUPPLIES | $57,889 | $75,000 | $65,000 | $65,000 |
| 6111 TAP SUPPLIES AND COMPONENTS | $99,441 | $30,000 | $110,000 | $120,000 |
| 6119 OTHER SUPPLIES | $6,874 | $7,500 | $7,500 | $23,700 |
| **SUPPLIES** | **$282,391** | **$221,220** | **$291,450** | **$317,300** |
| 6204 OTHER EQUIPMENT MAINTENANCE | $1,576 | $2,500 | $55,000 | $5,000 |
| 6205 VEHICLE MAINTENANCE | $2,407 | $2,500 | $4,000 | $3,000 |
| 6207 SYSTEM MAINTENANCE | $49,968 | $125,000 | $194,817 | $250,000 |
| 6219 OTHER MAINTENANCE | $0 | $0 | $0 | $250,000 |
| **REPAIRS AND MAINTENANCE** | **$53,951** | **$130,000** | **$253,817** | **$508,000** |
| 6303 PROFESSIONAL SERVICES,LEGAL | $24,786 | $0 | $350 | $2,500 |
| 6304 PROFESSIONAL SERVICES,OTHER | $19,818 | $29,000 | $0 | $2,550 |
| 6305 N.HARRIS CTY.REG.WATER AUTH. | $2,084,615 | $2,282,000 | $2,300,000 | $2,600,000 |
| 6312 COMMUNICATION SERVICES | $5,580 | $6,000 | $5,900 | $6,000 |
| 6313 UTILITIES-ELECTRIC | $152,575 | $200,000 | $160,000 | $175,000 |
| 6316 PRINTING AND BINDING | $1,520 | $1,825 | $1,800 | $1,800 |
| 6329 OTHER SERVICES | $3,787 | $1,000 | $0 | $0 |
| 6332 TRAVEL AND MEALS | $62 | $300 | $300 | $300 |
| 6333 DUES AND SUBSCRIPTIONS | $1,019 | $750 | $1,100 | $1,100 |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| ENTERPRISE FUND | UTILITY-WATER | 600-613 UTILITY-WATER |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6335 ADVERTISING COST | $432 | $850 | $450 | $450 |
| 6336 EQUIPMENT RENTALS | $539 | $150 | $150 | $150 |
| 6337 TRAINING | $4,287 | $3,500 | $4,500 | $4,500 |
| 6361 STUDIES AND ANALYSIS | $10,342 | $8,500 | $8,500 | $8,500 |
| 6362 PERMITS AND LICENSES | $9,736 | $15,500 | $10,000 | $15,500 |
| **SERVICES AND CHARGES** | **$2,319,098** | **$2,549,375** | **$2,493,050** | **$2,818,350** |
| 6403 MACHINERY AND EQUIPMENT | $1,890 | $0 | $0 | $0 |
| 6409 SYSTEM EXPANSION | $0 | $25,000 | $60,250 | $48,300 |
| **CAPITAL OUTLAY** | **$1,890** | **$25,000** | **$60,250** | **$48,300** |
| **BAD DEBTS** | **$0** | **$0** | **$0** | **$0** |
| 6998 TRANSFER TO FLEET REPLACEMENT | $40,000 | $90,000 | $90,000 | $0 |
| 6999 TRANSFER TO CAPITAL PROJ. FUND | ($108,180) | $55,000 | $55,000 | $798 |
| **TRANSFERS** | **($68,180)** | **$145,000** | **$145,000** | **$798** |
| **TOTAL UTILITY-WATER** | **$3,032,640** | **$3,536,679** | **$3,634,436** | **$4,169,565** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| ENTERPRISE FUND | UTILITY-SEWER | 600-614 UTILITY-SEWER |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6003 WAGES-FULL TIME | $368,495 | $442,620 | $408,511 | $404,830 |
| 6004 WAGES-PART TIME | $1,670 | $4,635 | $10,000 | $5,150 |
| 6005 WAGES-OVERTIME | $15,184 | $15,862 | $15,862 | $15,862 |
| 6006 WAGES-ON CALL | $40,880 | $25,750 | $30,450 | $25,750 |
| 6009 WAGES-OTHER | $20,908 | $0 | $11,126 | $0 |
| 6011 VACATION PAY | $28,770 | $0 | $10,471 | $28,042 |
| 6012 SICK PAY | $19,086 | $3,861 | $6,613 | $20,478 |
| 6013 EMERGENCY PAY | $725 | $0 | $802 | $0 |
| 6019 MISCELLANEOUS PAY | $4,395 | $4,940 | $4,935 | $4,930 |
| 6021 FICA-MED/SS | $37,085 | $38,409 | $37,481 | $38,796 |
| 6022 TMRS-EMPLOYER | $69,043 | $67,902 | $68,342 | $68,585 |
| 6025 WORKER COMPENSATION INSURANCE | $7,005 | $8,219 | $7,206 | $7,650 |
| **PERSONNEL SERVICES** | **$613,246** | **$612,198** | **$611,799** | **$620,073** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $238 | $130 | $250 | $300 |
| 6105 FOOD SUPPLIES | $74 | $100 | $50 | $100 |
| 6106 MATERIALS AND PARTS | $47,117 | $20,000 | $20,000 | $20,000 |
| 6107 CLOTHING AND UNIFORMS | $4,912 | $7,240 | $6,200 | $6,500 |
| 6108 FUEL, OIL AND LUBRICANTS | $12,069 | $18,000 | $15,000 | $15,000 |
| 6109 POSTAGE | $69 | $100 | $75 | $100 |
| 6110 CHEMICAL SUPPLIES | $76,959 | $80,000 | $80,000 | $80,000 |
| 6119 OTHER SUPPLIES | $8,884 | $9,300 | $17,300 | $18,000 |
| **SUPPLIES** | **$150,322** | **$134,870** | **$138,875** | **$140,000** |
| 6204 OTHER EQUIPMENT MAINTENANCE | $19,255 | $20,000 | $20,000 | $20,000 |
| 6205 VEHICLE MAINTENANCE | $7,729 | $4,000 | $6,000 | $5,000 |
| 6206 BUILDING MAINTENANCE | $0 | $0 | $0 | $44,000 |
| 6207 SYSTEM MAINTENANCE | $172,718 | $800,000 | $169,817 | $346,000 |
| 6219 OTHER MAINTENANCE | $5,045 | $10,000 | $5,000 | $10,000 |
| **REPAIRS AND MAINTENANCE** | **$204,747** | **$834,000** | **$200,817** | **$425,000** |
| 6303 PROFESSIONAL SERVICES,LEGAL | $24,786 | $0 | $315 | $2,500 |
| 6304 PROFESSIONAL SERVICES,OTHER | $29,220 | $20,000 | $25,000 | $30,000 |
| 6312 COMMUNICATION SERVICES | $3,568 | $3,600 | $3,600 | $3,600 |
| 6313 UTILITIES-ELECTRIC | $157,761 | $174,000 | $165,000 | $165,000 |
| 6329 OTHER SERVICES | $122,691 | $100,000 | $120,000 | $120,000 |
| 6333 DUES AND SUBSCRIPTIONS | $1,148 | $880 | $1,200 | $1,500 |
| 6335 ADVERTISING COST | $0 | $0 | $5,000 | $0 |
| 6336 EQUIPMENT RENTALS | $3,895 | $5,000 | $7,000 | $5,000 |
| 6337 TRAINING | $3,038 | $3,000 | $3,000 | $3,000 |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| ENTERPRISE FUND | UTILITY-SEWER | 600-614 UTILITY-SEWER |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6361 STUDIES AND ANALYSIS | $65,418 | $50,000 | $55,000 | $55,000 |
| 6362 PERMITS AND LICENSES | $51,710 | $40,000 | $50,000 | $50,000 |
| **SERVICES AND CHARGES** | **$463,235** | **$396,480** | **$435,115** | **$435,600** |
| 6403 MACHINERY AND EQUIPMENT | $755 | $0 | $0 | $16,000 |
| 6409 SYSTEM EXPANSION | $0 | $0 | $28,650 | $25,000 |
| **CAPITAL OUTLAY** | **$755** | **$0** | **$28,650** | **$41,000** |
| 6998 TRANSFER TO FLEET REPLACEMENT | $0 | $0 | $0 | $0 |
| 6999 TRANSFER TO CAPITAL PROJ. FUND | $1,345,196 | $0 | $800,000 | $1,123,644 |
| **TRANSFERS** | **$1,345,196** | **$0** | **$800,000** | **$1,123,644** |
| **DEBT** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL UTILITY-SEWER** | **$2,777,501** | **$1,977,548** | **$2,215,256** | **$2,785,317** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| ENTERPRISE FUND | UTILITY-GAS | 600-615 UTILITY-GAS |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6003 WAGES-FULL TIME | $218,675 | $270,242 | $245,770 | $250,630 |
| 6004 WAGES-PART TIME | $4,466 | $4,635 | $5,000 | $5,150 |
| 6005 WAGES-OVERTIME | $11,916 | $8,240 | $12,240 | $12,360 |
| 6006 WAGES-ON CALL | $23,824 | $15,450 | $25,450 | $25,750 |
| 6009 WAGES-OTHER | $12,131 | $0 | $8,314 | $0 |
| 6011 VACATION PAY | $16,101 | $0 | $8,802 | $15,657 |
| 6012 SICK PAY | $8,726 | $2,983 | $4,880 | $13,617 |
| 6013 EMERGENCY PAY | $0 | $0 | $478 | $0 |
| 6019 MISCELLANEOUS PAY | $2,665 | $2,800 | $2,800 | $2,990 |
| 6021 FICA-MED/SS | $22,137 | $23,525 | $23,601 | $25,057 |
| 6022 TMRS-EMPLOYER | $40,792 | $41,343 | $42,301 | $44,046 |
| 6025 WORKER COMPENSATION INSURANCE | $2,415 | $3,188 | $3,104 | $3,520 |
| **PERSONNEL SERVICES** | **$363,848** | **$372,406** | **$382,740** | **$398,777** |
| 6101 OFFICE SUPPLIES | $146 | $200 | $250 | $300 |
| 6106 MATERIALS AND PARTS | $56,548 | $80,000 | $80,000 | $80,000 |
| 6107 CLOTHING AND UNIFORMS | $3,282 | $4,860 | $4,975 | $4,200 |
| 6108 FUEL, OIL AND LUBRICANTS | $11,620 | $10,000 | $12,000 | $12,000 |
| 6109 POSTAGE | $430 | $375 | $500 | $500 |
| 6110 CHEMICAL SUPPLIES | $1,552 | $3,000 | $3,000 | $3,000 |
| 6111 TAP SUPPLIES AND COMPONENTS | $13,530 | $3,000 | $20,000 | $25,000 |
| 6119 OTHER SUPPLIES | $14,220 | $10,000 | $8,000 | $18,000 |
| 6129 GAS PURCHASES | $818,428 | $1,200,000 | $1,100,000 | $1,200,000 |
| **SUPPLIES** | **$919,756** | **$1,311,435** | **$1,228,725** | **$1,343,000** |
| 6204 OTHER EQUIPMENT MAINTENANCE | $1,550 | $500 | $9,500 | $2,000 |
| 6205 VEHICLE MAINTENANCE | $1,436 | $1,000 | $1,500 | $1,500 |
| 6207 SYSTEM MAINTENANCE | $14,658 | $5,000 | $83,817 | $65,000 |
| **REPAIRS AND MAINTENANCE** | **$17,644** | **$6,500** | **$94,817** | **$68,500** |
| 6304 PROFESSIONAL SERVICES,OTHER | $14,520 | $15,000 | $18,000 | $15,000 |
| 6312 COMMUNICATION SERVICES | $2,638 | $2,500 | $2,650 | $2,700 |
| 6313 UTILITIES-ELECTRIC | $1,656 | $1,800 | $1,600 | $1,800 |
| 6322 INSPECTION SERVICES | $0 | $4,000 | $2,000 | $4,000 |
| 6329 OTHER SERVICES | $4,854 | $3,000 | $4,500 | $4,500 |
| 6333 DUES AND SUBSCRIPTIONS | $1,438 | $1,250 | $4,600 | $1,500 |
| 6335 ADVERTISING COST | $675 | $400 | $7,200 | $7,000 |
| 6336 EQUIPMENT RENTALS | $0 | $3,000 | $2,000 | $3,000 |
| 6337 TRAINING | $27,444 | $28,000 | $22,800 | $28,000 |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| ENTERPRISE FUND | UTILITY-GAS | 600-615 UTILITY-GAS |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6362 PERMITS AND LICENSES | $2,733 | $2,800 | $3,500 | $3,000 |
| **SERVICES AND CHARGES** | **$55,958** | **$61,750** | **$68,850** | **$70,500** |
| 6403 MACHINERY AND EQUIPMENT | $3,645 | $0 | $0 | $0 |
| 6409 SYSTEM EXPANSION | $0 | $0 | $0 | $25,000 |
| **CAPITAL OUTLAY** | **$3,645** | **$0** | **$0** | **$25,000** |
| 6998 TRANSFER TO FLEET REPLACEMENT | $0 | $0 | $0 | $0 |
| 6999 TRANSFER TO CAPITAL PROJ. FUND | ($7,512) | $0 | $0 | $0 |
| **TRANSFERS** | **($7,512)** | **$0** | **$0** | **$0** |
| **TOTAL UTILITY-GAS** | **$1,353,339** | **$1,752,091** | **$1,775,132** | **$1,905,777** |

# CITY OF TOMBALL

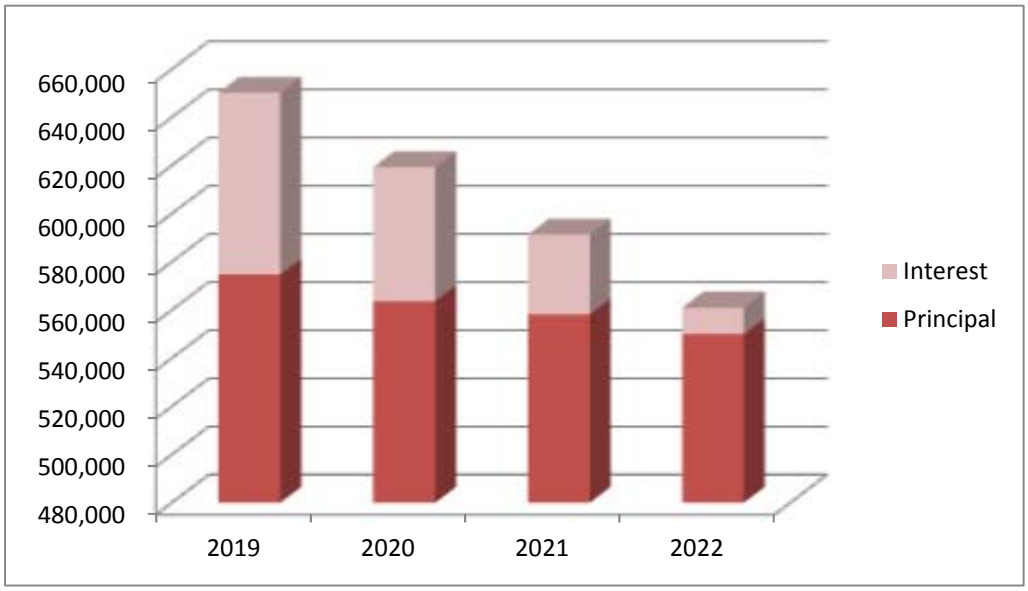
| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| ENTERPRISE FUND | DEBT | 600-616 DEBT |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6901 INTEREST - BONDS | $95,514 | $92,909 | $92,909 | $75,501 |
| Series 2011 | | | $92,909 | $75,501 |
| 6906 BOND FEES AND COST | $770 | $780 | $780 | $780 |
| Arbitrage calculation- annual | | | $470 | $470 |
| Series 2011 Paying agent fee | | | $310 | $310 |
| 6911 PRINCIPAL - BONDS | $0 | $585,750 | $585,750 | $574,750 |
| Series 2011 | | | $585,750 | $574,750 |
| **DEBT** | **$96,284** | **$679,439** | **$679,439** | **$651,031** |
| **TOTAL DEBT** | **$96,284** | **$679,439** | **$679,439** | **$651,031** |

**City of Tomball**
**Enterprise Fund**
**Consolidated Debt Payment Schedule**
**2018-2019 Annual Budget**

| Fiscal Year | Principal | Interest | Total |
|---|---|---|---|
| 2019 | 574,750 | 75,501 | 650,251 |
| 2020 | 563,750 | 55,605 | 619,355 |
| 2021 | 558,250 | 33,165 | 591,415 |
| 2022 | 550,000 | 11,000 | 561,000 |
| Total | $ 2,246,750 | $ 175,271 | $ 2,422,021 |



**City of Tomball**
**Series 2011 General Obligation Refunding Bonds- Enterprise Portion**
**$8,650,000 - Tax Supported 45%, Utility System 55%**
**Issue Date : July 1, 2011**

| Fiscal Year | Payment Date | Principal | Coupon | Interest | Total P & I | Fiscal Year Total |
|---|---|---|---|---|---|---|
| 2019 | 2/15/2019 | 574,750 | 3.000% | 42,061 | 616,811 | |
| | 8/15/2019 | | | 33,440 | 33,440 | 650,251 |
| 2020 | 2/15/2020 | 563,750 | 4.000% | 33,440 | 597,190 | |
| | 8/15/2020 | | | 22,165 | 22,165 | 619,355 |
| 2021 | 2/15/2021 | 558,250 | 4.000% | 22,165 | 580,415 | |
| | 8/15/2021 | | | 11,000 | 11,000 | 591,415 |
| 2022 | 2/15/2022 | 550,000 | 4.000% | 11,000 | 561,000 | 561,000 |
| Total | | $ 2,246,750 | | $ 175,271 | $ 2,422,021 | $ 2,422,021 |

## Fleet Replacement Fund
**Statement of Revenues, Expenditures, and Changes in Fund Balance**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projection | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Transfers - General Fund | 502,247 | 390,000 | 141,812 | 274,500 | 274,500 | 200,000 |
| Transfers - Enterprise Fund | 245,063 | - | 40,000 | 115,000 | 115,000 | 195,000 |
| Transfers - Special Revenue | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 |
| Other | 12,626 | 44,982 | 10,083 | - | 20,000 | 10,000 |
| Interest | 1,201 | 5,693 | 13,390 | 14,000 | 24,000 | 25,000 |
| Total | 781,137 | 460,675 | 225,285 | 423,500 | 453,500 | 450,000 |
| **Expenditures:** | | | | | | |
| Capital Outlay - General Fund | 360,537 | 312,344 | 328,291 | 274,500 | 424,392 | 324,808 |
| Capital Outlay - Enterprise Fund | 76,628 | 88,839 | 88,491 | 115,000 | 118,722 | 139,200 |
| Total | 437,165 | 401,183 | 416,782 | 389,500 | 543,114 | 464,008 |
| **Revenues Over (Under) Expenditures** | 343,972 | 59,492 | (191,497) | 34,000 | (89,614) | (14,008) |
| **Beginning Fund Balance** | 2,475,628 | 2,819,599 | 2,879,089 | 2,687,592 | 2,687,592 | 2,597,978 |
| **Ending Fund Balance** | 2,819,599 | 2,879,089 | 2,687,592 | 2,721,592 | 2,597,978 | 2,583,970 |

# CITY OF TOMBALL
# FLEET REPLACEMENT FUND

| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
|---|---|---|---|---|---|---|
| **FLEET REPLACEMENT FUND** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5500 SALE OF CITY PROPERTY | 12,626 | 70,095 | 10,083 | - | 20,000 | 10,000 |
| 5741 GAIN (LOSS) DISPOSAL CITY PROP | - | (25,113) | - | - | - | - |
| 5800 INTEREST INCOME | 1,201 | 5,693 | 13,390 | 14,000 | 24,000 | 25,000 |
| 5910 TRANSFER FROM GENERAL FUND | 502,247 | 390,000 | 141,812 | 274,500 | 274,500 | 200,000 |
| 5911 TRANSFER FROM UTILITY FUND | 245,063 | - | 40,000 | 115,000 | 115,000 | 195,000 |
| 5961 TRANSFER IN | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 |
| **TOTAL FLEET REPLACEMENT FUND** | **781,137** | **460,675** | **225,285** | **423,500** | **453,500** | **450,000** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| FLEET REPLACEMENT | GEN FUND FLEET REPLACEMEN | 650-651 GEN FUND FLEET |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6403 MACHINERY AND EQUIPMENT | $0 | $70,000 | $80,428 | $0 |
| 6405 VEHICLE EQUIPMENT | $37,253 | $204,500 | $343,964 | $324,808 |
| 6410 DEPRECIATION EXPENSE | $291,038 | $0 | $0 | $0 |
| **CAPITAL OUTLAY** | **$328,291** | **$274,500** | **$424,392** | **$324,808** |
| **TOTAL GEN FUND FLEET REPLACEMEN** | **$328,291** | **$274,500** | **$424,392** | **$324,808** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| FLEET REPLACEMENT | UTILITY FUND FLEET REPLAC | 650-652 UTILITY FUND FLEET |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6403 MACHINERY AND EQUIPMENT | $0 | $60,000 | $63,000 | $85,200 |
| 6405 VEHICLE EQUIPMENT | $5,133 | $55,000 | $55,722 | $54,000 |
| 6410 DEPRECIATION EXPENSE | $83,358 | $0 | $0 | $0 |
| **CAPITAL OUTLAY** | **$88,491** | **$115,000** | **$118,722** | **$139,200** |
| **TOTAL UTILITY FUND FLEET REPLAC** | **$88,491** | **$115,000** | **$118,722** | **$139,200** |

# 730 - Water Capital Recovery Fund

**Statement of Revenues, Expenditures and Changes in Fund Balance**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projection | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Water Capital Recovery Fee | 246,383 | 333,874 | 240,183 | 200,000 | 235,000 | 200,000 |
| Interest | 810 | 5,149 | 12,295 | 5,000 | 24,000 | 26,000 |
| Total | 247,193 | 339,023 | 252,478 | 205,000 | 259,000 | 226,000 |
| **Expenditures:** | | | | | | |
| Services and Charges | (7,404) | - | - | - | - | - |
| Transfers Out | - | - | 465,983 | - | - | 106,656 |
| Total | (7,404) | - | 465,983 | - | - | 106,656 |
| **Revenues Over (Under) Expenditures** | 254,598 | 339,024 | (213,504) | 205,001 | 259,001 | 119,345 |
| **Beginning Fund Balance** | 1,269,367 | 1,523,965 | 1,862,989 | 1,649,485 | 1,649,485 | 1,908,486 |
| **Ending Fund Balance** | 1,523,965 | 1,862,989 | 1,649,485 | 1,854,486 | 1,908,486 | 2,027,831 |

## CITY OF TOMBALL
## WATER CAPITAL RECOVERY FUND - 730

| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
|---|---|---|---|---|---|---|
| **WATER CAPITAL RECOVERY FUND** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5800 INTEREST INCOME | 810 | 5,149 | 12,295 | 5,000 | 24,000 | 26,000 |
| 5810 WATER CAPITAL RECOVERY FEE | 246,383 | 333,874 | 240,183 | 200,000 | 235,000 | 200,000 |
| **TOTAL WATER CAPITAL RECOVERY FUND** | **247,193** | **339,023** | **252,478** | **205,000** | **259,000** | **226,000** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| WATER CAPITAL RECOVERY | WATER CAPITAL RECOVERY | 730-731 WATER CAPITAL |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **SERVICES AND CHARGES** | **$0** | **$0** | **$0** | **$0** |
| 6690 TRANSFER TO UTILITY SINKING | $0 | $0 | $0 | $0 |
| 6691 TRANSFERS OUT | $465,983 | $0 | $0 | $106,656 |
| Update to impact fee | | | $0 | $30,000 |
| Rudolph Road Reimbursement to EF | | | $0 | $46,656 |
| Design of SCADA | | | $0 | $30,000 |
| **TRANSFERS** | **$465,983** | **$0** | **$0** | **$106,656** |
| **TOTAL WATER CAPITAL RECOVERY** | **$465,983** | **$0** | **$0** | **$106,656** |

# 740 - Sewer Capital Recovery Fund

**Statement of Revenues, Expenditures and Changes in Fund Balance**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projection | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Sewer Capital Recovery Fee | 288,809 | 329,761 | 208,850 | 200,000 | 260,000 | 200,000 |
| Interest | 972 | 5,976 | 12,139 | 6,000 | 21,000 | 23,000 |
| Total | 289,781 | 335,737 | 220,989 | 206,000 | 281,000 | 223,000 |
| **Expenditures:** | | | | | | |
| Services and Charges | 12,189 | - | - | - | - | - |
| Transfers | - | - | 1,000,000 | - | - | 322,088 |
| Total | 12,189 | - | 1,000,000 | - | - | 322,088 |
| **Revenues Over (Under) Expenditures** | 277,593 | 335,738 | (779,010) | 206,001 | 281,001 | (99,087) |
| **Beginning Fund Balance** | 1,484,218 | 1,761,811 | 2,097,549 | 1,318,539 | 1,318,539 | 1,599,540 |
| **Ending Fund Balance** | 1,761,811 | 2,097,549 | 1,318,539 | 1,524,540 | 1,599,540 | 1,500,453 |

| CITY OF TOMBALL<br>SEWER CAPITAL RECOVERY FUND - 740 | | | | | | |
|---|---|---|---|---|---|---|
| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
| **SEWER CAPITAL RECOVERY FUND** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5800 INTEREST | 972 | 5,976 | 12,139 | 6,000 | 21,000 | 23,000 |
| 5840 SEWER CAPITAL RECOVERY FEE | 288,809 | 329,761 | 208,850 | 200,000 | 260,000 | 200,000 |
| **TOTAL SEWER CAPITAL RECOVERY FUND** | **289,781** | **335,737** | **220,989** | **206,000** | **281,000** | **223,000** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| SEWER CAPITAL RECOVERY | SEWER CAPITAL RECOVERY | 740-741 SEWER CAPITAL |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **SERVICES AND CHARGES** | **$0** | **$0** | **$0** | **$0** |
| 6691 TRANSFERS OUT | $1,000,000 | $0 | $0 | $322,088 |
| **TRANSFERS** | **$1,000,000** | **$0** | **$0** | **$322,088** |
| **TOTAL SEWER CAPITAL RECOVERY** | **$1,000,000** | **$0** | **$0** | **$322,088** |

**City of Tomball**
**910 Employee Benefit Trust Fund**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projection | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Transfers | 2,188,033 | 2,291,634 | 2,598,249 | 2,736,910 | 2,736,910 | 2,950,558 |
| ESD#15 Reimbursement | - | 11,004 | 26,692 | 31,880 | 82,000 | 82,000 |
| Interest | 542 | 2,888 | 7,948 | 2,000 | 17,000 | 20,000 |
| Total | 2,188,575 | 2,305,526 | 2,632,889 | 2,770,790 | 2,835,910 | 3,052,558 |
| | | | | | | |
| **Expenditures:** | | | | | | |
| Health Insurance Costs | 2,130,436 | 2,098,002 | 2,458,772 | 2,712,975 | 2,680,764 | 2,906,140 |
| Services and Charges | 42,453 | 42,061 | 41,975 | 62,256 | 59,461 | 62,418 |
| Total | 2,172,889 | 2,140,064 | 2,500,747 | 2,775,231 | 2,740,225 | 2,968,558 |
| | | | | | | |
| **Revenues Over (Under) Expenditures** | 15,686 | 165,463 | 132,142 | (4,441) | 95,685 | 84,000 |
| | | | | | | |
| **Beginning Fund Balance** | 984,621 | 1,000,306 | 1,165,768 | 1,297,910 | 1,297,910 | 1,393,595 |
| | | | | | | |
| **Ending Fund Balance** | 1,000,306 | 1,165,768 | 1,297,910 | 1,293,469 | 1,393,595 | 1,477,595 |

| CITY OF TOMBALL<br>EMPLOYEE TRUST FUND - 910 | | | | | | |
|---|---|---|---|---|---|---|
| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
| **EMPLOYEE TRUST FUND** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5474 ESD#15 STATION 5 PAYROLL REIMBURSE. | - | 11,004 | 26,692 | 31,880 | 82,000 | 82,000 |
| 5800 INTEREST | 542 | 2,888 | 7,948 | 2,000 | 17,000 | 20,000 |
| 5961 TRANSFER IN | 2,188,033 | 2,291,634 | 2,598,249 | 2,736,910 | 2,736,910 | 2,950,558 |
| **TOTAL EMPLOYEE TRUST FUND** | **2,188,575** | **2,305,526** | **2,632,889** | **2,770,790** | **2,835,910** | **3,052,558** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| EMPLOYEE BENEFITS TRUST | HEALTH INSURANCE | 910-920 HEALTH INSURANCE |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6024 HEALTH INSURANCE | $2,458,772 | $2,712,975 | $2,680,764 | $2,906,140 |
| **PERSONNEL SERVICES** | **$2,458,772** | **$2,712,975** | **$2,680,764** | **$2,906,140** |
| 6304 PROF. SERVICES- OTHER | $41,055 | $44,256 | $41,461 | $44,418 |
| 6329 OTHER SERVICES | $920 | $18,000 | $18,000 | $18,000 |
| **SERVICES AND CHARGES** | **$41,975** | **$62,256** | **$59,461** | **$62,418** |
| **TOTAL HEALTH INSURANCE** | **$2,500,747** | **$2,775,231** | **$2,740,225** | **$2,968,558** |

# ACTIVE SUPPLEMENTAL

## GENERAL FUND

| FUND-DEPT-ACCT | TITLE | TYPE | REOCCURING AMOUNT | NON-REOCCURING AMOUNT | TOTAL |
|---|---|---|---|---|---|
| 100-116-xxxx | Upgrade PT Accounting Assistant to FT Accountant | Personnel | 68,173 | | 68,173 |
| **Finance Department Total** | | | **$ 68,173** | | **$ 68,173** |
| 100-117-6320 | Conference Room Addition - Technology | Facilities Maintenance | | 5,000 | 5,000 |
| 100-117-6999 | Computer Aided Dispatch (CAD) - Reoccurring for 2 years | Capital Projects | 150,000 | | 150,000 |
| **Information Systems Total** | | | **$ 150,000** | **$ 5,000** | **$ 155,000** |
| 100-121-xxxx | Inventory and Property Technician | Personnel | 70,747 | | 70,747 |
| **Police Department Total** | | | **$ 70,747** | | **$ 70,747** |
| 100-122-xxxx | Upgrade PT Assistant Court Clerk to FT Assistant Court Clerk | Personnel | 54,270 | | 54,270 |
| **Municipal Court Total** | | | **$ 54,270** | | **$ 54,270** |
| 100-142-xxxx | 6 FT Firefighters | Personnel | 256,811 | | 256,811 |
| 100-142-6405 | Diesel Exhaust Filter System on All Apparatus | Equipment | | 27,000 | 27,000 |
| **Fire Department Total** | | | **$ 256,811** | **$ 27,000** | **$ 283,811** |
| 100-143-6345 | KTTF Expenses | Equipment | | 12,000 | 12,000 |
| **Emergency Management Department Total** | | | | **$ 12,000** | **$ 12,000** |
| 100-152-6206 | Fans & Heaters for Mechanics Bay | Facilities Maintenance | | 10,000 | 10,000 |
| **Garage Total** | | | | **$ 10,000** | **$ 10,000** |
| 100-153-6206 | Roof Replacement at Parks Facilities | Facilities Maintenance | | 15,000 | 15,000 |
| 100-153-6207 | Electrical for Depot | Facilities Maintenance | | 9,000 | 9,000 |
| 100-153-6207 | Fencing for MLK | Facilities Maintenance | | 18,000 | 18,000 |
| 100-153-6207 | MLK Lighting Upgrade | Facilities Maintenance | | 16,000 | 16,000 |
| 100-153-6409 | Improvements to Theiss Attaway Nature Preserve | Facilities Maintenance | | 50,000 | 50,000 |
| 100-153-6409 | Pickleball Court | Equipment | | 35,000 | 35,000 |
| 100-153-6999 | Broussard Park | Capital Projects | | 350,000 | 350,000 |
| 100-153-6999 | M&R for Matheson Park - Reoccurring for 2 years | Capital Projects | 100,000 | | 100,000 |
| **Parks Total** | | | **$ 100,000** | **$ 493,000** | **$ 593,000** |
| 100-154-6119 | Breakaway Poles for Street Signs | Equipment | | 20,000 | 20,000 |
| 100-154-6403 | Additional Lawn Mower | Equipment | | 16,000 | 16,000 |
| **Streets Total** | | | | **$ 36,000** | **$ 36,000** |
| 100-157-6119 | Wash Bay Heated Power Washer System | Equipment | | 7,500 | 7,500 |
| 100-157-6206 | Conference Room Addition | Facilities Maintenance | | 8,000 | 8,000 |
| 100-157-6219 | Additional Equipment Bays for Public Works | Facilities Maintenance | | 25,000 | 25,000 |
| 100-157-6304 | Facilities Assessment & Master Plan | Services | | 40,000 | 40,000 |
| **Facilities Maintenance Total** | | | | **$ 80,500** | **$ 80,500** |
| **GENERAL FUND TOTAL** | | | **$ 700,001** | **$ 663,500** | **$ 1,363,501** |

# ACTIVE SUPPLEMENTAL

## SEIZURE FUND

| FUND-DEPT-ACCT | TITLE | TYPE | REOCCURING AMOUNT | NON-REOCCURING AMOUNT | TOTAL |
|---|---|---|---|---|---|
| 200-221-6119 | Training Room Furniture | Equipment | | 15,000 | 15,000 |
| **SEIZURE FUND TOTAL** | | | | **$ 15,000** | **$ 15,000** |

## ENTERPRISE FUND

| FUND-DEPT-ACCT | TITLE | TYPE | REOCCURING AMOUNT | NON-REOCCURING AMOUNT | TOTAL |
|---|---|---|---|---|---|
| 600-611-6304 | Facilities Assessment & Master Plan | Services | | 20,000 | 20,000 |
| **Utility Administration Total** | | | | **$ 20,000** | **$ 20,000** |
| 600-613-6119 | Hydrant Meters | Equipment | | 8,200 | 8,200 |
| 600-613-6119 | Utility Crew Barricades and Response Trailer Modification | Equipment | | 8,000 | 8,000 |
| 600-613-6219 | Rehabilitation of Pine Street Water Tank | Facilities Maintenance | | 250,000 | 250,000 |
| 600-613-6207 | Survey and Clearing of Utility Easement | Facilities Maintenance | | 105,000 | 105,000 |
| 600-613-6409 | Water Meter Conversion to AMR | Equipment | | 23,300 | 23,300 |
| 600-613-6207 | Water Well Maint. Program | Capital Project | | 20,000 | 20,000 |
| **Water Department Total** | | | | **$ 414,500** | **$ 414,500** |
| 600-614-6119 | Utility Crew Barricades and Response Trailer Modification | Equipment | | 8,000 | 8,000 |
| 600-614-6206 | Storage Shed/Garage NWWTP | Facilities Maintenance | | 40,000 | 40,000 |
| 600-614-6207 | DRI Prime Backup System at 2920 Lift Station | Equipment | | 80,000 | 80,000 |
| 600-614-6207 | Sanitary Sewer T.V. and C. Point Repairs & Lining | Facilities Maintenance | | 250,000 | 250,000 |
| 600-614-6403 | Additional Lawn Mower | Equipment | | 16,000 | 16,000 |
| 600-614-6999 | Critical Needs Improvement | Capital Project | | 1,078,744 | 1,078,744 |
| **Sewer Total** | | | | **$ 1,472,744** | **$ 1,472,744** |
| 600-615-6119 | Utility Crew Barricades and Response Trailer Modification | Equipment | | 8,000 | 8,000 |
| 600-615-6207 | Gas Meter Conversion for Profiling | System Maintenance | | 50,000 | 50,000 |
| **Gas Total** | | | | **$ 58,000** | **$ 58,000** |
| **ENTERPRISE FUND TOTAL** | | | | **$ 1,965,244** | **$ 1,965,244** |

# ACTIVE SUPPLEMENTAL

## WATER RECOVERY FUND

| FUND-DEPT-ACCT | TITLE | TYPE | REOCCURING AMOUNT | NON-REOCCURING AMOUNT | TOTAL |
|---|---|---|---|---|---|
| 730-731-6691 | Update Impact Fee | Capital Project | | $30,000 | $30,000 |
| 730-731-6691 | SCADA Implementation for Asset MGMT and Control | Capital Project | | $30,000 | $30,000 |
| **Sewer Recovery Fund** | | | | **$ 60,000** | **$ 60,000** |

## SEWER RECOVERY FUND

| FUND-DEPT-ACCT | TITLE | TYPE | REOCCURING AMOUNT | NON-REOCCURING AMOUNT | TOTAL |
|---|---|---|---|---|---|
| 740-741-6691 | Update Impact Fee | Capital Project | | $30,000 | $30,000 |
| 740-741-6691 | SCADA Implementation for Asset MGMT and Control | Capital Project | | $30,000 | $30,000 |
| 740-741-6691 | Rudolph Road | Capital Project | | $180,000 | $180,000 |
| **Sewer Recovery Fund** | | | | **$ 240,000** | **$ 240,000** |

| | | | |
|---|---|---|---|
| **SUPPLEMENTAL TOTAL** | **$ 755,871** | **$ 2,943,744** | **$ 3,699,615** |

# NOTICE OF PUBLIC HEARINGS
# at the
# TOMBALL CITY COUNCIL MEETINGS
# CITY OF TOMBALL, TEXAS

## MONDAY, AUGUST 6, 2018
## 6:00 P.M.
## AND
## MONDAY, AUGUST 20, 2018
## 6:00 P.M.

**Notice is hereby given that PUBLIC HEARINGS will be held by the Tomball City Council, as the Governing Body of the City of Tomball, at Regular Council Meetings on Monday, August 6, 2018 at 6:00 p.m., and Monday, August 20, 2018 at 6:00 p.m., at TOMBALL CITY HALL, 401 MARKET STREET, Tomball, Texas 77375, for the purpose of considering the following:**

## Public Hearing for the Purpose of Adopting the City of Tomball's Budget for Fiscal Year 2018-2019.

A copy of the Proposed Budget, as submitted to City Council and filed in the City Secretary's office, 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, July 30, 2018**.

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

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 18th day of July 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: August 20, 2018

**Topic:**

Adopt, on First Reading, Ordinance No. 2018-31, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2018-2019; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2017-2018 Fiscal Year in Accordance with Actual Expenditures; and Providing Other Details Relating to the Passage of This Ordinance

**Background:**

This item is for the first reading of Ordinance No. 2018-31, adopting the Budget for Fiscal Year 2018-2019, provided the Council has not given City Staff additional changes/modifications for incorporation into the Budget following the second public hearing.

**Origination:**

City Secretary

**Recommendation:**

Adopt Ordinance No. 2018-31 on First Reading

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

City Secretary

**ACTION TAKEN**

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

**ATTACHMENTS:**

Ordinance No. 2018-31
Final Proposed Budget for FY 2018-2019

**ORDINANCE NO. 2018-31**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, ADOPTING THE BUDGET FOR THE CITY OF TOMBALL, TEXAS, FOR FISCAL YEAR 2018-2019; AND AUTHORIZING THE CITY MANAGER TO APPROVE INTRA-DEPARTMENTAL (WITHIN THE SAME DEPARTMENT ONLY) TRANSFERS OF BUDGETED FUNDS; AND AMENDING THE BUDGET FOR THE 2017-2018 FISCAL YEAR IN ACCORDANCE WITH ACTUAL EXPENDITURES; AND PROVIDING OTHER DETAILS RELATING TO THE PASSAGE OF THIS ORDINANCE**

* * * * * * * * *

**WHEREAS**, the Budget of the City of Tomball for the Fiscal Year 2018-2019 was presented to the City Council of the City of Tomball on the 16th day of July 2018 and was filed with the City Secretary's Office on July 30, 2018 for the purpose of Public Display; and the City Council has reviewed and amended the proposed budget and changes as approved by the City Council have been identified and their effect included in the budget; and

**WHEREAS**, NOTICE OF PUBLIC HEARINGS for the Budget of the City of Tomball, Texas, for Fiscal Year 2018-2019 was published in the City's official newspaper advising citizens of the Public Hearing to be conducted on August 6, 2018 and August 20, 2018, and also advising that said Budget was available for their inspection prior to the Public Hearings; and

**WHEREAS**, at said Public Hearings all citizens of the City had the right to be present and to be heard, and those who requested to be heard were heard, and it being the opinion of the Mayor and City Council that said Budget should be adopted; and

**WHEREAS**, said Budget shall be in effect for the ensuing Fiscal Year, October 1, 2018, through September 30, 2019;

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

**Section 1.0 Adoption of Budget**. That from October 1, 2018, through September 30, 2019, the appropriations, as stated in the Budget as proposed expenditures, shall be and are hereby appropriated to the several objects and purposes named and designated in the Budget.

**Section 2.0 Public Record**. The City Secretary is hereby directed to place in the Budget an endorsement which shall read as follows: **"The Original Budget of the City of Tomball, Texas for the Fiscal Year 2018-2019."** Such Budget as endorsed shall be kept on file in the office of the City Secretary as a Public Record and a copy of said Budget is attached to this ordinance and made a part of this ordinance for all purposes.

**Section 3.0 Intra-Departmental Transfers**. In accordance with the responsibility of the City Manager established by Section 7.01 C. (2) of the City Charter to administer the annual budget, the City Manager is authorized, as circumstances reasonably require, to approve intra-departmental (within the same department only) transfers of budgeted funds. Further, the documentation for such transfers shall be maintained as a part of the City's financial records.

**Section 4.0 Beginning Fund Balances**. That the Beginning Fund Balance reflected in the budget for each operating and capital project fund for which a Budget is adopted hereby automatically shall be adjusted to be the amount of the Ending Fund Balance for Fiscal Year 2018 as fully adjusted to reflect the final Comprehensive Annual Financial Report for Fiscal Year 2018 when released, for each respective fund. The revised Beginning Fund Balance shall thereafter be used to calculate the Fiscal Year 2019 Ending Fund Balance.

**Section 5.0 2017-2018 Budget Amended**. That the City Council has reviewed the actual expenditures for the 2017-2018 Fiscal Year and compared them to the projections contained in the 2017-2018 Fiscal Year budget. The 2017-2018 Fiscal Year budget is hereby amended in accordance with the actual expenditures for the 2017-2018 Fiscal Year.

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 20TH DAY OF AUGUST 2018.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF SEPTEMBER 2018.

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

_____
GRETCHEN FAGAN
Mayor

ATTEST:

_____
DORIS SPEER
City Secretary

# City of Tomball




# FY 2018-2019
# Proposed Budget

# CITY OF TOMBALL

Office of the City Manager

To: Honorable Mayor and Council

From: Robert S. Hauck, City Manager

Subject: Budget Memo – City Manager's Proposed FY2019 Budget

Date: July 30, 2018

As required in Section 8.03 of the Tomball City Charter, please find attached the proposed budget for fiscal year 2018-2019 (FY2019). The budget is a planning tool, providing guidance and direction to City staff for the upcoming budget year.

The City staff continues to remain very conservative in our forecasting approach. That approach has served us well as revenue projections and spending are well within the current budget.

Sales tax revenues have increased for each of the first seven months of this fiscal year. A colder than normal winter has resulted in increased Enterprise Fund revenues, while other revenues have remained stable. We continue to provide high levels of service to our citizens, while identifying opportunities for service enhancements.

## FY2019 Proposed Budget

The total proposed budget for FY2019, including all funds and capital projects, totals $65,658,418. Total budgeted ending fund balances of $49,854,142 provide reserve levels of 76% of operating expenditures which exceed the Charter requirement of 25%.

## General Fund Overview

Revenues for FY2018 will be approximately $1,889,276 more than projected, and expenditures $174,028 below budget.

We estimate revenues for FY2019 to increase $410,139 over FY2018, and expenditures will be approximately $1,317,385 more, due to transfers to capital projects, supplemental items, and salary adjustment\survey. Overall, our ending fund balance will remain strong at $13,043,014, or 55%.

The preliminary assessed property tax value provided by the Harris County Appraisal District (HCAD) is $2,028,815,979, a 9.9% increase over last year. A significant number of appraisals are still under protest. Therefore, the actual tax rate cannot be adopted until after the City receives the Certified Appraisal Roll in late August.

## Personnel

In an effort to maintain a competitive salary level and benefits for employees, a three percent (3%) salary increase and salary survey adjustment is proposed in FY2019, with a total estimated cost of $ 858,866 for all funds.
The City contribution to the Texas Municipal Retirement System will increase from 13.61% to 13.68% a cost of approximately $5,637.

A number of new personnel were requested by departments during the budget process. After thoughtful consideration, and based on organizational capacity\needs at this time, the following positions are proposed:

a. Finance – PT to FT Accountant $68,173 – General Fund
b. Court – PT to FT Assistant Court Clerk $54,270 – General Fund
c. Fire Department – Six (6) FT Firefighters $ 256,811 – General Fund (Net cost after restructuring PT deployment).

## Supplemental Items

During the budget preparation process, a variety of supplemental projects were identified as priorities and incorporated into the budget document. Those proposed expenditures are projected in the budget document and range from park improvements, technology, safety, water quality issues, and major utility system improvements. The total for supplemental items in the General Fund this fiscal year is $1,363,501; Enterprise Fund $1,965,244; Sewer Recovery Fund $240,000; Water Recovery Fund $60,000; and Seizure Fund $15,000.

## Enterprise Fund Overview

Revenues for FY2018 will be approximately $1,542,050 more than projected, and expenditures $382,781 higher than originally budgeted.

We estimate revenues for FY2019 to increase $297,494 over FY2018, and expenditures will be approximately $1,534,167 more, due to transfers to capital projects, supplemental items, and salary adjustment\survey. Overall, our ending fund balance will remain strong at $6,294,492, or 49%.

The City is in the process of conducting a utility rate study that will include recommendations associated with water and sewer model findings. While all elements of the study have not been completed, the rate specific portion indicates no change in FY2019. Upon completion of the final project, Council will be provided with results and recommendations. Fees paid to North Harris County Regional Water Authority have increased from $2.90 to $3.40.

## Debt Service Fund Overview

The FY2019 ending fund balance in the Debt Service Fund is budgeted to be $5,395,842 and represents a reserve level of 124% of proposed debt service expenditures. Our high reserve levels give us flexibility to issue debt to facilitate projects proposed in the Capital Improvement Plan. This is a positive factor in maintaining our high Standard & Poor's bond rating of AA+.

## Capital Projects Fund

The City sponsored a joint H-GAC grant application with TxDOT in April, 2015 for major improvements to FM2920 (Main Street) from Four Corners to Willow Street. The City Council authorized local funding participation in the amount of $3.0 million toward this estimated $30 million dollar TxDOT project. In FY2017 the City appropriated an initial $1.5 million, then in FY2018 an additional $250,000 was appropriated, and it is proposed to fund another $250,000 in FY2019. We will continue to monitor project timelines, and recommend funding of the remaining $1.0 million dollars as needed. This deliberate delay in making large appropriations provides additional stability to the General Fund.

Additional capital projects receiving funding for FY2019 include:

- Broussard Park $350,000
- Matheson Park $100,000
- Critical Needs Assessment Phase III $1.2 million
- SCADA System $60,000
- Impact Fee Update $60,000
- CAD System $300,000 ( ½ FY2019 and ½ FY2020)
- Alleys/sidewalks $713,000

## Hotel / Motel Tax

The Tourism Advisory Committee meets quarterly to review projects and activities. The Marketing Department continues to promote and make the City of Tomball name more prevalent for outside tourism. Revenues have recovered from a lull in FY2017, resulting in a projected increase of $126,096 for FY2018. Ending fund balance of $237,291, remains solid at 31%.

## Fleet Replacement

Based on the staff review of maintenance, condition of the vehicle/equipment, and the vehicle replacement schedule, 10 vehicles and 1 piece of equipment are proposed to be replaced at a cost of $464,008. The general fund accounts for $324,808 and the enterprise fund $139,200. The remaining vehicles not proposed to be replaced ($314,690) are still in good condition. The ending fund balance for the vehicle replacement fund is $2,583,970.

## Additional Information

In 2015, the City of Tomball received the Platinum Leadership Award from the State Comptroller's Office. For the past five (5) years, the City has continued to maintain this highest

level of transparency. Recently, the Comptroller's Office added the Transparency Stars program that allows municipalities to "go above and beyond" in their transparency efforts. To date, we have received two stars, and staff is currently working on obtaining two more. The Finance Department also received the Government Finance Officers Association Distinguished Budget Award for FY2017-2018.

City staff prepared and submitted the first five-year financial plan during FY2018. This plan will be updated and presented to Council during FY2019.

I appreciate the time and effort Council has taken to review the proposed budget. This is an important document that will assist us in providing our community with the quality of service they deserve.

There are many who assisted with this process, but special recognition goes to the following individuals who spent countless hours and many long meetings in the preparation of this budget. They have been a great budget team and simply stated, I could not have done it without them:

David Esquivel, Assistant City Manager
Glenn Windsor, Finance Director
Kacie Richardson, Senior Accountant
Christine Brookshire, Senior Accountant

I am blessed to work with a wonderful group of employees who are truly dedicated to providing the highest levels of service, and we pledge our commitment to you and the community at-large!

Yours truly,



Robert S. Hauck
City Manager

# Fund Summaries

**Consolidated Statement of Anticipated Receipts and Revenues and Expenditures and Changes in Fund Balance- All Funds**
**City Manager 2018-2019 Proposed Budget**

| | Governmental | | | Proprietary | Internal Service | | | | | Consolidated |
|---|---|---|---|---|---|---|---|---|---|---|
| | General Fund | Special Revenue Funds | Debt Service | Enterprise Fund | Fleet Replacement Fund | Health Insurance Trust Fund | Water Captial Recovery | Sewer Capital Recovery | Capital Projects Fund | All Funds FY 2019 |
| Funds | 100 | 200-290/990 | 300 | 600 | 650 | 910 | 730 | 740 | 400/460 | |
| **Revenues:** | | | | | | | | | | |
| Property taxes | 2,245,000 | - | $ 4,600,000 | - | - | - | - | - | - | 6,845,000 |
| Hotel Occupancy | - | 625,000 | - | - | - | - | - | - | - | 625,000 |
| Sales taxes | 12,500,000 | - | - | - | - | - | - | - | - | 12,500,000 |
| Franchise taxes | 1,265,000 | - | - | - | - | - | - | - | - | 1,265,000 |
| Permits and licenses | 485,700 | - | - | - | - | - | - | - | - | 485,700 |
| Fines and warrants | 531,200 | 177,050 | - | - | - | - | - | - | - | 708,250 |
| Service fees | 2,000,000 | - | - | 10,797,500 | - | - | - | - | - | 12,797,500 |
| Transfers In | 2,530,209 | - | - | - | 415,000 | 2,950,558 | - | - | 2,986,644 | 8,882,411 |
| Contributions/Grants | 392,817 | - | 536,113 | 558,148 | - | - | - | - | - | 1,487,078 |
| Interest | 185,528 | 13,250 | 52,500 | 71,250 | 25,000 | 20,000 | 26,000 | 23,000 | 505,000 | 921,528 |
| Other | 1,325,291 | 181,000 | - | 301,244 | 10,000 | 82,000 | 200,000 | 200,000 | - | 2,299,535 |
| Total Revenues | $ 23,460,745 | $ 996,300 | $ 5,188,613 | $ 11,728,142 | $ 450,000 | $ 3,052,558 | $ 226,000 | $ 223,000 | $ 3,491,644 | $ 48,817,002 |
| **Expenditures:** | | | | | | | | | | |
| General Government | 4,144,326 | - | - | - | - | 2,968,558 | - | - | 15,502,836 | 22,615,720 |
| Transfers out | 2,617,391 | - | - | - | - | - | - | - | - | 2,617,391 |
| Public Safety | 9,847,173 | 303,039 | - | - | - | - | - | - | - | 10,150,212 |
| Public Works | 5,389,436 | - | - | - | - | - | - | - | - | 5,389,436 |
| Engineering and Planning | 645,496 | - | - | - | - | - | - | - | - | 645,496 |
| Parks and Recreation | 1,279,537 | 22,200 | - | - | - | - | - | - | - | 1,301,737 |
| Tourism & Arts | - | 772,403 | - | - | - | - | - | - | - | 772,403 |
| Utilities | - | - | - | 12,954,269 | - | - | 106,656 | 322,088 | 3,237,927 | 16,620,940 |
| Capital Projects/Outlay | - | - | - | - | 464,008 | - | - | - | - | 464,008 |
| Debt Service | - | - | 4,430,044 | 651,031 | - | - | - | - | - | 5,081,075 |
| Total Expenditures | $ 23,923,359 | $ 1,097,642 | $ 4,430,044 | $ 13,605,300 | $ 464,008 | $ 2,968,558 | $ 106,656 | $ 322,088 | $ 18,740,763 | $ 65,658,418 |
| **Other Sources (Uses):** | | | | | | | | | | |
| Debt Proceeds | - | - | - | - | - | - | | | - | - |
| Total Other Sources (Uses) | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - |
| **Revenues Over (Under) Expenditures** | $ (462,615) | $ (101,343) | $ 758,569 | $ (1,877,158) | $ (14,008) | $ 84,000 | $ 119,344 | $ (99,088) | $ (15,249,119) | $ (16,841,417) |
| **Beginning Fund Balance** | $ 13,505,628 | $ 945,567 | $ 4,637,273 | $ 8,171,652 | $ 2,597,978 | $ 1,393,595 | $ 1,908,486 | $ 1,599,540 | $ 31,935,839 | $ 66,695,559 |
| **Ending Fund Balance** | $ 13,043,014 | $ 844,224 | $ 5,395,842 | $ 6,294,494 | $ 2,583,970 | $ 1,477,595 | $ 2,027,830 | $ 1,500,452 | $ 16,686,720 | $ 49,854,142 |
| Adopted Reserve Level | 55% | 77% | 122% | 49% | 557% | 50% | 1901% | 466% | | 76% |

General Fund - 100
Statement of Revenues, Expenditures, and Changes in Fund Balance
2018-2019 Proposed Budget Worksheet

| | FY 2016 Actuals | FY 2017 Actuals | Current FY2018 | FY2018 Projections | FY 2019 Budget |
|---|---|---|---|---|---|
| **Revenues:** | | | | | |
| Contributions | $ 298,988 | $ 603,390 | $ 445,603 | $ 453,412 | $ 392,817 |
| Fines & Warrants | 536,934 | 500,309 | 556,200 | 496,200 | 531,200 |
| Franchise Taxes | 1,331,077 | 1,307,171 | 1,328,000 | 1,265,000 | 1,265,000 |
| Interest | 39,148 | 95,325 | 125,000 | 177,395 | 185,528 |
| Lease Proceeds | | | | | |
| Other Revenue | 670,626 | 753,992 | 773,861 | 1,348,933 | 1,325,291 |
| Permits & Licenses | 424,164 | 464,344 | 423,500 | 480,500 | 485,700 |
| Property Taxes | 1,855,706 | 1,964,345 | 2,040,000 | 2,045,000 | 2,245,000 |
| Sales Taxes | 10,578,683 | 10,791,147 | 10,850,000 | 12,500,000 | 12,500,000 |
| Services | 2,234,322 | 2,236,863 | 2,235,000 | 1,900,000 | 2,000,000 |
| **Total Revenues** | **17,969,648** | **18,716,886** | **18,777,164** | **20,666,440** | **20,930,536** |
| **Expenditures:** | | | | | |
| Administrative | 387,152 | 393,950 | 415,452 | 459,976 | 389,832 |
| Building Permits and Inspections | 391,462 | 386,153 | 491,216 | 445,724 | 458,449 |
| Mayor and Council | 72,481 | 52,185 | 93,248 | 73,868 | 97,198 |
| City Secretary | 321,301 | 352,470 | 406,511 | 344,207 | 414,819 |
| Human Resources | 383,106 | 374,009 | 492,725 | 440,443 | 478,447 |
| Finance | 628,800 | 632,843 | 694,482 | 756,031 | 754,098 |
| Information Systems | 637,916 | 654,974 | 721,553 | 688,974 | 853,203 |
| Legal | 127,311 | 159,704 | 142,000 | 142,250 | 142,000 |
| Non-Departmental* | 460,715 | 513,547 | 515,394 | 473,150 | 756,280 |
| Police | 5,036,804 | 5,379,589 | 5,789,418 | 5,656,768 | 5,708,159 |
| Municipal Court | 318,387 | 347,067 | 384,316 | 377,581 | 446,906 |
| Community Center | 182,087 | 147,046 | 164,296 | 164,280 | 167,624 |
| Fire Marshal | 98,358 | - | - | - | - |
| Fire | 2,714,292 | 2,896,840 | 2,918,950 | 2,673,934 | 2,826,961 |
| Emergency Management | 14,865 | 18,381 | 21,645 | 22,239 | 27,850 |
| ESD#15 Station 5 | 169,594 | 301,990 | 286,171 | 694,989 | 837,297 |
| Public Works Administration | 56,644 | 57,323 | 55,120 | 58,039 | 57,375 |
| Garage | 172,310 | 141,261 | 154,061 | 132,221 | 165,474 |
| Parks | 1,002,939 | 867,978 | 1,133,845 | 1,134,926 | 1,111,913 |
| Streets | 2,210,941 | 2,383,979 | 2,020,085 | 2,055,815 | 2,141,449 |
| Sanitation | 2,166,414 | 1,975,363 | 2,162,844 | 2,153,474 | 2,227,772 |
| Engineering and Planning | 517,350 | 486,670 | 724,629 | 654,256 | 645,496 |
| Facilities Maintenance | 645,936 | 636,940 | 760,800 | 771,588 | 797,366 |
| Transfer Out to Hotel Occupancy * | 20,000 | 20,000 | 20,000 | 20,000 | 30,000 |
| Transfer Out to Health Insurance * | 1,822,403 | 2,110,591 | 2,211,241 | 2,211,241 | 2,387,391 |
| **Total Expenditures** | **20,559,568** | **21,290,853** | **22,780,002** | **22,605,974** | **23,923,359** |
| **Net Income from Operations** | **(2,589,920)** | **(2,573,967)** | **(4,002,838)** | **(1,939,534)** | **(2,992,824)** |
| **Other Sources/(Uses):** | | | | | |
| Transfer In from Enterprise Fund | 2,400,125 | 2,342,169 | 2,384,166 | 2,384,166 | 2,530,209 |
| **Total Other Sources/(Uses)** | **2,400,125** | **2,342,169** | **2,384,166** | **2,384,166** | **2,530,209** |
| **Revenues Over/(Under) Expenditures** | **(189,795)** | **(231,798)** | **(1,618,672)** | **444,632** | **(462,615)** |
| **Beginning Fund Balance** | **13,482,578** | **13,292,789** | **13,060,996** | **13,060,996** | **13,505,628** |
| **Ending Fund Balance** | **$ 13,292,789** | **$ 13,060,996** | **$ 11,442,324** | **$ 13,505,628** | **$ 13,043,014** |
| 25% of Operating Expenses - Target | 65% | 61% | 50% | 60% | 55% |

# CITY OF TOMBALL
## GENERAL FUND REVENUES - 100

| GENERAL FUND | 2016 ACTUAL | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|---|
| 5110 CURRENT TAXES | 1,815,589 | 1,919,752 | 2,000,000 | 2,000,000 | 2,200,000 |
| 5120 DELINQUENT TAXES | 25,988 | 25,027 | 25,000 | 30,000 | 30,000 |
| 5130 PENALTY,INTEREST,ATTY FEES | 14,129 | 19,566 | 15,000 | 15,000 | 15,000 |
| 5140 SALES TAX | 10,578,683 | 10,791,147 | 10,850,000 | 12,500,000 | 12,500,000 |
| 5141 ALCOHOLIC BEVERAGE TAX | 63,154 | 69,215 | 65,000 | 75,000 | 70,000 |
| 5150 ELECTRICAL FRANCHISE TAX | 702,886 | 704,353 | 700,000 | 700,000 | 700,000 |
| 5160 T.V. CABLE FRANCHISE TAX | 191,227 | 182,225 | 190,000 | 150,000 | 150,000 |
| 5161 1% IN KIND/ PEG FEES | 38,297 | 36,445 | 38,000 | 30,000 | 30,000 |
| 5170 COMMUNICATIONS ROW LINE FEE | 200,581 | 206,355 | 200,000 | 225,000 | 225,000 |
| 5175 SANITATION FRANCHISE TAX | 198,086 | 177,793 | 200,000 | 160,000 | 160,000 |
| 5190 BINGO TAX | 10 | 66 | 65 | 25 | 25 |
| 5200 BUILDING PERMITS | 227,014 | 204,812 | 210,000 | 225,000 | 225,000 |
| 5210 CONSTRUCTION PERMITS | 32,494 | 55,701 | 45,000 | 50,000 | 50,000 |
| 5215 PLUMBING PERMIT | 23,230 | 22,504 | 25,000 | 30,000 | 30,000 |
| 5220 MECHANICAL PERMITS | 26,087 | 44,792 | 22,000 | 25,000 | 25,000 |
| 5230 ELECTRICAL PERMITS | 30,492 | 26,639 | 24,000 | 35,000 | 35,000 |
| 5235 FIRE PERMIT FEES | 29,774 | 50,965 | 40,000 | 60,000 | 60,000 |
| 5240 OTHER PERMITS | 5,157 | 3,147 | 3,000 | 3,000 | 3,000 |
| 5245 MISCELLANEOUS PERMIT FEES | 156 | - | 300 | 300 | 500 |
| 5250 MIXED BEVERAGE FEES | 15,515 | 13,590 | 15,000 | 15,000 | 15,000 |
| 5255 LICENSE FEES | 3,940 | 4,477 | 4,000 | 4,000 | 4,000 |
| 5260 AMBULANCE PERMITS | 6,300 | 4,000 | 3,400 | 7,000 | 7,000 |
| 5300 MUNICIPAL COURT FINES | 301,319 | 281,092 | 325,000 | 270,000 | 300,000 |
| 5310 COURT COSTS/ADMIN FEES | 157,200 | 145,935 | 150,000 | 165,000 | 165,000 |
| 5320 COURT WARRANT FEES | 71,281 | 66,733 | 75,000 | 55,000 | 60,000 |
| 5340 TIME PYMT.FEE-10% CITY JUDICL. | 1,425 | 1,310 | 1,200 | 1,200 | 1,200 |
| 5341 TIME PAYMENT FEE-40% FOR CITY | 5,709 | 5,239 | 5,000 | 5,000 | 5,000 |
| 5430 SANITATION FEES | 2,234,322 | 2,236,863 | 2,235,000 | 1,900,000 | 2,000,000 |
| 5440 PLAT FEES | 12,264 | 18,802 | 17,000 | 15,000 | 15,000 |
| 5441 REZONING APPLICATION FEE | 6,128 | 7,768 | 6,200 | 8,000 | 9,000 |
| 5442 CONDITIONAL USE PERMIT | 1,200 | 4,869 | 5,500 | 1,000 | 4,000 |
| 5444 SITE PLAN REVIEW | 17,753 | 11,325 | 15,000 | 15,000 | 15,000 |
| 5445 PLAN REVIEW FEES- OTHER | 50 | 1,398 | 100 | 200 | 200 |
| 5446 ZONING FEES- OTHER | 2,125 | 3,145 | 3,000 | 2,000 | 3,000 |
| 5450 BIRTH AND DEATH CERTIFICATE FEES | 43,520 | 50,597 | 43,000 | 50,000 | 55,000 |
| 5451 NOTARY FEES | 26 | 66 | 50 | 75 | 75 |
| 5460 ALARM SYSTEM REGISTRATION FEES | 36,085 | 28,635 | 30,000 | 25,000 | 25,000 |
| 5461 FALSE ALARM SERVICE FEE | 39,550 | 27,075 | 32,000 | 18,500 | 20,000 |
| 5470 EMERGENCY SERVICE DISTRCT FEES | 112,701 | 145,382 | 154,000 | 173,884 | 180,000 |
| 5472 ESD#15 S5 OPERATING COST REIMBURSEMENT | 16,298 | 19,483 | 21,775 | 23,140 | 25,707 |
| 5474 ESD#15 STATION 5 PAYROLL REIMBURSEMENT | 136,998 | 263,023 | 242,121 | 648,709 | 785,884 |
| 5480 LIFE SAFETY PLAN REVIEW | 3,743 | 3,301 | 3,000 | 3,000 | 3,000 |
| 5481 STATE LICENSED FACILITIES | 675 | 1,555 | 2,000 | 1,500 | 1,500 |
| 5482 ANNUAL FIRE INSPECTIONS | 1,200 | 725 | 750 | - | - |
| 5500 SALE OF CITY PROPERTY | 82,153 | 6,838 | 30,000 | 211,000 | 35,000 |
| 5505 RENT REVENUES | 7,800 | 3,250 | - | - | - |
| 5510 COMMUNITY CENTER FEES | 31,428 | 27,985 | 28,000 | 25,000 | 25,000 |
| 5515 CONGREGATE MEAL SERV. REVENUE | 6,242 | 8,929 | 7,000 | 9,000 | 9,000 |

# CITY OF TOMBALL
## GENERAL FUND REVENUES - 100

| GENERAL FUND | 2016 ACTUAL | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|---|
| 5520 PARK RENTAL FEE | 12,249 | 12,000 | 15,000 | 15,000 | 15,000 |
| 5550 MISCELLANEOUS INCOME | 28,608 | 44,363 | 50,000 | 25,000 | 30,000 |
| 5560 RETURNED CHECK FINES | 90 | 60 | 100 | 100 | 100 |
| 5690 SANITATION PENALTY | 32,581 | 27,854 | 35,000 | 30,000 | 30,000 |
| 5730 SCHOOL RESOURCE OFFICERS (SRO) | 288,988 | 412,214 | 431,603 | 424,412 | 366,817 |
| 5740 OTHER GRANTS | - | 181,176 | 4,000 | 4,000 | 1,000 |
| 5770 TEDC CONTRIBUTIONS | 10,000 | 10,000 | 10,000 | 25,000 | 25,000 |
| 5800 INTEREST INCOME | 46,688 | 97,140 | 125,000 | 177,395 | 185,528 |
| 5801 UNREALIZED GAIN ON INVESTMENTS | (7,540) | (1,815) | - | - | - |
| 5961 TRANSFERS IN | 2,400,125 | 2,342,169 | 2,384,166 | 2,384,166 | 2,530,209 |
| **TOTAL GENERAL FUND REVENUES** | **$ 20,369,773** | **$ 21,059,055** | **$ 21,161,330** | **$ 23,050,606** | **$ 23,460,745** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | ADMINISTRATIVE | 100-111 ADMINISTRATIVE |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $267,300 | $309,084 | $279,492 | $253,820 |
| 6003 WAGES-FULL TIME | $0 | $0 | $0 | $0 |
| 6005 WAGES-OVERTIME | $0 | $0 | $0 | $0 |
| 6009 WAGES-OTHER | $14,358 | $0 | $8,710 | $0 |
| 6011 VACATION PAY | $17,450 | $0 | $20,656 | $13,588 |
| 6012 SICK PAY | $3,553 | $4,755 | $37,496 | $14,975 |
| 6019 MISCELLANEOUS PAY | $905 | $1,025 | $1,025 | $875 |
| 6021 FICA-MED/SS | $19,700 | $25,554 | $24,763 | $23,379 |
| 6022 TMRS-EMPLOYER | $44,228 | $45,597 | $50,065 | $41,754 |
| 6024 HEALTH INSURANCE | $0 | $0 | $0 | $0 |
| 6025 WORKER COMPENSATION INSURANCE | $200 | $237 | $212 | $237 |
| **PERSONNEL SERVICES** | **$367,694** | **$386,252** | **$422,419** | **$348,628** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $360 | $500 | $2,500 | $1,000 |
| 6105 FOOD SUPPLIES | $68 | $100 | $500 | $500 |
| 6107 CLOTHING AND UNIFORMS | $0 | $0 | $200 | $200 |
| **SUPPLIES** | **$428** | **$600** | **$3,200** | **$1,700** |
| **REPAIRS AND MAINTENANCE** | **$0** | **$0** | **$0** | **$0** |
| 6312 COMMUNICATION SERVICES | $1,920 | $2,000 | $2,117 | $2,304 |
| 6332 TRAVEL AND MEALS | $4,613 | $6,000 | $6,000 | $8,000 |
| 6333 DUES AND SUBSCRIPTIONS | $4,200 | $3,700 | $5,000 | $5,000 |
| 6334 AUTOMOBILE ALLOWANCES | $14,400 | $14,400 | $16,740 | $19,200 |
| 6337 TRAINING | $695 | $2,500 | $4,500 | $5,000 |
| **SERVICES AND CHARGES** | **$25,828** | **$28,600** | **$34,357** | **$39,504** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL GENERAL-ADMINISTRATIVE** | **$393,950** | **$415,452** | **$459,976** | **$389,832** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | PERMITS/INSPCTNS. | 100-112 PERMITS/INSPCTNS. |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $58,470 | $73,603 | $69,417 | $67,238 |
| 6003 WAGES-FULL TIME | $180,760 | $230,910 | $209,756 | $226,450 |
| 6005 WAGES-OVERTIME | $5,011 | $4,120 | $4,100 | $5,408 |
| 6009 WAGES-OTHER | $12,520 | $0 | $6,852 | $0 |
| 6011 VACATION PAY | $15,045 | $0 | $4,247 | $15,044 |
| 6012 SICK PAY | $6,447 | $1,979 | $3,220 | $14,786 |
| 6019 MISCELLANEOUS PAY | $970 | $1,380 | $1,530 | $1,955 |
| 6021 FICA-MED/SS | $19,999 | $24,028 | $22,199 | $25,537 |
| 6022 TMRS-EMPLOYER | $38,567 | $42,873 | $41,089 | $45,608 |
| 6025 WORKER COMPENSATION INSURANCE | $1,017 | $1,523 | $914 | $1,523 |
| **PERSONNEL SERVICES** | **$338,806** | **$380,416** | **$363,324** | **$403,549** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $2,830 | $2,500 | $3,500 | $2,500 |
| 6102 EDUCATIONAL SUPPLIES | $1,537 | $4,000 | $1,500 | $4,000 |
| 6106 MATERIALS AND PARTS | $0 | $0 | $0 | $1,000 |
| 6107 CLOTHING AND UNIFORMS | $2,945 | $3,000 | $3,000 | $3,000 |
| 6108 FUEL, OIL AND LUBRICANTS | $5,653 | $6,800 | $7,500 | $7,500 |
| 6119 OTHER SUPPLIES | $347 | $500 | $0 | $0 |
| **SUPPLIES** | **$13,312** | **$16,800** | **$15,500** | **$18,000** |
| 6205 VEHICLE MAINTENANCE | $5,414 | $6,000 | $6,000 | $6,000 |
| **REPAIRS AND MAINTENANCE** | **$5,414** | **$6,000** | **$6,000** | **$6,000** |
| 6304 PROFESSIONAL SERVICES, OTHER | $10,114 | $30,000 | $5,000 | $5,000 |
| 6312 COMMUNICATION SERVICES | $5,028 | $5,000 | $5,100 | $5,100 |
| 6332 TRAVEL AND MEALS | $8,734 | $12,000 | $10,000 | $10,000 |
| 6333 DUES AND SUBSCRIPTIONS | $141 | $1,000 | $1,000 | $1,000 |
| 6337 TRAINING | $3,975 | $9,200 | $9,000 | $9,000 |
| 6362 PERMITS AND LICENSES | $629 | $800 | $800 | $800 |
| **SERVICES AND CHARGES** | **$28,621** | **$58,000** | **$30,900** | **$30,900** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| 6998 TRANSFER TO FLEET REPLACEMENT | $0 | $30,000 | $30,000 | $0 |
| **TRANSFERS** | **$0** | **$30,000** | **$30,000** | **$0** |
| **TOTAL GENERAL-PERMITS/INSPCTNS.** | **$386,153** | **$491,216** | **$445,724** | **$458,449** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | MAYOR AND COUNCIL | 100-113 MAYOR AND COUNCIL |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6004 WAGES- PART TIME | $26,200 | $30,600 | $27,200 | $30,600 |
| 6021 FICA- MED/ SS | $2,004 | $2,341 | $2,081 | $2,341 |
| 6025 WORKER COMPENSATION INSURANCE | $40 | $57 | $37 | $57 |
| **PERSONNEL SERVICES** | **$28,244** | **$32,998** | **$29,318** | **$32,998** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $82 | $150 | $150 | $100 |
| 6105 FOOD SUPPLIES | $1,787 | $2,000 | $1,800 | $2,000 |
| 6119 OTHER SUPPLIES | $8,544 | $8,000 | $8,000 | $9,000 |
| **SUPPLIES** | **$10,413** | **$10,150** | **$9,950** | **$11,100** |
| 6304 PROFESSIONAL SERVICES- OTHER | $0 | $25,000 | $12,000 | $20,000 |
| 6329 OTHER SERVICES | $0 | $100 | $100 | $100 |
| 6332 TRAVEL AND MEALS | $1,820 | $7,000 | $4,500 | $10,000 |
| 6333 DUES AND SUBSCRIPTIONS | $3,496 | $5,000 | $6,000 | $7,000 |
| 6337 TRAINING | $325 | $3,000 | $2,000 | $3,000 |
| 6398 BANQUETS, DEDICATION, RECEP | $7,887 | $10,000 | $10,000 | $13,000 |
| **SERVICES AND CHARGES** | **$13,528** | **$50,100** | **$34,600** | **$53,100** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL MAYOR AND COUNCIL** | **$52,185** | **$93,248** | **$73,868** | **$97,198** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | CITY SECRETARY | 100-114 CITY SECRETARY |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $83,288 | $99,793 | $93,656 | $88,955 |
| 6003 WAGES-FULL TIME | $108,837 | $122,531 | $113,142 | $115,606 |
| 6005 WAGES-OVERTIME | $4,508 | $3,605 | $4,000 | $4,120 |
| 6009 WAGES-OTHER | $10,262 | $0 | $6,069 | $0 |
| 6011 VACATION PAY | $16,063 | $0 | $5,264 | $16,436 |
| 6012 SICK PAY | $8,345 | $2,868 | $4,628 | $11,159 |
| 6013 EMERGENCY PAY | $636 | $0 | $0 | $0 |
| 6019 MISCELLANEOUS PAY | $2,585 | $2,175 | $2,175 | $2,455 |
| 6021 FICA-S.S. AND MEDICARE TAXES | $16,950 | $17,867 | $17,287 | $18,466 |
| 6022 TMRS-EMPLOYER | $32,511 | $31,880 | $31,594 | $32,980 |
| 6025 WORKER COMPENSATION INS. | $451 | $474 | $424 | $474 |
| **PERSONNEL SERVICES** | **$284,436** | **$281,193** | **$278,239** | **$290,651** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $14,021 | $15,000 | $14,000 | $15,000 |
| 6102 EDUCATIONAL SUPPLIES | $626 | $1,200 | $900 | $1,200 |
| 6104 JANITORIAL AND CLEANING SUPPLY | $346 | $500 | $450 | $600 |
| 6105 FOOD SUPPLIES | $738 | $800 | $1,000 | $1,100 |
| 6109 POSTAGE | $630 | $1,400 | $1,400 | $1,400 |
| 6119 OTHER SUPPLIES | $290 | $600 | $400 | $600 |
| **SUPPLIES** | **$16,651** | **$19,500** | **$18,150** | **$19,900** |
| 6201 OFFICE EQUIPMENT MAINT. | $0 | $600 | $400 | $600 |
| 6206 BUILDING MAINTENANCE | $25,139 | $0 | $0 | $0 |
| **REPAIRS AND MAINTENANCE** | **$25,139** | **$600** | **$400** | **$600** |
| 6304 PROF.SERV.-OTHER | $1,108 | $8,500 | $8,500 | $10,000 |
| 6312 COMMUNICATION SERVICES | $768 | $868 | $868 | $868 |
| 6316 PRINTING AND BINDING | $32 | $50 | $50 | $100 |
| 6329 OTHER SERVICES | $1,915 | $1,000 | $1,000 | $1,200 |
| 6332 TRAVEL AND MEALS | $5,483 | $10,800 | $7,000 | $11,000 |
| 6333 DUES AND SUBSCRIPTIONS | $1,368 | $3,000 | $3,000 | $4,000 |
| 6335 ADVERTISING COST | $11,933 | $20,000 | $20,000 | $20,000 |
| 6337 TRAINING | $2,320 | $6,000 | $4,500 | $6,500 |
| 6348 PROPERTY ACQUISITION COSTS | $0 | $5,000 | $0 | $0 |
| 6371 ELECTION SERVICES | $1,317 | $50,000 | $2,500 | $50,000 |
| **SERVICES AND CHARGES** | **$26,244** | **$105,218** | **$47,418** | **$103,668** |
| **TOTAL CITY SECRETARY** | **$352,470** | **$406,511** | **$344,207** | **$414,819** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | HUMAN RESOURCES | 100-115 HUMAN RESOURCES |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $100,579 | $117,789 | $109,406 | $107,325 |
| 6003 WAGES-FULL TIME | $92,257 | $108,148 | $98,654 | $102,312 |
| 6004 WAGES-PART TIME | $26,739 | $30,900 | $32,000 | $32,960 |
| 6005 WAGES-OVERTIME | $3,047 | $5,150 | $6,150 | $6,180 |
| 6009 WAGES-OTHER | $10,509 | $0 | $6,777 | $0 |
| 6011 VACATION PAY | $12,016 | $0 | $4,963 | $14,758 |
| 6012 SICK PAY | $4,841 | $3,476 | $6,611 | $11,730 |
| 6013 EMERGENCY PAY | $402 | $0 | $170 | $0 |
| 6014 RETIREMENT PAYOUT | $0 | $50,000 | $0 | $0 |
| 6019 MISCELLANEOUS PAY | $1,220 | $1,400 | $1,400 | $1,580 |
| 6021 FICA-S.S. AND MEDICARE TAXES | $17,945 | $20,528 | $19,724 | $21,294 |
| 6022 TMRS-EMPLOYER | $30,908 | $32,411 | $32,152 | $33,385 |
| 6025 WORKER COMPENSATION INS. | $301 | $355 | $318 | $355 |
| 6026 STATE UNEMPLOYMENT TAXES | $3,678 | $10,000 | $10,000 | $10,000 |
| **PERSONNEL SERVICES** | **$304,442** | **$380,157** | **$328,325** | **$341,879** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $5,503 | $6,000 | $6,000 | $6,000 |
| 6102 EDUCATIONAL SUPPLIES | $1,392 | $1,500 | $1,500 | $1,500 |
| 6105 FOOD SUPPLIES | $2,516 | $2,800 | $2,800 | $3,000 |
| 6107 CLOTHING AND UNIFORMS | $0 | $300 | $300 | $300 |
| 6108 FUEL, OIL AND LUBRICANTS | $0 | $400 | $200 | $200 |
| 6109 POSTAGE | $134 | $200 | $200 | $200 |
| 6119 OTHER SUPPLIES | $7,453 | $8,000 | $8,000 | $8,000 |
| **SUPPLIES** | **$16,998** | **$19,200** | **$19,000** | **$19,200** |
| 6205 VEHICLE MAINTENANCE | $608 | $500 | $250 | $500 |
| **REPAIRS AND MAINTENANCE** | **$608** | **$500** | **$250** | **$500** |
| 6304 PROF.SERV.-OTHER | $0 | $6,000 | $6,000 | $30,000 |
| 6312 COMMUNICATION SERVICES | $768 | $768 | $768 | $768 |
| 6329 OTHER SERVICES | $34,092 | $40,000 | $40,000 | $40,000 |
| 6332 TRAVEL AND MEALS | $52 | $5,800 | $5,800 | $5,800 |
| 6333 DUES AND SUBSCRIPTIONS | $1,334 | $1,800 | $1,800 | $1,800 |
| 6335 ADVERTISING COST | $0 | $3,500 | $3,500 | $3,500 |
| 6337 TRAINING | $5,560 | $24,000 | $24,000 | $24,000 |
| 6398 BANQUETS, DEDICATION, RECEP | $10,155 | $11,000 | $11,000 | $11,000 |
| **SERVICES AND CHARGES** | **$51,961** | **$92,868** | **$92,868** | **$116,868** |
| **TOTAL HUMAN RESOURCES** | **$374,009** | **$492,725** | **$440,443** | **$478,447** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | FINANCE | 100-116 FINANCE |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $201,692 | $241,256 | $257,076 | $259,712 |
| 6003 WAGES-FULL TIME | $69,081 | $84,025 | $69,389 | $75,404 |
| Supplemental FY19 - Upgrade PT to FT Accoutant - $68,173 | | | | |
| 6004 WAGES-PART TIME | $7,675 | $10,712 | $12,020 | $0 |
| 6005 WAGES-OVERTIME | $1,645 | $1,545 | $1,545 | $1,545 |
| 6009 WAGES-OTHER | $14,802 | $0 | $7,269 | $0 |
| 6011 VACATION PAY | $16,531 | $0 | $10,916 | $18,482 |
| 6012 SICK PAY | $8,056 | $2,846 | $19,037 | $17,554 |
| 6013 EMERGENCY PAY | $1,797 | $0 | $0 | $0 |
| 6019 MISCELLANEOUS PAY | $1,650 | $1,950 | $1,710 | $1,300 |
| 6021 FICA-S.S. AND MEDICARE TAXES | $24,120 | $26,486 | $28,928 | $28,968 |
| 6022 TMRS-EMPLOYER | $43,738 | $47,260 | $50,584 | $51,736 |
| 6024 HEALTH INSURANCE | $0 | $0 | $0 | $0 |
| 6025 WORKER COMPENSATION INS. | $551 | $652 | $583 | $711 |
| **PERSONNEL SERVICES** | **$391,338** | **$416,732** | **$459,057** | **$455,412** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $3,635 | $6,500 | $4,000 | $6,000 |
| 6105 FOOD SUPPLIES | $150 | $150 | $100 | $100 |
| 6107 CLOTHING AND UNIFORMS | $379 | $450 | $450 | $600 |
| 6109 POSTAGE | $100 | $300 | $100 | $300 |
| 6119 OTHER SUPPLIES | $0 | $0 | $200 | $200 |
| **SUPPLIES** | **$4,264** | **$7,400** | **$4,850** | **$7,200** |
| 6204 OTHER EQUIPMENT MAINTENANCE | $345 | $350 | $800 | $350 |
| **REPAIRS AND MAINTENANCE** | **$345** | **$350** | **$800** | **$350** |
| 6301 PROF.SERV.-AUDIT AND ACCTNG. | $50,860 | $70,000 | $70,000 | $70,000 |
| 6304 PROF.SERV.-OTHER | $9,372 | $15,000 | $15,000 | $15,000 |
| 6312 COMMUNICATION SERVICES | $1,362 | $1,400 | $2,100 | $2,236 |
| 6316 PRINTING AND BINDING | $870 | $1,200 | $1,000 | $1,000 |
| 6317 APPRAISAL SERVICES | $43,973 | $46,500 | $46,500 | $46,500 |
| 6332 TRAVEL AND MEALS | $4,267 | $4,800 | $7,000 | $5,900 |
| 6333 DUES AND SUBSCRIPTIONS | $1,715 | $5,350 | $2,000 | $2,500 |
| 6335 ADVERTISING COST | $6,869 | $4,500 | $6,000 | $6,000 |
| 6337 TRAINING | $2,511 | $4,250 | $5,000 | $5,000 |
| 6397 CREDIT CARD PROCESSING FEE | $96,651 | $95,000 | $114,724 | $115,000 |
| 6399 SERVICE CHARGES | $18,446 | $22,000 | $22,000 | $22,000 |
| **SERVICES AND CHARGES** | **$236,896** | **$270,000** | **$291,324** | **$291,136** |
| **TOTAL FINANCE** | **$632,843** | **$694,482** | **$756,031** | **$754,098** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | INFORMATION SYSTEMS | 100-117 INFORMATION |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES- ADMINISTRATIVE | $191,718 | $217,068 | $203,412 | $204,945 |
| 6009 WAGES- OTHER | $10,167 | $0 | $5,928 | $0 |
| 6011 VACATION PAY | $9,894 | $0 | $7,592 | $13,003 |
| 6012 SICK PAY | $3,226 | $3,323 | $3,525 | $12,136 |
| 6019 MISCELLANEOUS PAY | $1,435 | $1,615 | $1,615 | $1,795 |
| 6021 FICA-S.S. AND MEDICARE TAXES | $17,324 | $18,069 | $17,928 | $18,827 |
| 6022 TMRS-EMPLOYER | $31,576 | $32,241 | $32,241 | $33,625 |
| 6025 WORKER COMPENSATION INS. | $1,042 | $1,287 | $1,070 | $1,050 |
| **PERSONNEL SERVICES** | **$266,382** | **$273,603** | **$273,311** | **$285,381** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $42,153 | $59,000 | $55,000 | $40,000 |
| 6103 COMPUTER EQUIPMENT <$20,000 | $2,550 | $0 | $0 | $0 |
| 6107 CLOTHING AND UNIFORMS | $192 | $100 | $100 | $300 |
| 6109 POSTAGE | $46 | $100 | $113 | $100 |
| **SUPPLIES** | **$44,941** | **$59,200** | **$55,213** | **$40,400** |
| 6201 OFFICE EQUIPMENT MAINTENANCE | $12,026 | $7,500 | $7,500 | $7,500 |
| 6202 COMPUTER EQUIPMENT MAINT | $291 | $1,200 | $900 | $1,200 |
| **REPAIRS AND MAINTENANCE** | **$12,317** | **$8,700** | **$8,400** | **$8,700** |
| 6304 PROF.SERV.-OTHER | $39,720 | $45,000 | $20,000 | $40,000 |
| 6312 COMMUNICATION SERVICES | $79,025 | $87,000 | $87,000 | $87,000 |
| 6320 COMPUTER SOFTWARE SERV. | $199,589 | $232,950 | $232,950 | $226,622 |
| 6332 TRAVEL AND MEALS | $691 | $1,500 | $500 | $1,500 |
| 6333 DUES AND SUBSCRIPTIONS | $1,064 | $1,000 | $1,000 | $1,000 |
| 6334 AUTOMOBILE ALLOWANCES | $9,600 | $9,600 | $9,600 | $9,600 |
| 6337 TRAINING | $1,645 | $3,000 | $1,000 | $3,000 |
| **SERVICES AND CHARGES** | **$331,334** | **$380,050** | **$352,050** | **$368,722** |
| 6999 CAPITAL PROJECTS | $0 | $0 | $0 | $150,000 |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$150,000** |
| **TOTAL INFORMATION SYSTEMS** | **$654,974** | **$721,553** | **$688,974** | **$853,203** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | LEGAL | 100-118 LEGAL |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6102 EDUCATIONAL SUPPLIES | $0 | $0 | $250 | $0 |
| **SUPPLIES** | **$0** | **$0** | **$250** | **$0** |
| 6303 PROF.SERV.-LEGAL | $159,704 | $142,000 | $142,000 | $142,000 |
| **SERVICES AND CHARGES** | **$159,704** | **$142,000** | **$142,000** | **$142,000** |
| **TOTAL LEGAL** | **$159,704** | **$142,000** | **$142,250** | **$142,000** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | NON-DEPARTMENTAL | 100-119 NON-DEPARTMENTAL |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **PERSONNEL SERVICES** | **$0** | **$0** | **$0** | **$0** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $5,248 | $4,000 | $4,300 | $4,700 |
| 6108 FUEL, OIL AND LUBRICANTS | $0 | $0 | $0 | $9,000 |
| 6109 POSTAGE | $12,223 | $11,920 | $10,200 | $12,200 |
| **SUPPLIES** | **$17,471** | **$15,920** | **$14,500** | **$25,900** |
| **REPAIRS AND MAINTENANCE** | **$0** | **$0** | **$0** | **$0** |
| 6329 OTHER SERVICES | $33,709 | $26,400 | $19,600 | $22,800 |
| 6330 INSURANCE | $237,903 | $245,000 | $260,000 | $260,000 |
| 6336 EQUIPMENT RENTALS | $50,302 | $40,824 | $32,080 | $30,280 |
| 6340 SPECIAL EVENTS | $0 | $0 | $0 | $47,300 |
| 6346 ECONOMIC DEVELOPMENT AGREEMENT | $174,162 | $187,250 | $146,970 | $170,000 |
| **SERVICES AND CHARGES** | **$496,076** | **$499,474** | **$458,650** | **$530,380** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| 6691 TRANSFER OUT | $20,000 | $20,000 | $20,000 | $30,000 |
| 6692 TRANSFER TO EMP. BEN. TRUST | $2,110,591 | $2,211,241 | $2,211,241 | $2,387,391 |
| 6698 TRANSFER TO FLEET REPLACEMENT | $0 | $0 | $0 | $200,000 |
| **TRANSFERS** | **$2,130,591** | **$2,231,241** | **$2,231,241** | **$2,617,391** |
| **TOTAL NON-DEPARTMENTAL** | **$2,644,138** | **$2,746,635** | **$2,704,391** | **$3,173,671** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | POLICE DEPARTMENT | 100-121 POLICE DEPARTMENT |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $280,801 | $324,455 | $292,912 | $298,384 |
| 6003 WAGES-FULL TIME | $2,637,588 | $3,319,504 | $2,955,145 | $3,099,565 |
| 6004 WAGES-PART TIME | $43,902 | $54,856 | $54,841 | $60,384 |
| 6005 WAGES-OVERTIME | $429,202 | $398,340 | $400,000 | $371,948 |
| 6009 WAGES-OTHER | $165,358 | $0 | $98,445 | $0 |
| 6011 VACATION PAY | $190,114 | $0 | $120,846 | $206,850 |
| 6012 SICK PAY | $99,144 | $32,181 | $90,411 | $168,658 |
| 6013 EMERGENCY PAY | $6,075 | $0 | $763 | $0 |
| 6019 MISCELLANEOUS PAY | $29,835 | $31,600 | $30,175 | $26,595 |
| 6021 FICA-MED/SS | $286,194 | $320,529 | $305,190 | $325,734 |
| 6022 TMRS-EMPLOYER | $529,061 | $564,436 | $547,696 | $573,495 |
| 6024 HEALTH INSURANCE | $0 | $0 | $0 | $0 |
| 6025 WORKER COMPENSATION INSURANCE | $58,311 | $75,597 | $59,424 | $58,626 |
| **PERSONNEL SERVICES** | **$4,755,585** | **$5,121,498** | **$4,955,848** | **$5,190,239** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $11,935 | $15,000 | $17,000 | $15,000 |
| 6102 EDUCATIONAL SUPPLIES | $3,659 | $1,500 | $1,500 | $1,500 |
| 6104 JANITORIAL SUPPLIES | $311 | $500 | $500 | $500 |
| 6105 FOOD SUPPLIES | $6,530 | $5,000 | $6,500 | $6,500 |
| 6106 MATERIALS AND PARTS | $61,346 | $60,000 | $60,000 | $60,000 |
| 6107 CLOTHING AND UNIFORMS | $57,358 | $40,000 | $40,000 | $40,000 |
| 6108 FUEL, OIL AND LUBRICANTS | $80,347 | $95,000 | $95,000 | $95,000 |
| 6109 POSTAGE | $517 | $2,000 | $2,000 | $2,000 |
| 6119 OTHER SUPPLIES | $3,312 | $1,000 | $1,500 | $1,500 |
| **SUPPLIES** | **$225,315** | **$220,000** | **$224,000** | **$222,000** |
| 6201 OFFICE EQUIPMENT MAINTENANCE | $363 | $1,500 | $1,500 | $1,500 |
| 6204 OTHER EQUIPMENT MAINTENANCE | $8,221 | $20,000 | $20,000 | $10,000 |
| 6205 VEHICLE MAINTENANCE | $70,357 | $55,000 | $80,000 | $55,000 |
| 6206 BUILDING MAINTENANCE | $0 | $23,500 | $10,000 | $30,000 |
| **REPAIRS AND MAINTENANCE** | **$78,941** | **$100,000** | **$111,500** | **$96,500** |
| 6304 PROFESSIONAL SERVICES,OTHER | $25,292 | $12,000 | $16,000 | $12,000 |
| 6312 COMMUNICATION SERVICES | $83,924 | $70,000 | $80,000 | $70,000 |
| 6316 PRINTING AND BINDING | $0 | $500 | $500 | $500 |
| 6318 ANIMAL CONTROL-HARRIS COUNTY | $22,000 | $30,000 | $30,000 | $30,000 |
| 6324 JAIL SERVICE EXPENSE | $2,994 | $10,000 | $10,000 | $10,000 |
| 6325 BUY MONEY | $2,500 | $4,000 | $4,000 | $4,000 |
| 6328 BIKE PATROL | $1,050 | $3,000 | $3,000 | $3,000 |
| 6329 OTHER SERVICES | $850 | $2,500 | $2,500 | $2,500 |
| 6332 TRAVEL AND MEALS | $33,800 | $20,000 | $28,000 | $20,000 |
| 6333 DUES AND SUBSCRIPTIONS | $3,944 | $7,000 | $7,000 | $7,000 |
| 6336 EQUIPMENT RENTALS | $524 | $420 | $420 | $420 |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | POLICE DEPARTMENT | 100-121 POLICE DEPARTMENT |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6337 TRAINING | $38,058 | $40,000 | $40,000 | $40,000 |
| **SERVICES AND CHARGES** | **$214,936** | **$199,420** | **$221,420** | **$199,420** |
| 6402 COMPUTER EQUIPMENT | $0 | $9,000 | $4,500 | $0 |
| 6404 RADIO EQUIPMENT | $0 | $0 | $0 | $0 |
| **CAPITAL OUTLAY** | **$0** | **$9,000** | **$4,500** | **$0** |
| 6998 TRANSFER TO FLEET REPLACEMENT | $104,812 | $139,500 | $139,500 | $0 |
| **TRANSFERS** | **$104,812** | **$139,500** | **$139,500** | **$0** |
| **TOTAL GENERAL-POLICE DEPARTMENT** | **$5,379,589** | **$5,789,418** | **$5,656,768** | **$5,708,159** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | MUNICIPAL COURT | 100-122 MUNICIPAL COURT |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $55,951 | $68,863 | $64,912 | $70,152 |
| 6003 WAGES-FULL TIME | $102,967 | $130,322 | $122,876 | $152,727 |
| 6004 WAGES-PART TIME | $43,405 | $45,569 | $44,326 | $38,156 |
| 6005 WAGES-OVERTIME | $2,318 | $6,180 | $6,180 | $8,240 |
| 6009 WAGES-OTHER | $8,634 | $0 | $6,292 | $0 |
| 6011 VACATION PAY | $12,960 | $0 | $4,498 | $13,857 |
| 6012 SICK PAY | $3,968 | $1,696 | $2,170 | $12,083 |
| 6019 MISCELLANEOUS PAY | $1,860 | $2,115 | $2,115 | $2,220 |
| 6021 FICA-MED/SS | $17,329 | $19,546 | $19,216 | $22,877 |
| 6022 TMRS-EMPLOYER | $25,946 | $30,118 | $28,631 | $35,644 |
| 6024 HEALTH INSURANCE | $0 | $0 | $0 | $0 |
| 6025 WORKER COMPENSATION INSURANCE | $561 | $592 | $535 | $652 |
| **PERSONNEL SERVICES** | **$275,899** | **$305,001** | **$301,751** | **$356,608** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $3,387 | $3,000 | $2,500 | $3,000 |
| 6102 EDUCATIONAL SUPPLIES | $556 | $400 | $400 | $400 |
| 6107 CLOTHING AND UNIFORMS | $0 | $400 | $400 | $500 |
| **SUPPLIES** | **$3,943** | **$3,800** | **$3,300** | **$3,900** |
| **REPAIRS AND MAINTENANCE** | **$0** | **$0** | **$0** | **$0** |
| 6303 PROFESSIONAL SERVICES,LEGAL | $59,500 | $62,000 | $62,000 | $70,000 |
| 6312 COMMUNICATION SERVICES | $0 | $0 | $320 | $768 |
| 6316 PRINTING AND BINDING | $1,316 | $2,000 | $1,200 | $1,600 |
| 6329 OTHER SERVICES | $396 | $2,080 | $1,380 | $2,080 |
| 6332 TRAVEL AND MEALS | $2,154 | $5,300 | $4,150 | $5,000 |
| 6333 DUES AND SUBSCRIPTIONS | $1,602 | $635 | $880 | $1,100 |
| 6337 TRAINING | $2,257 | $3,500 | $2,600 | $5,850 |
| **SERVICES AND CHARGES** | **$67,225** | **$75,515** | **$72,530** | **$86,398** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL GENERAL-MUNICIPAL COURT** | **$347,067** | **$384,316** | **$377,581** | **$446,906** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | COMMUNITY CENTER | 100-131 COMMUNITY CENTER |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $43,832 | $48,911 | $46,836 | $45,525 |
| 6003 WAGES-FULL TIME | $31,435 | $38,135 | $34,713 | $34,758 |
| 6004 WAGES-PART TIME | $18,781 | $24,723 | $20,201 | $25,473 |
| 6005 WAGES-OVERTIME | $1,036 | $1,030 | $1,500 | $1,545 |
| 6009 WAGES-OTHER | $4,226 | $0 | $1,967 | $0 |
| 6011 VACATION PAY | $4,447 | $0 | $1,908 | $5,928 |
| 6012 SICK PAY | $1,443 | $1,339 | $2,366 | $4,223 |
| 6013 EMERGENCY PAY | $427 | $0 | $0 | $0 |
| 6019 MISCELLANEOUS PAY | $980 | $1,100 | $1,100 | $1,220 |
| 6021 FICA-MED/SS | $7,669 | $8,863 | $8,253 | $9,127 |
| 6022 TMRS-EMPLOYER | $12,115 | $12,440 | $12,418 | $12,820 |
| 6025 WORKER COMPENSATION INSURANCE | $301 | $355 | $318 | $355 |
| **PERSONNEL SERVICES** | **$126,692** | **$136,896** | **$131,580** | **$140,974** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $432 | $1,000 | $1,000 | $1,000 |
| 6104 JANITORIAL SUPPLIES | $172 | $400 | $400 | $500 |
| 6105 FOOD SUPPLIES | $6,332 | $5,500 | $6,000 | $6,750 |
| 6108 FUEL,OIL AND LUBRICANTS | $187 | $500 | $500 | $500 |
| 6119 OTHER SUPPLIES | $3,769 | $5,000 | $10,000 | $6,500 |
| 6130 FURNITURE <$20,000 | $1,028 | $1,600 | $1,600 | $1,500 |
| **SUPPLIES** | **$11,920** | **$14,000** | **$19,500** | **$16,750** |
| 6204 OTHER EQUIPMENT MAINTENANCE | $0 | $400 | $400 | $400 |
| 6205 VEHICLE MAINTENANCE | $1,041 | $400 | $400 | $400 |
| 6206 BUILDING MAINTENANCE | $0 | $5,000 | $4,800 | $0 |
| **REPAIRS AND MAINTENANCE** | **$1,041** | **$5,800** | **$5,600** | **$800** |
| 6329 OTHER SERVICES | $585 | $1,000 | $1,000 | $1,750 |
| 6332 TRAVEL AND MEALS | $2,984 | $3,650 | $3,650 | $3,650 |
| 6335 ADVERTISING COST | $3,763 | $2,800 | $2,800 | $3,500 |
| 6362 PERMITS AND LICENSES | $61 | $150 | $150 | $200 |
| **SERVICES AND CHARGES** | **$7,393** | **$7,600** | **$7,600** | **$9,100** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL GENERAL-COMMUNITY CENTER** | **$147,046** | **$164,296** | **$164,280** | **$167,624** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | FIRE DEPARTMENT | 100-142 FIRE DEPARTMENT |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $230,717 | $274,583 | $256,510 | $261,469 |
| 6003 WAGES - FULL TIME | $784,084 | $978,855 | $737,865 | $1,018,889 |
| 6004 WAGES - PART TIME | $364,976 | $308,580 | $279,599 | $119,348 |
| 6005 WAGES - OVERTIME | $257,524 | $176,307 | $141,638 | $184,957 |
| 6009 WAGES - OTHER | $50,908 | $0 | $31,501 | $0 |
| 6010 FIRE RUN PAYMENTS | $46,200 | $35,000 | $31,240 | $29,200 |
| 6011 VACATION PAY | $35,821 | $0 | $24,599 | $69,977 |
| 6012 SICK PAY | $21,168 | $10,083 | $23,311 | $66,909 |
| 6013 EMERGENCY PAY | $134 | $0 | $0 | $0 |
| 6019 MISCELLANEOUS PAY | $4,305 | $5,330 | $5,545 | $4,835 |
| 6020 VOLUNTEERS' STATE RETIREMENT | $0 | $15,000 | $5,000 | $5,000 |
| 6021 SOCIAL SECURITY AND MEDICARE TAX | $133,724 | $134,726 | $114,496 | $134,936 |
| 6022 TMRS-RETIREMENT-EMPLOYER | $186,117 | $194,368 | $164,559 | $219,159 |
| 6024 HEALTH INSURANCE | $0 | $0 | $0 | $0 |
| 6025 WORKERS' COMPENSATION INS | $20,227 | $22,398 | $23,821 | $19,567 |
| 6030 EMPLOYEE TUITION REIMBURSEMENT | $2,558 | $8,000 | $8,000 | $8,000 |
| **PERSONNEL SERVICES** | **$2,138,463** | **$2,163,230** | **$1,847,684** | **$2,142,246** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $8,111 | $5,900 | $6,000 | $6,250 |
| 6102 EDUCATIONAL SUPPLIES | $12,054 | $14,450 | $13,700 | $10,600 |
| 6104 JANITORIAL SUPPLIES | $5,677 | $16,600 | $17,004 | $5,750 |
| 6105 FOOD SUPPLIES | $7,584 | $15,150 | $13,550 | $13,550 |
| 6106 MATERIALS AND PARTS | $1,765 | $10,500 | $9,300 | $7,300 |
| 6107 CLOTHING AND UNIFORMS | $88,118 | $111,850 | $128,410 | $107,350 |
| 6108 FUEL, OIL AND LUBRICANTS | $32,578 | $42,000 | $39,100 | $39,750 |
| 6109 POSTAGE | $78 | $385 | $135 | $135 |
| 6110 CHEMICAL SUPPLIES | $3,421 | $14,250 | $12,020 | $12,720 |
| 6119 OTHER SUPPLIES | $73,216 | $54,100 | $56,850 | $14,550 |
| 6130 FURNITURE <$20,000 | $600 | $4,000 | $4,000 | $4,000 |
| 6141 SCBA PARTS AND SUPPLIES | $40,971 | $53,300 | $53,300 | $25,100 |
| 6142 COMMUNICATION PARTS AND SUPPLIES | $27,156 | $29,500 | $29,500 | $39,000 |
| 6143 FF TOOL PARTS AND SUPPLIES | $18,129 | $30,000 | $27,000 | $34,000 |
| **SUPPLIES** | **$319,458** | **$401,985** | **$409,869** | **$320,055** |
| 6201 OFFICE EQUIPMENT MAINTENANCE | $96 | $1,100 | $1,100 | $1,100 |
| 6204 OTHER EQUIPMENT MAINTENANCE | $5,746 | $9,800 | $7,500 | $7,500 |
| 6205 VEHICLE MAINTENANCE | $145,802 | $107,600 | $170,851 | $113,500 |
| 6206 BUILDING MAINTENANCE | $3,759 | $0 | $0 | $0 |
| 6219 OTHER MAINTENANCE | $18,379 | $16,500 | $28,500 | $16,500 |
| 6241 SCBA MAINTENANCE AND TESTING | $9,425 | $16,300 | $18,200 | $15,900 |
| 6242 COMMUNICATION MAINTENANCE | $1,340 | $14,000 | $14,250 | $13,950 |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | FIRE DEPARTMENT | 100-142 FIRE DEPARTMENT |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6243 FIREFIGHTING TOOL MAINTENANCE | $9,437 | $17,500 | $14,000 | $14,000 |
| **REPAIRS AND MAINTENANCE** | **$193,984** | **$182,800** | **$254,401** | **$182,450** |
| 6304 PROFESSIONAL SERVICES-OTHER | $36,504 | $30,600 | $30,600 | $38,400 |
| 6312 COMMUNICATION SERVICES | $40,257 | $34,080 | $30,800 | $29,000 |
| 6316 PRINTING AND BINDING | $1,945 | $4,000 | $3,000 | $3,000 |
| 6320 COMPUTER SOFTWARE SERVICES | $5,369 | $0 | $0 | $0 |
| 6329 OTHER SERVICES | $4,552 | $4,200 | $4,200 | $4,200 |
| 6332 TRAVEL AND MEALS | $23,805 | $30,700 | $26,700 | $17,700 |
| 6333 DUES AND SUBSCRIPTIONS | $10,756 | $12,155 | $11,200 | $9,000 |
| 6335 ADVERTISING COST | $2,475 | $2,000 | $3,400 | $2,500 |
| 6336 EQUIPMENT RENTALS | $3,192 | $1,300 | $1,600 | $1,600 |
| 6337 TRAINING | $33,256 | $40,800 | $39,660 | $38,060 |
| 6343 FIREFIGHTING TOOL RENTALS | $0 | $1,500 | $1,500 | $1,500 |
| 6350 CHILD SAFETY EDUCATION | $4,806 | $4,600 | $3,600 | $3,900 |
| 6398 BANQUETS, DEDICATIONS AND RECEPT | $5,065 | $5,000 | $5,720 | $6,350 |
| **SERVICES AND CHARGES** | **$171,982** | **$170,935** | **$161,980** | **$155,210** |
| 6405 VEHICLE EQUIPMENT | $35,953 | $0 | $0 | $27,000 |
| 6406 LAND AND BUILDINGS | $0 | $0 | $0 | $0 |
| **CAPITAL OUTLAY** | **$35,953** | **$0** | **$0** | **$27,000** |
| 6998 TRANSFER TO FLEET REPLACEMENT | $37,000 | $0 | $0 | $0 |
| **TRANSFERS** | **$37,000** | **$0** | **$0** | **$0** |
| **DEBT** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL GENERAL-FIRE DEPARTMENT** | **$2,896,840** | **$2,918,950** | **$2,673,934** | **$2,826,961** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | EMERGENCY MANAGEMENT | 100-143 EMERGENCY |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6101 OFFICE AND COMPUTER SUPPLIES | $0 | $500 | $200 | $500 |
| 6102 EDUCATIONAL SUPPLIES | $0 | $750 | $750 | $750 |
| 6105 FOOD SUPPLIES | $923 | $300 | $300 | $300 |
| 6107 CLOTHING AND UNIFORMS | $0 | $800 | $1,639 | $1,800 |
| 6119 OTHER SUPPLIES | $187 | $0 | $0 | $0 |
| **SUPPLIES** | **$1,110** | **$2,350** | **$2,889** | **$3,350** |
| **REPAIRS AND MAINTENANCE** | **$0** | **$0** | **$0** | **$0** |
| 6312 COMMUNICATION SERVICES | $4,355 | $5,000 | $4,650 | $4,700 |
| 6316 PRINTING AND BINDING | $480 | $0 | $0 | $0 |
| 6332 TRAVEL AND MEALS | $1,130 | $1,500 | $0 | $1,500 |
| 6333 DUES AND SUBSCRIPTIONS | $240 | $595 | $1,000 | $600 |
| 6335 ADVERTISING COST | $0 | $0 | $1,700 | $1,500 |
| 6337 TRAINING | $675 | $1,200 | $1,000 | $1,200 |
| 6345 KTTF EXPENSES | $10,391 | $11,000 | $11,000 | $15,000 |
| **SERVICES AND CHARGES** | **$17,271** | **$19,295** | **$19,350** | **$24,500** |
| **TOTAL EMERGENCY MANAGEMENT** | **$18,381** | **$21,645** | **$22,239** | **$27,850** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | ESD#15 STATION 5 | 100-145 ESD#15 STATION 5 |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6003 WAGES-FULL TIME | $147,023 | $162,744 | $293,664 | $328,787 |
| 6004 WAGES-PART TIME | $0 | $0 | $147,552 | $155,490 |
| 6005 WAGES-OVERTIME | $52,620 | $28,763 | $66,350 | $65,345 |
| 6009 WAGES-OTHER | $6,160 | $0 | $6,536 | $0 |
| 6010 FIRE RUN PAYMENTS | $0 | $0 | $14,720 | $14,600 |
| 6011 VACATION PAY | $3,389 | $0 | $7,678 | $16,796 |
| 6012 SICK PAY | $965 | $1,215 | $3,310 | $16,093 |
| 6019 MISCELLANEOUS PAY | $0 | $280 | $0 | $1,265 |
| 6021 FICA-S.S. AND MEDICARE TAXES | $15,685 | $14,777 | $40,208 | $44,688 |
| 6022 TMRS-EMPLOYER | $28,820 | $26,367 | $49,403 | $57,816 |
| 6025 WORKER COMPENSATION INS. | $2,150 | $2,500 | $6,688 | $6,864 |
| 6030 EMPLOYEE TUITION REIMBURSE | $0 | $0 | $0 | $4,000 |
| **PERSONNEL SERVICES** | **$256,812** | **$236,646** | **$636,109** | **$711,744** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $1,447 | $1,000 | $750 | $750 |
| 6102 EDUCATIONAL SUPPLIES | $0 | $100 | $100 | $3,700 |
| 6104 JANITORIAL AND CLEANING SUPPLY | $3,159 | $2,800 | $3,000 | $3,000 |
| 6105 FOOD SUPPLIES | $1,277 | $1,200 | $1,800 | $1,800 |
| 6106 MATERIALS AND PARTS | $0 | $0 | $0 | $2,000 |
| 6107 CLOTHING AND UNIFORMS | $2,655 | $2,600 | $8,300 | $53,740 |
| 6119 OTHER SUPPLIES | $1,315 | $500 | $1,000 | $1,000 |
| 6130 FURNITURE<$20,000 | $901 | $250 | $250 | $250 |
| **SUPPLIES** | **$10,754** | **$8,450** | **$15,200** | **$66,240** |
| 6204 OTHER EQUIPMENT MAINT. | $0 | $0 | $0 | $600 |
| 6206 BUILDING MAINTENANCE | $8,186 | $7,600 | $9,545 | $8,195 |
| 6242 COMMUNICATION MAINTENANCE | $0 | $0 | $0 | $300 |
| **REPAIRS AND MAINTENANCE** | **$8,186** | **$7,600** | **$9,545** | **$9,095** |
| 6304 PROF.SERV.-OTHER | $900 | $1,000 | $1,800 | $3,200 |
| 6312 COMMUNICATION SERVICES | $2,559 | $3,200 | $3,710 | $3,360 |
| 6313 UTILITIES | $20,122 | $26,000 | $26,125 | $26,125 |
| 6316 PRINTING AND BINDING | $0 | $0 | $0 | $333 |
| 6332 TRAVEL AND MEALS | $1,432 | $500 | $0 | $5,800 |
| 6333 DUES AND SUBSCRIPTIONS | $0 | $275 | $0 | $1,700 |
| 6337 TRAINING | $1,225 | $2,500 | $2,500 | $9,700 |
| **SERVICES AND CHARGES** | **$26,238** | **$33,475** | **$34,135** | **$50,218** |
| **TOTAL GENERAL-ESD#15 STATION 5** | **$301,990** | **$286,171** | **$694,989** | **$837,297** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | PUBLIC WORKS ADM. | 100-151 PUBLIC WORKS ADM. |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6003 WAGES-FULL TIME | $34,910 | $34,921 | $32,665 | $33,777 |
| 6005 WAGES-OVERTIME | $342 | $1,030 | $1,030 | $1,030 |
| 6009 WAGES-OTHER | $1,560 | $0 | $970 | $0 |
| 6011 VACATION PAY | $1,823 | $0 | $604 | $1,407 |
| 6012 SICK PAY | $1,387 | $0 | $420 | $1,407 |
| 6019 MISCELLANEOUS PAY | $0 | $75 | $75 | $135 |
| 6021 FICA-MED/SS | $3,036 | $2,757 | $2,737 | $2,890 |
| 6022 TMRS-EMPLOYER | $5,479 | $4,919 | $4,882 | $5,161 |
| 6025 WORKER COMPENSATION INSURANCE | $100 | $118 | $106 | $118 |
| **PERSONNEL SERVICES** | **$48,637** | **$43,820** | **$43,489** | **$45,925** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $1,012 | $1,100 | $1,000 | $1,200 |
| 6102 EDUCATIONAL SUPPLIES | $124 | $400 | $400 | $400 |
| 6105 FOOD SUPPLIES | $2,801 | $1,800 | $3,000 | $3,000 |
| 6107 CLOTHING AND UNIFORMS | $275 | $300 | $300 | $300 |
| 6108 FUEL, OIL AND LUBRICANTS | $3,623 | $4,000 | $5,000 | $1,500 |
| 6119 OTHER SUPPLIES | $252 | $120 | $250 | $250 |
| **SUPPLIES** | **$8,087** | **$7,720** | **$9,950** | **$6,650** |
| 6205 VEHICLE MAINTENANCE | $238 | $150 | $800 | $1,000 |
| **REPAIRS AND MAINTENANCE** | **$238** | **$150** | **$800** | **$1,000** |
| 6312 COMMUNICATION SERVICES | $361 | $380 | $500 | $500 |
| 6332 TRAVEL AND MEALS | $0 | $50 | $300 | $300 |
| 6337 TRAINING | $0 | $3,000 | $3,000 | $3,000 |
| **SERVICES AND CHARGES** | **$361** | **$3,430** | **$3,800** | **$3,800** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL GENERAL-PUBLIC WORKS ADM.** | **$57,323** | **$55,120** | **$58,039** | **$57,375** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | GARAGE | 100-152 GARAGE |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6003 WAGES-FULL TIME | $86,616 | $105,412 | $74,226 | $84,812 |
| 6005 WAGES-OVERTIME | $7,699 | $8,240 | $10,000 | $8,240 |
| 6009 WAGES-OTHER | $4,498 | $0 | $1,315 | $0 |
| 6011 VACATION PAY | $4,968 | $0 | $2,015 | $5,354 |
| 6012 SICK PAY | $2,897 | $0 | $513 | $4,997 |
| 6013 EMERGENCY PAY | $526 | $0 | $0 | $0 |
| 6019 MISCELLANEOUS PAY | $965 | $1,085 | $490 | $880 |
| 6021 FICA-MED/SS | $7,883 | $8,839 | $6,703 | $8,045 |
| 6022 TMRS-EMPLOYER | $14,926 | $15,771 | $12,192 | $14,366 |
| 6025 WORKER COMPENSATION INSURANCE | $1,994 | $2,345 | $1,986 | $2,000 |
| **PERSONNEL SERVICES** | **$132,972** | **$141,692** | **$109,440** | **$128,694** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $243 | $50 | $50 | $50 |
| 6106 MATERIALS AND PARTS | $976 | $1,500 | $2,500 | $4,000 |
| 6107 CLOTHING AND UNIFORMS | $1,096 | $1,430 | $1,430 | $1,130 |
| 6108 FUEL, OIL AND LUBRICANTS | $780 | $1,100 | $900 | $1,100 |
| 6119 OTHER SUPPLIES | $1,393 | $800 | $2,000 | $5,000 |
| **SUPPLIES** | **$4,488** | **$4,880** | **$6,880** | **$11,280** |
| 6204 OTHER EQUIPMENT MAINTENANCE | $0 | $300 | $300 | $300 |
| 6205 VEHICLE MAINTENANCE | $33 | $500 | $400 | $500 |
| 6206 BUILDING MAINTENANCE | $169 | $0 | $0 | $10,000 |
| 6207 SYSTEM MAINTENANCE | $497 | $3,000 | $4,600 | $4,000 |
| **REPAIRS AND MAINTENANCE** | **$699** | **$3,800** | **$5,300** | **$14,800** |
| 6312 COMMUNICATION SERVICES | $721 | $750 | $1,100 | $800 |
| 6329 OTHER SERVICES | $0 | $0 | $6,600 | $6,000 |
| 6333 DUES AND SUBSCRIPTIONS | $1,728 | $1,728 | $1,728 | $2,000 |
| 6336 EQUIPMENT RENTALS | $473 | $473 | $473 | $500 |
| 6337 TRAINING | $180 | $600 | $600 | $1,200 |
| 6362 PERMITS AND LICENSES | $0 | $138 | $100 | $200 |
| **SERVICES AND CHARGES** | **$3,102** | **$3,689** | **$10,601** | **$10,700** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL GENERAL-GARAGE** | **$141,261** | **$154,061** | **$132,221** | **$165,474** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | GENERAL-PARKS | 100-153 PARKS |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6003 WAGES-FULL TIME | $145,283 | $222,151 | $197,640 | $211,884 |
| 6004 WAGES-PART TIME | $36,756 | $42,907 | $49,729 | $48,707 |
| 6005 WAGES-OVERTIME | $13,969 | $10,815 | $13,800 | $13,390 |
| 6009 WAGES-OTHER | $8,375 | $0 | $6,843 | $0 |
| 6011 VACATION PAY | $6,802 | $0 | $6,480 | $11,770 |
| 6012 SICK PAY | $4,355 | $1,145 | $3,324 | $9,371 |
| 6013 EMERGENCY PAY | $0 | $0 | $505 | $0 |
| 6019 MISCELLANEOUS PAY | $1,595 | $1,800 | $2,430 | $2,325 |
| 6021 FICA-MED/SS | $16,022 | $21,573 | $21,216 | $22,926 |
| 6022 TMRS-EMPLOYER | $24,775 | $32,637 | $31,740 | $34,290 |
| 6025 WORKER COMPENSATION INSURANCE | $2,666 | $3,932 | $3,169 | $3,200 |
| **PERSONNEL SERVICES** | **$260,598** | **$336,960** | **$336,876** | **$357,863** |
| 6106 MATERIALS AND PARTS | $17,148 | $19,000 | $24,000 | $30,000 |
| 6107 CLOTHING AND UNIFORMS | $2,571 | $4,575 | $4,450 | $3,750 |
| 6108 FUEL, OIL AND LUBRICANTS | $9,132 | $10,000 | $9,000 | $10,000 |
| 6110 CHEMICAL SUPPLIES | $5,365 | $6,000 | $6,000 | $6,000 |
| 6119 OTHER SUPPLIES | $9,929 | $34,950 | $40,000 | $17,000 |
| **SUPPLIES** | **$44,145** | **$74,525** | **$83,450** | **$66,750** |
| 6204 OTHER EQUIPMENT MAINTENANCE | $4,581 | $5,000 | $6,000 | $5,000 |
| 6205 VEHICLE MAINTENANCE | $1,411 | $1,000 | $2,000 | $3,100 |
| 6206 BUILDING MAINTENANCE | $0 | $0 | $0 | $15,000 |
| 6207 SYSTEM MAINTENANCE | $56,751 | $50,000 | $60,000 | $109,000 |
| **REPAIRS AND MAINTENANCE** | **$62,743** | **$56,000** | **$68,000** | **$132,100** |
| 6304 PROFESSIONAL SERVICES,OTHER | $555 | $0 | $0 | $0 |
| 6312 COMMUNICATION SERVICES | $2,497 | $2,200 | $2,700 | $2,700 |
| 6321 SYSTEM CONTRACT SERVICES | $10,249 | $20,000 | $10,000 | $10,000 |
| 6329 OTHER SERVICES | $456 | $500 | $700 | $500 |
| 6332 TRAVEL AND MEALS | $200 | $0 | $200 | $500 |
| 6336 EQUIPMENT RENTALS | $2,340 | $2,160 | $5,500 | $5,500 |
| 6337 TRAINING | $445 | $1,000 | $1,000 | $1,000 |
| **SERVICES AND CHARGES** | **$16,742** | **$25,860** | **$20,100** | **$20,200** |
| 6403 MACHINERY AND EQUIPMENT | $0 | $56,000 | $42,000 | $0 |
| 6409 SYSTEM EXPANSION | $3,750 | $0 | $0 | $85,000 |
| 6412 JUERGENS PARK | $0 | $4,500 | $4,500 | $0 |
| **CAPITAL OUTLAY** | **$3,750** | **$60,500** | **$46,500** | **$85,000** |
| 6999 TRANSFER TO CAPITAL PROJ. FUND | $480,000 | $580,000 | $580,000 | $450,000 |
| **TRANSFERS** | **$480,000** | **$580,000** | **$580,000** | **$450,000** |
| **TOTAL GENERAL-PARKS** | **$867,978** | **$1,133,845** | **$1,134,926** | **$1,111,913** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | STREETS | 100-154 STREETS |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $62,091 | $73,506 | $68,421 | $66,976 |
| 6003 WAGES-FULL TIME | $196,747 | $289,545 | $254,389 | $274,289 |
| 6004 WAGES-PART TIME | $2,264 | $4,635 | $10,000 | $5,150 |
| 6005 WAGES-OVERTIME | $18,933 | $26,265 | $26,242 | $26,265 |
| 6009 WAGES-OTHER | $15,052 | $0 | $10,317 | $0 |
| 6011 VACATION PAY | $18,901 | $0 | $10,960 | $20,903 |
| 6012 SICK PAY | $18,702 | $2,781 | $5,579 | $16,394 |
| 6013 EMERGENCY PAY | $1,647 | $0 | $0 | $0 |
| 6019 MISCELLANEOUS PAY | $3,150 | $2,825 | $2,715 | $2,900 |
| 6021 FICA-MED/SS | $25,467 | $30,906 | $29,567 | $31,785 |
| 6022 TMRS-EMPLOYER | $46,635 | $54,514 | $51,983 | $56,062 |
| 6024 HEALTH INSURANCE | $0 | $0 | $0 | $0 |
| 6025 WORKER COMPENSATION INSURANCE | $13,956 | $19,208 | $16,587 | $16,900 |
| **PERSONNEL SERVICES** | **$423,545** | **$504,185** | **$486,760** | **$517,624** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $148 | $70 | $250 | $250 |
| 6106 MATERIALS AND PARTS | $34,959 | $35,000 | $35,000 | $55,500 |
| 6107 CLOTHING AND UNIFORMS | $4,172 | $7,305 | $7,550 | $7,050 |
| 6108 FUEL, OIL AND LUBRICANTS | $15,308 | $20,000 | $20,000 | $20,000 |
| 6119 OTHER SUPPLIES | $5,860 | $6,500 | $6,500 | $20,000 |
| **SUPPLIES** | **$60,447** | **$68,875** | **$69,300** | **$102,800** |
| 6204 OTHER EQUIPMENT MAINTENANCE | $13,064 | $15,000 | $27,000 | $15,000 |
| 6205 VEHICLE MAINTENANCE | $3,426 | $5,000 | $5,000 | $5,000 |
| 6207 SYSTEM MAINTENANCE | $235,469 | $258,000 | $258,000 | $358,000 |
| **REPAIRS AND MAINTENANCE** | **$251,959** | **$278,000** | **$290,000** | **$378,000** |
| 6302 PROFESSIONAL SERVICES, ENG | $0 | $0 | $8,000 | $10,000 |
| 6304 PROFESSIONAL SERVICES,OTHER | $13,261 | $14,000 | $14,000 | $14,000 |
| 6312 COMMUNICATION SERVICES | $2,723 | $2,800 | $2,800 | $2,800 |
| 6319 MOSQUITO CONTROL | $13,038 | $15,000 | $15,000 | $15,000 |
| 6329 OTHER SERVICES | $11,048 | $10,000 | $10,000 | $10,000 |
| 6336 EQUIPMENT RENTALS | $0 | $1,500 | $1,500 | $1,500 |
| 6337 TRAINING | $502 | $400 | $400 | $400 |
| 6338 STREET LIGHTS | $107,256 | $110,000 | $110,000 | $110,000 |
| 6362 PERMITS AND LICENSES | $200 | $325 | $200 | $325 |
| **SERVICES AND CHARGES** | **$148,028** | **$154,025** | **$161,900** | **$164,025** |
| 6403 MACHINERY AND EQUIPMENT | $0 | $0 | $0 | $16,000 |
| 6409 SYSTEM EXPANSION | $0 | $0 | $32,855 | $0 |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$32,855** | **$16,000** |
| 6998 TRANSFER TO FLEET REPLACEMENT | $0 | $105,000 | $105,000 | $0 |
| 6999 TRANSFER TO CAPITAL PROJ. FUND | $1,500,000 | $910,000 | $910,000 | $963,000 |
| **TRANSFERS** | **$1,500,000** | **$1,015,000** | **$1,015,000** | **$963,000** |
| **TOTAL GENERAL-STREETS** | **$2,383,979** | **$2,020,085** | **$2,055,815** | **$2,141,449** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | SANITATION | 100-155 SANITATION |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **PERSONNEL SERVICES** | **$0** | **$0** | **$0** | **$0** |
| 6119 OTHER SUPPLIES | $39,760 | $42,000 | $42,000 | $42,000 |
| **SUPPLIES** | **$39,760** | **$42,000** | **$42,000** | **$42,000** |
| **REPAIRS AND MAINTENANCE** | **$0** | **$0** | **$0** | **$0** |
| 6304 PROFESSIONAL SERVICES-OTHER | $155,201 | $120,000 | $120,000 | $150,000 |
| 6327 GARBAGE SERVICES | $1,777,932 | $1,973,274 | $1,973,274 | $2,032,472 |
| 6329 OTHER SERVICES | $2,270 | $2,270 | $3,000 | $3,000 |
| 6362 PERMITS AND LICENSES | $200 | $300 | $200 | $300 |
| **SERVICES AND CHARGES** | **$1,935,603** | **$2,095,844** | **$2,096,474** | **$2,185,772** |
| 6409 SYSTEM EXPANSION | $0 | $25,000 | $15,000 | $0 |
| **CAPITAL OUTLAY** | **$0** | **$25,000** | **$15,000** | **$0** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL SANITATION** | **$1,975,363** | **$2,162,844** | **$2,153,474** | **$2,227,772** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | ENGINEERING AND PLANNING | 100-156 ENGINEERING & PLANNING |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $239,230 | $321,981 | $300,645 | $309,973 |
| 6003 WAGES-FULL TIME | $34,903 | $41,670 | $38,967 | $38,128 |
| 6005 WAGES-OVERTIME | $1,473 | $2,060 | $2,060 | $773 |
| 6009 WAGES-OTHER | $13,687 | $0 | $8,926 | $0 |
| 6011 VACATION PAY | $8,790 | $0 | $10,683 | $16,848 |
| 6012 SICK PAY | $4,273 | $3,450 | $4,633 | $17,466 |
| 6013 EMERGENCY PAY | $0 | $0 | $481 | $0 |
| 6019 MISCELLANEOUS PAY | $480 | $765 | $765 | $870 |
| 6021 FICA-S.S. AND MEDICARE TAXES | $22,747 | $28,948 | $28,280 | $30,026 |
| 6022 TMRS-EMPLOYER | $42,580 | $51,653 | $51,268 | $53,625 |
| 6025 WORKER COMPENSATION INS. | $1,058 | $1,630 | $898 | $987 |
| **PERSONNEL SERVICES** | **$369,221** | **$452,157** | **$447,606** | **$468,696** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $5,893 | $6,000 | $7,500 | $7,500 |
| 6102 EDUCATIONAL SUPPLIES | $0 | $300 | $0 | $0 |
| 6105 FOOD SUPPLIES | $282 | $1,000 | $1,000 | $500 |
| 6107 CLOTHING AND UNIFORMS | $39 | $300 | $300 | $300 |
| 6109 POSTAGE | $4,665 | $6,000 | $6,000 | $6,000 |
| **SUPPLIES** | **$10,879** | **$13,600** | **$14,800** | **$14,300** |
| **REPAIRS AND MAINTENANCE** | **$0** | **$0** | **$0** | **$0** |
| 6302 PROF.SERV.-ENGINEERING | $80,750 | $90,000 | $70,000 | $90,000 |
| 6304 PROF.SERV.-OTHER | $1,700 | $135,000 | $90,000 | $40,000 |
| 6312 COMMUNICATION SERVICES | $2,240 | $3,072 | $3,100 | $3,100 |
| 6316 PRINTING AND BINDING | $78 | $1,500 | $1,250 | $500 |
| 6332 TRAVEL AND MEALS | $6,943 | $11,600 | $10,000 | $10,500 |
| 6333 DUES AND SUBSCRIPTIONS | $365 | $1,000 | $1,000 | $1,000 |
| 6334 AUTOMOBILE ALLOWANCES | $4,800 | $4,800 | $4,800 | $4,800 |
| 6335 ADVERTISING COST | $4,585 | $4,100 | $4,100 | $5,000 |
| 6337 TRAINING | $4,929 | $7,200 | $7,000 | $7,000 |
| 6362 PERMITS AND LICENSES | $180 | $600 | $600 | $600 |
| **SERVICES AND CHARGES** | **$106,570** | **$258,872** | **$191,850** | **$162,500** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL ENGINEERING AND PLANNING** | **$486,670** | **$724,629** | **$654,256** | **$645,496** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL FUND | FACILITIES MAINTENANCE | 100-157 FACILITIES |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6003 WAGES-FULL TIME | $69,553 | $89,681 | $80,767 | $83,582 |
| 6005 WAGES-OVERTIME | $3,778 | $5,150 | $5,311 | $5,150 |
| 6009 WAGES-OTHER | $4,518 | $0 | $1,920 | $0 |
| 6011 VACATION PAY | $7,607 | $0 | $5,110 | $8,191 |
| 6012 SICK PAY | $1,602 | $665 | $2,340 | $4,312 |
| 6013 EMERGENCY PAY | $586 | $0 | $0 | $0 |
| 6019 MISCELLANEOUS PAY | $2,170 | $2,290 | $2,290 | $2,410 |
| 6021 FICA-S.S. AND MEDICARE TAXES | $6,879 | $7,606 | $7,516 | $8,026 |
| 6022 TMRS-EMPLOYER | $12,519 | $13,572 | $13,503 | $14,334 |
| 6025 WORKER COMPENSATION INS. | $2,136 | $2,525 | $2,131 | $2,200 |
| **PERSONNEL SERVICES** | **$111,348** | **$121,489** | **$120,888** | **$128,205** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $290 | $0 | $0 | $0 |
| 6104 JANITORIAL AND CLEANING SUPPLY | $9,549 | $9,500 | $8,000 | $9,500 |
| 6105 FOOD SUPPLIES | $5,810 | $4,800 | $4,800 | $5,000 |
| 6106 MATERIALS AND PARTS | $314 | $500 | $500 | $500 |
| 6107 CLOTHING AND UNIFORMS | $1,195 | $1,550 | $1,550 | $1,250 |
| 6108 FUEL, OIL AND LUBRICANTS | $1,732 | $1,700 | $1,700 | $1,700 |
| 6119 OTHER SUPPLIES | $1,091 | $28,200 | $0 | $7,500 |
| **SUPPLIES** | **$19,981** | **$46,250** | **$16,550** | **$25,450** |
| 6205 VEHICLE MAINTENANCE | $665 | $200 | $200 | $200 |
| 6206 BUILDING MAINTENANCE | $105,393 | $193,000 | $226,150 | $168,150 |
| 6219 OTHER MAINTENANCE | $0 | $0 | $0 | $25,000 |
| **REPAIRS AND MAINTENANCE** | **$106,058** | **$193,200** | **$226,350** | **$193,350** |
| 6304 PROF. SERV. - OTHER | $0 | $0 | $0 | $40,000 |
| 6311 JANITORIAL SERVICES | $69,973 | $70,500 | $70,500 | $73,000 |
| 6312 COMMUNICATION SERVICES | $175,193 | $167,000 | $175,000 | $175,000 |
| 6313 UTILITIES | $151,669 | $160,000 | $160,000 | $160,000 |
| 6329 OTHER SERVICES | $150 | $0 | $0 | $0 |
| 6336 EQUIPMENT RENTALS | $2,507 | $2,300 | $2,300 | $2,300 |
| 6362 PERMITS AND LICENSES | $61 | $61 | $0 | $61 |
| **SERVICES AND CHARGES** | **$399,553** | **$399,861** | **$407,800** | **$450,361** |
| 6999 TRANSFER TO CAPITAL PROJECTS | $0 | $0 | $0 | $0 |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL FACILITIES MAINTENANCE** | **$636,940** | **$760,800** | **$771,588** | **$797,366** |

# 200 - General Special Revenue Fund

**Statement of Revenues, Expenditures and Changes in Fund Balance**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projected | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Abandoned Vehicles | - | | | - | - | - |
| Seized Funds | 16,406 | 2,456 | 3,310 | 5,000 | 7,500 | 97,500 |
| Child Safety | 12,885 | 13,877 | 13,037 | 13,000 | 13,000 | 13,000 |
| Interest | 132 | 519 | 895 | 200 | 1,500 | 750 |
| Other | - | | | - | - | - |
| Total | 29,423 | 16,852 | 17,242 | 18,200 | 22,000 | 111,250 |
| **Expenditures:** | | | | | | |
| Supplies | 13,325 | 17,360 | 22,740 | 15,000 | 15,000 | 25,000 |
| Services and Charges | 14,131 | 36,662 | 7,050 | 23,300 | 23,300 | 15,000 |
| Maintenance | - | - | - | - | - | 61,000 |
| Total | 27,456 | 54,022 | 29,790 | 38,300 | 38,300 | 101,000 |
| **Revenues Over (Under) Expenditures** | 1,967 | (37,170) | (12,548) | (20,100) | (16,300) | 10,250 |
| **Beginning Fund Balance** | 149,547 | 151,514 | 114,344 | 101,796 | 101,796 | 85,496 |
| **Ending Fund Balance** | 151,514 | 114,344 | 101,796 | 81,696 | 85,496 | 95,746 |

Fund Description

The General Special Revenue fund accounts for Police forfeiture funds and Child Safety fees. Forfeiture funds are awards of monies or property by the courts related to cases that involve the Tomball Police Department. According to Chapter 59, Article 6, Paragraph (d) of the Code of Criminal Procedure, "Proceeds awarded under this chapter to a law enforcement agency may be spent by the agency after a budget for the expenditures of the proceeds has been submitted to the governing body of the municipality." Child Safety Fees are received through the Harris County Tax Assessor/Collector. These fees represent a portion of each citation written by the Tomball Police Department. The State of Texas allocates a percentage of each court fee to the Child Safety Program and is remitted back to the municipality to be used for educational material for children, coloring books, pencils, goody bags, etc and are distributed at various community events each year.

| CITY OF TOMBALL<br>SPECIAL REVENUE FUND - 200 | | | | | | |
|---|---|---|---|---|---|---|
| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
| **GENERAL SPECIAL FUND** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5785 POLICE SEIZED FUNDS | 16,406 | 2,456 | 3,310 | 5,000 | 7,500 | 97,500 |
| 5790 CHILD SAFETY FUND | 12,885 | 13,877 | 13,037 | 13,000 | 13,000 | 13,000 |
| 5800 INTEREST | 132 | 519 | 895 | 200 | 1,500 | 750 |
| **TOTAL GENERAL SPECIAL FUND** | 29,423 | 16,852 | 17,242 | 18,200 | 22,000 | 111,250 |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL SPECIAL FUND | POLICE SEIZURE FUNDS | 200-221 POLICE SEIZURE FUNDS |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **PERSONNEL SERVICES** | **$0** | **$0** | **$0** | **$0** |
| 6103 COMPUTER SUPPLIES | $8,140 | $0 | $0 | $0 |
| 6106 MATERIALS AND SUPPLIES | $14,600 | $10,000 | $10,000 | $10,000 |
| 6119 OTHER SUPPLIES | $0 | $5,000 | $5,000 | $15,000 |
| **SUPPLIES** | **$22,740** | **$15,000** | **$15,000** | **$25,000** |
| 6201 EQUIPMENT MAINTENANCE | $0 | $0 | $0 | $61,000 |
| **REPAIRS AND MAINTENANCE** | **$0** | **$0** | **$0** | **$61,000** |
| 6320 COMPUTER SOFTWARE SERVICES | $0 | $8,300 | $8,300 | $0 |
| **SERVICES AND CHARGES** | **$0** | **$8,300** | **$8,300** | **$0** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL POLICE SEIZURE FUNDS** | **$22,740** | **$23,300** | **$23,300** | **$86,000** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL SPECIAL FUND | CHILD SAFETY FUND | 200-222 CHILD SAFETY FUND |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **SUPPLIES** | **$0** | **$0** | **$0** | **$0** |
| 6350 CHILD SAFETY EDUCATION | $7,050 | $15,000 | $15,000 | $15,000 |
| **SERVICES AND CHARGES** | **$7,050** | **$15,000** | **$15,000** | **$15,000** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL CHILD SAFETY FUND** | **$7,050** | **$15,000** | **$15,000** | **$15,000** |

# 220 - Municipal Court Building Security Fund

**Statement of Revenues, Expenditures and Changes in Fund Balance**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projection | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Fines and Warrants | 14,530 | 12,125 | 10,723 | 14,000 | 10,000 | 11,000 |
| Interest | 200 | 922 | 1,961 | 1,200 | 3,500 | 2,000 |
| Transfers In | - | | | - | - | - |
| Total | 14,730 | 13,047 | 12,684 | 15,200 | 13,500 | 13,000 |
| **Expenditures:** | | | | | | |
| Personnel | - | | | - | - | - |
| Supplies | - | - | 46,660 | 25,000 | 25,000 | 50,000 |
| Maintenance | | | | - | - | - |
| Services and Charges | - | - | | - | - | - |
| Capital | | | | - | - | - |
| Total | - | - | 46,660 | 25,000 | 25,000 | 50,000 |
| **Revenues Over (Under) Expenditures** | 14,730 | 13,047 | (33,976) | (9,800) | (11,500) | (37,000) |
| **Beginning Fund Balance** | 226,977 | 241,707 | 254,754 | 220,778 | 220,778 | 209,278 |
| **Ending Fund Balance** | 241,707 | 254,754 | 220,778 | 210,978 | 209,278 | 172,278 |

| Supplemental Programs | Non-Recur. |
|---|---|
| Keyless Entry System | $20,665 |
| Metal Detector | 3,660 |

## Fund Description

In prior years, the General Fund accounted for the City's court building security fees. In order to more accurately account for these funds, in FY 2006-07, the City created the Municipal Court Building Security Fee fund. These fees are generated from court fines. By law, these funds can only be spent on the City's municipal court.

## CITY OF TOMBALL
## MUNI COURT BLDG SECURITY - 220

| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
|---|---|---|---|---|---|---|
| **MUNI COURT- BLDG SECURITY** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5311 MUNICIPAL COURT BLDG-SECURITY | 14,530 | 12,125 | 10,723 | 14,000 | 10,000 | 11,000 |
| 5800 INTEREST INCOME | 200 | 922 | 1,961 | 1,200 | 3,500 | 2,000 |
| **TOTAL MUNI COURT- BLDG SECURITY** | **$ 14,730** | **$ 13,047** | **$ 12,684** | **$ 15,200** | **$ 13,500** | **$ 13,000** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| MUNI COURT- BLDG SECURITY | MUNICIPAL COURT | 220-122 MUNICIPAL COURT |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **PERSONNEL SERVICES** | **$0** | **$0** | **$0** | **$0** |
| 6119 OTHER SUPPLIES | $46,660 | $25,000 | $25,000 | $50,000 |
| **SUPPLIES** | **$46,660** | **$25,000** | **$25,000** | **$50,000** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL GENERAL-MUNICIPAL COURT** | **$46,660** | **$25,000** | **$25,000** | **$50,000** |

# 230 - Municipal Court Technology Fund

**Statement of Revenues, Expenditures and Changes in Fund Balance**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projection | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Fines and Warrants | 19,369 | 16,167 | 14,297 | 20,000 | 15,000 | 16,000 |
| Interest | 191 | 911 | 1,654 | 1,000 | 3,200 | 2,000 |
| Transfers In | | | | - | - | - |
| Total | 19,560 | 17,078 | 15,951 | 21,000 | 18,200 | 18,000 |
| | | | | | | |
| **Expenditures:** | | | | | | |
| Supplies | 6,216 | 27,348 | 47,385 | 39,000 | 41,000 | 15,000 |
| Maintenance | - | | | | | |
| Services and Charges | 1,500 | 1,500 | 7,270 | 92,400 | 26,500 | 15,000 |
| Capital | - | | | - | - | - |
| Total | 7,716 | 28,848 | 54,655 | 131,400 | 67,500 | 30,000 |
| | | | | | | |
| **Revenues Over (Under) Expenditures** | 11,844 | (11,770) | (38,704) | (110,400) | (49,300) | (12,000) |
| **Beginning Fund Balance** | 270,297 | 282,141 | 270,371 | 231,670 | 231,670 | 182,370 |
| **Ending Fund Balance** | 282,141 | 270,371 | 231,670 | 121,270 | 182,370 | 170,370 |

Fund Description

In prior years, the General Fund accounted for the City's court technology fees. In order to more accurately account for these funds, in FY 2006-07, the City created the Municipal Court Technology Fund. These fees are generated from court fines. By law, these funds can only be spent on the City's municipal court.

## CITY OF TOMBALL
## Muni Court Technology Fund Detail - 230

| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
|---|---|---|---|---|---|---|
| **MUNICIPAL COURT TECH FUND** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5312 COURT TECHNOLOGY FEE | 19,369 | 16,167 | 14,297 | 20,000 | 15,000 | 16,000 |
| 5800 INTEREST INCOME | 191 | 911 | 1,654 | 1,000 | 3,200 | 2,000 |
| **TOTAL MUNICIPAL COURT TECH FUND** | **$ 19,560** | **$ 17,078** | **$ 15,951** | **$ 21,000** | **$ 18,200** | **$ 18,000** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| MUNICIPAL COURT TECH FUND | MUNICIPAL COURT | 230-122 MUNICIPAL COURT |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6101 OFFICE AND COMPUTER SUPPLIES | $11,587 | $39,000 | $41,000 | $15,000 |
| 6103 COMPUTER SUPPLIES | $35,798 | $0 | $0 | $0 |
| **SUPPLIES** | **$47,385** | **$39,000** | **$41,000** | **$15,000** |
| **REPAIRS AND MAINTENANCE** | **$0** | **$0** | **$0** | **$0** |
| 6320 COMPUTER SOFTWARE | $7,270 | $92,400 | $26,500 | $15,000 |
| **SERVICES AND CHARGES** | **$7,270** | **$92,400** | **$26,500** | **$15,000** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL GENERAL-MUNICIPAL COURT** | **$54,655** | **$131,400** | **$67,500** | **$30,000** |

# 240 - Hotel Occupancy Tax Fund

**Statement of Revenues, Expenditures and Changes in Fund Balance**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projection | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Occupancy Tax | 471,693 | 565,768 | 485,558 | 525,000 | 600,000 | 625,000 |
| Miscellaneous Income | 25,411 | 6,595 | 5,790 | 15,000 | 15,000 | 15,000 |
| Event Revenue | 500 | 500 | 2,600 | 2,500 | 2,500 | 2,500 |
| TEDC Contributions | - | - | - | - | - | - |
| Interest | 315 | 1,574 | 3,456 | 1,500 | 6,000 | 4,000 |
| Transfers In | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 30,000 |
| Total | 517,919 | 594,437 | 517,404 | 564,000 | 643,500 | 676,500 |
| **Expenditures:** | | | | | | |
| Chaparral Genealogical | | | | | | |
| Grants | 164,814 | 213,581 | 236,503 | 223,000 | 228,000 | 243,000 |
| Greater Tomball Chamber | | | | | | |
| Main Street Advertising | | | | | | |
| Second Saturday Events | 63,072 | 65,544 | 91,881 | 107,442 | 104,850 | 109,467 |
| Spring Creek Historical | | | | | | |
| The Regional Arts Council | | | | | | |
| Tomball Community Chorus | | | | | | |
| Tomball Sister City | | | | | | |
| Tourism | 216,030 | 219,116 | 270,737 | 386,160 | 378,652 | 399,118 |
| Transfer to Employee Benefits Trust Fund | 18,532 | 17,288 | 19,794 | 20,224 | 20,224 | 20,818 |
| Total | 462,449 | 515,530 | 618,915 | 736,827 | 731,727 | 772,403 |
| **Revenues Over (Under) Expenditures** | 55,500 | 78,899 | (101,513) | (172,826) | (88,197) | (95,873) |
| **Beginning Fund Balance** | 388,475 | 443,975 | 522,874 | 421,361 | 421,361 | 333,164 |
| **Ending Fund Balance** | 443,975 | 522,874 | 421,361 | 248,535 | 333,164 | 237,291 |

The Hotel Occupancy Tax Fund accounts for revenues received from hotel occupancy taxes. By state statute, cities with populations of less than 125,000 must spend at least 1% of hotel tax revenues on advertising, no more than 15% on the encouragement, promotion, improvement, and application of the arts and a maximum of 50% on historical preservation. Hotels submit quarterly to the City an occupancy tax based upon 7% of total room receipts. Compliance with the provisions of the state statutes is monitored by the City administration on a continuing basis.

**25% of Operating Expenses - Target** **31%**

# CITY OF TOMBALL
## HOTEL OCCUPANCY TAX FUND - 240

| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
|---|---|---|---|---|---|---|
| **HOTEL OCCUPANCY FUND** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5180 HOTEL OCCUPANCY TAX | 471,693 | 565,768 | 485,558 | 525,000 | 600,000 | 625,000 |
| 5550 MISCELLANEOUS INCOME | 25,411 | 6,595 | 5,785 | 15,000 | 15,000 | 15,000 |
| 5555 EVENT SPONSORSHIP REVENUE | 500 | 500 | 2,600 | 2,500 | 2,500 | 2,500 |
| 5800 INTEREST INCOME | 315 | 1,574 | 3,456 | 1,500 | 6,000 | 4,000 |
| 5910 TRANSFER FROM GENERAL FUND | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 30,000 |
| **TOTAL HOTEL OCCUPANCY FUND** | **517,919** | **594,437** | **517,399** | **564,000** | **643,500** | **676,500** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| HOTEL OCCUPANCY TAX | HOTEL OCCUPANCY TAX | 240-240 HOT |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **PERSONNEL SERVICES** | **$0** | **$0** | **$0** | **$0** |
| **SUPPLIES** | **$0** | **$0** | **$0** | **$0** |
| 6301 PROF.SERV.-AUDIT AND ACCTNG. | $1,000 | $3,000 | $3,000 | $3,000 |
| 6342 DEPOT MUSEUM | $0 | $0 | $0 | $5,000 |
| 6351 TOMBALL CHAMBER OF COMMERCE | $35,000 | $35,000 | $35,000 | $35,000 |
| 6356 TOMBALL SISTER CITY ORG. | $158,003 | $125,000 | $160,000 | $160,000 |
| 6359 GRANTS | $42,500 | $60,000 | $30,000 | $40,000 |
| **SERVICES AND CHARGES** | **$236,503** | **$223,000** | **$228,000** | **$243,000** |
| **TOTAL HOTEL OCCUPANCY TAX** | **$236,503** | **$223,000** | **$228,000** | **$243,000** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| HOTEL OCCUPANCY TAX | 2ND SATURDAY EVENTS | 240-241 2ND SATURDAY |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES- ADMINISTRATIVE | $42,727 | $48,911 | $47,114 | $46,493 |
| 6009 WAGES-OTHER | $2,466 | $0 | $1,034 | $0 |
| 6011 VACATION PAY | $2,192 | $0 | $752 | $1,937 |
| 6012 SICK PAY | $822 | $752 | $752 | $2,712 |
| 6019 MISCELLANEOUS PAY | $135 | $195 | $195 | $255 |
| 6021 FICA-S.S. AND MEDICARE TAXES | $3,802 | $4,303 | $3,987 | $4,421 |
| 6022 TMRS RETIREMENT-EMPLOYER | $7,065 | $7,245 | $7,242 | $7,463 |
| 6025 WORKERS COMPENSATION INSURANCE | $100 | $118 | $106 | $118 |
| **PERSONNEL SERVICES** | **$59,309** | **$61,524** | **$61,182** | **$63,399** |
| 6101 OFFICE SUPPLIES | $799 | $2,000 | $1,000 | $1,000 |
| 6105 FOOD SUPPLIES | $970 | $1,500 | $1,400 | $1,500 |
| 6119 OTHER SUPPLIES | $6,952 | $8,500 | $8,500 | $8,500 |
| 6130 FURNITURE <$20,000 | $0 | $1,000 | $500 | $500 |
| **SUPPLIES** | **$8,721** | **$13,000** | **$11,400** | **$11,500** |
| **REPAIRS AND MAINTENANCE** | **$0** | **$0** | **$0** | **$0** |
| 6304 PROFESSIONAL SERVICES, OTHER | $3,960 | $5,500 | $5,500 | $5,500 |
| 6312 COMMUNICATION SERVICES | $768 | $768 | $768 | $768 |
| 6327 GARBAGE SERVICES | $0 | $750 | $0 | $0 |
| 6329 OTHER SERVICES | $7,274 | $6,500 | $6,500 | $7,500 |
| 6332 TRAVEL AND MEALS | $0 | $0 | $750 | $1,000 |
| 6333 DUES AND SUBSCRIPTIONS | $0 | $0 | $350 | $400 |
| 6334 AUTOMOBILE ALLOWANCE | $2,400 | $2,400 | $2,400 | $2,400 |
| 6335 ADVERTISING COST | $3,622 | $7,500 | $6,500 | $6,500 |
| 6336 EQUIPMENT RENTALS | $907 | $2,500 | $2,500 | $2,500 |
| 6337 TRAINING | $0 | $0 | $0 | $500 |
| 6358 OTHER TOURISM EXPENDITURE | $4,920 | $7,000 | $7,000 | $7,500 |
| **SERVICES AND CHARGES** | **$23,851** | **$32,918** | **$32,268** | **$34,568** |
| 6692 TRANSFER TO EMP. BEN. TRUST | $9,857 | $10,112 | $10,112 | $10,382 |
| **TRANSFERS** | **$9,857** | **$10,112** | **$10,112** | **$10,382** |
| **TOTAL 2ND SATURDAY EVENTS** | **$101,738** | **$117,554** | **$114,962** | **$119,849** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| HOTEL OCCUPANCY TAX | VISITORS/CONVENTION CNTR | 240-243 VISITORS/CONVENTION |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES- ADMINISTRATIVE | $76,033 | $86,639 | $82,317 | $85,047 |
| 6004 WAGES- PART TIME | $6,628 | $10,712 | $12,000 | $17,803 |
| 6005 WAGES-OVERTIME | $206 | $0 | $300 | $309 |
| 6009 WAGES-OTHER | $3,235 | $0 | $2,000 | $0 |
| 6011 VACATION PAY | $4,853 | $0 | $2,333 | $5,429 |
| 6012 SICK PAY | $1,294 | $1,333 | $1,333 | $5,067 |
| 6019 MISCELLANEOUS PAY | $340 | $400 | $400 | $460 |
| 6021 FICA-S.S. AND MEDICARE TAXES | $7,600 | $8,580 | $8,252 | $9,734 |
| 6022 TMRS-EMPLOYER | $12,779 | $14,550 | $13,090 | $16,623 |
| 6024 HEALTH INSURANCE | $0 | $0 | $0 | $0 |
| 6025 WORKER COMPENSATION INS. | $150 | $178 | $159 | $178 |
| **PERSONNEL SERVICES** | **$113,118** | **$122,392** | **$122,184** | **$140,650** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $432 | $4,700 | $4,700 | $4,700 |
| 6105 FOOD SUPPLIES | $200 | $1,000 | $1,000 | $1,000 |
| 6107 CLOTHING AND UNIFORMS | $352 | $1,700 | $1,700 | $1,700 |
| 6109 POSTAGE | $0 | $0 | $700 | $1,000 |
| 6119 OTHER SUPPLIES | $3,406 | $6,000 | $6,000 | $6,000 |
| **SUPPLIES** | **$4,390** | **$13,400** | **$14,100** | **$14,400** |
| 6304 PROFESSIONAL SERVICES, OTHER | $41,280 | $60,000 | $60,000 | $65,000 |
| 6312 COMMUNICATION SERVICES | $768 | $768 | $768 | $768 |
| 6320 SOFTWARE SERVICES | $0 | $0 | $8,300 | $0 |
| 6327 GARBAGE SERVICES | $1,700 | $3,500 | $3,500 | $3,500 |
| 6329 OTHER SERVICES | $10,962 | $25,800 | $15,000 | $20,000 |
| 6332 TRAVEL AND MEALS | $5,000 | $4,000 | $4,000 | $4,000 |
| 6333 DUES AND SUBSCRIPTIONS | $6,836 | $8,000 | $8,000 | $10,000 |
| 6334 AUTOMOBILE ALLOWANCE | $4,800 | $4,800 | $4,800 | $4,800 |
| 6335 ADVERTISING COST | $50,022 | $82,500 | $77,000 | $75,000 |
| 6336 EQUIPMENT RENTALS | $19,952 | $50,000 | $50,000 | $50,000 |
| 6337 TRAINING | $847 | $3,000 | $3,000 | $3,000 |
| 6358 OTHER TOURISM EXPENDITURES | $11,062 | $8,000 | $8,000 | $8,000 |
| **SERVICES AND CHARGES** | **$153,229** | **$250,368** | **$242,368** | **$244,068** |
| 6692 TRANSFER TO EMP. BEN. TRUST | $9,937 | $10,112 | $10,112 | $10,436 |
| **TRANSFERS** | **$9,937** | **$10,112** | **$10,112** | **$10,436** |
| **TOTAL VISITORS/CONVENTION CNTR** | **$280,674** | **$396,272** | **$388,764** | **$409,554** |

# 250 - Red Light Camera Program Fund

**Statement of Revenues, Expenditures and Changes in Fund Balance**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projection | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Fines and Warrants | 299,685 | 327,428 | 285,755 | 275,150 | 140,000 | 150,050 |
| Interest | 191 | 1,414 | 4,011 | 2,000 | 5,000 | 4,000 |
| Other Grants | - | | | - | - | - |
| Total | 299,876 | 328,842 | 289,766 | 277,150 | 145,000 | 154,050 |
| | | | | | | |
| **Expenditures:** | | | | | | |
| Personnel Costs | 22,064 | 15,261 | 18,883 | 58,692 | 58,278 | 61,539 |
| Supplies | 37,094 | 102,545 | 14,418 | 40,000 | 16,000 | 13,500 |
| Maintenance | - | 9,261 | 24,414 | 10,000 | 18,000 | 10,000 |
| Services and Charges | 7,526 | 10,227 | 21,094 | 16,500 | 25,000 | 17,000 |
| Capital | - | | | | | |
| Transfer to Veh. Repl. Fund | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 |
| Transfer to Capital Projects Fund | - | - | 323,541 | 310,000 | 310,000 | - |
| Total | 86,684 | 157,294 | 422,350 | 455,192 | 447,278 | 122,039 |
| | | | | | | |
| **Revenues Over (Under) Expenditures** | 213,193 | 171,549 | (132,586) | (178,041) | (302,277) | 32,012 |
| **Beginning Fund Balance** | 151,201 | 364,393 | 535,941 | 403,355 | 403,355 | 101,078 |
| **Ending Fund Balance** | 364,393 | 535,941 | 403,355 | 225,314 | 101,078 | 133,090 |
| **25% of Operating Expenses - Target** | | | | | | **109%** |

Automated red light photo enforcement cameras were setup during FY 2008. Four intersections were selected for this initiative with a goal of reducing the number of injury accidents caused by "red light running". By law, the use of the revenues is limited to traffic safety programs, including pedestrian safety programs, public safety programs, intersection improvements, and traffic enforcement.

# CITY OF TOMBALL
# RED LIGHT CAMERA - 250

| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
|---|---|---|---|---|---|---|
| **RED LIGHT CAMERA FUND** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5300 MUNICIPAL COURT FINES | 299,635 | 327,428 | 285,705 | 275,000 | 140,000 | 150,000 |
| 5310 COURT COSTS/ADM.FEES | 50 | - | 50 | 150 | - | 50 |
| 5800 INTEREST INCOME | 191 | 1,414 | 4,011 | 2,000 | 5,000 | 4,000 |
| **TOTAL RED LIGHT CAMERA FUND** | **299,876** | **328,842** | **289,766** | **277,150** | **145,000** | **154,050** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| RED LIGHT CAMERA PROGRAM | POLICE DEPARTMENT | 250-121 POLICE DEPARTMENT |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6004 WAGES-PART TIME | $16,064 | $35,720 | $35,696 | $38,557 |
| 6005 WAGES-OVERTIME | $325 | $15,450 | $15,450 | $15,450 |
| 6021 FICA-S.S. AND MEDICARE TAXES | $1,254 | $3,915 | $3,913 | $4,132 |
| 6022 TMRS-EMPLOYER | $0 | $2,000 | $2,000 | $2,000 |
| 6025 WORKERS COMPENSATION | $1,240 | $1,607 | $1,219 | $1,400 |
| **PERSONNEL SERVICES** | **$18,883** | **$58,692** | **$58,278** | **$61,539** |
| 6102 EDUCATIONAL SUPPLIES | $99 | $0 | $0 | $0 |
| 6106 MATERIALS AND PARTS | $13,222 | $25,000 | $10,000 | $10,000 |
| 6107 CLOTHING AND UNIFORMS | $0 | $5,000 | $1,000 | $1,000 |
| 6108 FUEL, OIL, AND LUBRICANTS | $1,025 | $0 | $0 | $0 |
| 6119 OTHER SUPPLIES | $72 | $10,000 | $5,000 | $2,500 |
| **SUPPLIES** | **$14,418** | **$40,000** | **$16,000** | **$13,500** |
| 6205 VEHICLE MAINTENANCE | $24,414 | $10,000 | $18,000 | $10,000 |
| **REPAIRS AND MAINTENANCE** | **$24,414** | **$10,000** | **$18,000** | **$10,000** |
| 6303 PROF. SERV. - LEGAL | $124 | $500 | $0 | $0 |
| 6304 PROFESSIONAL SERVICES, OTHER | $1,245 | $1,000 | $10,000 | $2,000 |
| 6330 INSURANCE | $4,248 | $5,000 | $10,000 | $10,000 |
| 6337 TRAINING | $15,477 | $10,000 | $5,000 | $5,000 |
| **SERVICES AND CHARGES** | **$21,094** | **$16,500** | **$25,000** | **$17,000** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| 6998 TRANSFER TO FLEET REPLACEMENT | $20,000 | $20,000 | $20,000 | $20,000 |
| 6999 TRANSFER TO CAPITAL PROJ. FUND | $323,541 | $310,000 | $310,000 | $0 |
| **TRANSFERS** | **$343,541** | **$330,000** | **$330,000** | **$20,000** |
| **TOTAL GENERAL-POLICE DEPARTMENT** | **$422,350** | **$455,192** | **$447,278** | **$122,039** |

## 290 - Tomball Fun Runs Fund

**Statement of Revenues, Expenditures and Changes in Fund Balance**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projection | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Event Revenue | 18,457 | 20,233 | 23,325 | 17,000 | 17,000 | 23,000 |
| Interest | 2 | 2 | 5 | 3 | 60 | 50 |
| Transfers In | - | | | - | - | - |
| Total | 18,459 | 20,235 | 23,330 | 17,003 | 17,060 | 23,050 |
| **Expenditures:** | | | | | | |
| Supplies | 9,064 | 11,225 | 8,041 | 9,200 | 5,200 | 7,200 |
| Services and Charges | 12,547 | 10,413 | 17,368 | 14,000 | 15,000 | 15,000 |
| Total | 21,611 | 21,638 | 25,409 | 23,200 | 20,200 | 22,200 |
| **Revenues Over (Under) Expenditures** | (3,152) | (1,403) | (2,079) | (6,197) | (3,140) | 850 |
| **Beginning Fund Balance** | 18,698 | 15,546 | 14,144 | 12,065 | 12,065 | 8,925 |
| **Ending Fund Balance** | 15,546 | 14,144 | 12,065 | 5,868 | 8,925 | 9,775 |

# CITY OF TOMBALL
## FUN RUN FUND - 290

| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
|---|---|---|---|---|---|---|
| **FUN RUN FUND** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5555 EVENT SPONSORSHIP REVENUE | 7,550 | 8,725 | 13,955 | 5,000 | 5,000 | 5,000 |
| 5556 EVENT REGISTRATION FEE | 10,907 | 11,508 | 9,370 | 12,000 | 12,000 | 18,000 |
| 5800 INTEREST INCOME | 2 | 2 | 5 | 3 | 60 | 50 |
| **TOTAL FUN RUN FUND** | **18,459** | **20,235** | **23,330** | **17,003** | **17,060** | **23,050** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| TOMBALL "FUN RUNS" | FUN RUNS | 290-290 FUN RUNS |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6101 OFFICE SUPPLIES | $281 | $200 | $200 | $200 |
| 6119 OTHER SUPPLIES | $7,760 | $9,000 | $5,000 | $7,000 |
| **SUPPLIES** | **$8,041** | **$9,200** | **$5,200** | **$7,200** |
| 6304 PROFESSIONAL SERVICES-OTHER | $685 | $500 | $500 | $500 |
| 6329 OTHER SERVICES | $8,865 | $8,500 | $9,500 | $8,500 |
| 6335 ADVERTISING COST | $7,818 | $5,000 | $5,000 | $6,000 |
| **SERVICES AND CHARGES** | **$17,368** | **$14,000** | **$15,000** | **$15,000** |
| **TOTAL FUN RUNS** | **$25,409** | **$23,200** | **$20,200** | **$22,200** |

# 300 Debt Service Fund

**Statement of Revenues, Expenditures, and Changes in Fund Balance**
**City Manager 2018-2019 Proposed Budget**

| | FY2015 Actual | FY2016 Actual | FY2017 Actual | FY2018 Budget | FY2018 Projection | FY2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Current taxes | $ 3,470,335 | $ 3,741,118 | $ 3,953,733 | $ 4,025,000 | $ 4,100,000 | $ 4,500,000 |
| Delinquent taxes | 30,147 | 50,601 | 50,271 | 50,000 | 79,000 | 60,000 |
| Penalty and interest | 25,497 | 26,772 | 36,425 | 28,500 | 65,000 | 40,000 |
| Interest | 2,402 | 14,350 | 36,555 | 23,800 | 77,300 | 52,500 |
| Bond Proceeds | - | | | | | |
| Other | - | | | | | |
| TEDC Contributions | 524,913 | 528,013 | 530,913 | 533,613 | 533,613 | 536,113 |
| Total Revenues | 4,053,294 | 4,360,854 | 4,607,897 | 4,660,913 | 4,854,913 | 5,188,613 |
| **Expenditures:** | | | | | | |
| Principal | 2,198,000 | 2,216,750 | 3,048,250 | 3,249,250 | 3,249,250 | 2,990,250 |
| Interest | 854,622 | 811,986 | 1,249,301 | 1,443,284 | 1,443,284 | 1,352,131 |
| Lease Payment- Fire Truck | 544,812 | 68,858 | 71,123 | 73,463 | 73,463 | 75,880 |
| Fees | 11,015 | 10,163 | 11,780 | 13,883 | 13,883 | 11,783 |
| Total Expenditures | 3,608,449 | 3,107,757 | 4,380,454 | 4,779,880 | 4,779,880 | 4,430,044 |
| **Other Sources/(Uses):** | | | | | | |
| Premium on issuance of bonds | - | | | - | - | - |
| Issuance of refunding bonds | - | | | - | - | - |
| Payment to bond refunding escrow | - | | | - | - | - |
| Transfers in/Transfers Out (net) | - | | | - | - | - |
| **Total Other Sources/(Uses)** | - | | | - | - | - |
| **Revenues Over/(Under) Expenditures** | 444,845 | 1,253,095 | 227,442 | (118,967) | 75,033 | 758,569 |
| **Beginning Fund Balance** | 2,636,858 | 3,081,703 | 4,334,798 | 4,562,240 | 4,562,240 | 4,637,273 |
| **Ending Fund Balance** | $ 3,081,703 | $ 4,334,798 | $ 4,562,240 | $ 4,443,273 | $ 4,637,273 | $ 5,395,842 |
| Ending FB as % of Next Year's Debt Service Requirement | 99% | 99% | 95% | 93% | 105% | 124% |

| CITY OF TOMBALL<br>DEBT SERVICE FUND - 300 | | | | | | |
|---|---|---|---|---|---|---|
| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
| **DEBT SERVICE FUND** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5110 CURRENT TAXES | 3,470,335 | 3,741,118 | 3,953,733 | 4,025,000 | 4,100,000 | 4,500,000 |
| 5120 DELINQUENT TAXES | 30,147 | 50,601 | 50,271 | 50,000 | 79,000 | 60,000 |
| 5130 PENALTY,INTEREST, ATTY FEES | 25,497 | 27,267 | 38,941 | 28,500 | 65,000 | 40,000 |
| 5800 INTEREST INCOME | 2,402 | 14,350 | 36,555 | 23,800 | 77,300 | 52,500 |
| 5801 UNREALIZED GAIN ON INVESTMENTS | - | (495) | (2,516) | - | - | - |
| 5770 TEDC CONTRIBUTIONS | 524,913 | 528,013 | 530,913 | 533,613 | 533,613 | 536,113 |
| **TOTAL DEBT SERVICE FUND** | **4,053,294** | **4,360,854** | **4,607,897** | **4,660,913** | **4,854,913** | **5,188,613** |

# CITY OF TOMBALL

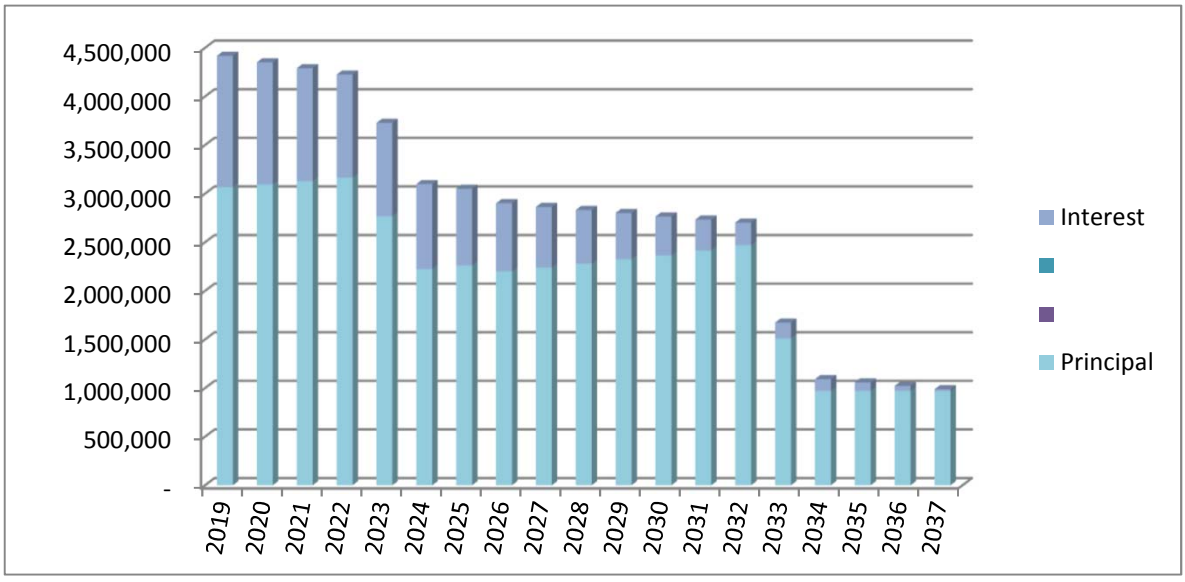
| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| DEBT SERVICE FUND | DEBT SERVICE | 300-300 DEBT SERVICE |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **SERVICES AND CHARGES** | **$0** | **$0** | **$0** | **$0** |
| **TRANSFERS** | **$0** | **$0** | **$0** | **$0** |
| 6901 INTEREST-BONDS | $1,249,301 | $1,443,284 | $1,443,284 | $1,352,131 |
| 6906 BOND FEES AND COST | $11,780 | $13,883 | $13,883 | $11,783 |
| 6911 PRINCIPAL-BONDS | $3,048,250 | $3,249,250 | $3,249,250 | $2,990,250 |
| 6915 CAPITAL LEASE PAYMENTS | $71,123 | $73,463 | $73,463 | $75,880 |
| **DEBT** | **$4,380,454** | **$4,779,880** | **$4,779,880** | **$4,430,044** |
| **TOTAL DEBT SERVICE** | **$4,380,454** | **$4,779,880** | **$4,779,880** | **$4,430,044** |

**City of Tomball**
**Debt Service Fund**
**Consolidated Debt Payment Schedule**
**2018-2019 Annual Budget**

| Fiscal Year | Principal | Interest | Total |
|---|---|---|---|
| 2019 | 3,066,130 | 1,352,129 | 4,418,259 |
| 2020 | 3,094,626 | 1,256,365 | 4,350,991 |
| 2021 | 3,127,705 | 1,161,571 | 4,289,276 |
| 2022 | 3,163,618 | 1,060,307 | 4,223,925 |
| 2023 | 2,766,370 | 961,481 | 3,727,851 |
| 2024 | 2,224,211 | 874,142 | 3,098,353 |
| 2025 | 2,262,146 | 788,682 | 3,050,828 |
| 2026 | 2,200,000 | 700,775 | 2,900,775 |
| 2027 | 2,240,000 | 622,975 | 2,862,975 |
| 2028 | 2,280,000 | 551,425 | 2,831,425 |
| 2029 | 2,325,000 | 476,775 | 2,801,775 |
| 2030 | 2,365,000 | 399,406 | 2,764,406 |
| 2031 | 2,415,000 | 317,959 | 2,732,959 |
| 2032 | 2,470,000 | 232,122 | 2,702,122 |
| 2033 | 1,510,000 | 163,300 | 1,673,300 |
| 2034 | 970,000 | 121,250 | 1,091,250 |
| 2035 | 970,000 | 87,300 | 1,057,300 |
| 2036 | 970,000 | 52,744 | 1,022,744 |
| 2037 | 970,000 | 17,581 | 987,581 |
| Total | $ 41,389,806 | $ 11,198,288 | $ 52,588,094 |



**City of Tomball**
**Series 2011 General Obligation Refunding Bonds**
**$8,650,000 - Tax Supported 45%, Utility System 55%**
**Issue Date : July 1, 2011**

| Fiscal Year | Payment Date | Principal | Coupon | Interest | Total P & I | Fiscal Year Total |
|---|---|---|---|---|---|---|
| 2019 | 2/15/2019 | 470,250 | 3.000% | 34,414 | 504,664 | |
| | 8/15/2019 | | | 27,360 | 27,360 | 532,024 |
| 2020 | 2/15/2020 | 461,250 | 4.000% | 27,360 | 488,610 | |
| | 8/15/2020 | | | 18,135 | 18,135 | 506,745 |
| 2021 | 2/15/2021 | 456,750 | 4.000% | 18,135 | 474,885 | |
| | 8/15/2021 | | | 9,000 | 9,000 | 483,885 |
| 2022 | 2/15/2022 | 450,000 | 4.000% | 9,000 | 459,000 | 459,000 |
| Total | | $ 1,838,250 | | $ 143,404 | $ 1,981,654 | $ 1,981,654 |

**City of Tomball**
**Combination Tax & Revenue Certificates of Obligation, Series 2012**
**$14,500,000 - Tax Supported 100%**
**Issue Date : January 1, 2012**
**Closing Date: January 5, 2012**
**Projects: Medical Complex Drive; M121 West Drainage Project**

| Fiscal Year | Payment Date | Principal | Coupon | Interest | Total P & I | Fiscal Year Total |
|---|---|---|---|---|---|---|
| 2019 | 2/15/2019 | 635,000 | 3.000% | 196,319 | 831,319 | |
| | 8/15/2019 | | | 186,794 | 186,794 | 1,018,113 |
| 2020 | 2/15/2020 | 650,000 | 3.000% | 186,794 | 836,794 | |
| | 8/15/2020 | | | 177,044 | 177,044 | 1,013,838 |
| 2021 | 2/15/2021 | 670,000 | 3.000% | 177,044 | 847,044 | |
| | 8/15/2021 | | | 166,994 | 166,994 | 1,014,038 |
| 2022 | 2/15/2022 | 690,000 | 3.000% | 166,994 | 856,994 | |
| | 8/15/2022 | | | 156,644 | 156,644 | 1,013,638 |
| 2023 | 2/15/2023 | 710,000 | 3.000% | 156,644 | 866,644 | |
| | 8/15/2023 | | | 145,994 | 145,994 | 1,012,638 |
| 2024 | 2/15/2024 | 730,000 | 3.250% | 145,994 | 875,994 | |
| | 8/15/2024 | | | 134,131 | 134,131 | 1,010,125 |
| 2025 | 2/15/2025 | 755,000 | 3.500% | 134,131 | 889,131 | |
| | 8/15/2025 | | | 120,919 | 120,919 | 1,010,050 |
| 2026 | 2/15/2026 | 780,000 | 3.625% | 120,919 | 900,919 | |
| | 8/15/2026 | | | 106,781 | 106,781 | 1,007,700 |
| 2027 | 2/15/2027 | 810,000 | 3.750% | 106,781 | 916,781 | |
| | 8/15/2027 | | | 91,594 | 91,594 | 1,008,375 |
| 2028 | 2/15/2028 | 840,000 | 4.000% | 91,594 | 931,594 | |
| | 8/15/2028 | | | 74,794 | 74,794 | 1,006,388 |
| 2029 | 2/15/2029 | 870,000 | 4.000% | 74,794 | 944,794 | |
| | 8/15/2029 | | | 57,394 | 57,394 | 1,002,188 |
| 2030 | 2/15/2030 | 900,000 | 4.000% | 57,394 | 957,394 | |
| | 8/15/2030 | | | 39,394 | 39,394 | 996,788 |
| 2031 | 2/15/2031 | 935,000 | 4.125% | 39,394 | 974,394 | |
| | 8/15/2031 | | | 20,109 | 20,109 | 994,503 |
| 2032 | 2/15/2032 | 975,000 | 4.125% | 20,109 | 995,109 | 995,109 |
| Total | | $ 10,950,000 | | $ 3,153,488 | $ 14,103,488 | $ 14,103,488 |

**City of Tomball**
**General Obligation Refunding Bonds, Series 2013**
**$6,370,000 - Tax Supported 90.59%, Utility System 9.41%***
**Issue Date : January 1, 2013**
**Closing Date: January 17, 2013**
**Refunded Series 2002 Certificates of Obligation (Unrefunded portion of original issue)**
**and Series 2003 Certificates of Obligation**

| Fiscal Year | Payment Date | Principal | Coupon | Interest | Total P & I | Fiscal Year Total |
|---|---|---|---|---|---|---|
| 2019 | 2/15/2019 | 530,000 | 1.050% | 19,164 | 549,164 | |
| | 8/15/2019 | | | 16,381 | 16,381 | 565,545 |
| 2020 | 2/15/2020 | 545,000 | 1.250% | 16,381 | 561,381 | |
| | 8/15/2020 | | | 12,975 | 12,975 | 574,356 |
| 2021 | 2/15/2021 | 550,000 | 1.400% | 12,975 | 562,975 | |
| | 8/15/2021 | | | 9,125 | 9,125 | 572,100 |
| 2022 | 2/15/2022 | 560,000 | 1.550% | 9,125 | 569,125 | |
| | 8/15/2022 | | | 4,785 | 4,785 | 573,910 |
| 2023 | 2/15/2023 | 580,000 | 1.650% | 4,785 | 584,785 | 584,785 |
| Total | | $ 2,765,000 | | $ 105,696 | $ 2,870,696 | $ 2,870,696 |

*Tax supported 100% 2015 to 2023

**City of Tomball**
**Combination Tax & Revenue Certificates of Obligation, Series 2013**
**$ 8,500,000 - Tax Supported 100%**
**Issue Date : May 15, 2013**
**Sale Date: May 23, 2013**
**Project: Business Park**

| Fiscal Year | Payment Date | Principal | Coupon | Interest | Total P & I | Fiscal Year Total |
|---|---|---|---|---|---|---|
| 2019 | 2/15/2019 | 380,000 | 2.000% | 79,956 | 459,956 | |
| | 8/15/2019 | | | 76,156 | 76,156 | 536,113 |
| 2020 | 2/15/2020 | 385,000 | 2.000% | 76,156 | 461,156 | |
| | 8/15/2020 | | | 72,306 | 72,306 | 533,463 |
| 2021 | 2/15/2021 | 395,000 | 2.000% | 72,306 | 467,306 | |
| | 8/15/2021 | | | 68,356 | 68,356 | 535,663 |
| 2022 | 2/15/2022 | 405,000 | 2.000% | 68,356 | 473,356 | |
| | 8/15/2022 | | | 64,306 | 64,306 | 537,663 |
| 2023 | 2/15/2023 | 415,000 | 2.000% | 64,306 | 479,306 | |
| | 8/15/2023 | | | 60,156 | 60,156 | 539,463 |
| 2024 | 2/15/2024 | 430,000 | 2.000% | 60,156 | 490,156 | |
| | 8/15/2024 | | | 55,856 | 55,856 | 546,013 |
| 2025 | 2/15/2025 | 440,000 | 2.000% | 55,856 | 495,856 | |
| | 8/15/2025 | | | 51,456 | 51,456 | 547,313 |
| 2026 | 2/15/2026 | 450,000 | 2.000% | 51,456 | 501,456 | |
| | 8/15/2026 | | | 46,956 | 46,956 | 548,413 |
| 2027 | 2/15/2027 | 460,000 | 2.250% | 46,956 | 506,956 | |
| | 8/15/2027 | | | 41,781 | 41,781 | 548,738 |
| 2028 | 2/15/2028 | 470,000 | 2.250% | 41,781 | 511,781 | |
| | 8/15/2028 | | | 36,494 | 36,494 | 548,275 |
| 2029 | 2/15/2029 | 485,000 | 2.500% | 36,494 | 521,494 | |
| | 8/15/2029 | | | 30,431 | 30,431 | 551,925 |
| 2030 | 2/15/2030 | 495,000 | 2.750% | 30,431 | 525,431 | |
| | 8/15/2030 | | | 23,625 | 23,625 | 549,056 |
| 2031 | 2/15/2031 | 510,000 | 3.000% | 23,625 | 533,625 | |
| | 8/15/2031 | | | 15,975 | 15,975 | 549,600 |
| 2032 | 2/15/2032 | 525,000 | 3.000% | 15,975 | 540,975 | |
| | 8/15/2032 | | | 8,100 | 8,100 | 549,075 |
| 2033 | 2/15/2033 | 540,000 | 3.000% | 8,100 | 548,100 | 548,100 |
| Total | | $ 6,785,000 | | $ 1,383,869 | $ 8,168,869 | $ 8,168,869 |

**City of Tomball**
**2015 Lease Purchase- Pierce Velocity Fire Truck**
**Issue Date : October 23, 2014**

| Fiscal Year | Payment Date | Principal | Interest | Total P & I | Fiscal Year Total |
|---|---|---|---|---|---|
| 2019 | 10/23/2018 | 75,880 | 19,298 | 95,178 | 95,178 |
| 2020 | 10/23/2019 | 78,376 | 16,801 | 95,177 | 95,177 |
| 2021 | 10/23/2020 | 80,955 | 14,223 | 95,178 | 95,178 |
| 2022 | 10/23/2021 | 83,618 | 11,559 | 95,177 | 95,177 |
| 2023 | 10/23/2022 | 86,370 | 8,808 | 95,178 | 95,178 |
| 2024 | 10/23/2023 | 89,211 | 5,967 | 95,178 | 95,178 |
| 2025 | 10/23/2024 | 92,146 | 3,032 | 95,178 | 95,178 |
| Total | | $ 586,556 | $ 79,688 | $ 666,244 | $ 666,244 |

**City of Tomball**
**Combination Tax & Revenue Certificates of Obligation, Series 2016**
**$20,240,000 - Tax Supported 100%**
**Issue Date : 12/15/2016**
**Sale Date: 12/20/16**
**Projects: Medical Complex Drive Segment 4B; Persimmon Street**

| Fiscal Year | Payment Date | Principal | Coupon | Interest | Total P & I | Fiscal Year Total |
|---|---|---|---|---|---|---|
| 2019 | 2/15/2019 | 975,000.00 | 5.000% | 360,331 | 1,335,331 | |
| | 8/15/2019 | | | 335,956 | 335,956 | 1,671,288 |
| 2020 | 2/15/2020 | 975,000.00 | 4.000% | 335,956 | 1,310,956 | |
| | 8/15/2020 | | | 316,456 | 316,456 | 1,627,413 |
| 2021 | 2/15/2021 | 975,000.00 | 4.000% | 316,456 | 1,291,456 | |
| | 8/15/2021 | | | 296,956 | 296,956 | 1,588,413 |
| 2022 | 2/15/2022 | 975,000.00 | 5.000% | 296,956 | 1,271,956 | |
| | 8/15/2022 | | | 272,581 | 272,581 | 1,544,538 |
| 2023 | 2/15/2023 | 975,000.00 | 5.000% | 272,581 | 1,247,581 | |
| | 8/15/2023 | | | 248,206 | 248,206 | 1,495,788 |
| 2024 | 2/15/2024 | 975,000.00 | 5.000% | 248,206 | 1,223,206 | |
| | 8/15/2024 | | | 223,831 | 223,831 | 1,447,038 |
| 2025 | 2/15/2025 | 975,000.00 | 5.000% | 223,831 | 1,198,831 | |
| | 8/15/2025 | | | 199,456 | 199,456 | 1,398,288 |
| 2026 | 2/15/2026 | 970,000.00 | 5.000% | 199,456 | 1,169,456 | |
| | 8/15/2026 | | | 175,206 | 175,206 | 1,344,663 |
| 2027 | 2/15/2027 | 970,000.00 | 3.000% | 175,206 | 1,145,206 | |
| | 8/15/2027 | | | 160,656 | 160,656 | 1,305,863 |
| 2028 | 2/15/2028 | 970,000.00 | 3.000% | 160,656 | 1,130,656 | |
| | 8/15/2028 | | | 146,106 | 146,106 | 1,276,763 |
| 2029 | 2/15/2029 | 970,000.00 | 3.000% | 146,106 | 1,116,106 | |
| | 8/15/2029 | | | 131,556 | 131,556 | 1,247,663 |
| 2030 | 2/15/2030 | 970,000.00 | 3.000% | 131,556 | 1,101,556 | |
| | 8/15/2030 | | | 117,006 | 117,006 | 1,218,563 |
| 2031 | 2/15/2031 | 970,000.00 | 3.125% | 117,006 | 1,087,006 | |
| | 8/15/2031 | | | 101,850 | 101,850 | 1,188,856 |
| 2032 | 2/15/2032 | 970,000.00 | 3.250% | 101,850 | 1,071,850 | |
| | 8/15/2032 | | | 86,088 | 86,088 | 1,157,938 |
| 2033 | 2/15/2033 | 970,000.00 | 3.500% | 86,088 | 1,056,088 | |
| | 8/15/2033 | | | 69,113 | 69,113 | 1,125,200 |
| 2034 | 2/15/2034 | 970,000.00 | 3.500% | 69,113 | 1,039,113 | |
| | 8/15/2034 | | | 52,138 | 52,138 | 1,091,250 |
| 2035 | 2/15/2035 | 970,000.00 | 3.500% | 52,138 | 1,022,138 | |
| | 8/15/2035 | | | 35,163 | 35,163 | 1,057,300 |
| 2036 | 2/15/2036 | 970,000.00 | 3.625% | 35,163 | 1,005,163 | |
| | 8/15/2036 | | | 17,581 | 17,581 | 1,022,744 |
| 2037 | 2/15/2037 | 970,000.00 | 3.625% | 17,581 | 987,581 | 987,581 |
| Total | | $ 18,465,000 | | $ 6,332,144 | $ 24,797,144 | $ 24,797,144 |

**City of Tomball**
**400 Capital Projects Fund**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projection | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Transfers from General Fund | 1,209,747 | 1,161,277 | 1,980,000 | 1,490,000 | 1,490,000 | 1,563,000 |
| Transfers from Enterprise Fund | (424,208) | 398,053 | 1,229,505 | 55,000 | 855,000 | 1,123,644 |
| Transfers from Other Sources | - | - | 1,789,524 | 310,000 | 310,000 | 300,000 |
| Certificates of Obligation | - | - | 21,146,430 | - | - | - |
| TEDC Contributions | 71,841 | - | - | - | - | - |
| Other Revenue Sources | 73,752 | 1,498 | - | 625,000 | 625,000 | - |
| Interest | 11,424 | 50,147 | 296,907 | 261,000 | 570,000 | 500,000 |
| Total | $ 942,556 | $ 1,610,975 | $ 26,442,366 | $ 2,741,000 | $ 3,850,000 | $ 3,486,644 |
| **Expenditures:** | | | | | | |
| Capital Outlay - General Fund | 3,152,769 | 1,431,921 | 2,555,829 | 10,675,000 | 7,114,491 | 15,502,836 |
| Capital Outlay - Enterprise Fund | - | - | - | 2,117,232 | 1,688,096 | 3,237,927 |
| Debt Service | - | - | 396,430 | - | - | - |
| Total | $ 3,152,769 | $ 1,431,921 | $ 2,952,259 | $ 12,792,232 | $ 8,802,587 | $ 18,740,763 |
| **Revenues Over (Under) Expenditures** | $ (2,210,213) | $ 179,054 | $ 23,490,107 | $ (10,051,232) | $ (4,952,587) | $ (15,254,119) |
| **Beginning Fund Balance** | $ 14,491,441 | $ 12,281,228 | $ 12,460,282 | $ 35,950,389 | $ 35,950,389 | $ 30,997,802 |
| **Ending Fund Balance** | $ 12,281,228 | $ 12,460,282 | $ 35,950,389 | $ 25,899,157 | $ 30,997,802 | $ 15,743,683 |

**City of Tomball**
**400 Capital Projects Fund - Enterprise Fund Projects and Fund 250/730/740**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Budget | FY 2016 Projections | FY 2017 Proposed |
|---|---|---|---|---|
| **Revenues:** | | | | |
| Transfers | ($424,208) | $0 | $650,000 | $2,139,924 |
| Interest | - | - | - | - |
| Total | $ (424,208) | $ - | $ 650,000 | $ 2,139,924 |
| **Expenditures:** | | | | |
| Capital Outlay | $ 810,000 | $ 1,593,459 | | |
| Total | $ 810,000 | $ 1,593,459 | $ - | $ - |
| **Revenues Over (Under) Expenditures** | $ (1,234,208) | $ (1,593,459) | $ 650,000 | $ 2,139,924 |
| **Beginning Fund Balance** | $ 1,416,853 | $ 182,645 | $ 182,645 | $ 832,645 |
| **Ending Fund Balance** | $ 182,645 | $ (1,410,814) | $ 832,645 | $ 2,972,569 |

# CITY OF TOMBALL
# CAPITAL PROJECTS FUND - 400

| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
|---|---|---|---|---|---|---|
| **CAPITAL PROJECTS** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5740 GRANTS | - | - | - | 625,000 | 625,000 | - |
| 5770 TEDC CONTRIBUTIONS | 71,841 | - | - | - | - | - |
| 5800 INTEREST INCOME | 11,424 | 50,147 | 296,907 | 261,000 | 570,000 | 500,000 |
| 5820 DRAINAGE CAPITAL RECOVERY FEES | 73,752 | 1,498 | - | - | - | - |
| 5900 DEBT PROCEEDS | - | - | 20,234,743 | - | - | - |
| 5901 PREMIUM ON BONDS | - | - | 911,687 | - | - | - |
| 5910 TRANSFER FROM GENERAL FUND | 1,209,747 | 1,161,277 | 1,980,000 | 1,490,000 | 1,490,000 | 1,563,000 |
| 5911 TRANSFER FROM UTILITY FUND | (424,208) | 398,053 | 1,229,505 | 55,000 | 855,000 | 1,123,644 |
| 5961 TRANSFERS IN | - | - | 1,789,524 | 310,000 | 310,000 | 300,000 |
| **TOTAL CAPITAL PROJECTS** | **942,556** | **1,610,975** | **26,442,366** | **2,741,000** | **3,850,000** | **3,486,644** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL CAPITAL PROJECTS | RED LIGHT | 400-121 |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6409 SYSTEM EXPANSION | $135,584 | $0 | $310,000 | $0 |
| **CAPITAL OUTLAY** | **$135,584** | **$0** | **$310,000** | **$0** |
| **TOTAL GENERAL-PARKS** | **$135,584** | **$0** | **$310,000** | **$0** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL CAPITAL PROJECTS | PARKS | 400-153 PARKS |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6409 SYSTEM EXPANSION | $201,296 | $1,405,000 | $1,392,455 | $582,870 |
| **CAPITAL OUTLAY** | **$201,296** | **$1,405,000** | **$1,392,455** | **$582,870** |
| **TOTAL GENERAL-PARKS** | **$201,296** | **$1,405,000** | **$1,392,455** | **$582,870** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL CAPITAL PROJECTS | STREETS | 400-154 STREETS |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **SERVICES AND CHARGES** | **$0** | **$0** | **$0** | **$0** |
| 6409 SYSTEM EXPANSION | $2,218,949 | $9,270,000 | $5,412,036 | $14,919,966 |
| **CAPITAL OUTLAY** | **$2,218,949** | **$9,270,000** | **$5,412,036** | **$14,919,966** |
| **TOTAL GENERAL-STREETS** | **$2,218,949** | **$9,270,000** | **$5,412,036** | **$14,919,966** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL CAPITAL PROJECTS | DEBT SERVICE | 400-300 DEBT SERVICE |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6906 BOND FEES AND COST | $396,430 | $0 | $0 | $0 |
| **DEBT** | **$396,430** | **$0** | **$0** | **$0** |
| **TOTAL DEBT SERVICE** | **$396,430** | **$0** | **$0** | **$0** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL CAPITAL PROJECTS | UTILITY-WATER | 400-613 UTILITY-WATER |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **SERVICES AND CHARGES** | **$0** | **$0** | **$0** | **$0** |
| 6409 SYSTEM EXPANSION | $0 | $617,232 | $188,096 | $601,905 |
| **CAPITAL OUTLAY** | **$0** | **$617,232** | **$188,096** | **$601,905** |
| **TOTAL UTILITY-WATER** | **$0** | **$617,232** | **$188,096** | **$601,905** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| GENERAL CAPITAL PROJECTS | UTILITY-SEWER | 400-614 UTILITY-SEWER |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **SERVICES AND CHARGES** | **$0** | **$0** | **$0** | **$0** |
| 6409 SYSTEM EXPANSION | $0 | $1,500,000 | $1,500,000 | $2,636,022 |
| **CAPITAL OUTLAY** | **$0** | **$1,500,000** | **$1,500,000** | **$2,636,022** |
| **TOTAL UTILITY-SEWER** | **$0** | **$1,500,000** | **$1,500,000** | **$2,636,022** |

**City of Tomball**
**460-Capital Projects Fund - Business Park**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projection | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Transfers | $ - | | | $ - | $ - | $ - |
| Certificates of Obligation | - | | | - | - | - |
| Premium on Bonds | - | | | - | | |
| Interest | 7,951 | 16,558 | 13,264 | 6,000 | 15,000 | 5,000 |
| Total | $ 7,951 | $ 16,558 | $ 13,264 | $ 6,000 | $ 15,000 | $ 5,000 |
| **Expenditures:** | | | | | | |
| Capital Outlay | 1,658,320 | 5,636,263 | 125,642 | - | - | - |
| Bond Fees and Costs | $ - | | | $ - | $ - | $ - |
| Total | $ 1,658,320 | $ 5,636,263 | $ 125,642 | $ - | $ - | $ - |
| **Revenues Over (Under) Expenditures** | $ (1,650,369) | $ (5,619,705) | $ (112,378) | $ 6,000 | $ 15,000 | $ 5,000 |
| **Beginning Fund Balance** | $ 8,305,489 | $ 6,655,120 | $ 1,035,415 | $ 923,037 | $ 923,037 | $ 938,037 |
| **Ending Fund Balance** | $ 6,655,120 | $ 1,035,415 | $ 923,037 | $ 929,037 | $ 938,037 | $ 943,037 |

## CITY OF TOMBALL
## BUSINESS PARK PROJECTS FUND - 460

| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
|---|---|---|---|---|---|---|
| **BUSINESS PARK PROJECTS** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5800 INTEREST INCOME | 7,951 | 16,558 | 13,264 | 6,000 | 15,000 | 15,000 |
| **TOTAL BUSINESS PARK PROJECTS** | **7,951** | **16,558** | **13,264** | **6,000** | **15,000** | **15,000** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| BUSINESS PARK | TEDC BUSINESS PARK | 460-460 TEDC BUSINESS PARK |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6409 SYSTEM EXPANSION | $125,642 | $0 | $0 | $0 |
| **CAPITAL OUTLAY** | **$125,642** | **$0** | **$0** | **$0** |
| **DEBT** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL TEDC BUSINESS PARK** | **$125,642** | **$0** | **$0** | **$0** |

# CITY OF TOMBALL
# CAPITAL IMPROVEMENT PROJECTS
# As of 6/30/2018

| PROJECT # | PROJECT NAME | PROJECT DESCRIPTION | DETAIL OF CASH ALLOCATED FOR PROJECT | SUMMARY OF CASH ALLOCATED FOR PROJECT | PAID TO DATE | REMAINING CASH ALLOCATED FOR PROJECT | UNOBLIGATED CASH |
|---|---|---|---|---|---|---|---|
| 75 | Agg Road Extension (Medical Complex Drive) | Segment 3 of the proposed Medical Complex Corridor commences at SH249 Business and continues easterly to South Cherry St. Medical Complex Corridor is depicted on the COT's Major Thoroughfare Plan as a major east-west connector to FM 2920 (east & west of Tomball). | | $ 2,492,071.00 | $ 2,069,812.40 | $ 422,258.60 | |
| | | FY2012 GF 400-154-6409 | $ 10,451.00 | | | | |
| | | FY2012 EF 400-613-6409 | $ 292,500.00 | | | | |
| | | FY2012 EF 400-614-6409 | $ 495,000.00 | | | | |
| | | FY2012 EF 400-615-6409 | $ 360,000.00 | | | | |
| | | FY2013 GF Reprogrammed from 400-154-6409 | $ 165,120.00 | | | | |
| | | FY2014 EF 400-613-6409 | $ 150,000.00 | | | | |
| | | FY2014 EF 400-614-6409 | $ 7,000.00 | | | | |
| | | FY2015 EF 400-613-6409 | $ 100,000.00 | | | | |
| | | FY2015 GF 400-154-6409 | $ 340,000.00 | | | | |
| | | FY2015 GF 400-156-6302 | $ 60,000.00 | | | | |
| | | FY2016 GF 400-154-6409 | $ 500,000.00 | | | | |
| | | FY2018 GF 400-156-6302 RCL from Proj 75 | $ 12,000.00 | | | | |
| | | FY2011 TEDC GRANT | $ 3,000.00 | | | | |
| | | FY2012 TEDC GRANT | $ 911,310.05 | | | | |
| | | FY2013 TEDC GRANT | $ 389,463.93 | | | | |
| | | FY2014 TEDC GRANT | $ 332,030.36 | | | | |
| | | FY2015 TEDC GRANT | $ 64,196 | | | | |
| 181 | Medical Complex Drive Segment 3 (Bond Funded) | Medical Complex corridor is depicted on the COT"s major thoroughfare plan as a major east-west connector to FM 2920 (east & west of Tomball). Commences at SH 249 Business and continues easterly to South Cherry St | | $ 4,007,019 | $ 4,429,277 | $ (422,259) | |
| | | FY2012 Bonds 400-154-6409 | $ 3,700,000 | | | | |
| | | FY2015 Bonds 400-154-6409 Reprogrammed from Proj 180 | $ 266,267 | | | | |
| | | FY2019 Bonds 400-154-6409 Reprogrammed from Proj 180 | $ 40,752 | | | | |
| | | | | | **MEDICAL COMPLEX SEG 3 NET TOTAL** | **$ -** | **$ -** |
| 103 | M124 - Willow Creek Tributaries | The M124 basin occupies a major portion of the westerly area of Tomball, out flowing to Willow Creek. Project to mitigate channel and loss of existing floodplain storage. The project has been divided into M124 North, described as area north of FM 2920 to SH 249, and M124 South, described as area south of FM 2920 | | $ 134,798.47 | $ 134,798.47 | $ - | $ - |
| | | FY2012 GF 400-154-6409 | $ 156,718.00 | | | | |
| | | FY2012 GF 400-154-6409 Reprogrammed | $ 50,000.00 | | | | |
| | | FY2019 GF 400-154-6409 Reprogrammed to Proj 205 | $ (16,515.53) | | | | |
| | | FY2019 GF 400-154-6409 Reprogrammed to Proj 208 | $ (55,404.00) | | | | |
| 161 | Rudolph Road and Utilities | Project includes land acquisition and providing street and utility improvements to current standards as a collector street | | $ 480,221.01 | $ 79,460.53 | $ 400,760.48 | $ - |
| | | FY2012 EF Reprogrammed from 400-615-6409 | $ 62,507 | | | | |
| | | FY2012 EF 400-613-6409 | $ 46,656 | | | | |
| | | FY2012 EF 400-614-6409 | $ 45,617 | | | | |
| | | FY2012 EF 400-615-6409 | $ 49,481 | | | | |
| | | FY2012 EF reprogrammed from 400-614-6409 | $ 34,387 | | | | |
| | | FY2012 GF 400-154-6409 | $ 59,489 | | | | |
| | | FY2013 EF Reprogrammed from 400-614-6409 | $ 2,084 | | | | |
| | | FY2019 EF 400-614-6409 (Supplemental) | $ 180,000 | | | | |
| 180 | M121 Final Phase (Bond Funded) | Consists of two drainage channels, i.e. 121W & 121E. M500 reduce detention Basin. Serving a central area of Tomball. Project to alleviate conditions that cause localized flooding and on-site detention. M121 West is being constructed with bond funds. | | $ 11,294,083 | $ 3,999,168 | $ 7,294,915 | $ - |
| | | FY2012 Bonds 400-154-6409 | $ 10,801,102 | | | | |
| | | FY2015 Bonds 400-154-6409 Reprogrammed from Proj 180 to 181 | $ (266,267) | | | | |
| | | Harris county reimbursement for purchase of land (Estimated amount) | $ 800,000 | | | | |
| | | FY2019 Bonds 400-154-6409 Reprogrammed to Proj 181 | $ (40,752) | | | | |
| 184 | Infrastructure Master Plan and Capital Recovery Fee | The 10 Year Master Plan is a planning tool to estimate growth within the city limits and ETJ from 2013 to 2023 and at ultimate buildout. This helps determine the infrastructure needs to accommodate growth and estimate the cost and impact fee related to the infrastructure improvements | | $ 49,115 | $ 49,115 | $ - | $ - |
| | | FY2013 GF 400-454-6304 | $ 51,000 | | | | |
| | | FY2019 Reprogrammed to Drainage Cap Recovery | $ (1,885) | | | | |
| 186 | Downtown Development (Main Street) | Development of the Downtown area, Main street to Four Corners | | $ 1,159,633 | $ 96,456 | $ 1,063,178 | |
| | | FY2014 RLC 400-121-6409 | $ 100,000 | | | | |
| | | FY2014 GF 400-154-6409 | $ 75,000 | | | | |
| | | FY2014 GF 400-154-6409 | $ 500,000 | | | | |
| | | FY2015 GF 400-154-6409 | $ 50,000 | | | | |
| | | FY2015 GF 400-154-6409 | $ 400,000 | | | | |
| | | FY2015 RLC 400-121-6409 Reprogrammed from Medical District Sidewalks | $ 34,633 | | | | |
| 207 | 2920 Main St. Project | Funding for major improvements to FM2920 (Main Street) from the downtown area to Four Corners in conjunction with H-GAC and TxDOT. Initial funding for surveying, engineering, and right of way acquisition. (Cap $3M) | | $ 2,000,000 | $ - | $ 2,000,000 | |
| | | FY2017 400-154-6409 | $ 1,500,000 | | | | |
| | | FY2018 400-154-6409 | $ 250,000 | | | | |
| | | FY2019 400-154-6409 | $ 250,000 | | | | |
| | | | | | **PROJ 186 & 207 NET TOTAL** | **$ 3,063,178** | **$ 63,178** |
| 188 | Broussard Community Park | Community Park located on E. Hufsmith near the intersection of Zion Rd. The park will include soccer fields and interactive areas. | | $ 1,775,000 | $ 271,861 | $ 1,503,139 | $ - |
| | | FY2015 GF 100-153-6409 | $ 43,803 | | | | |
| | | FY2015 GF 400-153-6409 | $ 156,197 | | | | |
| | | FY2016 GF 400-153-6409 | $ 100,000 | | | | |
| | | FY2017 GF 400-153-6409 | $ 300,000 | | | | |
| | | FY2018 GF 400-153-6409 | $ 200,000 | | | | |
| | | FY2018 HOSPITAL GRANT - Approved Reim. Grant | $ 225,000 | | | | |
| | | FY2018 PARKS AND WILDLIFE - Approved Reim. Grant | $ 400,000 | | | | |
| | | FY2019 GF 400-153-6409 (Supplemental) | $ 350,000 | | | | |
| 195 | Wayne Stovall Sports Complex Improvement | Funding for additional improvements to Wayne Stovall Sports Complex including concession stands and replacement of the barn | | $ 755,580 | $ 366,954 | $ 388,626 | $ - |
| | | FY2016 100-153-6207 | $ 195,580 | | | | |
| | | FY2017 400-153-6409 | $ 180,000 | | | | |
| | | FY2018 400-153-6409 | $ 380,000 | | | | |
| 198 | Upgrades to NWWTP | Replace electrical conductors, and clarifier equipment, inspect and rehab hydro tanks in the non-potable water system, replace air lift pump controls and new sluice gate, replace electric conduits in the dechlorination and chlorination systems and sludge thickener. | | $ 2,838,135 | $ - | $ 2,838,135 | |

# CITY OF TOMBALL
# CAPITAL IMPROVEMENT PROJECTS
## As of 6/30/2018

| PROJECT # | PROJECT NAME | PROJECT DESCRIPTION | DETAIL OF CASH ALLOCATED FOR PROJECT | SUMMARY OF CASH ALLOCATED FOR PROJECT | PAID TO DATE | REMAINING CASH ALLOCATED FOR PROJECT | UNOBLIGATED CASH |
|---|---|---|---|---|---|---|---|
| | | FY2016 EF 400-614-6409 | $ 450,000 | | | | |
| | | FY2017 EF 400-614-6409 | $ 1,388,135 | | | | |
| | | FY2017 EF 400-614-6409 | $ 1,000,000 | | | | |
| 199 | Upgrades to SWWTP | Install new vertical turbine pumps, extend piping and relocate flow meters, renovate operations building | | $ 648,525 | $ - | $ 648,525 | |
| | | FY2016 EF 400-614-6409 | $ 200,000 | | | | |
| | | FY2017 EF 400-614-6409 | $ 448,525 | | | | |
| 202 | Critical Needs Assessment - Improvements | Freese & Nichols Critical Needs Assessment Report recommendations for improvements/upgrades to both the north and south wastewater treatment plants. | | $ 1,878,744 | $ 1,316,477 | $ 562,267 | |
| | | FY2018 EF 400-614-6409 (Budget Request) - Projection | $ 800,000 | | | | |
| | | FY2019 EF 400-614-6409 (Supplemental) - Budget | $ 1,078,744 | | | | |
| | | | | | **WWTP PROJ 198 / 199 / 202** | **$ 4,048,927** | **$ -** |
| 201 | Sewer Modeling | Create a computer model of the sewer system using GIS to represent how it performs in the field to assess and predict performance changes | | $ 194,900 | $ 192,587 | $ 2,313 | $ - |
| | | FY2017 EF 400-614-6409 | $ 150,000 | | | | |
| | | FY2019 EF 400-614-6409 | $ 44,900 | | | | |
| 203 | Medical Complex Drive Segment 4B and M118 (Proposed bond funded) | Construct a two lane roadway and install utilities between South Persimmon east to Hufsmith Kohrville and construct M118 drainage channel south of the Medical Complex Drive location. | | $ 20,225,000 | $ 817,628 | $ 19,407,372 | $ - |
| | | FY2017 GF 400-154-6409 | $ 20,225,000 | | | | |
| 205 | Sidewalks | FY2017- Quinn and Holderreith - $323,541 (121)<br>FY2018 -Theis and Johnson - $310,000 (121)<br>FY2018 - S of Commerce, Elm to Cherry $100,406 (154)<br>FY2018 - W of Walnut, Commerce to N of Main $18,646 (154)<br>FY2018 - S of Market, Whisp.Willow to Cherry $22,950 (154)<br>FY2018 - N of Market from Cherry to Walnut $48,768 (154) | | $ 767,097 | $ 312,175 | $ 454,922 | $ (26,528) |
| | | FY2017 Red Light - RLC 400-121-6409 | $ 323,541 | | | | |
| | | FY2017 Red Light - RCL 400-121-6409 to Proj 194 | $ (82,959) | | | | |
| | | FY2018 Red Light - 400-121-6409 | $ 310,000 | | | | |
| | | FY2018 GF - 400-154-6409 | $ 200,000 | | | | |
| | | FY2019 GF - 400-154-6409 Reprogrammed from Proj 103 | $ 16,515 | | | | |
| 206 | East Side Water Loop Line | Install water line beginning at Snook, east on Hufsmith, around to Broussard Park and then west on Zion Rd. to form a loop on the east side of the City. | | $ 800,001 | $ 150,886 | $ 649,115 | $ - |
| | | FY2017 EF 400-613-6409 Reprogrammed | $ 145,479 | | | | |
| | | FY2017 EF 400-613-6409 Reprogrammed | $ 69,718 | | | | |
| | | FY2017 EF 400-613-6409 Reprogrammed | $ 29,014 | | | | |
| | | FY2017 EF 400-613-6409 Reprogrammed | $ 89,806 | | | | |
| | | FY2017 EF 400-613-6409 Reprogrammed | $ 465,983 | | | | |
| 208 | Sherwood Forest Drainage Improvements | Drainage improvements along Winfro Drive, Limerick Lane, Wickford Drive within the Sherwood Forest Subdivision at Zion Road | | $ 331,762 | $ 268,819 | $ 62,943 | $ - |
| | | FY2018 GF 400-154-6409 Reprogrammed from proj 205 - Sidewalks | $ 276,358 | | | | |
| | | FY2019 GF 400-154-6409 Reprogrammed from Proj 103 | $ 55,404 | | | | |
| 210 | 2017 Water Modeling | Study showing different water demand scenarios including fire flow demands will be modeled through the City. | | $ 75,798 | $ 75,798 | $ - | $ 1,298 |
| | | FY2017 EF 400-613-6409 | $ 20,000 | | | | |
| | | FY2018 EF 400-613-6409 | $ 55,000 | | | | |
| | | FY2019 EF 400-613-6409 | $ 798 | | | | |
| 211 | Public Works Parking Lot Expansion | Expanding Public Works Parking lot in two phases. Phase 1 will be directly in front of the administrative building. Phase 2 will be directly in front of the service center. Each phase is $230,000 | | $ 460,000 | $ 25,376 | $ 434,624 | $ - |
| | | FY2018 GF 400-154-6409 | $ 460,000 | | | | |
| 179 | Tomball Business and Technology Park (bond funded) | Located at the NW corner of Hufsmith Kohrville and Holderrieth Road for the development of a Business Park | | $ 8,500,000 | $ 7,636,574 | $ 863,426 | |
| | | FY2013-Bond Funded - 460-460-6409 | $ 8,500,000 | | | | |
| NWWTP Sewer Effluent Reuse | | Study to determine if the treated water can be used for irrigation | | $ 75,000 | $ - | $ 75,000 | |
| | | FY2014 EF 400-614-6409 | $ 75,000 | | | | |
| SWWTP Expansion | | Initial Study to determine if the SWWTP needs to be expanded and when design should begin | | $ 75,000 | $ - | $ 75,000 | |
| | | FY2014 EF 400-614-6409 | $ 75,000 | | | | |
| M&R Matheson Park | | Needed improvements to Mathson Park including completion of replacement of fencing, mulch, addition of retaining wall, and new playground equipment. Two year estimated project | | $ 100,000 | $ - | $ 100,000 | |
| | | FY2019 GF 400-153-6409 (Supplemental) | $ 100,000 | | | | |
| Computer Aided Dispatch | | Upgrade of aging public safety CAD system city-wide; Two year estimated project | | $ 150,000 | $ - | $ 150,000 | |
| | | FY2019 GF 400-117-6409 (Supplemental) | $ 150,000 | | | | |
| Design of SCADA | | Create the platform and basis of a SCADA (Supervisory control and data acquisition) system for all the utilities - water, sewer, and gas | | $ 60,000 | $ - | $ 60,000 | |
| | | FY2019 EF 400-614-6409 (Supplemental) | $ 30,000 | | | | |
| | | FY2019 EF 400-613-6409 (Supplemental) | $ 30,000 | | | | |
| Impact Fee Update | | | | $ 60,000 | $ - | $ 60,000 | |
| | | FY2019 EF 400-614-6409 (Supplemental) | $ 30,000 | | | | |
| | | FY2019 EF 400-613-6409 (Supplemental) | $ 30,000 | | | | |
| Drainage Capital Recovery | | Fund Balance | | $ 165,747 | $ - | $ 165,747 | |
| | | FY2012 | $ 139,611 | | | | |
| | | FY2013 Budget for project 184 | $ (51,000) | | | | |
| | | FY2015 | $ 73,752 | | | | |
| | | FY2016 | $ 1,498 | | | | |
| | | FY2019 | $ 1,885 | | | | |

| PROJECT DESCRIPTION | DETAIL OF CASH ALLOCATED FOR PROJECT | EXPENSE TO DATE | REMAINING CASH ALLOCATED FOR PROJECT |
|---|---|---|---|
| 100-153-6207 | 195,580 | 195,580.00 | - |
| 100-153-6409 | 43,803 | 43,803.00 | - |
| 400-117-6409 | 150,000 | | |
| 400-121-6409 | 685,216 | 312,175.10 | 373,040.55 |
| 400-153-6409 | 1,766,197 | 399,432.06 | 1,366,764.94 |
| 400-154-6409 | 35,746,648 | 5,385,153.78 | 30,361,493.92 |
| 400-454-6304 | 49,115 | 49,114.98 | - |
| 400-613-6304 | - | 2,160.00 | (2,160.00) |
| 400-613-6409 | 982,454 | 241,586.05 | 740,868.18 |
| 400-614-6409 | 6,030,079 | 1,524,579.11 | 4,505,499.62 |
| 400-615-6304 | - | 1,369.52 | (1,369.52) |
| 400-615-6409 | 111,988 | 2,603.50 | 109,384.30 |
| HOSPITAL GRANT | 225,000 | - | 225,000.00 |
| PARKS AND WILDLIFE | 400,000 | - | 400,000.00 |
| 460-460-6409 | 8,500,000 | 7,636,574.34 | 863,425.66 |
| **TOTAL FOR FUND 400** | **$ 54,886,079.09** | **$ - $ 15,794,131.44** | **$ 38,941,947.65** |
| | | **Funding vs. Contract Variance** | **$ 37,948.35** |

## Enterprise Fund - 600
### Statement of Revenues, Expenditures, and Changes in Fund Balance
### City Manager 2018-2019 Proposed Budget

| | FY2015 Actuals | FY2016 Actuals | FY2017 Actuals | FY2018 Budget | FY2018 Projection | FY2019 Budget |
|---|---|---|---|---|---|---|
| Operating Revenues: | | | | | | |
| Water sales | 4,447,785 | 4,654,043 | 5,092,916 | 4,250,000 | 4,750,000 | 4,800,000 |
| Sewer sales | 2,320,748 | 2,316,495 | 2,434,143 | 2,125,000 | 2,450,000 | 2,500,000 |
| Gas sales | 3,295,521 | 2,844,005 | 2,655,884 | 2,600,000 | 3,200,000 | 3,300,000 |
| Tap fees | 173,983 | 105,060 | 129,410 | 105,000 | 205,000 | 170,000 |
| Reconnect fees | 24,919 | 27,394 | 26,681 | 27,500 | 27,000 | 27,500 |
| Interest | 22,668 | 32,465 | 60,912 | 65,000 | 87,250 | 71,250 |
| Contributions | 670,000 | 558,148 | 558,148 | 558,148 | 558,148 | 558,148 |
| Other | 167,155 | 199,590 | 142,892 | 157,950 | 153,250 | 301,244 |
| Transfers | - | | | - | - | - |
| **Total Operating Revenues** | 11,122,777 | 10,737,200 | 11,100,984 | 9,888,596 | 11,430,646 | 11,728,140 |
| Expenses: | | | | | | |
| Enterprise Administration | 4,195,752 | 4,758,133 | 4,805,717 | 3,358,652 | 3,389,014 | 3,741,683 |
| Utility Billing | 246,465 | 268,105 | 275,695 | 383,943 | 377,856 | 351,927 |
| Water | 2,268,271 | 2,593,340 | 3,032,640 | 3,536,679 | 3,634,436 | 4,169,565 |
| Wastewater | 1,601,951 | 2,296,380 | 2,777,501 | 1,977,548 | 2,215,256 | 2,785,317 |
| Gas | 1,687,978 | 1,215,878 | 1,353,339 | 1,752,091 | 1,775,132 | 1,905,777 |
| **Total Operating Expenses** | 10,000,417 | 11,131,836 | 12,244,892 | 11,008,913 | 11,391,694 | 12,954,269 |
| **Net Revenue Available for Debt** | 1,122,360 | (394,636) | (1,143,908) | (1,120,317) | 38,952 | (1,226,129) |
| Debt Service | 3,314,651 | 113,075 | 96,284 | 679,439 | 679,439 | 651,031 |
| **Total Debt Service** | 3,314,651 | 113,075 | 96,284 | 679,439 | 679,439 | 651,031 |
| **Net Income (Excluding Depr.)** | (2,192,291) | (507,711) | (1,240,191) | (1,799,756) | (640,487) | (1,877,160) |
| **Beginning Fund Balance** | 12,752,332 | 10,560,041 | 10,052,330 | 8,812,139 | 8,812,139 | 8,171,652 |
| **Ending Fund Balance** | 10,560,041 | 10,052,330 | 8,812,139 | 7,012,383 | 8,171,652 | 6,294,492 |
| Operating Costs per Day | | | | | | |
| Fund Balance as % of Operating Costs | 106% | 90% | 72% | 64% | 72% | 49% |

| CITY OF TOMBALL<br>ENTERPRISE FUND - 600 | | | | | | |
|---|---|---|---|---|---|---|
| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
| **ENTERPRISE FUND** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5500 SALE OF CITY PROPERTY | - | 39,850 | 11,511 | 15,000 | 15,000 | 25,000 |
| 5550 MISCELLANEOUS INCOME | 873 | - | 1,158 | 1,200 | 1,000 | 750 |
| 5560 RETURNED CHECK FINES | 768 | 433 | 626 | 750 | 750 | 750 |
| 5600 WATER SALES | 4,447,785 | 4,654,043 | 5,092,916 | 4,250,000 | 4,750,000 | 4,800,000 |
| 5610 WATER TAPS | 60,035 | 40,790 | 46,640 | 50,000 | 75,000 | 55,000 |
| 5620 WATER RECONNECT FEES | 24,919 | 27,394 | 26,681 | 27,500 | 27,000 | 27,500 |
| 5630 AMP PLAN BALANCE | 1,598 | 570 | (2,021) | 1,000 | 1,500 | 1,000 |
| 5640 SEWER SALES | 2,320,748 | 2,316,495 | 2,434,143 | 2,125,000 | 2,450,000 | 2,500,000 |
| 5650 SEWER TAPS | 47,515 | 21,435 | 30,940 | 25,000 | 55,000 | 55,000 |
| 5670 GAS SALES | 3,295,521 | 2,844,005 | 2,655,884 | 2,600,000 | 3,200,000 | 3,300,000 |
| 5680 GAS TAPS | 66,433 | 42,835 | 51,830 | 30,000 | 75,000 | 60,000 |
| 5690 PENALTIES | 108,374 | 111,565 | 86,379 | 100,000 | 90,000 | 100,000 |
| 5695 ADMINISTRATIVE CHARGES | 46,221 | 47,021 | 47,794 | 40,000 | 45,000 | 45,000 |
| 5770 TEDC CONTRIBUTIONS | 670,000 | 558,148 | 558,148 | 558,148 | 558,148 | 558,148 |
| 5800 INTEREST INCOME | 22,668 | 32,465 | 60,912 | 65,000 | 87,250 | 71,250 |
| 5961 TRANSFER IN | - | - | - | - | - | 128,744 |
| 5801 UNREALIZED GAIN ON INVESTMENTS | 9,321 | 151 | (2,555) | - | - | - |
| **TOTAL ENTERPRISE FUND** | **11,122,779** | **10,737,200** | **11,100,986** | **9,888,598** | **11,430,648** | **11,728,142** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| ENTERPRISE FUND | ADMINISTRATIVE | 600-611 ADMINISTRATIVE |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $218,458 | $253,403 | $240,883 | $230,245 |
| 6003 WAGES-FULL TIME | $32,900 | $40,491 | $37,747 | $38,504 |
| 6005 WAGES-OVERTIME | $918 | $2,060 | $2,060 | $2,060 |
| 6009 WAGES-OTHER | $13,365 | $0 | $10,254 | $0 |
| 6011 VACATION PAY | $18,588 | $0 | $4,052 | $19,075 |
| 6012 SICK PAY | $8,179 | $2,857 | $3,980 | $15,442 |
| 6013 EMERGENCY PAY | $576 | $0 | $0 | $0 |
| 6019 MISCELLANEOUS PAY | $2,495 | $2,735 | $2,735 | $2,900 |
| 6021 FICA-MED/SS | $21,934 | $23,696 | $23,303 | $24,177 |
| 6022 TMRS-EMPLOYER | $122,668 | $42,281 | $42,554 | $43,179 |
| 6025 WORKER COMPENSATION INSURANCE | $2,842 | $4,138 | $3,255 | $3,518 |
| 6030 EMPLOYEE TUITION REIMBURSEMENT | $2,941 | $4,000 | $4,000 | $4,000 |
| 6040 OTHER POST EMPLOYEMENT BEN. | $19,158 | $0 | $0 | $0 |
| **PERSONNEL SERVICES** | **$465,022** | **$375,661** | **$374,823** | **$383,100** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $534 | $1,100 | $1,000 | $1,100 |
| 6102 EDUCATIONAL SUPPLIES | $0 | $800 | $800 | $800 |
| 6105 FOOD SUPPLIES | $1,206 | $750 | $1,500 | $2,000 |
| 6107 CLOTHING AND UNIFORMS | $1,165 | $1,555 | $1,405 | $1,000 |
| 6108 FUEL, OIL AND LUBRICANTS | $2,552 | $2,500 | $2,500 | $3,000 |
| 6109 POSTAGE | $63 | $100 | $100 | $100 |
| 6119 OTHER SUPPLIES | $68 | $350 | $350 | $350 |
| **SUPPLIES** | **$5,588** | **$7,155** | **$7,655** | **$8,350** |
| 6205 VEHICLE EQUIPMENT MAINTENANCE | $372 | $150 | $200 | $200 |
| **REPAIRS AND MAINTENANCE** | **$372** | **$150** | **$200** | **$200** |
| 6302 PROFESSIONAL SERVICES,ENGINEER | $0 | $30,000 | $55,000 | $0 |
| 6304 PROFESSIONAL SERVICES, OTHER | $0 | $0 | $0 | $20,000 |
| 6312 COMMUNICATION SERVICES | $43,461 | $42,000 | $46,000 | $46,000 |
| 6320 SOFTWARE SERVICE | $0 | $3,300 | $2,550 | $3,300 |
| 6332 TRAVEL AND MEALS | $794 | $1,000 | $1,000 | $1,000 |
| 6333 DUES AND SUBSCRIPTIONS | $371 | $400 | $400 | $400 |
| 6334 AUTOMOBILE ALLOWANCES | $4,800 | $4,800 | $7,200 | $7,200 |
| 6335 ADVERTISING COST | $1,146 | $0 | $0 | $0 |
| 6337 TRAINING | $1,222 | $4,300 | $4,300 | $4,300 |
| 6362 PERMITS AND LICENSES | $255 | $275 | $275 | $275 |
| **SERVICES AND CHARGES** | **$52,049** | **$86,075** | **$116,725** | **$82,475** |
| 6410 DEPRECIATION EXPENSE | $1,472,653 | $0 | $0 | $0 |
| **CAPITAL OUTLAY** | **$1,472,653** | **$0** | **$0** | **$0** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| ENTERPRISE FUND | ADMINISTRATIVE | 600-611 ADMINISTRATIVE |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6691 TRANSFERS OUT | $2,342,169 | $2,384,166 | $2,384,166 | $2,530,209 |
| 6692 TRANSFER TO EMP. BEN. TRUST | $467,864 | $505,445 | $505,445 | $542,349 |
| 6998 TRANSFER TO FLEET REPLACEMENT | $0 | $0 | $0 | $195,000 |
| 6999 TRANSFER TO CAPITAL PROJECTS | | | $0 | $0 |
| **TRANSFERS** | **$2,810,033** | **$2,889,611** | **$2,889,611** | **$3,267,558** |
| **TOTAL UTILITY-ADMINISTRATIVE** | **$4,805,717** | **$3,358,652** | **$3,389,014** | **$3,741,683** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| ENTERPRISE FUND | UTILITY BILLING | 600-612 UTILITY BILLING |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6001 SALARIES-ADMINISTRATIVE | $41,887 | $48,954 | $45,649 | $46,533 |
| 6003 WAGES-FULL TIME | $99,304 | $145,833 | $131,893 | $146,718 |
| 6005 WAGES-OVERTIME | $653 | $3,348 | $3,348 | $3,348 |
| 6009 WAGES-OTHER | $7,729 | $0 | $5,190 | $0 |
| 6011 VACATION PAY | $6,910 | $0 | $2,656 | $10,730 |
| 6012 SICK PAY | $5,237 | $0 | $2,792 | $9,494 |
| 6013 EMERGENCY PAY | $366 | $0 | $0 | $0 |
| 6019 MISCELLANEOUS PAY | $895 | $1,145 | $1,145 | $1,865 |
| 6021 FICA-S.S. AND MEDICARE TAXES | $11,867 | $15,293 | $14,556 | $16,847 |
| 6022 TMRS-EMPLOYER | $22,498 | $27,288 | $26,464 | $30,087 |
| 6025 WORKER COMPENSATION INS. | $1,589 | $3,182 | $2,613 | $2,755 |
| **PERSONNEL SERVICES** | **$198,935** | **$245,043** | **$236,306** | **$268,377** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $16,168 | $3,200 | $18,200 | $3,200 |
| 6105 FOOD SUPPLIES | $33 | $100 | $100 | $100 |
| 6106 MATERIALS AND PARTS | $177 | $800 | $800 | $800 |
| 6107 CLOTHING AND UNIFORMS | $759 | $3,000 | $3,000 | $3,000 |
| 6108 FUEL, OIL AND LUBRICANTS | $1,400 | $3,500 | $2,000 | $3,500 |
| 6109 POSTAGE | $21,055 | $22,000 | $22,000 | $22,000 |
| 6119 OTHER SUPPLIES | $295 | $500 | $250 | $250 |
| **SUPPLIES** | **$39,887** | **$33,100** | **$46,350** | **$32,850** |
| 6203 RADIO EQUIPMENT MAINTENANCE | $1,945 | $6,500 | $3,000 | $4,000 |
| 6205 VEHICLE MAINTENANCE | $705 | $1,000 | $1,000 | $1,000 |
| **REPAIRS AND MAINTENANCE** | **$2,650** | **$7,500** | **$4,000** | **$5,000** |
| 6304 PROFESSIONAL SERVICES,OTHER | $14,971 | $27,500 | $20,000 | $20,000 |
| 6312 COMMUNICATION SERVICES | $1,863 | $2,000 | $2,400 | $2,400 |
| 6320 SOFTWARE SERVICE | $0 | $20,000 | $20,000 | $0 |
| 6329 OTHER SERVICES | $13,364 | $17,000 | $17,000 | $17,000 |
| 6332 TRAVEL AND MEALS | $1,288 | $1,500 | $1,800 | $1,500 |
| 6333 DUES AND SUBSCRIPTIONS | $95 | $300 | $300 | $300 |
| 6337 TRAINING | $850 | $1,500 | $1,200 | $1,000 |
| 6362 PERMITS AND LICENSES | $1,792 | $3,500 | $3,500 | $3,500 |
| **SERVICES AND CHARGES** | **$34,223** | **$73,300** | **$66,200** | **$45,700** |
| **CAPITAL OUTLAY** | **$0** | **$0** | **$0** | **$0** |
| 6998 TRANSFER TO FLEET REPLACEMENT | $0 | $25,000 | $25,000 | $0 |
| **TRANSFERS** | **$0** | **$25,000** | **$25,000** | **$0** |
| **TOTAL UTILITY BILLING** | **$275,695** | **$383,943** | **$377,856** | **$351,927** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| ENTERPRISE FUND | UTILITY-WATER | 600-613 UTILITY-WATER |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6003 WAGES-FULL TIME | $280,945 | $339,249 | $264,031 | $313,278 |
| 6004 WAGES-PART TIME | $3,071 | $4,635 | $10,000 | $5,150 |
| 6005 WAGES-OVERTIME | $17,528 | $9,785 | $13,285 | $13,648 |
| 6006 WAGES-ON CALL | $0 | $10,300 | $4,000 | $10,300 |
| 6009 WAGES-OTHER | $16,753 | $0 | $5,844 | $0 |
| 6011 VACATION PAY | $19,906 | $0 | $6,254 | $21,143 |
| 6012 SICK PAY | $15,595 | $2,832 | $6,775 | $14,684 |
| 6013 EMERGENCY PAY | $147 | $0 | $636 | $0 |
| 6019 MISCELLANEOUS PAY | $3,840 | $4,345 | $3,305 | $3,675 |
| 6021 FICA-MED/SS | $25,825 | $28,726 | $23,590 | $29,359 |
| 6022 TMRS-EMPLOYER | $49,320 | $50,623 | $41,741 | $51,730 |
| 6025 WORKER COMPENSATION INSURANCE | $10,560 | $11,589 | $9,408 | $9,850 |
| 6030 EMPLOYEE TUITION REIMBURSEMENT | $0 | $4,000 | $2,000 | $4,000 |
| **PERSONNEL SERVICES** | **$443,490** | **$466,084** | **$390,869** | **$476,817** |
| 6101 OFFICE SUPPLIES | $486 | $200 | $300 | $300 |
| 6106 MATERIALS AND PARTS | $101,738 | $90,000 | $90,000 | $90,000 |
| 6107 CLOTHING AND UNIFORMS | $4,724 | $6,520 | $6,650 | $6,300 |
| 6108 FUEL, OIL AND LUBRICANTS | $11,158 | $12,000 | $12,000 | $12,000 |
| 6109 POSTAGE | $81 | $0 | $0 | $0 |
| 6110 CHEMICAL SUPPLIES | $57,889 | $75,000 | $65,000 | $65,000 |
| 6111 TAP SUPPLIES AND COMPONENTS | $99,441 | $30,000 | $110,000 | $120,000 |
| 6119 OTHER SUPPLIES | $6,874 | $7,500 | $7,500 | $23,700 |
| **SUPPLIES** | **$282,391** | **$221,220** | **$291,450** | **$317,300** |
| 6204 OTHER EQUIPMENT MAINTENANCE | $1,576 | $2,500 | $55,000 | $5,000 |
| 6205 VEHICLE MAINTENANCE | $2,407 | $2,500 | $4,000 | $3,000 |
| 6207 SYSTEM MAINTENANCE | $49,968 | $125,000 | $194,817 | $250,000 |
| 6219 OTHER MAINTENANCE | $0 | $0 | $0 | $250,000 |
| **REPAIRS AND MAINTENANCE** | **$53,951** | **$130,000** | **$253,817** | **$508,000** |
| 6303 PROFESSIONAL SERVICES,LEGAL | $24,786 | $0 | $350 | $2,500 |
| 6304 PROFESSIONAL SERVICES,OTHER | $19,818 | $29,000 | $0 | $2,550 |
| 6305 N.HARRIS CTY.REG.WATER AUTH. | $2,084,615 | $2,282,000 | $2,300,000 | $2,600,000 |
| 6312 COMMUNICATION SERVICES | $5,580 | $6,000 | $5,900 | $6,000 |
| 6313 UTILITIES-ELECTRIC | $152,575 | $200,000 | $160,000 | $175,000 |
| 6316 PRINTING AND BINDING | $1,520 | $1,825 | $1,800 | $1,800 |
| 6329 OTHER SERVICES | $3,787 | $1,000 | $0 | $0 |
| 6332 TRAVEL AND MEALS | $62 | $300 | $300 | $300 |
| 6333 DUES AND SUBSCRIPTIONS | $1,019 | $750 | $1,100 | $1,100 |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| ENTERPRISE FUND | UTILITY-WATER | 600-613 UTILITY-WATER |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6335 ADVERTISING COST | $432 | $850 | $450 | $450 |
| 6336 EQUIPMENT RENTALS | $539 | $150 | $150 | $150 |
| 6337 TRAINING | $4,287 | $3,500 | $4,500 | $4,500 |
| 6361 STUDIES AND ANALYSIS | $10,342 | $8,500 | $8,500 | $8,500 |
| 6362 PERMITS AND LICENSES | $9,736 | $15,500 | $10,000 | $15,500 |
| **SERVICES AND CHARGES** | **$2,319,098** | **$2,549,375** | **$2,493,050** | **$2,818,350** |
| 6403 MACHINERY AND EQUIPMENT | $1,890 | $0 | $0 | $0 |
| 6409 SYSTEM EXPANSION | $0 | $25,000 | $60,250 | $48,300 |
| **CAPITAL OUTLAY** | **$1,890** | **$25,000** | **$60,250** | **$48,300** |
| **BAD DEBTS** | **$0** | **$0** | **$0** | **$0** |
| 6998 TRANSFER TO FLEET REPLACEMENT | $40,000 | $90,000 | $90,000 | $0 |
| 6999 TRANSFER TO CAPITAL PROJ. FUND | ($108,180) | $55,000 | $55,000 | $798 |
| **TRANSFERS** | **($68,180)** | **$145,000** | **$145,000** | **$798** |
| **TOTAL UTILITY-WATER** | **$3,032,640** | **$3,536,679** | **$3,634,436** | **$4,169,565** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| ENTERPRISE FUND | UTILITY-SEWER | 600-614 UTILITY-SEWER |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6003 WAGES-FULL TIME | $368,495 | $442,620 | $408,511 | $404,830 |
| 6004 WAGES-PART TIME | $1,670 | $4,635 | $10,000 | $5,150 |
| 6005 WAGES-OVERTIME | $15,184 | $15,862 | $15,862 | $15,862 |
| 6006 WAGES-ON CALL | $40,880 | $25,750 | $30,450 | $25,750 |
| 6009 WAGES-OTHER | $20,908 | $0 | $11,126 | $0 |
| 6011 VACATION PAY | $28,770 | $0 | $10,471 | $28,042 |
| 6012 SICK PAY | $19,086 | $3,861 | $6,613 | $20,478 |
| 6013 EMERGENCY PAY | $725 | $0 | $802 | $0 |
| 6019 MISCELLANEOUS PAY | $4,395 | $4,940 | $4,935 | $4,930 |
| 6021 FICA-MED/SS | $37,085 | $38,409 | $37,481 | $38,796 |
| 6022 TMRS-EMPLOYER | $69,043 | $67,902 | $68,342 | $68,585 |
| 6025 WORKER COMPENSATION INSURANCE | $7,005 | $8,219 | $7,206 | $7,650 |
| **PERSONNEL SERVICES** | **$613,246** | **$612,198** | **$611,799** | **$620,073** |
| 6101 OFFICE AND COMPUTER SUPPLIES | $238 | $130 | $250 | $300 |
| 6105 FOOD SUPPLIES | $74 | $100 | $50 | $100 |
| 6106 MATERIALS AND PARTS | $47,117 | $20,000 | $20,000 | $20,000 |
| 6107 CLOTHING AND UNIFORMS | $4,912 | $7,240 | $6,200 | $6,500 |
| 6108 FUEL, OIL AND LUBRICANTS | $12,069 | $18,000 | $15,000 | $15,000 |
| 6109 POSTAGE | $69 | $100 | $75 | $100 |
| 6110 CHEMICAL SUPPLIES | $76,959 | $80,000 | $80,000 | $80,000 |
| 6119 OTHER SUPPLIES | $8,884 | $9,300 | $17,300 | $18,000 |
| **SUPPLIES** | **$150,322** | **$134,870** | **$138,875** | **$140,000** |
| 6204 OTHER EQUIPMENT MAINTENANCE | $19,255 | $20,000 | $20,000 | $20,000 |
| 6205 VEHICLE MAINTENANCE | $7,729 | $4,000 | $6,000 | $5,000 |
| 6206 BUILDING MAINTENANCE | $0 | $0 | $0 | $44,000 |
| 6207 SYSTEM MAINTENANCE | $172,718 | $800,000 | $169,817 | $346,000 |
| 6219 OTHER MAINTENANCE | $5,045 | $10,000 | $5,000 | $10,000 |
| **REPAIRS AND MAINTENANCE** | **$204,747** | **$834,000** | **$200,817** | **$425,000** |
| 6303 PROFESSIONAL SERVICES,LEGAL | $24,786 | $0 | $315 | $2,500 |
| 6304 PROFESSIONAL SERVICES,OTHER | $29,220 | $20,000 | $25,000 | $30,000 |
| 6312 COMMUNICATION SERVICES | $3,568 | $3,600 | $3,600 | $3,600 |
| 6313 UTILITIES-ELECTRIC | $157,761 | $174,000 | $165,000 | $165,000 |
| 6329 OTHER SERVICES | $122,691 | $100,000 | $120,000 | $120,000 |
| 6333 DUES AND SUBSCRIPTIONS | $1,148 | $880 | $1,200 | $1,500 |
| 6335 ADVERTISING COST | $0 | $0 | $5,000 | $0 |
| 6336 EQUIPMENT RENTALS | $3,895 | $5,000 | $7,000 | $5,000 |
| 6337 TRAINING | $3,038 | $3,000 | $3,000 | $3,000 |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| ENTERPRISE FUND | UTILITY-SEWER | 600-614 UTILITY-SEWER |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6361 STUDIES AND ANALYSIS | $65,418 | $50,000 | $55,000 | $55,000 |
| 6362 PERMITS AND LICENSES | $51,710 | $40,000 | $50,000 | $50,000 |
| **SERVICES AND CHARGES** | **$463,235** | **$396,480** | **$435,115** | **$435,600** |
| 6403 MACHINERY AND EQUIPMENT | $755 | $0 | $0 | $16,000 |
| 6409 SYSTEM EXPANSION | $0 | $0 | $28,650 | $25,000 |
| **CAPITAL OUTLAY** | **$755** | **$0** | **$28,650** | **$41,000** |
| 6998 TRANSFER TO FLEET REPLACEMENT | $0 | $0 | $0 | $0 |
| 6999 TRANSFER TO CAPITAL PROJ. FUND | $1,345,196 | $0 | $800,000 | $1,123,644 |
| **TRANSFERS** | **$1,345,196** | **$0** | **$800,000** | **$1,123,644** |
| **DEBT** | **$0** | **$0** | **$0** | **$0** |
| **TOTAL UTILITY-SEWER** | **$2,777,501** | **$1,977,548** | **$2,215,256** | **$2,785,317** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| ENTERPRISE FUND | UTILITY-GAS | 600-615 UTILITY-GAS |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6003 WAGES-FULL TIME | $218,675 | $270,242 | $245,770 | $250,630 |
| 6004 WAGES-PART TIME | $4,466 | $4,635 | $5,000 | $5,150 |
| 6005 WAGES-OVERTIME | $11,916 | $8,240 | $12,240 | $12,360 |
| 6006 WAGES-ON CALL | $23,824 | $15,450 | $25,450 | $25,750 |
| 6009 WAGES-OTHER | $12,131 | $0 | $8,314 | $0 |
| 6011 VACATION PAY | $16,101 | $0 | $8,802 | $15,657 |
| 6012 SICK PAY | $8,726 | $2,983 | $4,880 | $13,617 |
| 6013 EMERGENCY PAY | $0 | $0 | $478 | $0 |
| 6019 MISCELLANEOUS PAY | $2,665 | $2,800 | $2,800 | $2,990 |
| 6021 FICA-MED/SS | $22,137 | $23,525 | $23,601 | $25,057 |
| 6022 TMRS-EMPLOYER | $40,792 | $41,343 | $42,301 | $44,046 |
| 6025 WORKER COMPENSATION INSURANCE | $2,415 | $3,188 | $3,104 | $3,520 |
| **PERSONNEL SERVICES** | **$363,848** | **$372,406** | **$382,740** | **$398,777** |
| 6101 OFFICE SUPPLIES | $146 | $200 | $250 | $300 |
| 6106 MATERIALS AND PARTS | $56,548 | $80,000 | $80,000 | $80,000 |
| 6107 CLOTHING AND UNIFORMS | $3,282 | $4,860 | $4,975 | $4,200 |
| 6108 FUEL, OIL AND LUBRICANTS | $11,620 | $10,000 | $12,000 | $12,000 |
| 6109 POSTAGE | $430 | $375 | $500 | $500 |
| 6110 CHEMICAL SUPPLIES | $1,552 | $3,000 | $3,000 | $3,000 |
| 6111 TAP SUPPLIES AND COMPONENTS | $13,530 | $3,000 | $20,000 | $25,000 |
| 6119 OTHER SUPPLIES | $14,220 | $10,000 | $8,000 | $18,000 |
| 6129 GAS PURCHASES | $818,428 | $1,200,000 | $1,100,000 | $1,200,000 |
| **SUPPLIES** | **$919,756** | **$1,311,435** | **$1,228,725** | **$1,343,000** |
| 6204 OTHER EQUIPMENT MAINTENANCE | $1,550 | $500 | $9,500 | $2,000 |
| 6205 VEHICLE MAINTENANCE | $1,436 | $1,000 | $1,500 | $1,500 |
| 6207 SYSTEM MAINTENANCE | $14,658 | $5,000 | $83,817 | $65,000 |
| **REPAIRS AND MAINTENANCE** | **$17,644** | **$6,500** | **$94,817** | **$68,500** |
| 6304 PROFESSIONAL SERVICES,OTHER | $14,520 | $15,000 | $18,000 | $15,000 |
| 6312 COMMUNICATION SERVICES | $2,638 | $2,500 | $2,650 | $2,700 |
| 6313 UTILITIES-ELECTRIC | $1,656 | $1,800 | $1,600 | $1,800 |
| 6322 INSPECTION SERVICES | $0 | $4,000 | $2,000 | $4,000 |
| 6329 OTHER SERVICES | $4,854 | $3,000 | $4,500 | $4,500 |
| 6333 DUES AND SUBSCRIPTIONS | $1,438 | $1,250 | $4,600 | $1,500 |
| 6335 ADVERTISING COST | $675 | $400 | $7,200 | $7,000 |
| 6336 EQUIPMENT RENTALS | $0 | $3,000 | $2,000 | $3,000 |
| 6337 TRAINING | $27,444 | $28,000 | $22,800 | $28,000 |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| ENTERPRISE FUND | UTILITY-GAS | 600-615 UTILITY-GAS |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6362 PERMITS AND LICENSES | $2,733 | $2,800 | $3,500 | $3,000 |
| **SERVICES AND CHARGES** | **$55,958** | **$61,750** | **$68,850** | **$70,500** |
| 6403 MACHINERY AND EQUIPMENT | $3,645 | $0 | $0 | $0 |
| 6409 SYSTEM EXPANSION | $0 | $0 | $0 | $25,000 |
| **CAPITAL OUTLAY** | **$3,645** | **$0** | **$0** | **$25,000** |
| 6998 TRANSFER TO FLEET REPLACEMENT | $0 | $0 | $0 | $0 |
| 6999 TRANSFER TO CAPITAL PROJ. FUND | ($7,512) | $0 | $0 | $0 |
| **TRANSFERS** | **($7,512)** | **$0** | **$0** | **$0** |
| **TOTAL UTILITY-GAS** | **$1,353,339** | **$1,752,091** | **$1,775,132** | **$1,905,777** |

# CITY OF TOMBALL

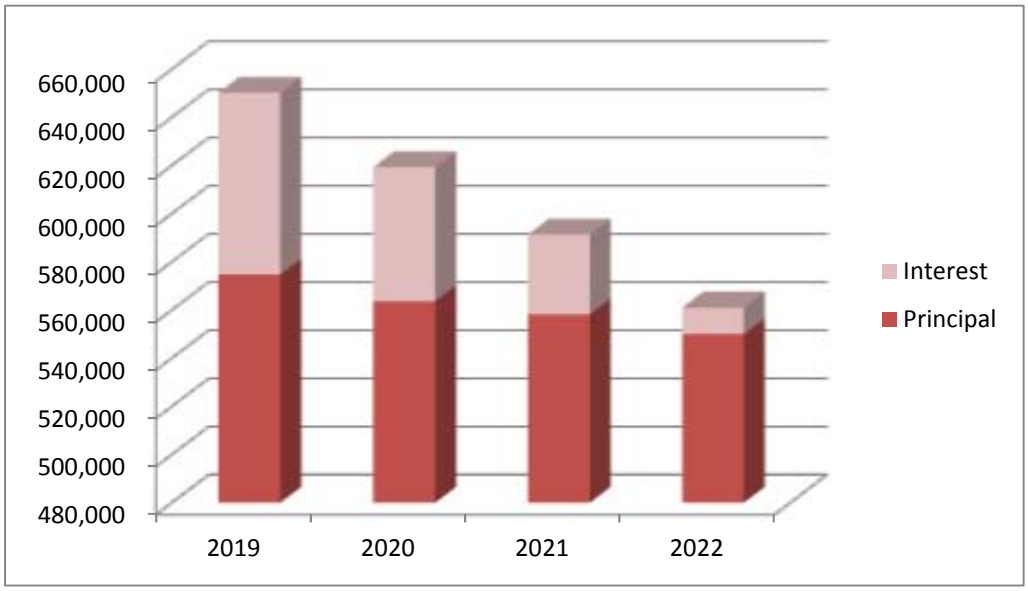
| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| ENTERPRISE FUND | DEBT | 600-616 DEBT |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6901 INTEREST - BONDS | $95,514 | $92,909 | $92,909 | $75,501 |
| Series 2011 | | | $92,909 | $75,501 |
| 6906 BOND FEES AND COST | $770 | $780 | $780 | $780 |
| Arbitrage calculation- annual | | | $470 | $470 |
| Series 2011 Paying agent fee | | | $310 | $310 |
| 6911 PRINCIPAL - BONDS | $0 | $585,750 | $585,750 | $574,750 |
| Series 2011 | | | $585,750 | $574,750 |
| **DEBT** | **$96,284** | **$679,439** | **$679,439** | **$651,031** |
| **TOTAL DEBT** | **$96,284** | **$679,439** | **$679,439** | **$651,031** |

**City of Tomball**
**Enterprise Fund**
**Consolidated Debt Payment Schedule**
**2018-2019 Annual Budget**

| Fiscal Year | Principal | Interest | Total |
|---|---|---|---|
| 2019 | 574,750 | 75,501 | 650,251 |
| 2020 | 563,750 | 55,605 | 619,355 |
| 2021 | 558,250 | 33,165 | 591,415 |
| 2022 | 550,000 | 11,000 | 561,000 |
| Total | $ 2,246,750 | $ 175,271 | $ 2,422,021 |



**City of Tomball**
**Series 2011 General Obligation Refunding Bonds- Enterprise Portion**
**$8,650,000 - Tax Supported 45%, Utility System 55%**
**Issue Date : July 1, 2011**

| Fiscal Year | Payment Date | Principal | Coupon | Interest | Total P & I | Fiscal Year Total |
|---|---|---|---|---|---|---|
| 2019 | 2/15/2019 | 574,750 | 3.000% | 42,061 | 616,811 | |
| | 8/15/2019 | | | 33,440 | 33,440 | 650,251 |
| 2020 | 2/15/2020 | 563,750 | 4.000% | 33,440 | 597,190 | |
| | 8/15/2020 | | | 22,165 | 22,165 | 619,355 |
| 2021 | 2/15/2021 | 558,250 | 4.000% | 22,165 | 580,415 | |
| | 8/15/2021 | | | 11,000 | 11,000 | 591,415 |
| 2022 | 2/15/2022 | 550,000 | 4.000% | 11,000 | 561,000 | 561,000 |
| Total | | $ 2,246,750 | | $ 175,271 | $ 2,422,021 | $ 2,422,021 |

## Fleet Replacement Fund

**Statement of Revenues, Expenditures, and Changes in Fund Balance**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projection | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Transfers - General Fund | 502,247 | 390,000 | 141,812 | 274,500 | 274,500 | 200,000 |
| Transfers - Enterprise Fund | 245,063 | - | 40,000 | 115,000 | 115,000 | 195,000 |
| Transfers - Special Revenue | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 |
| Other | 12,626 | 44,982 | 10,083 | - | 20,000 | 10,000 |
| Interest | 1,201 | 5,693 | 13,390 | 14,000 | 24,000 | 25,000 |
| Total | 781,137 | 460,675 | 225,285 | 423,500 | 453,500 | 450,000 |
| **Expenditures:** | | | | | | |
| Capital Outlay - General Fund | 360,537 | 312,344 | 328,291 | 274,500 | 424,392 | 324,808 |
| Capital Outlay - Enterprise Fund | 76,628 | 88,839 | 88,491 | 115,000 | 118,722 | 139,200 |
| Total | 437,165 | 401,183 | 416,782 | 389,500 | 543,114 | 464,008 |
| **Revenues Over (Under) Expenditures** | 343,972 | 59,492 | (191,497) | 34,000 | (89,614) | (14,008) |
| **Beginning Fund Balance** | 2,475,628 | 2,819,599 | 2,879,089 | 2,687,592 | 2,687,592 | 2,597,978 |
| **Ending Fund Balance** | 2,819,599 | 2,879,089 | 2,687,592 | 2,721,592 | 2,597,978 | 2,583,970 |

# CITY OF TOMBALL
# FLEET REPLACEMENT FUND

| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
|---|---|---|---|---|---|---|
| **FLEET REPLACEMENT FUND** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5500 SALE OF CITY PROPERTY | 12,626 | 70,095 | 10,083 | - | 20,000 | 10,000 |
| 5741 GAIN (LOSS) DISPOSAL CITY PROP | - | (25,113) | - | - | - | - |
| 5800 INTEREST INCOME | 1,201 | 5,693 | 13,390 | 14,000 | 24,000 | 25,000 |
| 5910 TRANSFER FROM GENERAL FUND | 502,247 | 390,000 | 141,812 | 274,500 | 274,500 | 200,000 |
| 5911 TRANSFER FROM UTILITY FUND | 245,063 | - | 40,000 | 115,000 | 115,000 | 195,000 |
| 5961 TRANSFER IN | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 |
| **TOTAL FLEET REPLACEMENT FUND** | **781,137** | **460,675** | **225,285** | **423,500** | **453,500** | **450,000** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| FLEET REPLACEMENT | GEN FUND FLEET REPLACEMEN | 650-651 GEN FUND FLEET |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6403 MACHINERY AND EQUIPMENT | $0 | $70,000 | $80,428 | $0 |
| 6405 VEHICLE EQUIPMENT | $37,253 | $204,500 | $343,964 | $324,808 |
| 6410 DEPRECIATION EXPENSE | $291,038 | $0 | $0 | $0 |
| **CAPITAL OUTLAY** | **$328,291** | **$274,500** | **$424,392** | **$324,808** |
| **TOTAL GEN FUND FLEET REPLACEMEN** | **$328,291** | **$274,500** | **$424,392** | **$324,808** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| FLEET REPLACEMENT | UTILITY FUND FLEET REPLAC | 650-652 UTILITY FUND FLEET |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6403 MACHINERY AND EQUIPMENT | $0 | $60,000 | $63,000 | $85,200 |
| 6405 VEHICLE EQUIPMENT | $5,133 | $55,000 | $55,722 | $54,000 |
| 6410 DEPRECIATION EXPENSE | $83,358 | $0 | $0 | $0 |
| **CAPITAL OUTLAY** | **$88,491** | **$115,000** | **$118,722** | **$139,200** |
| **TOTAL UTILITY FUND FLEET REPLAC** | **$88,491** | **$115,000** | **$118,722** | **$139,200** |

# 730 - Water Capital Recovery Fund

**Statement of Revenues, Expenditures and Changes in Fund Balance**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projection | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Water Capital Recovery Fee | 246,383 | 333,874 | 240,183 | 200,000 | 235,000 | 200,000 |
| Interest | 810 | 5,149 | 12,295 | 5,000 | 24,000 | 26,000 |
| Total | 247,193 | 339,023 | 252,478 | 205,000 | 259,000 | 226,000 |
| **Expenditures:** | | | | | | |
| Services and Charges | (7,404) | - | - | - | - | - |
| Transfers Out | - | - | 465,983 | - | - | 106,656 |
| Total | (7,404) | - | 465,983 | - | - | 106,656 |
| **Revenues Over (Under) Expenditures** | 254,598 | 339,024 | (213,504) | 205,001 | 259,001 | 119,345 |
| **Beginning Fund Balance** | 1,269,367 | 1,523,965 | 1,862,989 | 1,649,485 | 1,649,485 | 1,908,486 |
| **Ending Fund Balance** | 1,523,965 | 1,862,989 | 1,649,485 | 1,854,486 | 1,908,486 | 2,027,831 |

## CITY OF TOMBALL
## WATER CAPITAL RECOVERY FUND - 730

| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
|---|---|---|---|---|---|---|
| **WATER CAPITAL RECOVERY FUND** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5800 INTEREST INCOME | 810 | 5,149 | 12,295 | 5,000 | 24,000 | 26,000 |
| 5810 WATER CAPITAL RECOVERY FEE | 246,383 | 333,874 | 240,183 | 200,000 | 235,000 | 200,000 |
| **TOTAL WATER CAPITAL RECOVERY FUND** | **247,193** | **339,023** | **252,478** | **205,000** | **259,000** | **226,000** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| WATER CAPITAL RECOVERY | WATER CAPITAL RECOVERY | 730-731 WATER CAPITAL |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **SERVICES AND CHARGES** | **$0** | **$0** | **$0** | **$0** |
| 6690 TRANSFER TO UTILITY SINKING | $0 | $0 | $0 | $0 |
| 6691 TRANSFERS OUT | $465,983 | $0 | $0 | $106,656 |
| Update to impact fee | | | $0 | $30,000 |
| Rudolph Road Reimbursement to EF | | | $0 | $46,656 |
| Design of SCADA | | | $0 | $30,000 |
| **TRANSFERS** | **$465,983** | **$0** | **$0** | **$106,656** |
| **TOTAL WATER CAPITAL RECOVERY** | **$465,983** | **$0** | **$0** | **$106,656** |

# 740 - Sewer Capital Recovery Fund

**Statement of Revenues, Expenditures and Changes in Fund Balance**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projection | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Sewer Capital Recovery Fee | 288,809 | 329,761 | 208,850 | 200,000 | 260,000 | 200,000 |
| Interest | 972 | 5,976 | 12,139 | 6,000 | 21,000 | 23,000 |
| Total | 289,781 | 335,737 | 220,989 | 206,000 | 281,000 | 223,000 |
| | | | | | | |
| **Expenditures:** | | | | | | |
| Services and Charges | 12,189 | - | - | - | - | - |
| Transfers | - | - | 1,000,000 | - | - | 322,088 |
| Total | 12,189 | - | 1,000,000 | - | - | 322,088 |
| | | | | | | |
| **Revenues Over (Under) Expenditures** | 277,593 | 335,738 | (779,010) | 206,001 | 281,001 | (99,087) |
| **Beginning Fund Balance** | 1,484,218 | 1,761,811 | 2,097,549 | 1,318,539 | 1,318,539 | 1,599,540 |
| **Ending Fund Balance** | 1,761,811 | 2,097,549 | 1,318,539 | 1,524,540 | 1,599,540 | 1,500,453 |

| CITY OF TOMBALL<br>SEWER CAPITAL RECOVERY FUND - 740 | | | | | | |
|---|---|---|---|---|---|---|
| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
| SEWER CAPITAL RECOVERY FUND | ACTUAL | ACTUAL | ACTUAL | BUDGET | PROJECTION | BUDGET |
| 5800 INTEREST | 972 | 5,976 | 12,139 | 6,000 | 21,000 | 23,000 |
| 5840 SEWER CAPITAL RECOVERY FEE | 288,809 | 329,761 | 208,850 | 200,000 | 260,000 | 200,000 |
| **TOTAL SEWER CAPITAL RECOVERY FUND** | **289,781** | **335,737** | **220,989** | **206,000** | **281,000** | **223,000** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| SEWER CAPITAL RECOVERY | SEWER CAPITAL RECOVERY | 740-741 SEWER CAPITAL |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| **SERVICES AND CHARGES** | **$0** | **$0** | **$0** | **$0** |
| 6691 TRANSFERS OUT | $1,000,000 | $0 | $0 | $322,088 |
| **TRANSFERS** | **$1,000,000** | **$0** | **$0** | **$322,088** |
| **TOTAL SEWER CAPITAL RECOVERY** | **$1,000,000** | **$0** | **$0** | **$322,088** |

**City of Tomball**
**910 Employee Benefit Trust Fund**
**City Manager 2018-2019 Proposed Budget**

| | FY 2015 Actual | FY 2016 Actual | FY 2017 Actual | FY 2018 Budget | FY 2018 Projection | FY 2019 Budget |
|---|---|---|---|---|---|---|
| **Revenues:** | | | | | | |
| Transfers | 2,188,033 | 2,291,634 | 2,598,249 | 2,736,910 | 2,736,910 | 2,950,558 |
| ESD#15 Reimbursement | - | 11,004 | 26,692 | 31,880 | 82,000 | 82,000 |
| Interest | 542 | 2,888 | 7,948 | 2,000 | 17,000 | 20,000 |
| Total | 2,188,575 | 2,305,526 | 2,632,889 | 2,770,790 | 2,835,910 | 3,052,558 |
| | | | | | | |
| **Expenditures:** | | | | | | |
| Health Insurance Costs | 2,130,436 | 2,098,002 | 2,458,772 | 2,712,975 | 2,680,764 | 2,906,140 |
| Services and Charges | 42,453 | 42,061 | 41,975 | 62,256 | 59,461 | 62,418 |
| Total | 2,172,889 | 2,140,064 | 2,500,747 | 2,775,231 | 2,740,225 | 2,968,558 |
| | | | | | | |
| **Revenues Over (Under) Expenditures** | 15,686 | 165,463 | 132,142 | (4,441) | 95,685 | 84,000 |
| | | | | | | |
| **Beginning Fund Balance** | 984,621 | 1,000,306 | 1,165,768 | 1,297,910 | 1,297,910 | 1,393,595 |
| | | | | | | |
| **Ending Fund Balance** | 1,000,306 | 1,165,768 | 1,297,910 | 1,293,469 | 1,393,595 | 1,477,595 |

| CITY OF TOMBALL<br>EMPLOYEE TRUST FUND - 910 | | | | | | |
|---|---|---|---|---|---|---|
| | 2015 | 2016 | 2017 | 2018 | 2018 | 2019 |
| **EMPLOYEE TRUST FUND** | **ACTUAL** | **ACTUAL** | **ACTUAL** | **BUDGET** | **PROJECTION** | **BUDGET** |
| 5474 ESD#15 STATION 5 PAYROLL REIMBURSE. | - | 11,004 | 26,692 | 31,880 | 82,000 | 82,000 |
| 5800 INTEREST | 542 | 2,888 | 7,948 | 2,000 | 17,000 | 20,000 |
| 5961 TRANSFER IN | 2,188,033 | 2,291,634 | 2,598,249 | 2,736,910 | 2,736,910 | 2,950,558 |
| **TOTAL EMPLOYEE TRUST FUND** | **2,188,575** | **2,305,526** | **2,632,889** | **2,770,790** | **2,835,910** | **3,052,558** |

# CITY OF TOMBALL

| FUND | DEPARTMENT | DIVISION |
|---|---|---|
| EMPLOYEE BENEFITS TRUST | HEALTH INSURANCE | 910-920 HEALTH INSURANCE |

## DETAILS

| LINE ITEMS | 2017 ACTUAL | 2018 BUDGET | 2018 PROJECTION | 2019 BUDGET |
|---|---|---|---|---|
| 6024 HEALTH INSURANCE | $2,458,772 | $2,712,975 | $2,680,764 | $2,906,140 |
| **PERSONNEL SERVICES** | **$2,458,772** | **$2,712,975** | **$2,680,764** | **$2,906,140** |
| 6304 PROF. SERVICES- OTHER | $41,055 | $44,256 | $41,461 | $44,418 |
| 6329 OTHER SERVICES | $920 | $18,000 | $18,000 | $18,000 |
| **SERVICES AND CHARGES** | **$41,975** | **$62,256** | **$59,461** | **$62,418** |
| **TOTAL HEALTH INSURANCE** | **$2,500,747** | **$2,775,231** | **$2,740,225** | **$2,968,558** |

# ACTIVE SUPPLEMENTAL

## GENERAL FUND

| FUND-DEPT-ACCT | TITLE | TYPE | REOCCURING AMOUNT | NON-REOCCURING AMOUNT | TOTAL |
|---|---|---|---|---|---|
| 100-116-xxxx | Upgrade PT Accounting Assistant to FT Accountant | Personnel | 68,173 | | 68,173 |
| **Finance Department Total** | | | **$ 68,173** | | **$ 68,173** |
| 100-117-6320 | Conference Room Addition - Technology | Facilities Maintenance | | 5,000 | 5,000 |
| 100-117-6999 | Computer Aided Dispatch (CAD) - Reoccurring for 2 years | Capital Projects | 150,000 | | 150,000 |
| **Information Systems Total** | | | **$ 150,000** | **$ 5,000** | **$ 155,000** |
| 100-121-xxxx | Inventory and Property Technician | Personnel | 70,747 | | 70,747 |
| **Police Department Total** | | | **$ 70,747** | | **$ 70,747** |
| 100-122-xxxx | Upgrade PT Assistant Court Clerk to FT Assistant Court Clerk | Personnel | 54,270 | | 54,270 |
| **Municipal Court Total** | | | **$ 54,270** | | **$ 54,270** |
| 100-142-xxxx | 6 FT Firefighters | Personnel | 256,811 | | 256,811 |
| 100-142-6405 | Diesel Exhaust Filter System on All Apparatus | Equipment | | 27,000 | 27,000 |
| **Fire Department Total** | | | **$ 256,811** | **$ 27,000** | **$ 283,811** |
| 100-143-6345 | KTTF Expenses | Equipment | | 12,000 | 12,000 |
| **Emergency Management Department Total** | | | | **$ 12,000** | **$ 12,000** |
| 100-152-6206 | Fans & Heaters for Mechanics Bay | Facilities Maintenance | | 10,000 | 10,000 |
| **Garage Total** | | | | **$ 10,000** | **$ 10,000** |
| 100-153-6206 | Roof Replacement at Parks Facilities | Facilities Maintenance | | 15,000 | 15,000 |
| 100-153-6207 | Electrical for Depot | Facilities Maintenance | | 9,000 | 9,000 |
| 100-153-6207 | Fencing for MLK | Facilities Maintenance | | 18,000 | 18,000 |
| 100-153-6207 | MLK Lighting Upgrade | Facilities Maintenance | | 16,000 | 16,000 |
| 100-153-6409 | Improvements to Theiss Attaway Nature Preserve | Facilities Maintenance | | 50,000 | 50,000 |
| 100-153-6409 | Pickleball Court | Equipment | | 35,000 | 35,000 |
| 100-153-6999 | Broussard Park | Capital Projects | | 350,000 | 350,000 |
| 100-153-6999 | M&R for Matheson Park - Reoccurring for 2 years | Capital Projects | 100,000 | | 100,000 |
| **Parks Total** | | | **$ 100,000** | **$ 493,000** | **$ 593,000** |
| 100-154-6119 | Breakaway Poles for Street Signs | Equipment | | 20,000 | 20,000 |
| 100-154-6403 | Additional Lawn Mower | Equipment | | 16,000 | 16,000 |
| **Streets Total** | | | | **$ 36,000** | **$ 36,000** |
| 100-157-6119 | Wash Bay Heated Power Washer System | Equipment | | 7,500 | 7,500 |
| 100-157-6206 | Conference Room Addition | Facilities Maintenance | | 8,000 | 8,000 |
| 100-157-6219 | Additional Equipment Bays for Public Works | Facilities Maintenance | | 25,000 | 25,000 |
| 100-157-6304 | Facilities Assessment & Master Plan | Services | | 40,000 | 40,000 |
| **Facilities Maintenance Total** | | | | **$ 80,500** | **$ 80,500** |
| **GENERAL FUND TOTAL** | | | **$ 700,001** | **$ 663,500** | **$ 1,363,501** |

# ACTIVE SUPPLEMENTAL

## SEIZURE FUND

| FUND-DEPT-ACCT | TITLE | TYPE | REOCCURING AMOUNT | NON-REOCCURING AMOUNT | TOTAL |
|---|---|---|---|---|---|
| 200-221-6119 | Training Room Furniture | Equipment | | 15,000 | 15,000 |
| **SEIZURE FUND TOTAL** | | | | **$ 15,000** | **$ 15,000** |

## ENTERPRISE FUND

| FUND-DEPT-ACCT | TITLE | TYPE | REOCCURING AMOUNT | NON-REOCCURING AMOUNT | TOTAL |
|---|---|---|---|---|---|
| 600-611-6304 | Facilities Assessment & Master Plan | Services | | 20,000 | 20,000 |
| **Utility Administration Total** | | | | **$ 20,000** | **$ 20,000** |
| 600-613-6119 | Hydrant Meters | Equipment | | 8,200 | 8,200 |
| 600-613-6119 | Utility Crew Barricades and Response Trailer Modification | Equipment | | 8,000 | 8,000 |
| 600-613-6219 | Rehabilitation of Pine Street Water Tank | Facilities Maintenance | | 250,000 | 250,000 |
| 600-613-6207 | Survey and Clearing of Utility Easement | Facilities Maintenance | | 105,000 | 105,000 |
| 600-613-6409 | Water Meter Conversion to AMR | Equipment | | 23,300 | 23,300 |
| 600-613-6207 | Water Well Maint. Program | Capital Project | | 20,000 | 20,000 |
| **Water Department Total** | | | | **$ 414,500** | **$ 414,500** |
| 600-614-6119 | Utility Crew Barricades and Response Trailer Modification | Equipment | | 8,000 | 8,000 |
| 600-614-6206 | Storage Shed/Garage NWWTP | Facilities Maintenance | | 40,000 | 40,000 |
| 600-614-6207 | DRI Prime Backup System at 2920 Lift Station | Equipment | | 80,000 | 80,000 |
| 600-614-6207 | Sanitary Sewer T.V. and C. Point Repairs & Lining | Facilities Maintenance | | 250,000 | 250,000 |
| 600-614-6403 | Additional Lawn Mower | Equipment | | 16,000 | 16,000 |
| 600-614-6999 | Critical Needs Improvement | Capital Project | | 1,078,744 | 1,078,744 |
| **Sewer Total** | | | | **$ 1,472,744** | **$ 1,472,744** |
| 600-615-6119 | Utility Crew Barricades and Response Trailer Modification | Equipment | | 8,000 | 8,000 |
| 600-615-6207 | Gas Meter Conversion for Profiling | System Maintenance | | 50,000 | 50,000 |
| **Gas Total** | | | | **$ 58,000** | **$ 58,000** |
| **ENTERPRISE FUND TOTAL** | | | | **$ 1,965,244** | **$ 1,965,244** |

# ACTIVE SUPPLEMENTAL

## WATER RECOVERY FUND

| FUND-DEPT-ACCT | TITLE | TYPE | REOCCURING AMOUNT | NON-REOCCURING AMOUNT | TOTAL |
|---|---|---|---|---|---|
| 730-731-6691 | Update Impact Fee | Capital Project | | $30,000 | $30,000 |
| 730-731-6691 | SCADA Implementation for Asset MGMT and Control | Capital Project | | $30,000 | $30,000 |
| **Sewer Recovery Fund** | | | | **$ 60,000** | **$ 60,000** |

## SEWER RECOVERY FUND

| FUND-DEPT-ACCT | TITLE | TYPE | REOCCURING AMOUNT | NON-REOCCURING AMOUNT | TOTAL |
|---|---|---|---|---|---|
| 740-741-6691 | Update Impact Fee | Capital Project | | $30,000 | $30,000 |
| 740-741-6691 | SCADA Implementation for Asset MGMT and Control | Capital Project | | $30,000 | $30,000 |
| 740-741-6691 | Rudolph Road | Capital Project | | $180,000 | $180,000 |
| **Sewer Recovery Fund** | | | | **$ 240,000** | **$ 240,000** |

| | | | |
|---|---|---|---|
| **SUPPLEMENTAL TOTAL** | **$ 755,871** | **$ 2,943,744** | **$ 3,699,615** |

# Regular City Council
# Agenda Item
# Data Sheet

Meeting Date: August 20, 2018

**Topic:**

Conduct Second Public Hearing to Consider the Annexation of the Following Tract of Land: 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]*

**Background:**

This public hearing is the first of two public hearings required by the Local Government Code, Section 43.063. Hearings must be conducted on or after the 40th day but before the 20th day before the date of the first reading of the ordinance (21-39 day timeframe) and must be a minimum of 10 days apart.

The hearing dates were set for the regular Council meeting on August 6, 2018 (35 days) at 6:00 p.m. and the regular Council Meeting on Monday, August 20, 2018 (21 days) at 6:00 p.m., in order to meet the new 10-day separation of public hearings requirement.

The first reading of the ordinance to annex will be held at a special Council meeting on Monday, September 10, 2018, at 5:30 p.m., and the second reading will be held at the regular Council meeting on Monday, September 17, 2018, at 6:00 p.m., completing the annexation within the state-required timeline.

Completion of this annexation will facilitate law enforcement and City fire coverage on Brown Road from SH 249 to Park Place Drive and will further the City's Strategic Plan goal of *Connecting Tomball*.

**Origination:**

City Secretary

**Recommendation:**

Conduct First Public Hearing

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

City Secretary

**ACTION TAKEN**

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

**ATTACHMENTS:**

Notice of Public Hearings - August 6 and August 20, 2018

# NOTICE OF PUBLIC HEARINGS
# CITY OF TOMBALL, TEXAS

**MONDAY, AUGUST 6, 2018**
**6:00 P.M.**
**and**
**MONDAY, AUGUST 20, 2018**
**6:00 P.M.**

**Notice is hereby given that PUBLIC HEARINGS will be held by the Tomball City Council, as the Governing Body of the City of Tomball, at a Regular Council Meeting on Monday, August 6, 2018 at 6:00 p.m., and at a Regular Council Meeting on Monday, August 20, 2018 at 6:00 p.m., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following Annexation:**

**BEING 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]***

**Persons interested in the above-proposed Annexation will be given an opportunity to be heard. Legal descriptions and maps of said property are available for inspection at the office of the City Secretary, 401 Market Street, Tomball, Texas.**

**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 17th day of July 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, 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 contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY BE VIEWED ONLINE AT www.ci.tomball.tx.us.

# Regular City Council
# Agenda Item
# Data Sheet

Meeting Date: August 20, 2018

**Topic:**
Appoint/Reappoint Members to Positions 1, 3 and 5 on the Tomball Regional Health Foundation for Terms Expiring September 1, 2018

**Background:**
Three Class A, City-appointed Board of Directors Positions 1, 3 and 5 on the Tomball Regional Health Foundation expired on September 1, 2018. These unpaid, two-year positions are currently held by Tina Nash, Steven Vaughan, and Lori Wilson, respectively.

In the last three appointment cycles, Council has appointed new members in order to bring a new perspective to the board and ensure Tomball's interests are being addressed. I believe the recent appointment of Tina Nash has added to this new perspective.

As Mayor, I wish to recommend the reappointment of Tina Nash, Steven Vaughan, and Lori Wilson to their respective positions on the Tomball Regional Health Foundation.

**Origination:**
Mayor Fagan

**Recommendation:**
N/A

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

**ACTION TAKEN**

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

**ATTACHMENTS:**

TRHF Letter of Support for Reappointments

**TOMBALL HOSPITAL AUTHORITY**
29201 Quinn Road, Suite A.
TOMBALL, TEXAS 77375

July 19, 2018

Gretchen Fagan
Mayor
City of Tomball
401 Market Street
Tomball, TX 77375

Dear Mayor Fagan:

The following City of Tomball appointed Authority Board member term(s) will expire in August 2018:

| | |
|---|---|
| Christina Nash | Position #1 |
| Lori Wilson | Position #5 |
| Steven Vaughan | Position #3 |

The nominating Committee and the Board of Directors would like to recommend that Christina Nash, Lori Wilson and Steven Vaughan be reappointed to the board to serve a two-year term beginning September 1, 2018.

Consistency among board members is extremely viable and key to the continued success of Tomball Regional Health Foundation. Orientation, training and education of board members can take a minimum of two years for new members to become knowledgeable and confident in their role as an active member of the Tomball Regional Health Foundation.

As our mission states TRHF exists to promote wellness and improve health status for all residents in our communities through programs that enhance access to health care, preventative care and health education.

Please consider reappointing Christina, Lori and Steve to the Tomball Regional Health Foundation Board of Directors.

Sincerely,

Lynn LeBouef
CEO Tomball Hospital Authority

# Regular City Council
# Agenda Item
# Data Sheet

Meeting Date: August 20, 2018

**Topic:**

Conduct Public Hearing regarding a Proposal to Create City of Tomball, Texas, Reinvestment Zone No. 6, to Include a Tract of Land Containing 16.9 Acres, More or Less, Being Described as Approximately 16.9 acres, situated in the Elizabeth Smith Survey, Abstract No. 70, Being a Portion of Lot 5, Block 1 of Tomball Business and Technology Park, F.C. No. 563006, H.C.M.R., Located at the Northwest Corner of Holderrieth Road and South Persimmon Street, City of Tomball, City Limits, Harris County, Texas

**Background:**

Hoelscher Weatherstrip Mfg. is requesting a 100% tax abatement from the City of Tomball.

The Tax Abatement Policy was readopted/reapproved on August 6, 2018. Following the public hearing, Ordinance No. 2018-27 will be presented to Council to create/designate Hoelscher Reinvestment Zone No. 6.

Following the second reading of Ordinance No. 2018-27 on September 4, 2018, the tax abatement agreement and resolution will be presented to Council for approval.

**Origination:**

Hoelscher Weatherstrip Mfg. and Tomball Economic Development Corporation

**Recommendation:**

N/A

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

City Secretary

**ACTION TAKEN**

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

**ATTACHMENTS:**

Notice of Public Hearing - August 20, 2018

# NOTICE OF PUBLIC HEARING

## ON PROPOSAL TO CREATE CITY OF TOMBALL, TEXAS,

## REINVESTMENT ZONE NO. 6

**MONDAY, AUGUST 20, 2018**

**6:00 P.M.**

**Notice is hereby given that a PUBLIC HEARING will be held by the Tomball City Council, as the Governing Body of the City of Tomball, Texas. at a Regularly Scheduled Council Meeting on Monday, August 20, 2018 at 6:00 p.m., in the Council Chambers, City Hall, 401 Market Street, Tomball, Texas, to Consider the Following:**

**A Proposal to Adopt an Ordinance creating Reinvestment Zone No. 6. Said Reinvestment Zone No. 6 is Proposed to Include a Tract of Land Containing 16.9 Acres, More or Less, more Specifically Described as Follows:**

**Approx. 16.9 acres, situated in the Elizabeth Smith Survey, Abstract No. 70, being a portion of Lot 5, Block 1 of Tomball Business and Technology Park, F.C. No. 563006, H.C.M.R., Located at the Northwest corner of Holderrieth Road and South Persimmon Street, City of Tomball, City Limits, Harris County, Texas.**

**Pursuant to the terms of such proposed ordinance, improvements constructed, erected, or placed on the property within such proposed Reinvestment Zone No. 6 will, pursuant to the terms of such proposed ordinance, be eligible to receive commercial-industrial tax abatement.**

**All persons desiring to address Council regarding the adoption of such proposed ordinance creating Reinvestment Zone No. 6 will be given an opportunity to be heard.**

**The City Council will, in addition, receive written comments if filed with the City Secretary prior to commencement of the public hearing. Legal descriptions and maps of said property are available for inspection at the office of the City Secretary, 401 Market Street, Tomball, Texas.**

**Copies of this Notice will be provided to all Taxing Units within proposed Reinvestment Zone No. 6.**

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 3rd day of August 2018 by 6:00 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: August 20, 2018

**Topic:**

Adopt, on First Reading, Ordinance No. 2018-27, creating Hoelscher Reinvestment Zone No. 6 for a 16.9-acre Tract of Land, out of Lot 5 of the Recorded Plat of the Tomball Business and Technology Park Subdivision, Film Code No. 653006 H.C.M.R., in the Elizabeth Smith Survey, Abstract No. 70, City of Tomball, Harris County, Texas, Generally Located at the Northwest Corner of South Persimmon Street and Holderrieth Road

**Background:**

Hoelscher Weatherstrip Manufacturing Co., Inc. (Hoelscher) has requested City Council's consideration of a tax abatement agreement related to the company's proposed development project in the Tomball Business & Technology Park. The TEDC Board of Directors approved a real estate contract with Hoelscher Properties on July 10, 2018 for the sale of 16.9 acres. Additionally, the Board approved a performance agreement with the company for the development of an approximately 193,832 square-foot facility and the creation of 119 new full-time jobs within the City of Tomball.

The creation of a Reinvestment Zone is necessary prior to consideration of a tax abatement agreement by any taxing jurisdiction. A public hearing is required before passage of the designation ordinance.

The project meets the qualifying criteria in the City's Tax Abatement Policy and will create a significant ad valorem tax revenue stream following the end of the abatement period.

A proposed tax abatement agreement between the City of Tomball and Hoelscher Weatherstrip Manufacturing Co., Inc. will be presented to City Council for consideration at the September 4, 2018 Regular Meeting.

**Origination:**

Charles Hoelscher, Vice President, Hoelscher Weatherstrip Manufacturing Co., Inc.

**Recommendation:**

Staff recommends the City Council hold the public hearing and approve Ordinance No. 2018-27, creating Hoelscher Reinvestment Zone No. 6.

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation

**ACTION TAKEN**

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

**ATTACHMENTS:**

Ordinance No. 2018-27

Notice of Public Hearing
Hoelscher Request Letter

**ORDINANCE NO. 2018-27**

**AN ORDINANCE CREATING CITY OF TOMBALL, TEXAS, HOELSCHER REINVESTMENT ZONE NO. 6; AN APPROXIMATELY 16.9 ACRE TRACT OF LAND, BEING PART OF THE TOMBALL BUSINESS AND TECHNOLOGY PARK AND LOCATED GENERALLY AT THE NORTHWEST CORNER OF SOUTH PERSIMMON STREET AND HOLDERRIETH ROAD, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; MAKING CERTAIN FINDINGS; REPEALING ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.**

* * * * *

WHEREAS, on August 6, 2018, the City Council passed and approved a "Tax Abatement Policy;" and

WHEREAS, pursuant to that Policy, the City Council has received an application for creation of a reinvestment zone; and

WHEREAS, after the giving of proper notice, as required by law, the City Council held a public hearing where all interested persons were given an opportunity to speak and present evidence for and against the creation of Hoelscher Reinvestment Zone No. 6; and

WHEREAS, notice was given to all taxing entities where the proposed zone is to be located; and

WHEREAS, the City Council has determined that the improvements sought to be located in proposed Hoelscher Reinvestment Zone No. 6 are feasible and practical and would be a benefit to the land to be included in the Zone and to the City after the expiration of a tax abatement agreement; and

WHEREAS, the creation of Hoelscher Reinvestment Zone No. 6 will be reasonably likely, as a result of its creation, to contribute to the retention or expansion of primary employment or to attract major investment into the Zone that would benefit the property

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located therein and that will contribute to the economic development of the City of Tomball; 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 and are incorporated herein for all purposes.

Section 2. Hoelscher Reinvestment Zone No. 6 is hereby created for the purpose of encouraging economic development through tax abatement. A metes and bounds description of the property that comprises said Hoelscher Reinvestment Zone No. 6 is attached hereto as Exhibit "A" and incorporated herein as though it was set forth in its entirety in this Ordinance. Improvements and personal property constructed, erected, or placed within Hoelscher Reinvestment Zone No. 6 as created hereby shall be eligible for commercial-industrial tax abatement.

Section 3. This designation shall be effective for a period of five (5) years, commencing on the date of adoption hereof. The expiration of the designation shall not affect an existing tax abatement agreement made under the provisions of the Texas Tax Code.

Section 4. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. 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

DRAFT

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 A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 20TH DAY OF AUGUST 2018.

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

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 SEPTEMBER 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

DRAFT

# EXHIBIT "A"

## PROPERTY DESCRIPTION

WINDROSE
LAND SURVEYING | PLATTING

### DESCRIPTION OF
### 16.90 ACRES OR 736,164 SQ. FT.

A TRACT OR PARCEL CONTAINING 16.90 ACRES OR 736,164 SQUARE FEET OF LAND, BEING OUT OF AND PART OF LOT 5 OF TOMBALL BUSINESS AND TECHNOLOGY PARK, MAP OR PLAT THEREOF RECORDED UNDER FILM CODE (F.C.) NO. 653006 OF THE HARRIS COUNTY MAP RECORDS (H.C.M.R.), CONVEYED TO TOMBALL INDUSTRIAL DEVELOPMENT CORPORATION, AS RECORDED UNDER HARRIS COUNTY CLERK FILE (H.C.C.F.) NO. 20120018139, SITUATED IN THE ELIZABETH SMITH SURVEY, ABSTRACT NO. 70, HARRIS COUNTY, TEXAS, WITH SAID 16.90 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

**BEGINNING** AT A CAPPED 5/8 INCH IRON ROD STAMPED "McKIM & CREED" FOUND ON THE NORTH RIGHT OF WAY (R.O.W.) LINE OF HOLDERRIETH ROAD, 80 FEET WIDE, FOR THE SOUTHEAST CORNER OF A CALLED 170 FEET WIDE DRAINAGE EASEMENT AS SHOWN ON SAID TOMBALL BUSINESS AND TECHNOLOGY PARK, THE SOUTHWEST CORNER OF SAID LOT 5, AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, NORTH 28 DEG. 04 MIN. 02 SEC. WEST, ALONG THE EAST LINE OF SAID DRAINAGE EASEMENT, A DISTANCE OF 1,031.36 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, NORTH 61 DEG. 55 MIN. 58 SEC. EAST, OVER AND ACROSS SAID LOT 5, A DISTANCE OF 637.58 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE SOUTHWEST R.O.W. OF SOUTH PERSIMMON STREET, WIDTH VARIES, AS RECORDED UNDER F.C. NO. 653006, H.C.M.R., FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, ALONG THE SOUTHWEST R.O.W. OF SAID SOUTH PERSIMMON STREET THE FOLLOWING FIVE (5) COURSES AND DISTANCES;

WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 960.00 FEET, A CENTRAL ANGLE OF 43 DEG. 34 MIN. 50 SEC., AN ARC LENGTH OF 730.20 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 30 DEG. 37 MIN. 18 SEC. EAST, 712.73 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR A POINT OF TANGENCY;

SOUTH 08 DEG. 49 MIN. 53 SEC. EAST, A DISTANCE OF 119.57 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR A POINT OF CURVATURE OF A CURVE TO THE RIGHT;

WITH SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 530.00 FEET, A CENTRAL ANGLE OF 11 DEG. 08 MIN. 52 SEC., AN ARC LENGTH OF 103.12 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 03 DEG. 15 MIN. 27 SEC. EAST, 102.96 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR A POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT;

WITH SAID CURVE TO THE LEFT, HAVING A RADIUS OF 530.00 FEET, A CENTRAL ANGLE OF 11 DEG. 08 MIN. 52 SEC., AN ARC LENGTH OF 103.12 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 03 DEG. 15 MIN. 27 SEC. EAST, 102.96 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR A POINT OF TANGENCY;

SOUTH 08 DEG. 49 MIN. 53 SEC. EAST, A DISTANCE OF 172.52 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE NORTHEAST END OF A CUTBACK AT THE INTERSECTION OF THE WEST R.O.W. LINE OF SAID SOUTH PERSIMMON STREET, AND THE NORTH R.O.W. LINE OF SAID HOLDERRIETH ROAD;

**THENCE**, SOUTH 36 DEG. 10 MIN. 07 SEC. WEST, ALONG SAID CUTBACK, A DISTANCE OF 35.36 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE SOUTHWEST END OF SAID CUTBACK;

**THENCE**, SOUTH 81 DEG. 10 MIN. 07 SEC. WEST, ALONG THE NORTH R.O.W. LINE OF SAID HOLDERRIETH ROAD, A DISTANCE OF 481.76 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 16.90 ACRES OR 736,164 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 52534-HOELSCHER-BND, PREPARED BY WINDROSE LAND SERVICES.

KEVIN M. REIDY
R.P.L.S. NO. 6450
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800

STATE OF TEXAS
REGISTERED
KEVIN M. REIDY
6450
PROFESSIONAL
LAND SURVEYOR

08/14/2018
DATE:

713.458.2281 | 11111 RICHMOND AVE, STE 150, HOUSTON, TX 77082

**HOELSCHER WEATHERSTRIP MANUFACTURING CO., INC.**
10111 Houston Oaks Drive
Houston, Texas 77064
Phone 713-869-6466
Office Fax: 713-869-6469
Door Sales Fax: 713-861-2909

July 3, 2018

Kelly Violette, AICP
Executive Director
Tomball Economic Development Corporation
29201 Quinn Rd., Suite B
Tomball, Texas 77375

Dear Kelly,

As you are aware, Hoelscher Properties LLC, a Texas limited liability company, ("Hoelscher Properties") has recently submitted to Tomball Economic Development Corporation (TEDC) a letter of intent (LOI),[1] pursuant to which Hoelscher Properties has offered to purchase from TEDC approximately 16.9 acres of undeveloped land (the Hoelscher Tomball Tract) in the Tomball Business and Technology Park (the Park) for the lump sum price of $2.95 per gross square foot.[2]

In connection with the development and operation of the Hoelscher Tomball Tract as described hereafter, the Hoelscher Group[3] requests: (i) the assistance of TEDC in obtaining a tax abatement from the City of Tomball in accordance with the City of Tomball Tax Abatement Policy; and, (ii) non-tax financial incentives from TDEC in accordance with the TDEC guidelines.

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[1] The terms of the LOI have been agreed to in principal, but is subject to the approval of the Board of TEDC.

[2] The gross sales price, which will be payable to TEDC in cash at closing, is estimated to be $2,171,684.

[3] The Hoelscher Group consists of Hoelscher Properties; Hoelscher Property Management Ltd., a Texas limited partnership ("Hoelscher Management"); Hoelscher Weatherstrip Manufacturing Co., Inc., a Texas corporation ("Hoelscher Weatherstrip"). For the sake of accuracy, it is contemplated that the Hoelscher Tomball Tract will be acquired by Hoelscher Management, of which Hoelscher Properties is the sole general partner.

The Hoelscher Weatherstrip business was started by Henry Hoelscher and his wife, Esther Hoelscher, in 1958.[4] At that time, the business of Hoelscher Weatherstrip consisted solely of the fabrication and installation of weatherstripping for commercial and residential applications. In a business succession in 1993, Charles Hoelscher, Derek Hoelscher, and Mark Hoelscher (collectively, the Hoelscher Brothers) acquired the business started by their parents.

From its beginning, Hoelscher Weatherstrip operated continuously from the same location on West 23rd Street in the City of Houston.[5] Because of its continued success in the fabrication and installation of weatherstripping, and the expansion of its business into the fabrication, installation, and distribution of doors, Hoelscher Weatherstrip outgrew its home on West 23rd Street. In order to accommodate its growing business, in 2006, Hoelscher Management acquired a 5.048-acre parcel in the West Sam Houston Business Park,[6] and built a 65,500-square foot office/warehouse facility from which Hoelscher Weatherstrip conducted its business. Having outgrown this facility, in 2014, the Hoelscher Group constructed on the Hoelscher Houston Oaks Property an additional 44,500-square foot facility, bringing the total of its current office/warehouse to 110,000 square feet.

Because of the continued success of its business, the Hoelscher Group has outgrown its facilities at the Hoelscher Houston Oaks Property, and for this reason has executed the LOI pertaining to the Hoelscher Tomball Tract, where it intends to construct a 193,000-square foot office/warehouse facility. Construction will begin as soon as practicable after the closing of the purchase of the Hoelscher Tomball Tract, with the preliminary schedule reflecting a completion date of early 2020.[7] The estimated value of the new facility is $7,500,000.00.

Development of, and Operations from, Hoelscher Tomball Tract

Hoelscher Weatherstrip will continue its current operations from the Hoelscher Tomball Property, those operations consisting primarily of:

---

[4] Hoelscher Weatherstrip was originally operated as a sole proprietorship. As the business grew, Mr. and Mrs. Hoelscher incorporated Hoelscher Weatherstrip in 1965, and continued its operations as a Texas corporation thereafter.

[5] In 2001, the property on West 23rd Street from which Hoelscher Weatherstrip conducted its operations was conveyed to Hoelscher Management, of which Hoelscher Properties is the sole general partner and the Hoelscher Brothers are the sole limited partners. (The Hoelscher Brothers are also the sole members of Hoelscher Properties.)

[6] This property, the current location of the Hoelscher Group business, has a street address of 10111 Houston Oaks Drive, Houston, Texas 77064 (the "Hoelscher Houston Oaks Property").

[7] Northwinds Construction constructed the Hoelscher Group facilities at the Hoelscher Houston Oaks Property, and is expected to be the contractor for this project as well. The Hoelscher Group has already had preliminary discussions with Northwinds regarding the new facility.

- furnishing and/or installation of exterior doors/door units to Greater Houston area homebuilders and remodelers and retail markets;

- distribution of doors/door units to residential building suppliers in Texas, Oklahoma, Arkansas, and along the Gulf Coast to Georgia; and,

- wholesale and retail sales of doors and weatherstrip materials over-the-counter.

In relocating its operations to the City of Tomball, the Hoelscher Group will bring 105 full time employees, including the owners, and 10 contractors. For the fiscal year ended in June, Hoelscher Weatherstrip had an employee payroll totaling approximately $7,500,000.00 and contractor payouts of approximately $575,000.00.

By relocating to a larger facility, Hoelscher Weatherstrip expects to increase its employee roster by 5 the first year, and by 3 each of the following 3 years. The average wages of the Hoelscher Weatherstrip employees are projected to be $46,000.00 exclusive of, bonuses.

The relocation will include moving all of the Hoelscher Weatherstrip office and shop equipment, inventory, and machinery from its current facility. Hoelscher Weatherstrip's need for more space for inventory will be well-served by the move, and the larger parcel of land will allow for future growth.[8]

Hoelscher Weatherstrip's current average taxable sales per month is $143,442.00, and its current average taxable purchases per month is $98,743.00.

Description of Improvements

Improvements consist of a 193,832 SF concrete tilt wall building. Of this square footage, approximately 15% will be air-conditioned space. The remainder will be warehouse, fabrication, and shipping space for our products. Also, included in the improvements, is the required parking, drives, loading docks, and truck aprons. The proposed site will be located at the Northwest corner of South Persimmon and Holderrieth Road in Tomball, Texas.

See attached Exhibit B.

[8] The housing industry is very active in the Gulf Coast area, and the growth in this business sector is projected to continue. The distribution division of the Hoelscher Group has seen continued growth, fueled by both its expanding product line and its expanding coverage area.

Project Eligibility

The proposed project is eligible for tax abatement under Section 4(a) of the City of Tomball Abatement Policy as a Corporate Headquarters Facility, a Regional Distribution Facility and a Manufacturing Facility.

No work has commenced on the project and the Hoelscher Group is prepared to enter into an abatement agreement with the City of Tomball prior to the commencement of construction should this project be approved.

Minimum Standards for Tax Abatement

With respect to Section 3 of the Guidelines and Criteria of the City of Tomball Tax Abatement Policy, the Hoelscher Group notes the following:

a. There will be very little use of any hazardous materials at the site. Further, any operations involving hazardous materials will be conducted strictly in accordance with all applicable laws, rules, and regulations.

b. It is anticipated that the planned development will both stimulate local employment and have a positive impact on local businesses.

c. New Facilities: As noted above, the project will establish and maintain at least twenty-five (25) jobs in the City of Tomball, and will have a minimum investment in excess of $1,000,000.

d. N/A.

e. N/A.

f. Abatement is requested for the additional tax value resulting from the construction of new facilities.

g. It is believed that the project will have a high level of visibility and image impact, or will be a significantly higher level of development quality.

h. Due to the services required to operate the facility, the Hoelscher Group expects the project to attract or retain other high quality industrial/business development.

i. While some of the employment will be new, any existing employees will be transferred from facilities outside of the City of Tomball.

j. All development will conform to the City of Tomball zoning ordinances.

k. The cost of services required for the development, will not exceed the amount of taxes generated if abatement is granted.

Compliance with Employment Laws

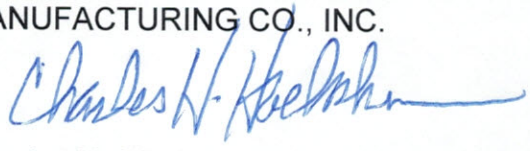
The Hoelscher Group certifies that its employment policy prohibits the employment of undocumented workers and that it will adhere to this policy while the abatement is in effect. The Hoelscher Group understands and agrees that if any of its member entities are convicted of a violation under 8 U.S.C. Section 1324a(f) after receiving a tax abatement, The Hoelscher Group will repay the amount of the tax abatement with interest at the rate of 12% per annum, within 120 days after the City notifies The Hoelscher Group of the violation.

Conclusion

Through the years, the Hoelscher Weatherstrip business model has evolved into a multi-faceted operation, with growth in each division. The acquisition of the Hoelscher Tomball Tract will not only enable Hoelscher Weatherstrip to comfortably conduct its current operations, but will also provide additional room for reasonably anticipated future expansion.

The City of Tomball is a vibrantly growing community. The Hoelscher Group looks forward to becoming part of that growth, and requests the assistance of TEDC as outlined herein.

HOELSCHER WEATHERSTRIP
MANUFACTURING CO., INC.



Charles H. Hoelscher, Vice-President

EXHIBIT B

## Description of Improvements

Improvements consist of a 193,832 SF concrete tilt wall building. Of this square footage approximately 15% will be air-conditioned office space. The remainder will be warehouse, fabrication, and shipping space for our products. Also, included in the improvements is the required parking, drives, loading docks, and truck aprons. The proposed site will be located at the Northwest corner of South Persimmon and Holderrieth Road in Tomball, TX.

## Site Layout

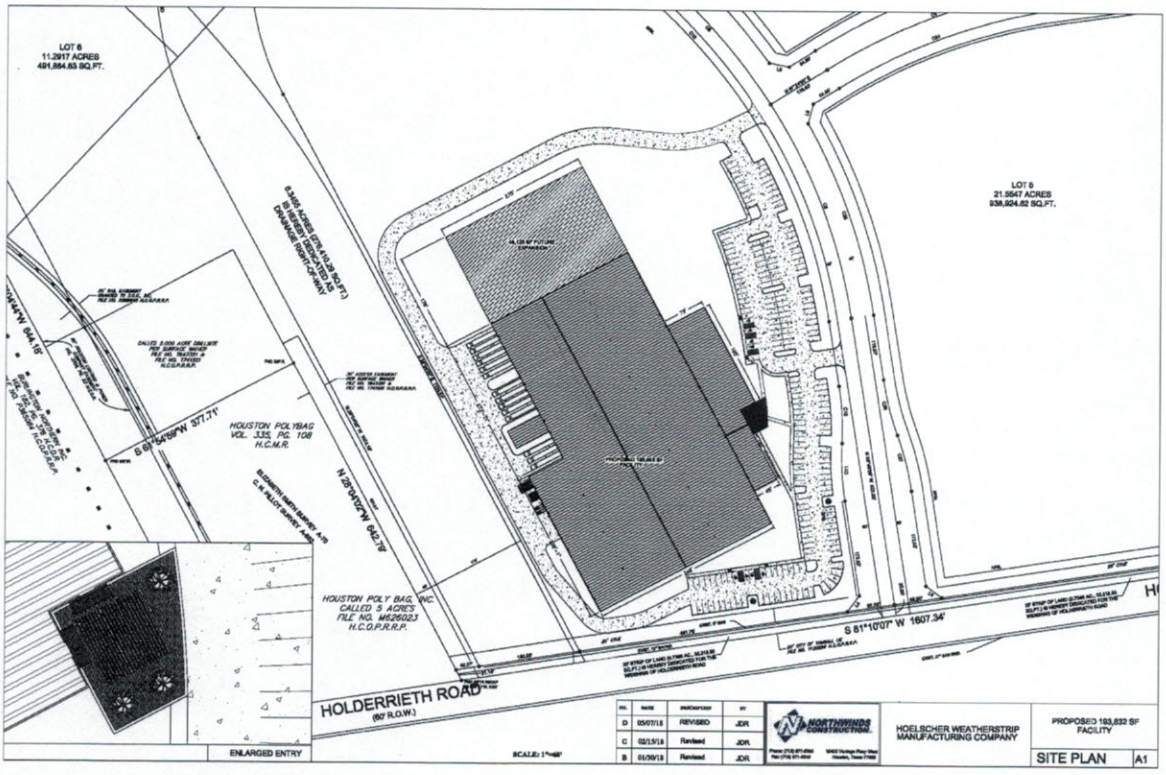


Exhibit B Continued

Description of Improvements

Elevations

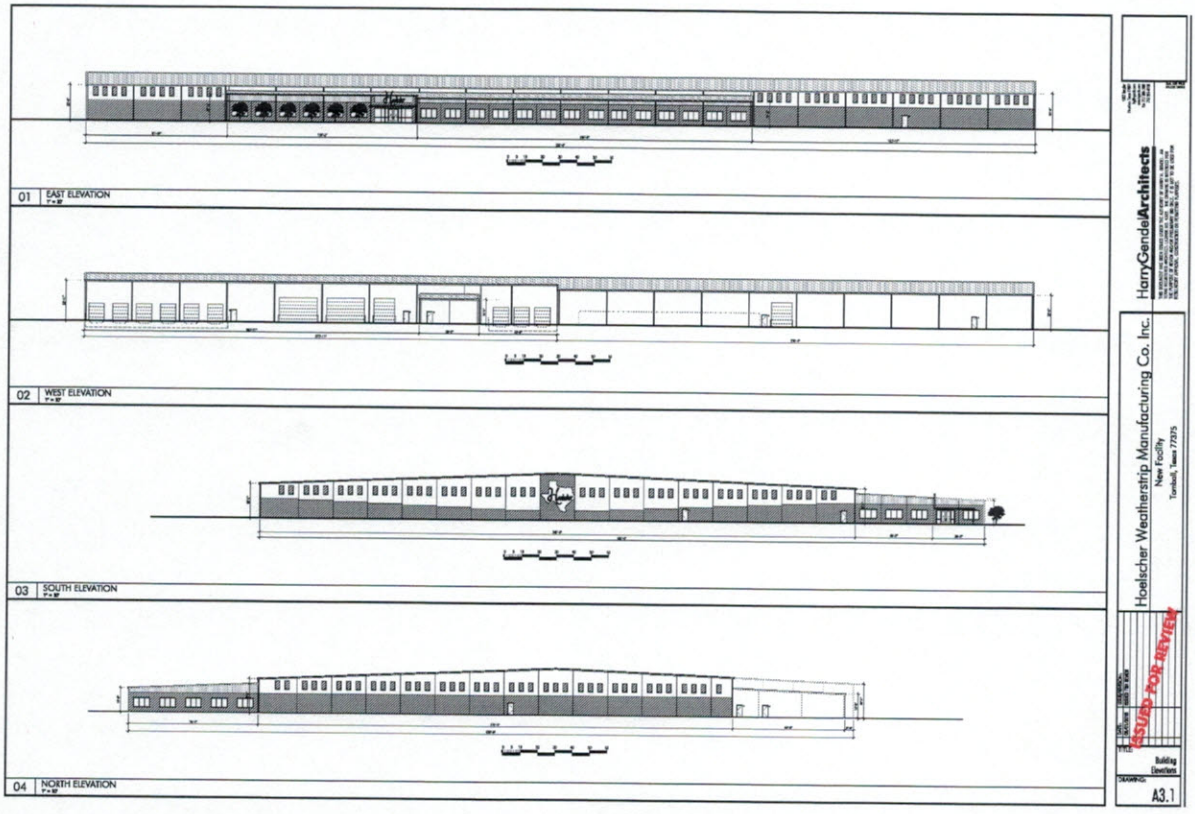


Exhibit B Continued

Description of Improvements

Artistic Rendering- Holderrieth Road View



Artistic Rendering- South Persimmon



# Regular City Council
# Agenda Item
# Data Sheet

Meeting Date: August 20, 2018

**Topic:**

Adopt, on First Reading, Ordinance No. 2018-28, 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 *[Tract One: Being a 0.6123 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 and Tract Two: 3.0223 Acres of Land for Proposed Annexation Situated in the Joseph House Survey, A-34 in Harris County, Texas, Same Being Comprised of All of Lot 1 in Block 1 of Fourteen Six Hundred Business Park, a Subdivision in Said Harris County, Texas According to the Map or Plat Thereof Filed for Record under Film Code No. 680728 of the Harris County Map Records, Located at 14600 Brown Road, Tomball, Texas; Located within the Extraterritorial Jurisdiction of the City of Tomball, Harris County, Texas]*

**Background:**

Adoption of Ordinance No. 2018-28 begins the final process to annex a portion of Brown Road Right-of-way, to create contiguity, and a 3.0223-acre tract located at 14600 Brown Road, located within the City's ETJ, as requested by the property owner, Russell McKee.

The required public hearings have been conducted; following adoption of Ordinance No. 2018-28 on first reading, the Ordinance will be presented to Council for the second reading on September 4, 2018.

**Origination:**

Russell McKee, PFG Companies

**Recommendation:**

Adopt Ordinance No. 2018-28 on First Reading

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

City Secretary

**ACTION TAKEN**

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

**ATTACHMENTS:**

Ordinance No. 2018-28
Proposed Annexation Calendar - Brown Road ROW and PFG Companies Property
Application for Annexation - PFG Companies

**ORDINANCE NO. 2018-28**

**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 [TRACT ONE: BEING A 0.6123 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 AND TRACT TWO: 3.0223 ACRES OF LAND FOR PROPOSED ANNEXATION SITUATED IN THE JOSEPH HOUSE SURVEY, A-34 IN HARRIS COUNTY, TEXAS, SAME BEING COMPRISED OF ALL OF LOT 1 IN BLOCK 1 OF FOURTEEN SIX HUNDRED BUSINESS PARK, A SUBDIVISION IN SAID HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF FILED FOR RECORD UNDER FILM CODE NO. 680728 OF THE HARRIS COUNTY MAP RECORDS, LOCATED AT 14600 BROWN ROAD, TOMBALL, TEXAS; LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS].**

* * * * * * * * * * *

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

**Section 1.** The boundaries and limits of the City of Tomball, Texas, are hereby extended to embrace and include all of the territory described in **Exhibit "A"** attached hereto and made a part hereof and such territory hereby annexed to and made a part of the city.

**Section 2.** The plan for extension of municipal services into the territory annexed to the City of Tomball by the provisions of this ordinance is set forth in the "Municipal Service Plan" attached hereto as **Exhibit "B"** and made a part hereof for all purposes. Such Municipal Service Plan is hereby approved.

**Section 3.** If any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no

wise affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect; and should this Ordinance for any reason be ineffective as to any part of the territory hereby annexed to the City of Tomball, such ineffectiveness of this Ordinance as to any such part or parts of any such territory shall not affect the effectiveness of this ordinance as to all of the remainder of such territory or area, and the City Council hereby declares it to be its purpose to annex to the City of Tomball every part of the territory described in Section 1 of this ordinance, regardless of whether any other part of such described territory is hereby effectively annexed to the City. Provided, further, that if there is included in the general description of territory set out in Section 1 of this Ordinance to be hereby annexed to the City of Tomball any territory which is already a part of and included within the general limits of the City of Tomball, or which is presently part of and included in the limits or extraterritorial jurisdiction of any other city, town, or village, or which is not within the City of Tomball's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted territory were especially and specifically described herein.

**Section 4. Severability.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of 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, or 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 20TH DAY OF AUGUST 2018.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF SEPTEMBER 2018.

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

_____
GRETCHEN FAGAN, Mayor

ATTEST:

_____
DORIS SPEER, City Secretary

# EXHIBIT "A" – Page 1

EIC SURVEYING COMPANY

12345 Jones Road, Suite 270
Houston, TX 77070
281-955-2772 • Fax 281-955-6678
www.eicsurveying.com • eic@eicsurveying.com

FIRM NO. 100334-00




All that certain tract or parcel containing 3.0223 acres of land for proposed annexation situated in the Joseph House Survey, A-34 in Harris County, Texas, same being comprised of all of Lot 1 in Block 1 of Fourteen Six Hundred Business Park, a subdivision in said Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 680728 of the Harris County Map Records and a 0.6123 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, said 3.0223 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod (found) marking the intersection of the South line of that certain call 1.0000 acre tract of land out of Tract 22 in Park Place Estates (unrecorded) as described in a deed filed for record under Harris County Clerk's File No. N097400 with the East right-of-way line of Park Place Drive, (60.00 feet in width), same point marking the Northwest corner of said Lot 1 and the Northwest corner of the herein described 3.0223 acre tract of land;

THENCE N 88°01'12" E, a distance of 370.56 feet along the common line of said Tract 22 and said Lot 1 to a 5/8" iron rod with EIC cap (found) in the West line of that certain call 1.88 acre tract comprised of Tracts 10 and 11 in Park West, (unrecorded), as described in a deed filed for record under Harris County Clerk's File No. P885596 marking the Southeast corner of said 1.0000 acre tract of land, the Southeast corner of said Tract 22, the Northeast corner of said Lot 1 and the Northeast corner of the herein described 3.0223 acre tract of land;

THENCE S 01°59'31" E, along the common line of said Lot 1 and said 1.88 acre tract of land, passing at 245.90 feet a 5/8" iron rod with EIC cap (found) marking the Southeast corner of said Lot 1, and passing at 256.72 feet a 5/8" iron rod with EIC cap (found) in the North right-of-way line of said Brown Road marking the Northeast corner of said 0.6123 acre tract of land, the Southwest corner of said Tract 11 and the Southwest corner of said 1.88 acre tract of land, a total distance of 320.99 feet to a5/8" iron rod with EIC cap (set) in the South right-of-way line of said Brown Road and the North line of Block 1 in the Replat of Spring Creek Estates, a subdivision in said Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 520108 of said Harris County Map Records marking the Southeast corner of said 0.6123 acre tract of land and the Southeast corner of the herein described 3.0223 acre tract of land, same point being in a curve to the right having a radius of 602.70 feet;

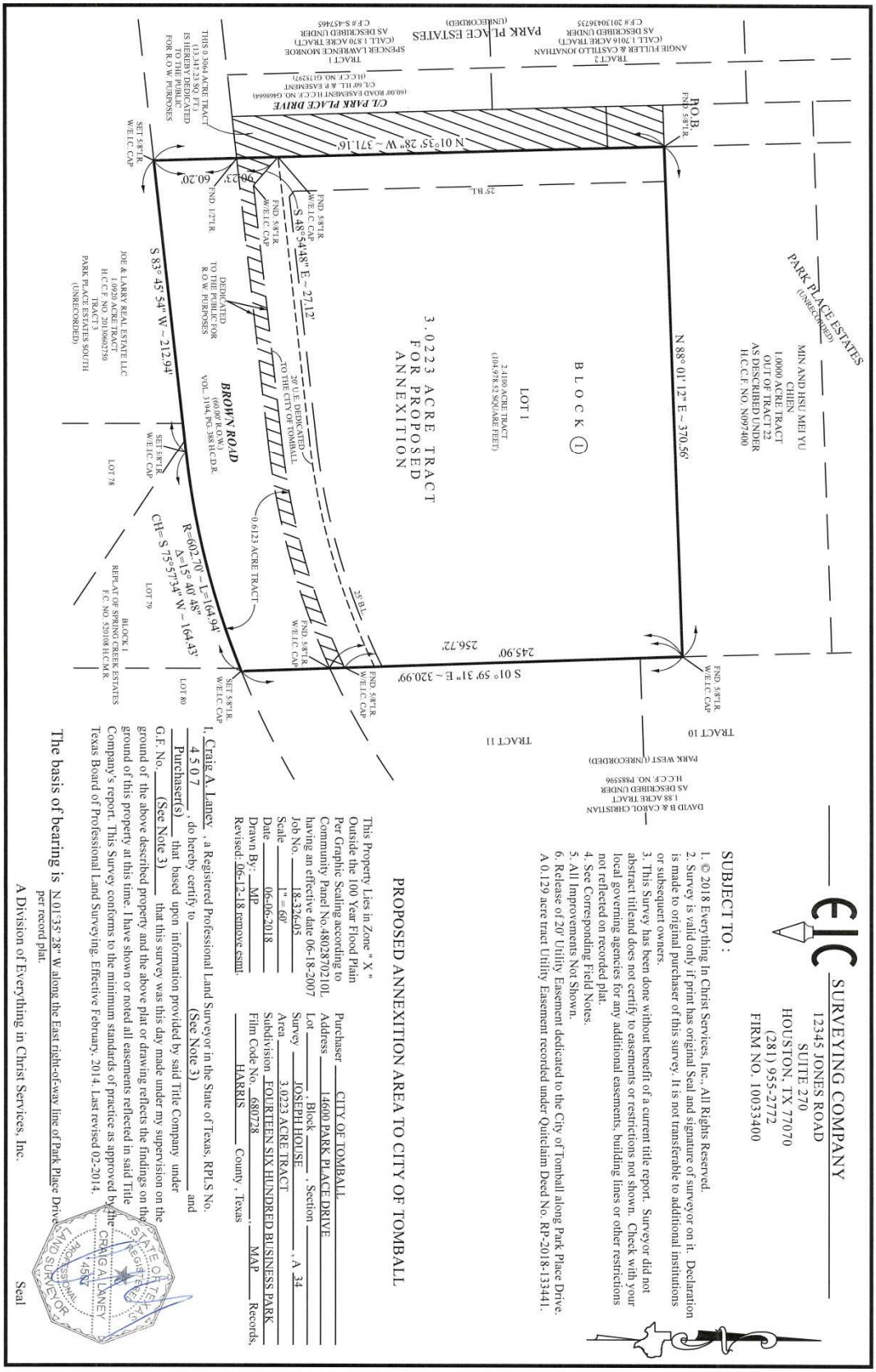
THENCE Southwesterly, along the South right-of-way line of said Brown Road, the South line of said 0.6123 acre tract of land and the North line of said Block 1, with said curve to the right through a central angle of 15°40'48", a chord bearing and distance of S 75°57'34" W, 164.43 feet, an arc distance of 164.94 feet to a 5/8" iron rod with EIC cap (set) marking a point of tangency;

THENCE S 83°45'54" W, a distance of 212.94 feet along the South right-of-way line of said Brown Road, the South line of said 0.6123 acre tract of land and the North line of said Block 1 to a 5/8" iron rod with EIC cap (set) in the North line of Tract 3 in Park Place estates South (unrecorded) as described in a deed filed for record under Harris County Clerk's File No. 20130602750 marking the Southwest corner of said 0.6123 acre tract of land and the Southwest corner of the herein described 3.0223 acre tract of land;

THENCE N 01°35'28" W, along the West line of said 0.6123 acre tract of land, passing at 60.20 feet a ½" iron rod (found) marking the intersection of the East right-of-way line of said Park Place Drive with the North right-of-way line of said Brown Road, and passing at 90.23 feet the Northwest corner of said 0.6123 acre tract of land and the Westerly-Southwest corner of said Lot 1, a total distance of 371.16 feet to the POINT OF BEGINNING and containing 3.0223 acres of land.

Surveyed on the ground June 6, 2018.
Job No. 18-326-05. (See corresponding plat)
The basis of bearing is N 01°35'28" W, along the East right-of-way line of Park Place Drive per record plat.

# EXHIBIT "A" – Page 2



# EXHIBIT "B"

## CITY OF TOMBALL, TEXAS

## MUNICIPAL SERVICE PLAN

## I. INTRODUCTION

This Municipal Service Plan (the "Plan") is made by the City of Tomball, Texas (the "City"), pursuant to Chapter 43 of the Texas Local Government Code. This Plan relates to the annexation by the City of the tract of land ("Tract") described by metes and bounds in "Exhibit A," which is attached to this Plan and to the annexation ordinance of which this Plan is a part.

## II. EFFECTIVE TERM

This Plan shall be in effect for a period of ten (10) years commencing on the effective date of the annexation of the Tract, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council, which refers to this Plan and specifically renews this Plan for a stated period of time.

## III. INTENT

It is the intent of the City that services under this Plan shall equal the number of services and the level of services in existence within the Tract prior to annexation and which are available in other parts of the City with land uses and population densities similar to those reasonably contemplated or projected within the Tract. However, it is not the intent of this Plan to require that a uniform level of service be provided to all areas of the City, including the Tract, where differing characteristics of topography, land utilization, and population density are considered as a sufficient basis for providing differing service levels.

The City reserves the right, granted to it by Section 43.056(k), Texas Local Government Code, to amend this Plan, if the City Council determines that changed conditions or subsequent occurrences or any other legally sufficient circumstances exist under the Texas Local Government Code, or other Texas laws to make this Plan unworkable, obsolete, or unlawful.

## IV. SERVICE PROGRAMS

A. In General.

1. This Plan includes the following service programs: A 60-Day Program and a Capital Improvement Program.

2. As used in this Plan, “providing services” shall include having services provided by any method or means by which the City may extend municipal services to any other area of the City. The City shall provide the area, or cause the area to be provided, with services in accordance with the Plan. This may include, but is not limited to, causing or allowing private utilities, governmental entities, and other public service organizations to provide such services, in whole or in part.

   As used in this Plan, the phrase "standard policies and procedures" shall mean those policies and procedures of the City applicable to a particular service, which are in effect either at the time that the service is requested or at the time the service is made available or provided. Such policies and procedures may require a specific type of request be made, such as an application or a petition, may require that fees or charges be paid, and may include eligibility requirements or other similar provisions.

B. 60-Day Program. The following services will be provided within the Tract within the period required by State law. State law requires the City to provide the following services within sixty (60) days after the effective date of the annexation: police protection, fire protection, solid waste collection, operation and maintenance of water, wastewater, and gas facilities, operation and maintenance of roads and streets, including lighting, operation and maintenance of parks, playgrounds, and swimming pools, and maintenance of any other publicly owned facility, building or service. The 60-Day Program plan is as follows:

   1. Police Protection. The Police Department of the City will provide protection and law enforcement within the Tract. These activities will include routine patrols and responses, handling of complaints and incident reports, and, as appropriate, support by special units. In order to provide the above services, the Police Department will operate from a City facility.

   2. Fire Protection. The Fire Department of the City currently provides fire protection to the Tract. Fire protection will be provided from either the southside or central fire stations. Fire protection will remain at the current level of service.

   3. Solid Waste Collection. All eligible residences and businesses will be provided solid waste collection service, either by City personnel or by contract.

   4. Maintenance of Water, Wastewater, and Gas Facilities. There are no City water, wastewater, or gas facilities currently located within the Tract. If any such facilities are constructed or acquired by the City within the Tract, the City’s Department of Public Works will operate and maintain such facilities at levels of service and maintenance comparable to those available for other such facilities in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.

5. Operation and Maintenance of Roads and Streets (including lighting). The City's Department of Public Works will provide for the maintenance of roads and streets over which the City will have jurisdiction. Such Department will also provide services relating to traffic control devices and will provide street lighting for such roads and streets through an electric utility company or by other means. The operation and maintenance of roads and streets, including street lighting and traffic control devices, shall be provided at levels of service and maintenance comparable to those available for other roads and streets in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.

6. Operation and Maintenance of Parks, Playground and Swimming Pools. There are no public parks, playgrounds, or swimming pools currently located within the Tract. If, as a result of acquisition of park land, any such facilities are constructed by the City within the Tract, the City's Department of Parks and Recreation will operate and maintain such facilities at levels of service and maintenance comparable to those available for other such facilities in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.

7. Operation and Maintenance of Any Other Publicly-Owned Facility, Building, or Service. Those drainage facilities associated with City-maintained public streets will be maintained by the City's Department of Public Works, as needed. Any other facility, building, or service existing or which may be constructed or located by the City within the Tract, will be operated and maintained by an appropriate City department at levels of service and maintenance comparable to those available to other such facilities in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.

C. Capital Improvement Program. It is the intent of the City to provide full City services within the Tract not less than four and one-half (4-1/2) years after the effective date of annexation of the Tract, in accordance with the Texas Local Government Code, §43.056(e).

The City will initiate the acquisition and construction of the capital improvements necessary to provide municipal services adequate to serve the Tract. Any necessary construction or acquisition is indicated below, and any such construction or acquisition shall begin within two (2) years of the effective date of this Plan and shall be substantially completed within 4-1/2 years, except as otherwise indicated:

1. Police Protection. No capital improvements are necessary at this time to provide police protection services within the Tract. The Tract will be

included with other City territory in connection with planning for new, revised, or expanded police facilities.

2. Fire Protection. No capital improvements are necessary at this time to provide fire protection services within the Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded fire facilities.

3. Solid Waste Collection. No capital improvements are necessary at this time to provide solid waste collection services within the Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded solid waste facilities and/or services.

4. Wastewater Facilities. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public wastewater facilities. Wastewater services will be provided according to the standard policies and procedures of the City's Department of Public Works. A summary of the City's policies with regard to the extension of wastewater services is attached to and made a part of this Plan.

5. Water Distribution. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public water facilities. Water services will be provided according to the standard policies and procedures of the City's Department of Public Works. A summary of the City's policies with regard to the extension of water services is attached to and made a part of this Plan.

6. Gas Distribution. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public gas facilities. Gas services will be provided according to the standard policies and procedures of the City's Department of Public Works. A summary of the City's policies with regard to the extension of gas services is attached to and made a part of this Plan.

7. Roads and Streets (including lighting). The City will acquire jurisdiction in and over all public roads and streets within the Tract upon annexation, pursuant to Section 311.001 of the Texas Transportation Code and other similar provisions, except for public roads and streets subject to the jurisdiction of other governmental entities. Additional roads, streets, or related facilities are not necessary at this time to service the Tract. Future extensions of roads or streets and future installation of related facilities, such as traffic control devices or street lights, within the Tract will be governed by standard policies and procedures of the City. The Tract will be included with other City territory in connection with planning for new, improved, revised, widened, or enlarged roads, streets, or related facilities.

8. Parks, Playgrounds, and Swimming Pools. No capital improvements are necessary at this time to provide park and recreational services to the

Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded parks, playgrounds, and/or swimming pools.

9. Other Publicly-Owned Facilities, Buildings or Services: Additional Services. In general, other City functions and services can be provided to the Tract by using existing capital improvements. At this time, additional capital improvements are not necessary to provide City services. However, the Tract will be included with other City territory in connection with planning for new, revised, or expanded facilities, functions, and services.

## V. AMENDMENT: GOVERNING LAW

This Plan may not be amended or repealed, except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes at any time. This Plan is subject to, and shall be interpreted in accordance with, the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and any orders, rules, or regulations of any other governmental body having jurisdiction.

## VI. FORCE MAJEURE

In the event the City is rendered unable, wholly or in part, by force majeure to carry out its obligations under this Plan, notice shall be given with full particulars of such force majeure, in writing, as soon as reasonably possible after the occurrence of the cause relied on, and the City's obligations, so far as effected by such force majeure, shall be suspended during the continuance of such inability so caused but for no longer period, and such cause shall, so far as possible, be remedied with all reasonable dispatch; provided, however, City shall not be required to settle a strike or dispute with workmen when such settlement is against the will of the City. The term "force majeure" shall mean acts of God, strikes, acts of the public enemy, wars, blockades, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, arrests and restraints of rulers and people, explosions, breakage or accident to machinery or lines of pipe, droughts, hurricanes and tornadoes, and any other inability of either party, whether similar to those enumerated or otherwise, not within the control of the City, which, by the exercise of reasonable diligence, the City shall not have been able to avoid.

## VIII. ENTIRE PLAN

This document contains the entire and integrated Plan relating to the Tract and supersedes all other negotiations, representations, plans, and agreements, whether written or oral.

If one or more provisions of this Plan is held to be invalid, unenforceable, or illegal in any respect, the remainder the Plan shall remain valid and in full force and effect.

## SUMMARY OF EXTENSION POLICY FOR WATER, WASTEWATER, AND GAS SERVICE

The following information is a summary of the City of Tomball's ("City") policies respecting water, wastewater and gas service extensions. This summary is made in compliance with the Texas Local Government Code, which requires that each annexation plan include a summary of the service extension policy. Nothing herein shall repeal any provision of the Code of Ordinances of the City of Tomball, as amended, or any of the uncodified ordinances that contain the City's policies and procedures.

The City extends water, wastewater, and gas services to existing unserved development as follows:

Construction of such service lines is based on a priority schedule that considers potential health hazards, population density, the number of existing buildings, the reasonable cost of providing service, and the desires of the residents of the unserved areas.

Extensions built by the City at its cost are included in its Capital Improvements Plan, which is updated annually. Placement of an extension or enlargement of any water and/or wastewater lines into the Capital Improvement Plan is based primarily on the following requirements: (1) to provide service to unserved areas, (2) and to provide adequate capacity for projected service requirements.

Persons or entities desiring to develop land within unserved areas must construct water, wastewater, and gas service lines and extensions to connect to City trunk lines to serve the new development.

**PROPOSED ANNEXATION – McKee – PFG Companies**

**Council approves annexation request on 6/18/2018 by adopting Resolutions to annex Brown ROW and PFG property. Sets 7/16 and 7/30 (14 days apart) as dates for public hearings (regular Council meetings). Send to paper on 6/5 to run in paper on 6/27 (19 days' notice for 7/16 meeting) and again on 7/11 (19 days' notice for 7/30 meeting) – ONE Special Council meeting required.**

| | | | | | | |
|---|---|---|---|---|---|---|
| **Publish Dates & Public Hearing Dates – Complete Annexation on 9/4/2018** | Publish Date | First Public Hearing at **Regular** Meeting | Publish Date | Second Public Hearing at **SPECIAL** Meeting | First Reading of Ordinance at **Regular** Meeting | Second Reading of Ordinance at **Regular** Meeting |
| Council approves annexation on 6/18 and sets dates for Public Hearings as 7/16 and **7/30:**<br><br>1st public hearing to 1st reading is 35 days total; 77 days to complete annexation from resolution approval | 6/27/2018 | **7/16/2018** | **7/11/2018** | **7/30/2018** | **8/20/2018** | **9/4/2018** |
| | **19** days' notice to 7/16 | | **19** days' notice to 7/30 | 14 days apart from 7/16 PH | 21 days from 2nd PH on 7/30; 35 days from 1st PH on 7/16 | |
| | To paper 6/19 to run on 6/27 and 7/11 | | Reminder to paper 7/4 to run 7/11 | | | |
| (54 days from first publication notice to first reading/institution of proceedings) | (-54 days from 1st publication to 1st reading | (-35 days) to 1st reading | | (-21 days) to 1st reading | **(Day 0)** | (+15 days) for completion of annexation |

Publication date – more than 10 days' notice, less than 20 days' notice for public hearings [LGC, Sec. 43.063(c)] – **19 days' notice for each P.H.**
**Public Hearings must be at least 10 business days apart (Sec. 43.0673) – 14 days apart**
Public hearings – more than 20 days, less than 40 days between first public hearing and first reading of ordinance per LGC, Sec. 43.063(a):
NOTE: MUST have a minimum of 21 days between the **second public hearing and the first reading of the ordinance**. – **21 days**
MUST have NO MORE than 40 days between the first public hearing and the first reading of the ordinance.—**35 days**
**(We will set public hearing dates between 21 and 39 days)**
Annexation must be completed within 90 days of 1st reading of ordinance *[institution of proceedings,* LGC, Sec. 43.064*]* – **15 days after 1st reading**

City must give notice regarding intention to annex area 30 days before first public hearing to public and private entities – school districts, county, fire department, emergency services districts, utility companies [LGC, Sec. 43.062(b)] – **Requirement is not mandatory if we annex by request, but is policy.**

**Resolution Nos. 2108-XX (Brown Road) and 2018-XX (McKee) on the 6/18/2018 agenda for Council to approve and to set public hearing dates and special Council meeting date.**

**New requirements under Sec. 43.0673 for Tier 2 Municipalities:**

Sec. 43.0673. PUBLIC HEARINGS. (a) Requires the governing body of a municipality, before the municipality may adopt an ordinance annexing an area under this section, to conduct at least two public hearings.

(b) Requires that the hearings be conducted not less than 10 business days apart.

(c) Requires the governing body, during the first public hearing, to provide persons interested in the ***annexation*** area the opportunity to be heard. Authorizes the governing body, during the final public hearing, to adopt an ordinance annexing the area.

(d) Requires the municipality to post notice of the hearings on the municipality's Internet website if the municipality has an Internet website and publish notice of the hearings in a newspaper of general circulation in the municipality and in the area proposed for ***annexation***. Requires that the notice for each hearing be published at least once on or after the 20th day but before the 10th day before the date of the hearing. Requires that the notice for each hearing be posted on the municipality's Internet website on or after the 20th day but before the 10th day before the date of the hearing and remain posted until the date of the hearing.

# Annexation Request

The City of Tomball requires annexation as a condition of extending municipal water, wastewater and/or other utility services to property located outside of the City's full-purpose jurisdiction. Following annexation, available utility services will be provided to the annexed property under the same terms and conditions as for other property located within the City of Tomball.

The undersigned property owner requests full-purpose annexation of the subject tract into the City of Tomball's full purpose jurisdiction in accordance with Chapter 43 of the Texas Local Government Code.

Requesting annexation does not change the City's obligation to provide municipal services in accordance with Chapter 43 of the Texas Local Government Code.

For information regarding the City's annexation process, please contact the City Secretary at 281-290-1002 or the Community Development Department at 281-290-1405.

*Annexation must be completed prior to extension of water, wastewater, and/or other utilities.*

I/We, the undersigned, am/are the current owner(s) of the tract described above and I/we request annexation into the City of Tomball for full-purposes in accordance with Chapter 43 of the Texas Local Government Code.

RUSSELL McKEE
Name of Owner(s) (Type or Print)

Owner's Signature — 5/22/18 Date

Received by City Secretary — 6/6/18 Date

Received by Community Development Department Date

# CITY OF TOMBALL
# ANNEXATION REQUEST APPLICATION
## Part A: Statement of Request

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

Mayor and Council:

1. I (we) the undersigned being the owner(s) of the property legally described as: 14600 BROWN RD. TOMBALL, TX 77377

   *(Insert legal description [metes and bounds] here or attach separately.*

hereby request the annexation of described property into the City of Tomball. Included with this request for annexation are all pertinent property Harris County Appraisal District Account Numbers:

0402700060023

(Obtainable through the County Clerk's Office)

2. The described property is contiguous to the City of Tomball's corporate city limits - ___ Yes X No. WILL BE CONTIGUOUS OF BROWN ROAD ANNEXATION

3. Attached is proof of ownership of the property by the undersigned - X Yes ___ No.

Russell McKee
Full Legal Signature

RUSSELL McKEE
Name *(print)*

HOUSTON PFG INC
Company Name *(if applicable)*

PO BOX 2003
Mailing Address *(print)*

CYPRESS, TX. 77410
City, State, Zip

713 539-8430
Phone Number

RUMCKEE@PFGCOMPANIES.COM
E-mail Address *(print)*

5/22/18
Date

Full Legal Signature

Name *(print)*

Company Name *(if applicable)*

Mailing Address *(print)*

City, State, Zip

Phone Number

E-mail Address *(print)*

Date

# Part B: Annexation Property Evaluation & Anticipated Development Information

(Please print or type.)

**1. Agent's Contact Information:**

Please list any agents acting on behalf of the annexation property owner that should be notified of information pertaining to this annexation request.

*(Attach a list of additional agents, if necessary.)* SEE OWNERS NAME

Name: _____

Company Name: _____

Mailing Address: _____
City/State/Zip

Phone Number: _____

E-mail Address: _____

**2. Property Addresses:**

Please list all property addresses associated with the proposed annexation property.
*(Attach a list of additional property addresses, if necessary.)*

a. 14600 BROWN ROAD TOMBALL TX 77377 BLDGS "A", "B", "C"
b. _____
c. _____
d. _____
e. _____
f. _____
g. _____
h. _____
i. _____
j. _____
k. _____

**3. Nature of Existing Property:**

Property Location: 14600 BROWN RD. Number of Acres: 2.7164

Existing Zoning: NONE

Is development in conformance with existing zoning districts? Yes ___ No X Don't know

Current Assessed Valuation of Land: $76,912

Improvements: _____

Total: _____

_____ Check if this property does not currently contain any structures, then proceed to #4.

a.) **Residential (existing)**

✓ Check here if there are no residential structures on the property.

**No. of Units** _____
**No. of Lots** _____ **or Acres** _____
**Single-Family** _____
**Duplexes** _____
**Four-Plex** _____
**Patio Homes** _____
**Townhouses** _____
**Apartments** _____

b.) **Office and Commercial (existing)**

_____ Check here if there are no office or commercial structures on the property.

**Size (Sq. Ft.)** 19,900
**Structure** BLDG "A" - 10,001.00 BLDG "B" 9,900
**Exterior Site Improvements** _____
_____
**Total Site Coverage** _____

c.) **Institutional (existing)**

✓ Check here if there are no institutional structures on the property.

**Size (Sq. Ft.)** _____
**Structure** _____
**Exterior Site Improvements** _____
_____
**Total Site Coverage** _____

d.) **Industrial (existing)**

✓ Check here if there are no industrial structures on the property.

**Size (Sq. Ft.)** _____
**Structure** _____
**Exterior Site Improvements** _____
_____
**Total Site Coverage** _____

## 4. Anticipated Development

**a.) Platting Status** *(Please check the applicable box below)*

_____ **A plat pertaining to this property has been submitted to the Community Development Department for review**

X A plat pertaining to this property will be submitted to the Community Development Department in the near future

_____ A plat will not be submitted within the next 6 months

**b.) Zoning Status -** Please note that properties are annexed as Agricultural "AG", unless zoning reclassification is requested by the property owner in conjunction with annexation.

✓ If a zoning reclassification is desired in conjunction with the annexation process, please check this box and contact the Community Development Department.

Will zoning changes be required and requested in the future to accommodate anticipated development?
__V__ Yes If yes, please describe: ALL acres of 27/164
_____ No

**c.) Residential (anticipated)**
__V__ Check here if no residential structures are anticipated on the proposed property.
**No. of Units** _____ **Value of Units** _____
**No. of Lots or Acres** _____ **Total Estimated Value** _____

**Single-Family** _____
**Duplexes** _____
**Four-Plex** _____
**Patio Homes** _____
**Townhouses** _____
**Apartments** _____
**Total** _____

**d.) Office and Commercial (anticipated)**
_____ Check here if no office and/or commercial structures are anticipated on the proposed property.
**Size (Sq. Ft.)** _____
**Unit Value ($/Sq. Ft.)** _____
**Total Estimated Value** _____
**Structure** _____
**Exterior Site Improvements** _____
_____
**Total Site Coverage** _____

**e.) Institutional (anticipated)**
__V__ Check here if no institutional structures are anticipated on the proposed property.
**Size (Sq. Ft.)** _____
**Unit Value ($/Sq. Ft.)** _____
**Total Estimated Value** _____
**Structure** _____
**Exterior Site Improvements** _____
_____
**Total Site Coverage** _____

**f.) Industrial (anticipated)** POSSIBLY LIGHT INDUSTRIAL
__V__ Check here if no industrial structures are anticipated on the proposed property.
**Size (Sq. Ft.)** _____
**Unit Value ($/Sq. Ft.)** _____
**Total Estimated Value** _____
**Structure** _____
**Exterior Site Improvements** _____
_____
**Total Site Coverage** _____
**Estimated Number of Employees** _____

g.) **Staging of Anticipated Development (In %)**

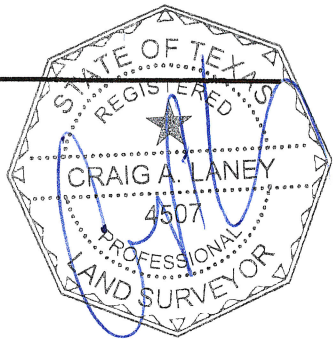
| | Current Yr | Yr2 | Yr3 | Yr4 | Yr5 | Yr10 | Yr20 |
|---|---|---|---|---|---|---|---|
| Residential | ___ | ___ | ___ | ___ | ___ | ___ | ___ |
| Office / Commercial | 66% | 34% | ___ | ___ | ___ | ___ | ___ |
| Institutional | ___ | ___ | ___ | ___ | ___ | ___ | ___ |
| Industrial | ___ | ___ | ___ | ___ | ___ | ___ | ___ |

POSSIBLY LIGHT INDUSTRIAL

EIC SURVEYING COMPANY

12345 Jones Road, Suite 270
Houston, TX 77070
281-955-2772 • Fax 281-955-6678
www.eicsurveying.com • eic@eicsurveying.com

FIRM NO. 100334-00




All that certain tract or parcel containing 3.0223 acres of land for proposed annexation situated in the Joseph House Survey, A-34 in Harris County, Texas, same being comprised of all of Lot 1 in Block 1 of Fourteen Six Hundred Business Park, a subdivision in said Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 680728 of the Harris County Map Records and a 0.6123 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, said 3.0223 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod (found) marking the intersection of the South line of that certain call 1.0000 acre tract of land out of Tract 22 in Park Place Estates (unrecorded) as described in a deed filed for record under Harris County Clerk's File No. N097400 with the East right-of-way line of Park Place Drive, (60.00 feet in width), same point marking the Northwest corner of said Lot 1 and the Northwest corner of the herein described 3.0223 acre tract of land;

THENCE N 88°01'12" E, a distance of 370.56 feet along the common line of said Tract 22 and said Lot 1 to a 5/8" iron rod with EIC cap (found) in the West line of that certain call 1.88 acre tract comprised of Tracts 10 and 11 in Park West, (unrecorded), as described in a deed filed for record under Harris County Clerk's File No. P885596 marking the Southeast corner of said 1.0000 acre tract of land, the Southeast corner of said Tract 22, the Northeast corner of said Lot 1 and the Northeast corner of the herein described 3.0223 acre tract of land;

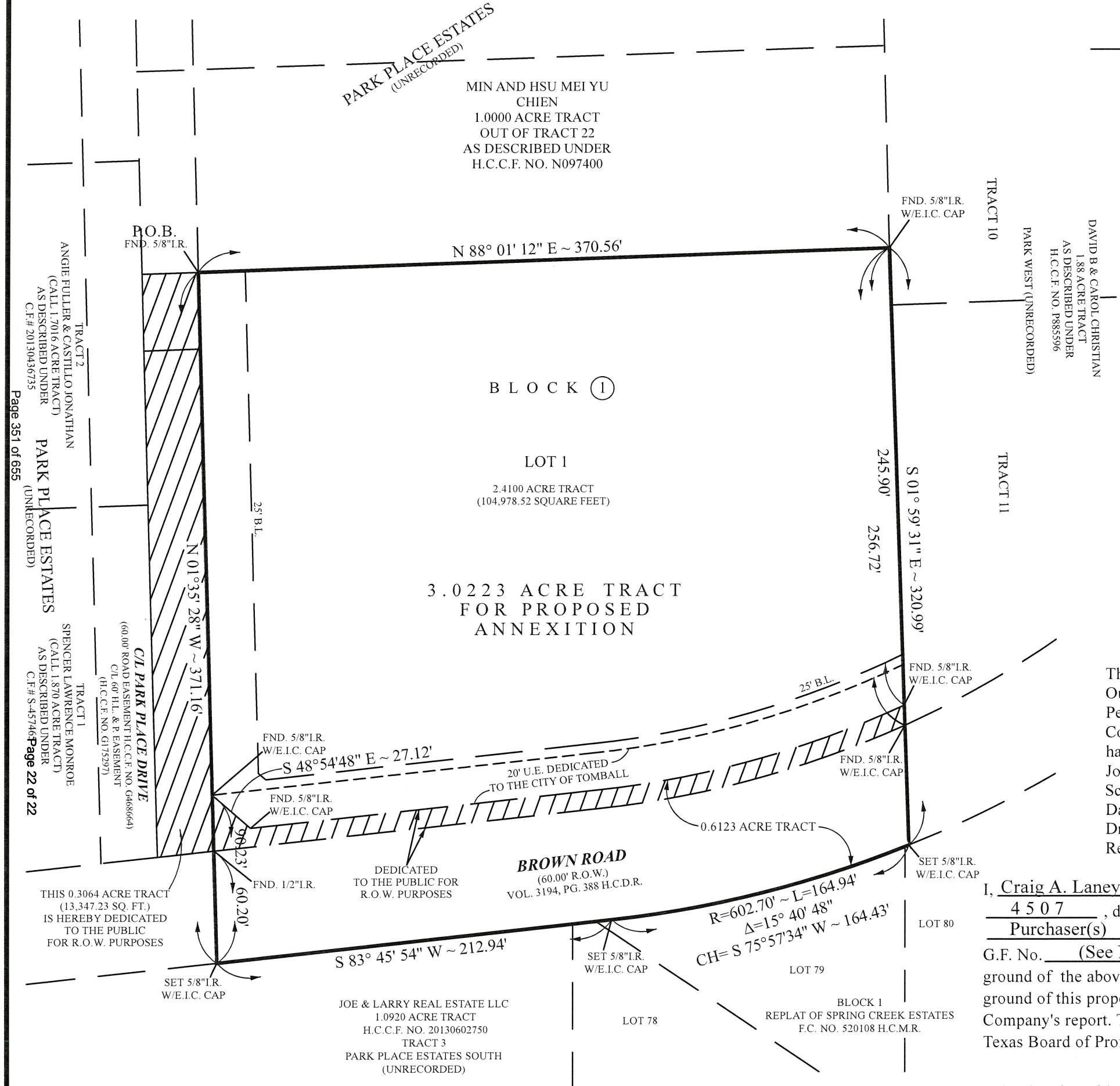
THENCE S 01°59'31" E, along the common line of said Lot 1 and said 1.88 acre tract of land, passing at 245.90 feet a 5/8" iron rod with EIC cap (found) marking the Southeast corner of said Lot 1, and passing at 256.72 feet a 5/8" iron rod with EIC cap (found) in the North right-of-way line of said Brown Road marking the Northeast corner of said 0.6123 acre tract of land, the Southwest corner of said Tract 11 and the Southwest corner of said 1.88 acre tract of land, a total distance of 320.99 feet to a5/8" iron rod with EIC cap (set) in the South right-of-way line of said Brown Road and the North line of Block 1 in the Replat of Spring Creek Estates, a subdivision in said Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 520108 of said Harris County Map Records marking the Southeast corner of said 0.6123 acre tract of land and the Southeast corner of the herein described 3.0223 acre tract of land, same point being in a curve to the right having a radius of 602.70 feet;

THENCE Southwesterly, along the South right-of-way line of said Brown Road, the South line of said 0.6123 acre tract of land and the North line of said Block 1, with said curve to the right through a central angle of 15°40'48", a chord bearing and distance of S 75°57'34" W, 164.43 feet, an arc distance of 164.94 feet to a 5/8" iron rod with EIC cap (set) marking a point of tangency;

THENCE S 83°45'54" W, a distance of 212.94 feet along the South right-of-way line of said Brown Road, the South line of said 0.6123 acre tract of land and the North line of said Block 1 to a 5/8" iron rod with EIC cap (set) in the North line of Tract 3 in Park Place estates South (unrecorded) as described in a deed filed for record under Harris County Clerk's File No. 20130602750 marking the Southwest corner of said 0.6123 acre tract of land and the Southwest corner of the herein described 3.0223 acre tract of land;

THENCE N 01°35'28" W, along the West line of said 0.6123 acre tract of land, passing at 60.20 feet a ½" iron rod (found) marking the intersection of the East right-of-way line of said Park Place Drive with the North right-of-way line of said Brown Road, and passing at 90.23 feet the Northwest corner of said 0.6123 acre tract of land and the Westerly-Southwest corner of said Lot 1, a total distance of 371.16 feet to the POINT OF BEGINNING and containing 3.0223 acres of land.

Surveyed on the ground June 6, 2018.
Job No. 18-326-05. (See corresponding plat)
The basis of bearing is N 01°35'28" W, along the East right-of-way line of Park Place Drive per record plat.




EIC SURVEYING COMPANY
12345 JONES ROAD
SUITE 270
HOUSTON, TX 77070
(281) 955-2772
FIRM NO. 10033400

## SUBJECT TO :

1. © 2018 Everything In Christ Services, Inc., All Rights Reserved.
2. Survey is valid only if print has original Seal and signature of surveyor on it. Declaration is made to original purchaser of this survey. It is not transferable to additional institutions or subsequent owners.
3. This Survey has been done without benefit of a current title report. Surveyor did not abstract titleand does not certify to easements or restrictions not shown. Check with your local governing agencies for any additional easements, building lines or other restrictions not reflected on recorded plat.
4. See Corresponding Field Notes.
5. All Improvements Not Shown.
6. Release of 20' Utility Easement dedicated to the City of Tomball along Park Place Drive. A 0.129 acre tract Utility Easement recorded under Quitclaim Deed No. RP-2018-133441.

## PROPOSED ANNEXITION AREA TO CITY OF TOMBALL

This Property Lies in Zone " X "
Outside the 100 Year Flood Plain
Per Graphic Scaling according to
Community Panel No.4802870210L
having an effective date 06-18-2007

Job No. 18-326-05
Scale 1" = 60'
Date 06-06-2018
Drawn By: MP
Revised: 06-12-18 remove esmt.

Purchaser CITY OF TOMBALL
Address 14600 PARK PLACE DRIVE
Lot _____ , Block _____ , Section _____
Survey JOSEPH HOUSE , A 34
Area 3.0223 ACRE TRACT
Subdivision FOURTEEN SIX HUNDRED BUSINESS PARK
Film Code No. 680728 , MAP Records,
HARRIS County , Texas

I, Craig A. Laney , a Registered Professional Land Surveyor in the State of Texas, RPLS No. 4507 , do hereby certify to (See Note 3) and Purchaser(s) that based upon information provided by said Title Company under G.F. No. (See Note 3) that this survey was this day made under my supervision on the ground of the above described property and the above plat or drawing reflects the findings on the ground of this property at this time. I have shown or noted all easements reflected in said Title Company's report. This Survey conforms to the minimum standards of practice as approved by the Texas Board of Professional Land Surveying. Effective February, 2014. Last revised 02-2014.

STATE OF TEXAS
REGISTERED
CRAIG A. LANEY
4507
PROFESSIONAL
LAND SURVEYOR

The basis of bearing is N 01°35' 28" W along the East right-of-way line of Park Place Drive per record plat.

A Division of Everything in Christ Services, Inc.

Seal

# Regular City Council
# Agenda Item
# Data Sheet

Meeting Date: August 20, 2018

**Topic:**

Consideration to Approve **Zoning Case P18-122:** Request by Russell McKee, on Behalf of Houston PFG, to Amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by Zoning Approximately 2.7 Acres of Land Legally Described as Lot 1 Block 1 Fourteen Six Hundred Business Park, Harris County, Texas, as Commercial.

- Conduct Public Hearing on **Zoning Case P18-122**
- Adopt, on First Reading, Ordinance No. 2018-24, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Establishing the Zoning District of Approximately 2.7 Acres of Land, Legally Described as Lot 1 Block 1 Fourteen Six Hundred Business Park, Within the City of Tomball, Harris County, Texas, to the Commercial District; Said Property Being Generally Located at the Northeast Corner of Brown Road and Park Place Drive; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed $2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.

**Background:**

**Origination:**

Houston PFG

**Recommendation:**

Approval

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

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

**ACTION TAKEN**

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

**ATTACHMENTS:**

2018-24 Ordinance
Notice of Public Hearing
Property Owner Notification
P18-122 Staff Report

**ORDINANCE NO. 2018-24**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY ESTABLISHING THE ZONING DISTRICT OF APPROXIMATELY 2.7 ACRES OF LAND, LEGALLY DESCRIBED AS LOT 1 BLOCK 1 FOURTEEN SIX HUNDRED BUSINESS PARK, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, TO THE COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED AT THE NORTHEAST CORNER OF BROWN ROAD AND PARK PLACE DRIVE; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.**

* * * * * * * * * *

**Whereas**, Russell McKee, on behalf of Houston PFG, has requested that approximately 2.7 acres of land, legally described as Lot 1 Block 1 Fourteen Six Hundred Business Park, generally located at the northeast corner of Brown Road and Park Place Drive, in the City of Tomball, Harris County, Texas, (the "Property"), be zoned; 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 City Council held a public hearing on the requested zoning; and

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

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

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

**Section 2.** The zoning classification of the Property is hereby established as the Commercial District subject to the regulations, restrictions, and conditions hereafter set forth.

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

**Section 4.** This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the zoning classification for the Property to the Commercial District as described above.

**Section 5**. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 6.** Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed $2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20TH DAY OF AUGUST 2018.

| | |
|---|---|
| COUNCILMAN FORD | _____ |
| COUNCILMAN STOLL | _____ |
| COUNCILMAN DEGGES | _____ |
| COUNCILMAN TOWNSEND | _____ |
| COUNCILMAN QUINN | _____ |

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF SEPTEMBER 2018.

| | |
|---|---|
| COUNCILMAN FORD | _____ |
| COUNCILMAN STOLL | _____ |
| COUNCILMAN DEGGES | _____ |
| COUNCILMAN TOWNSEND | _____ |
| COUNCILMAN QUINN | _____ |

_____
Gretchen Fagan, Mayor

ATTEST:

_____
Doris Speer, City Secretary

# NOTICE OF PUBLIC HEARING
# CITY OF TOMBALL
# CITY COUNCIL
# AUGUST 20, 2018

Notice is Hereby Given that a Public Hearing will be held by the City Council of the City of Tomball on **Monday, August 20, 2018, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, City Council will consider the following:

**Zoning Case P18-122:** Request by Russel McKee, on behalf of Houston PFG, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by zoning approximately 2.7 acres of land legally described as Lot 1 Block 1 Fourteen Six Hundred Business Park, Harris County, Texas, as Commercial.

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 **16th** day of **August 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** the Public Hearing before the **CITY COUNCIL** of the City of Tomball regarding the following item:

***CASE NUMBER:*** P18-122

***APPLICANT/OWNER:*** Request by Russel McKee, on behalf of Houston PFG

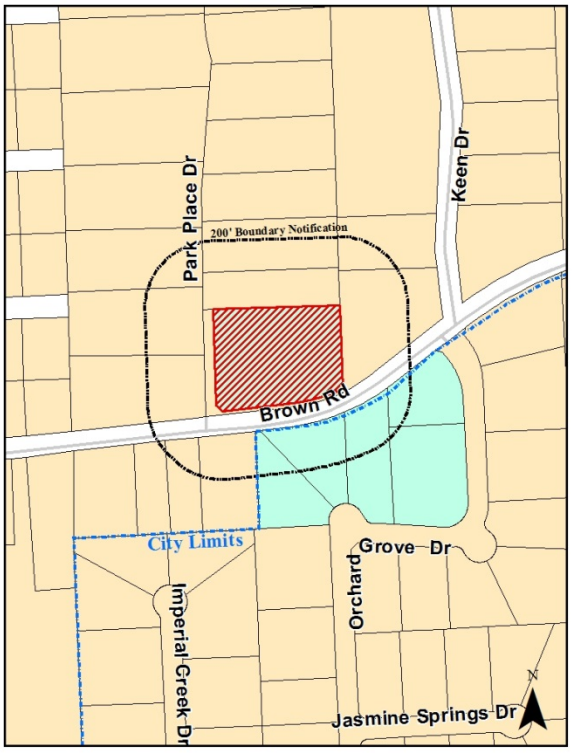
***LOCATION:*** Legally described as Lot 1 Block 1 Fourteen Six Hundred Business Park

***PROPOSAL:*** To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by zoning approximately 2.7 acres of land Harris County, Texas, as Commercial.

***CONTACT:*** Amelia Lindley, Planner
***PHONE:*** (281) 290-1410
***E-MAIL:*** alindley@tomballtx.gov

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

**This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.**




**City Council Public Hearing:**
**Monday, August 20, 2018, 6:00 PM**

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

# *Public Comment Form*

*(Please type or use black ink)*

**All submitted forms will become a part of the public record.**

*Please return to:*
**City of Tomball**
**Attn: Amelia Lindley**
**501 James Street**
**Tomball, TX 77375**

**Name:** _____
*(please print)*
**Address:** _____

_____

**Signature:** _____

**Date:** _____

_____ I am **FOR** the requested Rezoning as explained on the attached public notice for Z**oning Case P18-122. (Please state reasons below)**

_____ I am **AGAINST** the requested Rezoning as explained on the attached public notice for Z**oning Case P18-122. (Please state reasons below)**

Date, Location & Time of **City Council** meeting:
**Monday, August 20, 2018, 6:00 PM**
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

**COMMENTS:**

_____

_____

_____

_____

_____

**You may also comment via email to ALindley@tomballtx.gov.**
**Please reference the case number in the subject line.**
**For questions regarding this request please call Amelia Lindley @ 281-290-1410.**

# *Zoning Staff Report*

City Council Public Hearing Date: August 20, 2018

| | |
|---|---|
| **Zoning Case:** | P18-122 |
| **Property Owner(s):** | Houston PFG Inc |
| **Applicant(s):** | Russell McKee |
| **Legal Description:** | Lot 1 Block 1 Fourteen Six Hundred Business Park |
| **Location:** | 14600 Brown Road (Exhibit "A") |
| **Area:** | 2.7 acres |
| **Comp Plan Designation:** | Medium Density Residential (Exhibit "B") |
| **Present Use:** | Business park with various uses (Exhibit "D") |
| **Request:** | Establish the Zoning District as Commercial upon annexation |

**Adjacent Zoning & Land Uses:**

**North:** Outside City Limits / Undeveloped

**South:** Single-Family 9 District / Single-family residences

**West:** Outside City Limits / Commercial building (According to HCAD)

**East:** Outside City Limits / Single-family residence

## BACKGROUND

The subject site is currently being annexed into the City Limits and therefore requires the establishment of a Zoning District classification. The owner has started construction on a business park with two buildings and a detention pond already completed. A third building is proposed.

## ANALYSIS

The property is mostly surrounded by properties outside the City limits with the exception being the subdivision on the south side of Brown Road that is zoned Single-Family 9 District.

The property does not conform to the Future Land Use May Designation of Medium Density Residential; however, it currently operates as a commercial business park with two buildings and a third proposed.

## PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on July 27, 2018. The Notice of Public Hearing was published in the paper on August 1, 2018. Any public comment forms will be provided in the City Council packets or during the public hearing.

## RECOMMENDATION

City staff recommends APPROVAL of Zoning Case P18-122.

1. The property is already developed as a commercial business park;
2. Brown Road, designated as a Major Arterial roadway, can handle traffic generated by a commercial development on this property.

## EXHIBITS

A. Aerial Photo
B. Comprehensive Plan
C. Zoning Map
D. Site Photo
E. Application

**Exhibit "A"**
**Aerial Photo**

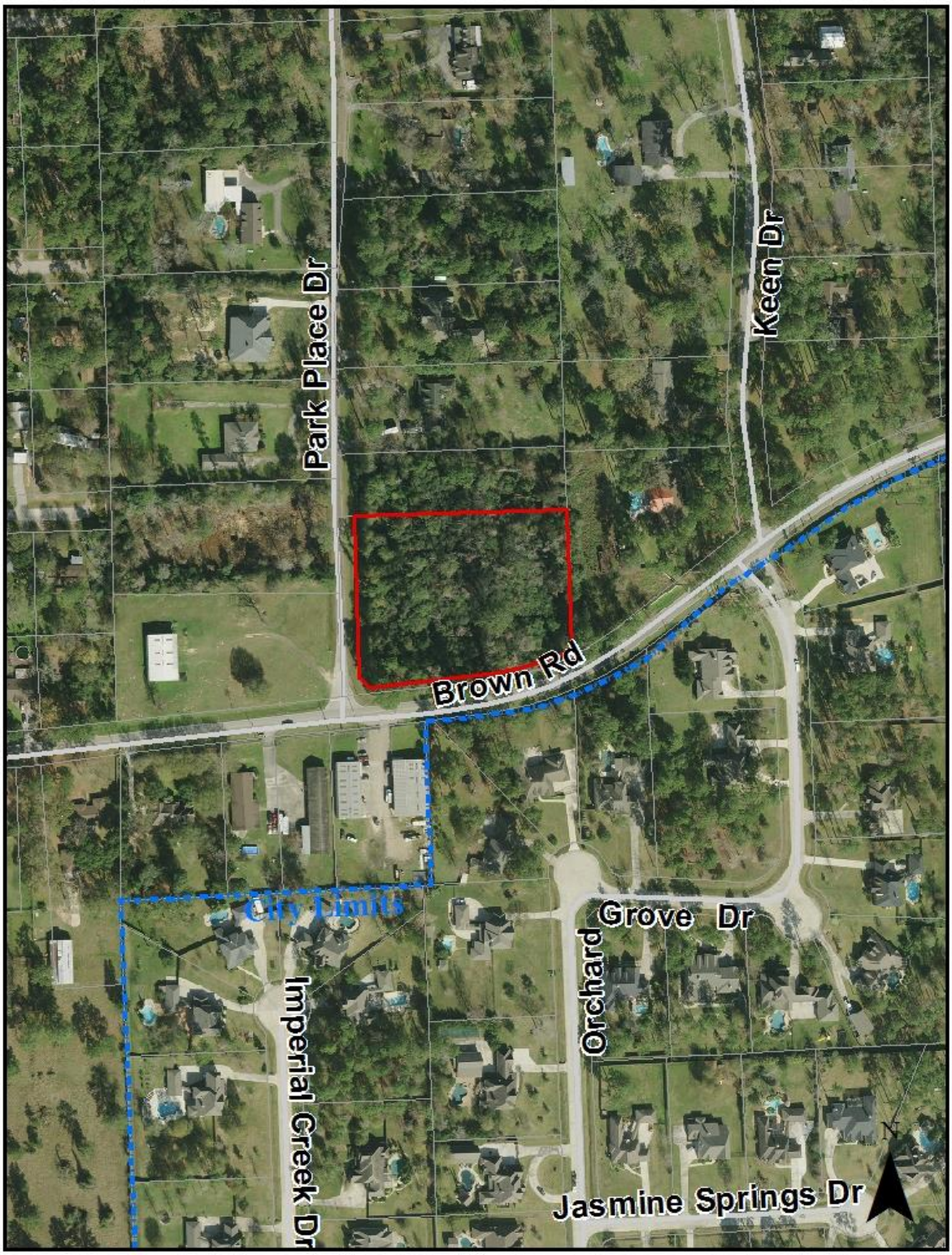


**Exhibit "B"**
**Comprehensive Plan**



**Exhibit "C"**
**Zoning Map**

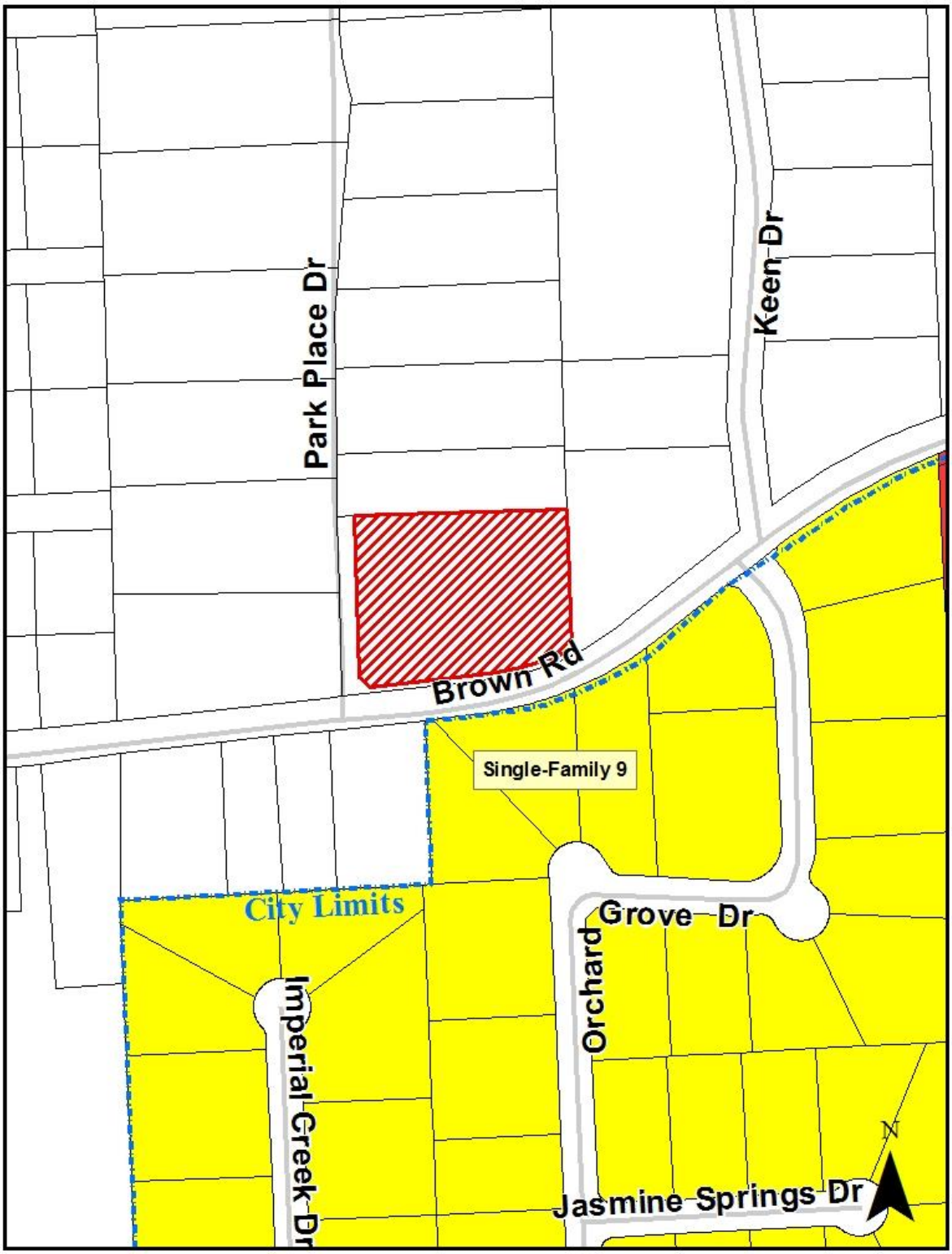


**Exhibit "D"**
**Site Photo**



**Exhibit "E"**
**Application**

Revised 5/19/15

# APPLICATION FOR REZONING

Community Development Department
Planning Division

**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: HOUSTON PFG (RUSSELL McKEE) Title: PRESIDENT
Mailing Address: PO BOX 2003 City: CYPRESS State: TX
Zip: 77410
Phone: (713) 539-8430 Fax: (713) 827-1834 Email: RUMCKEE@PFGCOMPANIES.COM

**Owner**
Name: HOUSTON PFG INC (RUSSELL McKEE Title: PRESIDENT
Mailing Address: PO BOX 2003 City: CYPRESS State: TX
Zip: 77410
Phone: (713) 539-8430 Fax: (713) 827 1834 Email: RUMCKEE@PFGCOMPANIES.COM

**Engineer/Surveyor (if applicable)**
Name: EIC SURVEYING Title:
Mailing Address: 12345 JONES RD. #270 City: HOUSTON State: TX
Zip: 77070
Phone: (281) 955-2772 Fax: (281) 955-6678 Email: EIC@EICSURVEYING.COM

**Description of Proposed Project:** 14600 BROWN ROAD, TOMBALL TX, 77377

Physical Location of Property: CORNER OF BROWN ROAD AND PARK PLACE DR.
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: IN THE JOSEPH HOUSE SURVEY, ABSTRACT 34 LOT 1 BLOCK 1
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: NONE

Current Use of Property: OFFICE WAREHOUSE

Proposed Zoning District: COMMERCIAL

Proposed Use of Property: OFFICE WAREHOUSE

HCAD Identification Number: 0402700060023 Acreage: 2.7164

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

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

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

X _____ 7/17/18
Signature of Applicant Date

X _____ 7/17/18
Signature of Owner Date

CITY OF TOMBALL
281-351-5484

REC#: 01036692 7/18/2018 2:23 PM
OPER: MF TERM: 002
REF#: W ZONING APP 5063

TRAN: 130.0000 PLANNING AND ZONING
HOUSTON PFG
14600 BROWN RD
100-5441
REZONING APPLICATIO 430.00CR

TENDERED: 430.00 CHECK
APPLIED: 430.00-

CHANGE: 0.00

Houston PFG Inc.
P.O. BOX 2003
CYPRESS, TX. 77410
713-827-2295

Date: July 17, 2018

The City of Tomball,

I am writing this letter regarding the zoning of 14600 Brown Road. This 2.7-acre lot was initially developed to be a three-building commercial office warehouse park. The 1st two buildings are built and are permitted through Harris County. However, to get Tomball city utilities, we have agreed to be Annexed into the City of Tomball.

It is our wish to keep the property as office warehouse and to be zoned as commercial.

Thank you,

Russell McKee
President
PO Box 2003
Cypress, Texas 77433
Cell: 713-539-8430
Office: 713-827-2295
Email: rumckee@pfgcompanies.com

# Regular City Council
# Agenda Item
# Data Sheet

Meeting Date: August 20, 2018

**Topic:**

Consideration to Approve **Zoning Case P18-089:** Request by Rene Rodriguez, on Behalf of Cherry Ventures, LP, to Amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by Rezoning Approximately 47.675 Acres of Land Legally Described as Tracts 4C, 4C-2, 4H, 4K, 4L & 9A, C.M. Pillot Survey, Abstract 632 Within the City of Tomball, Harris County, Texas, Generally Located on the West Side of South Cherry Street, South of Pine Meadows Subdivision and North of Holderrieth Road, from the Agricultural and General Retail Districts to the Single-Family 6 District.

- Conduct Public Hearing on **Zoning Case P18-089**
- Adopt, on First Reading, Ordinance 2018-26, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code Of Ordinances by Changing the Zoning District Classification of Approximately 47.675 Acres of Land, Legally Described Tracts 4C, 4C-2, 4H, 4K, 4L & 9A, C.M. Pillot Survey, Abstract 632, Within the City of Tomball, Harris County, Texas, from the Agricultural and General Retail Districts to the Single-Family 6 District; Said Property Being Generally Located on the West Side of South Cherry Street, South of Pine Meadows Subdivision and North of Holderrieth Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed $2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.

**Background:**

On Monday, August 13, 2018, after conducting a public hearing, the Planning and Zoning Commission recommended approval of the rezoning request with a four votes Aye and one vote Nay.

**Origination:**

Cherry Ventures, LP

**Recommendation:**

Approval

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

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

**ACTION TAKEN**

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

**ATTACHMENTS:**

2018-26 Ordinance
Notice of Public Hearing
Property Owner Notification

**ORDINANCE NO. 2018-26**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 47.675 ACRES OF LAND, LEGALLY DESCRIBED TRACTS 4C, 4C-2, 4H, 4K, 4L & 9A, C.M. PILLOT SURVEY, ABSTRACT 632, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL AND GENERAL RETAIL DISTRICTS TO THE SINGLE-FAMILY 6 DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE WEST SIDE OF SOUTH CHERRY STREET, SOUTH OF PINE MEADOWS SUBDIVISION AND NORTH OF HOLDERRIETH ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.**

* * * * * * * * * *

**Whereas**, Rene Rodriguez, on behalf of Cherry Ventures, LP, has requested that approximately 47.675 acres of land, legally described as Tracts 4C, 4C-2, 4H, 4K, 4L & 9A, C.M. Pillot Survey, Abstract 632, generally located on the west side of South Cherry Street, south of Pine Meadows Subdivision and north of Holderrieth Road, Harris County, Texas, (the "Property"), be rezoned; and

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

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

**Whereas**, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of Single-Family 6 District; and

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

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

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

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

**Section 2.** The zoning classification of the Property is hereby changed from the Agricultural and General Retail Districts to the Single-Family 6 District subject to the regulations, restrictions, and conditions hereafter set forth.

**Section 3.** The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Single-Family 6 District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

**Section 4.** This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Single-Family 6 District as described above.

**Section 5**. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 6.** Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed $2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20TH DAY OF AUGUST 2018.

| | |
|---|---|
| COUNCILMAN FORD | _____ |
| COUNCILMAN STOLL | _____ |
| COUNCILMAN DEGGES | _____ |
| COUNCILMAN TOWNSEND | _____ |
| COUNCILMAN QUINN | _____ |

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF SEPTEMBER 2018.

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

_____
Gretchen Fagan, Mayor

ATTEST:

_____
Doris Speer, City Secretary

# NOTICE OF PUBLIC HEARING
# CITY OF TOMBALL
# PLANNING & ZONING COMMISSION (P&Z)
# AUGUST 13, 2018
# &
# CITY COUNCIL
# AUGUST 20, 2018

Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, August 13, 2018, at 6:00 P.M.,** and by the City Council of the City of Tomball on **Monday, August 20, 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 P18-089:** Request by Rene Rodriguez, on behalf of Cherry Ventures, LP, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 47.675 acres of land legally described as Tracts 4C, 4C-2, 4H, 4K, 4L & 9A, C.M. Pillot Survey, Abstract 632 within the City of Tomball, Harris County, Texas, generally located on the west side of South Cherry Street, south of Pine Meadows Subdivision and north of Holderrieth Road, from the Agricultural and General Retail Districts to the Single-Family 6 District.

**Zoning Case P18-120:** Request by Benson Development, LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 25.7328 acres of land legally described as Tract 82, Tract 75B, Tract 93, Tract 94A & 95A and Part of Lots 78 & 79 (AG-USE) Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the south side of East Hufsmith Road between Hospital Road and Lovett Street, from the Single-Family 9 District to the Planned Development District.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the 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 **9th** day of **August 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** the Public Hearing before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

***CASE NUMBER:*** P18-089

***APPLICANT/OWNER:*** Request by Rene Rodriguez, on behalf of Cherry Ventures, LP

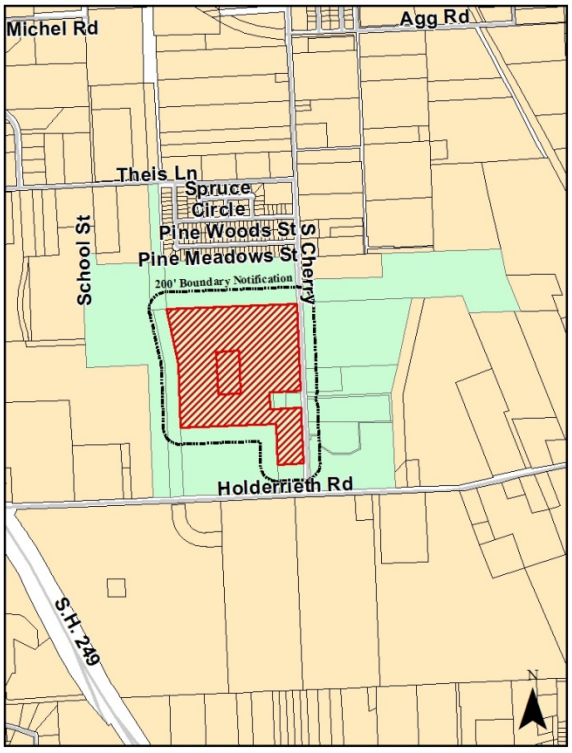
***LOCATION:*** Generally located on the west side of South Cherry Street, south of Pine Meadows Subdivision and north of Holderrieth Road

***PROPOSAL:*** To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 47.675 acres of land legally described as Tracts 4C, 4C-2, 4H, 4K, 4L & 9A, C.M. Pillot Survey, Abstract 632 within the City of Tomball, Harris County, Texas, from the Agricultural District to the Single-Family 6 District.

***CONTACT:*** Amelia Lindley, Planner
***PHONE:*** (281) 290-1410
***E-MAIL:*** alindley@tomballtx.gov

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

**This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.**




**Planning & Zoning Commission**
**Public Hearing:**
**Monday, August 13, 2018, 6:00 PM**

**City Council Public Hearing:**
***Monday, August 20, 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.

# *Public Comment Form*

*(Please type or use black ink)*

**All submitted forms will become a part of the public record.**

*Please return to:*
**City of Tomball**
**Attn: Amelia Lindley**
**501 James Street**
**Tomball, TX 77375**

**Name:** _____
*(please print)*
**Address:** _____

_____

**Signature:** _____

**Date:** _____

_____ I am **FOR** the requested Rezoning as explained on the attached public notice for Z**oning Case P18-089. (Please state reasons below)**

_____ I am **AGAINST** the requested Rezoning as explained on the attached public notice for Z**oning Case P18-089. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:
**Monday, August 13, 2018 6:00 PM**
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
**Monday, August 20, 2018, 6:00 PM**
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

**COMMENTS:**

_____

_____

_____

_____

_____

**You may also comment via email to ALindley@tomballtx.gov.**
**Please reference the case number in the subject line.**
**For questions regarding this request please call Amelia Lindley @ 281-290-1410.**

# *Rezoning Staff Report*

Planning & Zoning Commission Public Hearing Date: August 13, 2018
City Council Public Hearing Date: August 20, 2018

| | |
|---|---|
| **Rezoning Case:** | P18-089 |
| **Property Owner(s):** | Cherry Ventures, LP |
| **Applicant(s):** | Rene Rodriguez, with LJA Engineering |
| **Legal Description:** | Tracts 4C, 4C-2, 4H, 4K, 4L & 9A, C.M. Pillot Survey, Abstract 632 |
| **Location:** | West side of South Cherry Street, south of Pine Meadows Subdivision and north of Holderrieth Road (Exhibit "A") |
| **Area:** | 47.675 acres |
| **Comp Plan Designation:** | Medium Density Residential and Employment/Office (Exhibit "B") |
| **Present Zoning and Use:** | Agricultural and General Retail Districts (Exhibit "C") / Undeveloped (Exhibit "D") |
| **Request:** | Rezone from the Agricultural and General Retail Districts to the Single-Family 6 District |

**Adjacent Zoning & Land Uses:**

**North:** Agricultural District / Undeveloped

**South:** Commercial and General Retail Districts / Undeveloped

**West:** Commercial and Agricultural Districts / M121 West Drainage Ditch and Undeveloped

**East:** Agricultural, Commercial, Office and Multi-Family Districts / Undeveloped, City Masonry, large lot residential and apartment complex (Home Towne at Tomball)

## BACKGROUND

City Staff has had discussions regarding a single-family subdivision on the subject site. In June 2018, Staff received a rezoning application.

## ANALYSIS

There are multiple zoning districts in the area. A majority of the surrounding properties are zoned Agricultural District. These properties are located to the north, east and west of the subject site. There are also Commercial zoned properties to the east and south of the property as well as Office and Multi-Family to the east. The property abuts the future M121 West Drainage Channel to the west.

There are not many land uses in the immediate area. A majority of the surrounding properties are undeveloped. There are a couple large lot residences on the west side of South Cherry Street. There is also a business, City Masonry, and an apartment complex, Home Towne at Tomball, on the east side of South Cherry Street. Properties to the north, south and west of the subject site are undeveloped.

The Comprehensive Plan designates the property as Medium Density Residential. This designation is intended for "single-family detached residential development…with lot sizes ranging from 6,000 to 20,000 square feet". A small portion the property, approximately 3.2 acres, is designated Employment/Office. The request appears to be consistent with the City's Comprehensive Plan. Surrounding properties are also designated Medium Density Residential to the north, east and west as well as Employment/Office to the south and High Density Residential to the east.

## ZONING CONSIDERATIONS

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

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

The uses permitted in the Single-Family 6 District appear to be appropriate for the immediate area. There is a similar single-family residential development at South Cherry and Theis Lane. The M121 West Drainage Channel was constructed to provide drainage conveyance and regional detention for nearby developments.

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

Adequate utilities are available to serve this property. A traffic study will be conducted, if required by Harris County, to ensure the existing streets adjacent to the property can accommodate traffic generated by a Single-Family 6 District development.

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

There is not a lot of vacant property in the City zoned Single-Family 6 District.

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

Recently, there have been multiple rezoning requests for the Single-Family 6 District in the City.

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

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

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

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

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

The Future Land Use Map designates the property as Medium Density Residential which is intended for "single-family detached residential development…with lot sizes ranging from 6,000 to 20,000 square feet". The request appears to be consistent with the Future Land Use Map. A goal of the Comprehensive Plan "is to encourage a full range of housing types and residential neighborhoods that preserve and establish connected open spaces".

## PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on July 27, 2018. The Notice of Public Hearing was published in the paper on August 1, 2018. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

## RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends APPROVAL of Zoning Case P18-089 for the following reasons:

1. The request meets the goals of City's Comprehensive Plan;
2. The request is in conformance with the Future Land Use Map;
3. The request is generally appropriate with the surrounding land uses in the area;
4. The request is generally appropriate with the surrounding zoning districts.

## EXHIBITS

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

**Exhibit "A"**
**Aerial Photo**

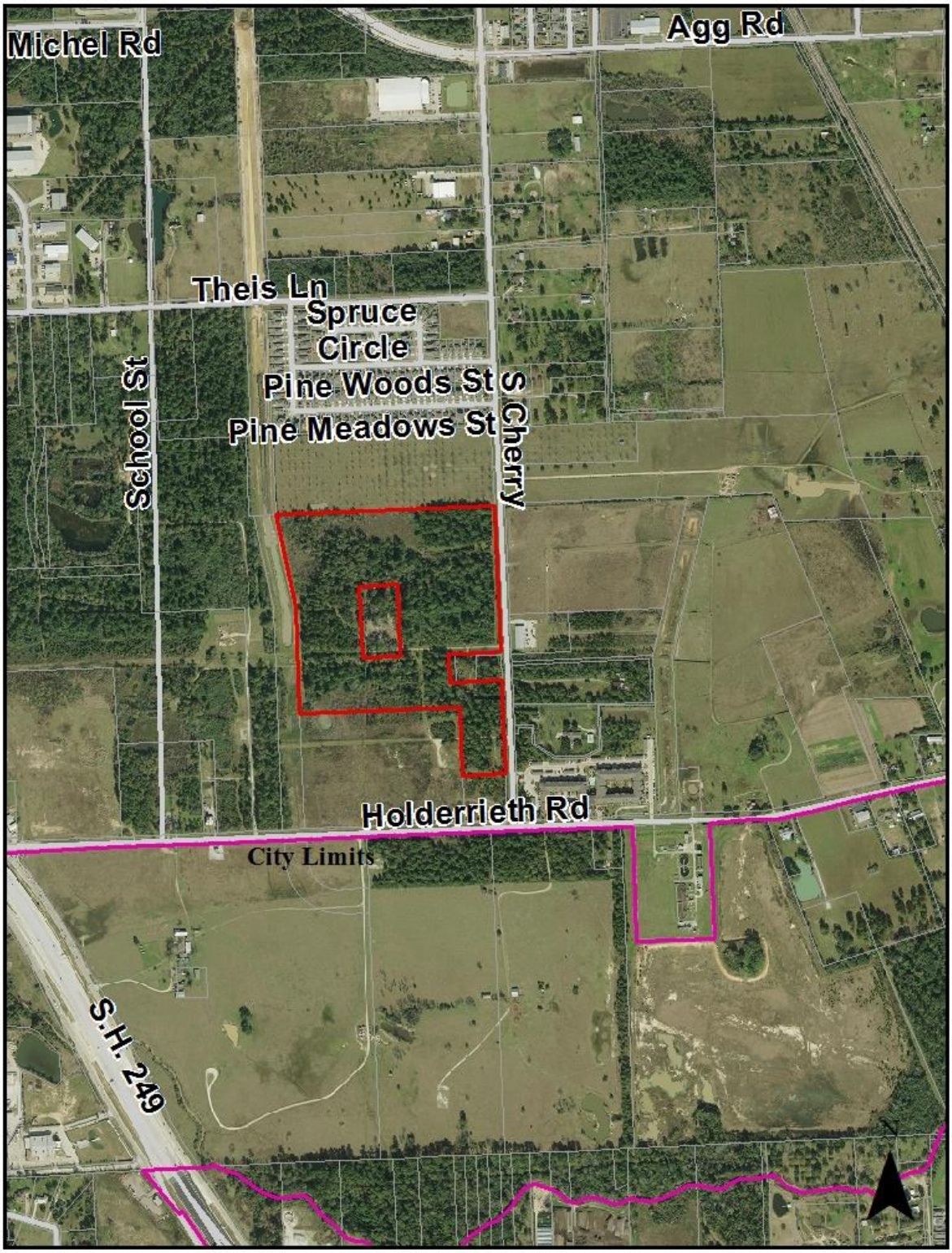


**Exhibit "B"**
**Comprehensive Plan**

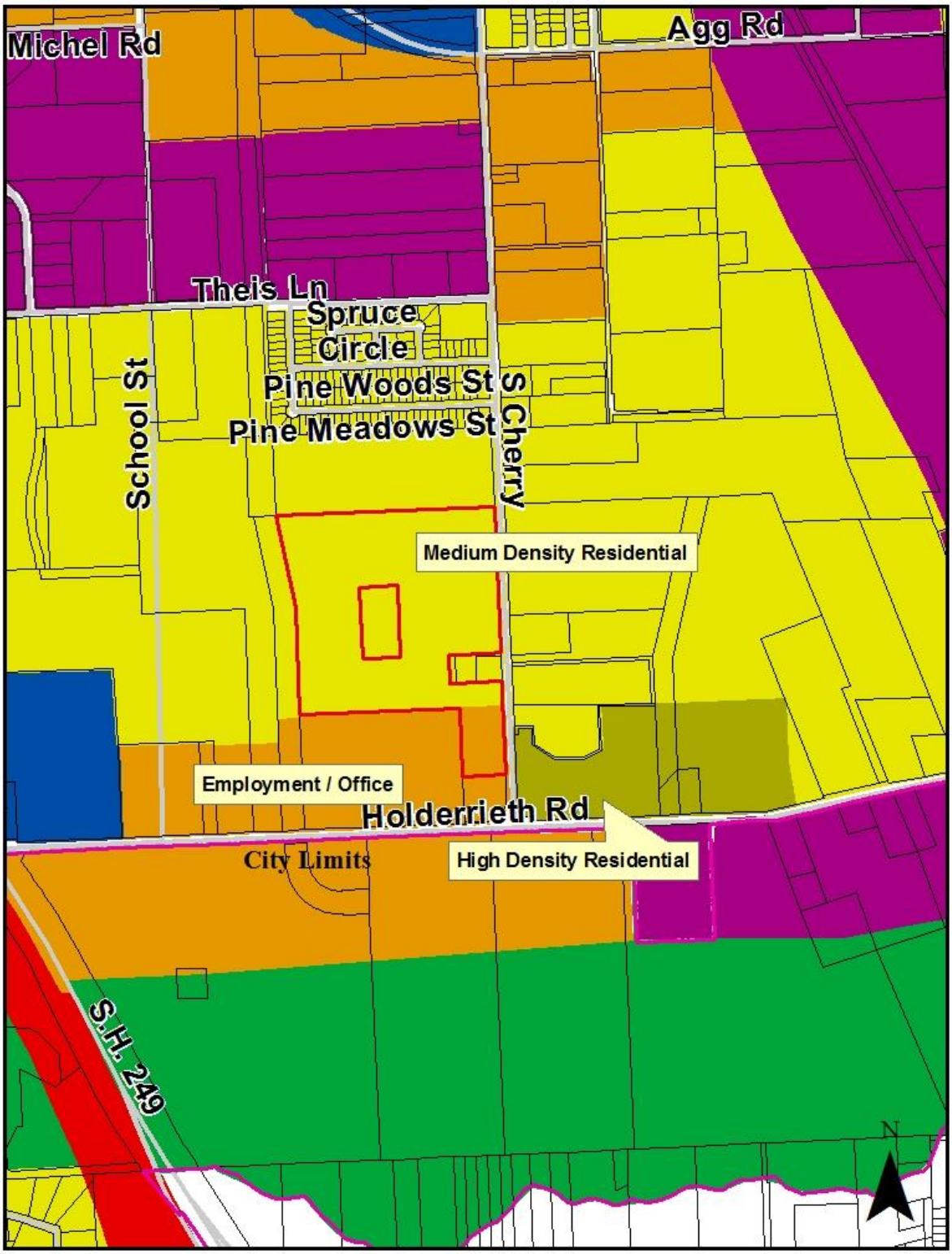


**Exhibit "C"**
**Zoning Map**

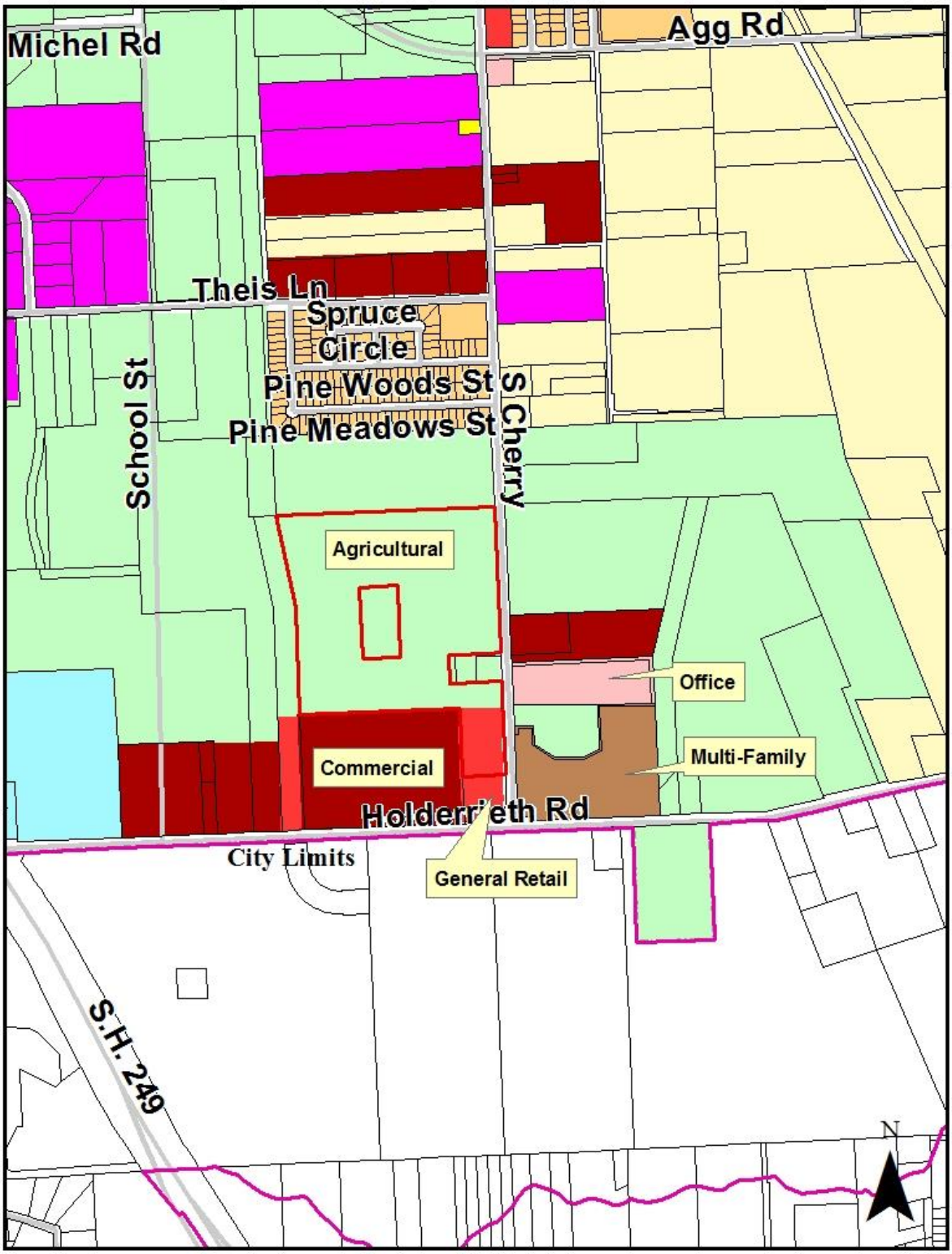


**Exhibit "D"**
**Site Photos**





**Exhibit "E"**
**Application**

dotloop signature verification:

Revised 5/19/15

# APPLICATION FOR REZONING

Community Development Department
Planning Division

**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: Rene Rodriguez Title: Platting Manager
Mailing Address: 2929 Briarpark, Suite 600 City: Houston State: TX
Zip: 77042
Phone: (713) 953-5228 Fax: (713) 953-5026 Email: rerodriguez@lja.com

**Owner**
Name: Cherry Ventures, LP Title:
Mailing Address: 27993 Bays Cemeetary Road City: Richards State: TX
Zip: 77873
Phone: (___) ___ Fax: (___) ___ Email:

**Engineer/Surveyor (if applicable)**
Name: Clayton Weishuhn, PE Title: Project Manager
Mailing Address: 2929 Briarpark, Suite 600 City: Houston State: TX
Zip: 77042
Phone: (713) 953-5103 Fax: (713) 953-5026 Email: cweishuhn@lja.com

**Description of Proposed Project:** 47.675 Ac situated in the C.M. Pilot Survey, Abstract 632

Physical Location of **Property:** 0 S. Cherry Street, 156-ft north of Holderrieth
[General Location – approximate distance to nearest existing street corner]

Legal Description of **Property:** Tracts 4C, 4H, 4K, 4L & 9A, C.M. Pilot Survey, Abstract 632
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: AG-Agricultural District & GR-General Retail District

Current Use of **Property:** Vacant

Proposed Zoning District: SF-6-Single Family 6 District

Proposed Use of **Property:** Single Family Residential

HCAD Identification Number: 044-058-000-0051 Acreage: 47.675

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

dotloop signature verification: www.dotloop.com/my/verification/01-355460553-1.2IDG

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

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

X Rene Rodriguez Digitally signed by Rene Rodriguez Date: 2018.06.06 17:42:36 -05'00' June 6, 2018

**Signature of Applicant** **Date**

X Cherry Ventures c/o Alton Thues dotloop verified 06/07/18 11:02AM CDT TZDC-XTQC-MAKO-CWWE 06/07/2018

**Signature of Owner** **Date**

CITY OF TOMBALL
281-351-5484

REC#: 01033527 6/21/2018 2:59 PM
OPER: MF TERM: 002
REF#: PERMIT W 49578

TRAN: 130.0000 PLANNING AND ZONING
RENE RODRIGUEZ
0 S CHERRY ST.
100-5441
REZONING APPLICATIO 880.00CR

TENDERED: 880.00 CHECK
APPLIED: 880.00-

CHANGE: 0.00

LJA ENGINEERING

2929 Briarpark Drive, Suite 600, Houston, Texas 77042
t 713.953.5200 f 713.953.5026 LJA.com TBPE F-1386 TBPLS 10110501

June 21, 2018

Ms. Amelia Lindley
City Planner
City of Tomball
401 Market Street
Tomball, Texas 77375

Re: Re-Zoning, Tomball, Texas
47 Acre Tract
LJA Job No. 2040-5201 (6.1)

Dear Ms. Lindley:

LJA Engineering, Inc. on behalf of Cherry Ventures, L.P., request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 47 acres from the Agricultural District & General Retail District to the Single-Family 6 District. The properties are legally described as Tracts 4C, 4H, 4K, 4L &9A, of the C.N. Pilot Survey, Abstract 632, Harris County, Texas and generally located on the east side of South Cherry Street just north of Holderrieth Road.

If you have any questions or need any additional information pertaining to the re-zoning, please call me at 713.953.5228. Thank you for your consideration.

Sincerely,

Rene Rodriguez
Platting Manager

RR/ew

Enclosure(s)

O:\LAND\2040\2040-5201\47 Zoning Notification Letter.doc

STATE OF TEXAS §
§
§
§
COUNTY OF HARRIS §

BEING A TRACT OR PARCEL OF LAND CONTAINING 47.675 ACRES (2,076738 SQUARE FEET) OF LAND SITUATED IN THE C.M. PILLOT SURVEY, ABSTRACT No. 632, HARRIS COUNTY, TEXAS AND BEING A TRACT CONVEYED TO CHERRY VENTURES, LP. IN A DEED RECORDED IN COUNTY CLERK FILE No. (C.C.F. No.) 20140543393, OFFICIAL RECORDS HARRIS COUNTY, TEXAS (O.R.H.C.T.) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARINGS ARE BASED IN C.C.F. No. L990867, O.R.H.C.T.)

BEGINNING at a found ½ Inch iron rod in the west right-of-way (R.O.W.) line of South Cherry Street (80 Foot R.O.W.) for the common Northeast corner of herein described tract and the southeast corner of a tract conveyed to Arlene Holderrieth Wottrich and Donald Alfred Wottrich, recorded in C.C.F. No. B402174, O.R.H.C.T.;

THENCE, SOUTH 00°00'07" EAST, 1,017.44 Feet, along the common East line of herein described tract and the west R.O.W. line of said South Cherry Street to a found ½ Inch iron rod for a common Exterior corner of herein described tract and the northeast corner of a tract conveyed to Richard A. Metcalf, et ux, recorded in C.C.F. No. 20100116207, O.R.H.C.T.,

THENCE, NORTH 89°53'00" WEST, 360.85 Feet, departing the west R.O.W. line of said South Cherry Street and along a common South line of herein described tract and the north line of said tract conveyed to Richard A. Metcalf, et ux, to a found ½ Inch iron rod for a common Interior corner of herein described tract and the northwest corner of said tract conveyed to Richard A. Metcalf, et ux;

THENCE, SOUTH 00°00'07" WEST, 200.00 Feet, along a common East line of herein described tract and the west line of said tract conveyed to Richard A. Metcalf, et ux, to a 1/2 Inch iron rod with a "Precision" cap set for a common Interior corner of herein described tract and the southwest corner of said tract conveyed to Richard A. Metcalf, et ux;

THENCE, SOUTH 89°53'00" EAST, 360.85 Feet, along a common North line of herein described tract and the south line of said tract conveyed to Richard A. Metcalf, et ux, to a 1/2 Inch iron rod with a "Precision" cap set in the west R.O.W. line of said South Cherry Street for a common Exterior corner of herein described tract and the southeast corner of said tract conveyed to Richard A. Metcalf, et ux;

THENCE, SOUTH 00°00'07" EAST, 648.65 Feet, along a common East line of herein described tract and the west R.O.W. line of said South Cherry Street to a found capped iron rod for the common Southeast corner of herein described tract and the northeast corner of Tomball Forest Estates, recorded under Film Code No. 625280, Map Records Harris County, Texas;

THENCE, SOUTH 89°48'04" WEST, 300.00 Feet, departing the west R.O.W. line of said South Cherry Street and along a common South line of herein described tract and the north line of said Tomball Forest Estates, to a 1/2 Inch iron rod with a "Precision" cap set in the east line of a tract conveyed to 249 Holderrieht, LLC., recorded in C.C.F. No. 20150186441, O.R.H.C.T. for a common Exterior corner of herein described tract and the northwest corner of said Tomball Forest Estates;

THENCE, NORTH 00°03'49" WEST, 477.50 Feet, along a common West line of herein described tract and the east line of said tract conveyed to 249 Holderrieht, LLC., to a 1/2 Inch iron rod with a "Precision" cap set for a common Interior corner of herein described tract and the northeast corner of said tract conveyed to 249 Holderrieht, LLC.;

THENCE, NORTH 89°56'15" WEST, 1,116.30 Feet, along a common South line of herein described tract and the north line of said tract conveyed to 249 Holderrieht, LLC., to a 1/2 Inch iron rod with a "Precision" cap set in the east line of a tract conveyed to City of Tomball, recorded in C.C.F. No. W565672, O.R.H.C.T. for the Southwest corner of herein described tract;

THENCE, NORTH 00°01'24" EAST, 749.11 Feet, along a common West line of herein described tract and the east line of said tract conveyed to City of Tomball, to a point for the common Interior corner of herein described tract and the exterior corner of said tract conveyed to City of Tomball from which a 5/8 Inch iron rod found bears South 74° 20' East, a distance of 0.53 Feet ;

THENCE, NORTH 09°55'02" WEST, 651.73 Feet, continuing along a common West line of herein described tract and the east line of said tract conveyed to City of Tomball, to a found capped iron rod for the common Northwest corner of herein described tract and the southwest corner of said tract conveyed to Arlene Holderrieth Wottrich and Donald Alfred Wottrich;

THENCE, SOUTH 89°53'58" EAST, 1,528.79 Feet, along the common North line of herein described tract and the south line of said tract conveyed to Arlene Holderrieth Wottrich and Donald Alfred Wottrich, to the POINT OF BEGINNING containing 47.675 Acres (2,076,738 square feet) of land.

(See attached drawing)




Terrance Mish
Registered Professional Land Surveyor, No. 4981
Job No. 17-10226
September 28, 2017

ANN HARRIS BENNETT
TAX ASSESSOR-COLLECTOR & VOTER REGISTRAR
P.O. BOX 3547
HOUSTON, TEXAS 77253-3547
TEL: 713-274-8000

* 0 4 4 0 5 8 0 0 0 0 0 5 1 *

CHERRY VENTURES LP
27993 BAYS CEMETARY RD
RICHARDS TX 77873-2101

## 2017 Property Tax Statement
### Web Statement

| Statement Date: | June 6, 2018 |
|---|---|
| Account Number | |
| 044-058-000-0051 | |

Additional city sales tax reduced your city ad valorem tax by: $11.13

| Taxing Jurisdiction | Exemptions | Taxable Value | Rate per $100 | Taxes |
|---|---|---|---|---|
| Harris County | 0 | 5,808 | 0.418010 | $24.28 |
| Harris County Flood Control Dist | 0 | 5,808 | 0.028310 | $1.64 |
| Port of Houston Authority | 0 | 5,808 | 0.012560 | $0.73 |
| Harris County Hospital District | 0 | 5,808 | 0.171100 | $9.94 |
| Harris County Dept. of Education | 0 | 5,808 | 0.005195 | $0.30 |
| Lone Star College System | 0 | 5,808 | 0.107800 | $6.26 |
| City of Tomball | 0 | 5,808 | 0.341455 | $19.83 |
| Emergency Service Dist #8 (EMS) | 0 | 5,808 | 0.100000 | $5.81 |

*Page: 1 of 1*

| | |
|---|---|
| **Total 2017 Taxes Due By January 31, 2018:** | **$68.79** |
| **Payments Applied To 2017 Taxes** | **$68.79** |
| **Total Current Taxes Due (Including Penalties)** | **$0.00** |
| **Prior Year(s) Delinquent Taxes Due (If Any)** | **$0.00** |
| **Total Amount Due For June 2018** | **$0.00** |

| Penalties for Paying Late | Rate | Current Taxes | Delinquent Taxes | Total |
|---|---|---|---|---|
| By Febuary 28, 2018 | 7% | $0.00 | $0.00 | $0.00 |
| By March 31, 2018 | 9% | $0.00 | $0.00 | $0.00 |
| By April 30, 2018 | 11% | $0.00 | $0.00 | $0.00 |
| By May 31, 2018 | 13% | $0.00 | $0.00 | $0.00 |
| By June 30, 2018 | 15% | $0.00 | $0.00 | $0.00 |

| Property Description |
|---|
| S CHERRY ST 77375<br>TRS 4C 4H 4K 4L & 9A ABST 632 C N<br>PILLOT 44.6750 AC |

| Appraised Values | |
|---|---|
| Land - Market Value | 1,379,534 |
| Impr - Market Value | 0 |
| Total Market Value | 1,379,534 |
| Less Capped Mkt Value | 1,373,726 |
| Appraised Value | 5,808 |

| Exemptions/Deferrals |
|---|
| Timber Productivity |

**Tax Bill Increase (Decrease) from 2012 to 2017: Appraised Value 7%, Taxable Value 7%, Tax Rate 3%, Tax Bill 10%.**

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.

* 0 4 4 0 5 8 0 0 0 0 0 5 1 *

CHERRY VENTURES LP
27993 BAYS CEMETARY RD
RICHARDS TX 77873-2101

**PAYMENT COUPON**

| Account Number |
|---|
| 044-058-000-0051 |
| Amount Enclosed |
| $_____ . _____ |

Web Statement - Date Printed: 06-06-2018

Make check payable to:

ANN HARRIS BENNETT
TAX ASSESSOR-COLLECTOR & VOTER REGISTRAR
P.O. BOX 4622
HOUSTON, TEXAS 77210-4622

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

Scan the QR code to pay online or visit www.hctax.net

044058000005l2 2017 000000000 000000000 000000000 000000000

2,269,358-1

## TAX STATEMENT 2017 +

**STATEMENT DATE:** 06/06/2018
**ACCOUNT:** 0440580000051

LEGAL: TRS 4C 4H 4K 4L & 9A
ABST 632 C N PILLOT

OWNER: CHERRY VENTURES LP
PARCEL ADDRESS: 0000000 S CHERRY ST
EXEMPTION CODES: AGTMB

PIDN: 0440580000051
ACRES: 44.675

| AG LAND | APPRAISED VALUE | | | | |
|---|---|---|---|---|---|
| 61,428 | 1,379,534 | | | | |

| TAXING ENTITIES | EXEMPTION AMOUNT | TAXABLE VALUE | TAX RATE PER $100 | BASE TAX | PENALTY & INTEREST |
|---|---|---|---|---|---|
| TOMBALL ISD | 1,318,106 | 61,428 | 1.340000 | 0.00 | 0.00 |
| | | | SUBTOTAL | 0.00 | 0.00 |
| | | | PRIOR YEARS | 0.00 | |
| | | | **TOTAL AMOUNT DUE** | **0.00** | |

*This top portion and your canceled check will serve as your receipt.*

*^ Detach on perforation and return this portion with your check payable to:*

**Kristi Williams**
**PO Box 276**
**Tomball, TX 77377-0276**
**(281)357-3100**

**DELINQUENT DATE: 02/01/2018**

ACCOUNT: 0440580000051 2017 +
CHERRY VENTURES LP
27993 BAYS CEMETARY RD
RICHARDS, TX 77873-2101

**TOTAL AMOUNT DUE**
**$0.00**
**^^ AMOUNT DUE ON RECEIPT ^^**

OWNER: CHERRY VENTURES LP
PIDN: 0440580000051

| IF PAID IN | AMOUNT DUE |
|---|---|
| JUL | 0.00 |
| AUG | 0.00 |
| SEP | 0.00 |
| OCT | 0.00 |
| NOV | 0.00 |
| DEC | 0.00 |

ADDRESS: 2406 SOUTH CHERRY STREET
TOMBALL, TEXAS 77375
ORDERED BY: WINDY CLINE PROPERTIES
SOUTH CHERRY STREET
SCALE: 1" = 200'
PIPELINE EASEMENT ACREAGE +/- 5.173 ACRES
47.675 ACRES
SITUATED IN THE
C. M. PILLOT SURVEY, A-632
HARRIS COUNTY, TEXAS
(SEE ATTACHED METES AND BOUNDS DESCRIPTION)
PRECISION SURVEYORS
DRAWN BY: MW/BR/RC

# Regular City Council
# Agenda Item
# Data Sheet

Meeting Date: August 20, 2018

**Topic:**

Consideration to Approve **Zoning Case P18-120:** Request by Benson Development, LLC, to Amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by Rezoning Approximately 25.7328 Acres of Land Legally Described as Tract 82, Tract 75B, Tract 93, Tract 94A & 95A and Part of Lots 78 & 79 (AG-USE) Tomball Outlots, Within The City Of Tomball, Harris County, Texas, Generally Located on the South Side of East Hufsmith Road Between Hospital Road and Lovett Street, from the Single-Family 9 District to the Planned Development District.

- Conduct Public Hearing on **Zoning Case P18-120**
- Adopt, on First Reading, Ordinance 2018-23, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 25.7328 Acres of Land, Legally Described Tract 82, Tract 75B, Tract 93, Tract 94A & 95A and Part of Lots 78 & 79 (AG-USE) Tomball Outlots, Within the City of Tomball, Harris County, Texas, From the Single-Family 9 District to the Planned Development (PD-11) District; Said Property Being Generally Located on East Hufsmith Road Between Hospital Road and Lovett Street; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed $2,000 for Each Day of Violation of any Provision Hereof, Making Findings of Fact; and Providing For Other Related Matters.

**Background:**

On Monday, August 13, 2018, after conducting a public hearing, the Planning and Zoning Commission recommended denial of the rezoning request with one vote Aye three votes Nay.

**Origination:**

Benson Development, LLC

**Recommendation:**

Approval

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

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

**ACTION TAKEN**

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

**ATTACHMENTS:**

2018-23 Ordinance
P18-120 Notice of Public Hearing
P18-120 Property Owner Notification
P18-120 Staff Report

**ORDINANCE NO. 2018-23**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 25.7328 ACRES OF LAND, LEGALLY DESCRIBED TRACT 82, TRACT 75B, TRACT 93, TRACT 94A & 95A AND PART OF LOTS 78 & 79 (AG-USE) TOMBALL OUTLOTS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE SINGLE-FAMILY 9 DISTRICT TO THE PLANNED DEVELOPMENT (PD-11) DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON EAST HUFSMITH ROAD BETWEEN HOSPITAL ROAD AND LOVETT STREET; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.**

* * * * * * * * * *

**Whereas**, Benson Development, LLC has requested that approximately 25.7328 acres of land, legally described as Tract 82, Tract 75B, Tract 93, Tract 94A & 95A and Part of Lots 78 & 79 (AG-USE) Tomball Outlots, generally located on East Hufsmith Road between Hospital Road and Lovett Street, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

**Whereas**, the applicant has presented an application to the City for a Planned Development District to allow for the construction of a single-family development; and

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

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

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

**Whereas**, the Planning & Zoning Commission recommended in its final report that City Council deny the requested rezoning of Planned Development (PD-11) District; and

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

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

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

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

**Section 2.** The zoning classification of the Property is hereby changed from the Single-Family 9 District to the Planned Development (PD-11) District subject to the regulations, restrictions, and conditions hereafter set forth.

**Section 3.** The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Planned Development (PD-11) District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

**Section 4.** This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Planned Development (PD-11) District as described above.

**Section 5.** The Planned Development (PD-11) shall be subject to the following limitations, restrictions and covenants:

A. Compliance with the Application, Regulations and Concept Plan. The granting of the Planned Development (PD-11) District shall be conditioned upon the proposed improvements and lands uses being located, constructed and conducted upon the Property in substantial compliance with the application for the Planned Development District (Exhibit "A"), Planned Development Regulations (Exhibit "B") and concept plan (Exhibit "C") made a part hereof for all purposes.

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20TH DAY OF AUGUST 2018.

| | |
|---|---|
| COUNCILMAN FORD | _____ |
| COUNCILMAN STOLL | _____ |
| COUNCILMAN DEGGES | _____ |
| COUNCILMAN TOWNSEND | _____ |
| COUNCILMAN QUINN | _____ |

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF SEPTEMBER 2018.

| | |
|---|---|
| COUNCILMAN FORD | _____ |
| COUNCILMAN STOLL | _____ |
| COUNCILMAN DEGGES | _____ |
| COUNCILMAN TOWNSEND | _____ |
| COUNCILMAN QUINN | _____ |

_____
Gretchen Fagan, Mayor

ATTEST:

_____
Doris Speer, City Secretary

**Exhibit "A"**
**Application for Planned Development**

Revised 5/19/15

P18-120

# APPLICATION FOR PLANNED DEVELOPMENT

**Community Development Department**
**Planning Division**

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

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

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

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

**Applicant**
Name: BENSON DEVELOPMENT, LLC Title: PRESIDENT
Mailing Address: P.O. Box 2331 City: Tomball State: TX
Zip: 77377
Phone: (281) 932-7836 Fax: (____) _____ Email: will@bensondev.com

**Owner**
Name: Jayanti K Patel Title: _____
Mailing Address: 6021 Calhoun Rd City: Houston State: TX
Zip: 77021
Phone: (713) 747-3569 Fax: (____) _____ Email: jay@energyflowsystems.com

**Engineer/Surveyor (if applicable)**
Name: ODYSSEY ENGINEERS / WINDROSE SUR. Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: (____) _____ Fax: (____) _____ Email: _____

**Description of Proposed Project:** GRAND JUNCTION Sections 2+3

Physical Location of Property: 710 E. Hufsmith Rd
[General Location – approximate distance to nearest existing street corner]

HCAD PARCELS
0352830000238 ; 0352830000214 ; 0352830000232

Legal Description of Property: 0352830000115 ; 0352830000210 ; 0352830000211

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

HCAD Identification Number: _____ Acreage: 25.7328 ac

Current Use of Property: undeveloped

Proposed Use of Property: Single family Residential

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

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

X _____ 7.3.2018
**Signature of Applicant** **Date**

X Jay Patel 7/19/18
**Signature of Owner** **Date**

# PLANNED DEVELOPMENT
for
# GRAND JUNCTION SECTIONS 2 & 3

**CERTAIN RESTRICTIONS FOR THE PLANNED DEVELOPMENT ARE SET FORTH HEREIN**

**JULY 3, 2018**

**Exhibit "C"**
**Concept Plan**



# NOTICE OF PUBLIC HEARING
# CITY OF TOMBALL
# PLANNING & ZONING COMMISSION (P&Z)
# AUGUST 13, 2018
# &
# CITY COUNCIL
# AUGUST 20, 2018

Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, August 13, 2018, at 6:00 P.M.,** and by the City Council of the City of Tomball on **Monday, August 20, 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 P18-089:** Request by Rene Rodriguez, on behalf of Cherry Ventures, LP, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 47.675 acres of land legally described as Tracts 4C, 4C-2, 4H, 4K, 4L & 9A, C.M. Pillot Survey, Abstract 632 within the City of Tomball, Harris County, Texas, generally located on the west side of South Cherry Street, south of Pine Meadows Subdivision and north of Holderrieth Road, from the Agricultural and General Retail Districts to the Single-Family 6 District.

**Zoning Case P18-120:** Request by Benson Development, LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 25.7328 acres of land legally described as Tract 82, Tract 75B, Tract 93, Tract 94A & 95A and Part of Lots 78 & 79 (AG-USE) Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the south side of East Hufsmith Road between Hospital Road and Lovett Street, from the Single-Family 9 District to the Planned Development District.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the 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 **9th** day of **August 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** the Public Hearing before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

***CASE NUMBER:*** P18-120

***APPLICANT/OWNER:*** Request by Benson Development, LLC

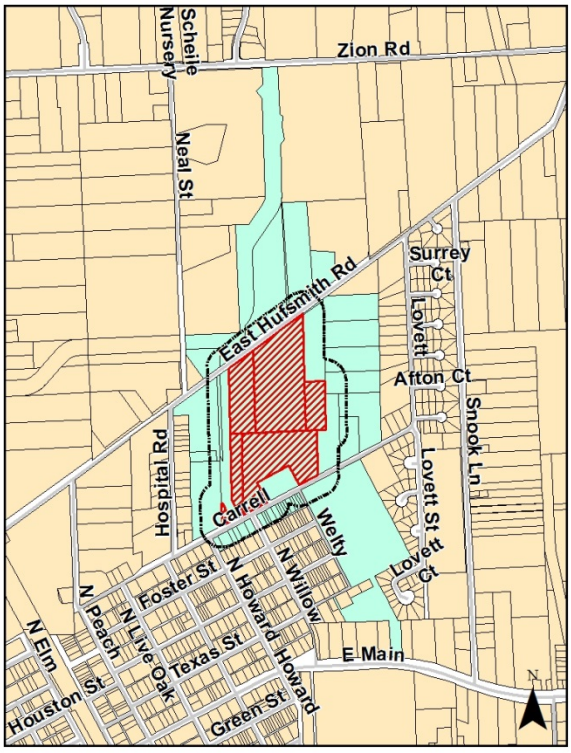
***LOCATION:*** Generally located on the south side of East Hufsmith Road between Hospital Road and Lovett Street

***PROPOSAL:*** To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 25.7328 acres of land legally described as Tract 82, Tract 75B, Tract 93, Tract 94A & 95A and Part of Lots 78 & 79 (AG-USE) Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Single-Family 9 District to the Planned Development District.

***CONTACT:*** Amelia Lindley, Planner
***PHONE:*** (281) 290-1410
***E-MAIL:*** alindley@tomballtx.gov

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

**This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.**




**Planning & Zoning Commission**
**Public Hearing:**
**Monday, August 13, 2018, 6:00 PM**

**City Council Public Hearing:**
***Monday, August 20, 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.

# *Public Comment Form*

*(Please type or use black ink)*

**All submitted forms will become a part of the public record.**

*Please return to:*
**City of Tomball**
**Attn: Amelia Lindley**
**501 James Street**
**Tomball, TX 77375**

**Name:** _____
*(please print)*
**Address:** _____

_____

**Signature:** _____

**Date:** _____

_____ I am **FOR** the requested Rezoning as explained on the attached public notice for Z**oning Case P18-120. (Please state reasons below)**

_____ I am **AGAINST** the requested Rezoning as explained on the attached public notice for Z**oning Case P18-120. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:
**Monday, August 13, 2018 6:00 PM**
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
**Monday, August 20, 2018, 6:00 PM**
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

**COMMENTS:**

_____

_____

_____

_____

_____

**You may also comment via email to ALindley@tomballtx.gov.**
**Please reference the case number in the subject line.**
**For questions regarding this request please call Amelia Lindley @ 281-290-1410.**

# *Rezoning Staff Report*

Planning & Zoning Commission Public Hearing Date: August 13, 2018
City Council Public Hearing Date: August 20, 2018

| | |
|---|---|
| **Rezoning Case:** | P18-120 |
| **Property Owner(s):** | Jayanti K Patel |
| **Applicant(s):** | Benson Development, LLC |
| **Legal Description:** | Tract 82, Tract 75B, Tract 93, Tract 94A & 95A and Part of Lots 78 & 79 (AG-USE) Tomball Outlots |
| **Location:** | East Hufsmith Road between Hospital Road and Lovett Street (Exhibit "A") |
| **Area:** | 25.7328 acres |
| **Comp Plan Designation:** | Medium Density Residential (Exhibit "B") |
| **Present Zoning and Use:** | Single-Family 9 District (Exhibit "C") / Mostly undeveloped, single-family residence (Exhibit "D") |
| **Request:** | Rezone from the Single-Family 9 District to the Planned Development District (PD-11) |

**Adjacent Zoning & Land Uses:**

**North:** Single-Family 20 Estate District / Undeveloped and Maple Creek Bed & Breakfast

**South:** Single-Family 6 and Single-Family 9 Districts / Single-Family residences, church

**West:** Single-Family 9 and Duplex District / Harris County Flood Control Ditch, Large lot residential, Manufactured Home Park

**East:** Single-Family 9, Single-Family 6 and Multi-Family Districts / Large lot residential, new single-family residential subdivision, apartment complex (Mid-Town Apartments)

## BACKGROUND

City Staff met with the applicant to discuss the development of the property in June 2018.

## ANALYSIS

The whole subject site is comprised of multiple lots totaling to approximately 25.7328 acres. The applicant has proposed a Planned Development to allow for a development of single-family lots ranging from a minimum square footage of 4,000 square feet to a minimum of 6,000 square feet.

The property is currently zoned Single-Family 9 District. Properties to the north are zoned Single-Family 20 Estate District. Properties to the east are zoned Single-Family 9, Single-Family 6 and Multifamily. To the south, properties are zoned Single-Family 6 and Single-Family 9 District and properties to the west are zoned Single-Family 9 and Duplex District.

The property and properties to the south and west are designated as Medium Density Residential by the City's Comprehensive Plan Future Land Use Map. Properties to the north are designated as Rural Residential and properties to the east are designated High and Medium Density Residential.

The majority of the surrounding land uses are single-family. There is a wide variety of housing types in the area including large lot residential, 6,000-9,000 square foot single-family detached residential, duplex, multi-family and a manufactured home park. There is a church to the south of the subject site and a bed and breakfast on the north side of East Hufsmith Road. The property also runs parallel to a Harris County Flood Control District drainage channel.

## ZONING CONSIDERATIONS

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

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

The proposed Planned Development District, along with its concept plan and development standards, appears to be compatible with the surrounding residential developments in the area. There is a very diverse mixture of residential uses in the area.

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

The proposed rezoning is not anticipated to negatively impact any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area. All public utility mains will be extended, at the developer's expense, to serve the properties.

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

There are no vacant tracts in the vicinity classified for similar development.

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

Planned Development 4 (Yaupon Trails) and Planned Development 5 (Alexander Estates) are similar developments; however, neither development will provide a "patio home" type product such as what is proposed for Planned Development 11.

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

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

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

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

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

The Future Land Use plan designates the property Medium Density Residential, which would include lots ranging from 6,000 to 20,000 square feet. The proposed residential development includes lots that are 4,000 – 6,000+ square feet. A portion of the Planned Development meets the Future Land Use designation, however, the Future Land Use Map is not meant to be parcel specific and adjacent properties to the southeast are designated High Density Residential, which includes patio homes.

The Comprehensive Plan also promotes the goal of having a wide variety of housing products and establishing open spaces within neighborhoods to encourage more social interactions in the community. Chapter 4 (Land Use and Development) of the Comprehensive Plan specifically mentions the need for "a diverse mix of housing styles, densities, and price ranges located within appropriate locations" (Page 35). It is also stated that "higher density residential developments [should be] adjacent to or in close proximity to high capacity roadways" and close to public parks. The proposed development will have access to East Hufsmith Road, which is designated as a major arterial by the City's Major Thoroughfare Plan and will be approximately one mile from the City's newest park, Broussard Community Park. Lastly, the Comprehensive Plan encourages the City to "foster distinctive, attractive neighborhoods with a strong sense of place by encouraging amenities such as pocket parks" (Page 36). According to the Development Restrictions (Exhibit "E"), a minimum of 20% open space will be provided as well as a park playground and a water fountain feature in the wet-bottom detention pond. The proposed Planned Development request is consistent with many goals in the Comprehensive Plan.

## PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on July 27, 2018. The Notice of Public Hearing was published in the paper on August 1, 2018. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

## RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends APPROVAL of Zoning Case P18-120 for the following reasons:

1. The request meets the goals of City's Comprehensive Plan;

2. The request is generally in conformance with the Future Land Use Map;
3. The proposed development will add to the wide variety of housing types in the area and the City as a whole;
4. The request is generally appropriate with the surrounding zoning districts.

**EXHIBITS**

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

**Exhibit "A"**
**Aerial Photo**



**Exhibit "B"**
**Comprehensive Plan**

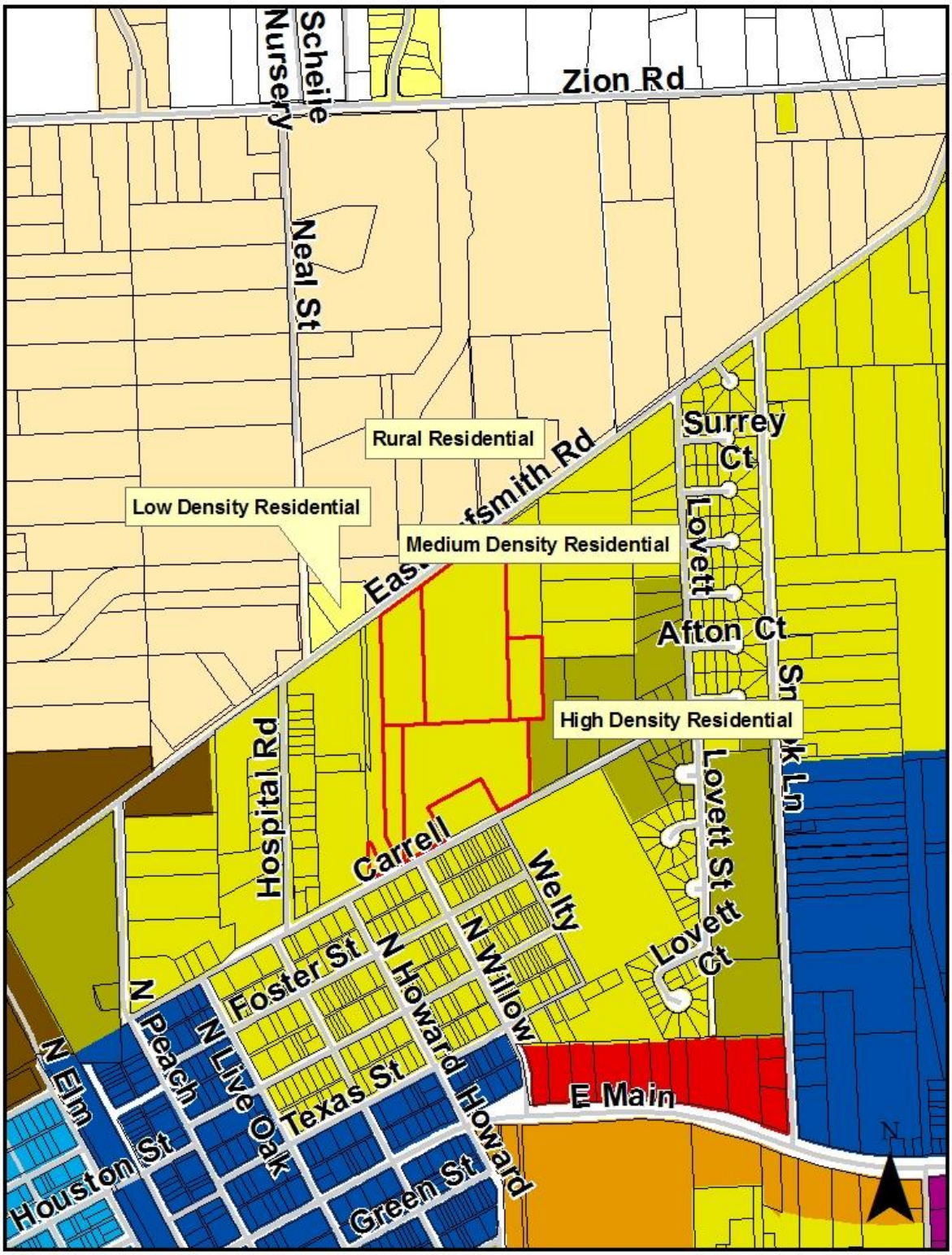


**Exhibit "C"**
**Zoning Map**

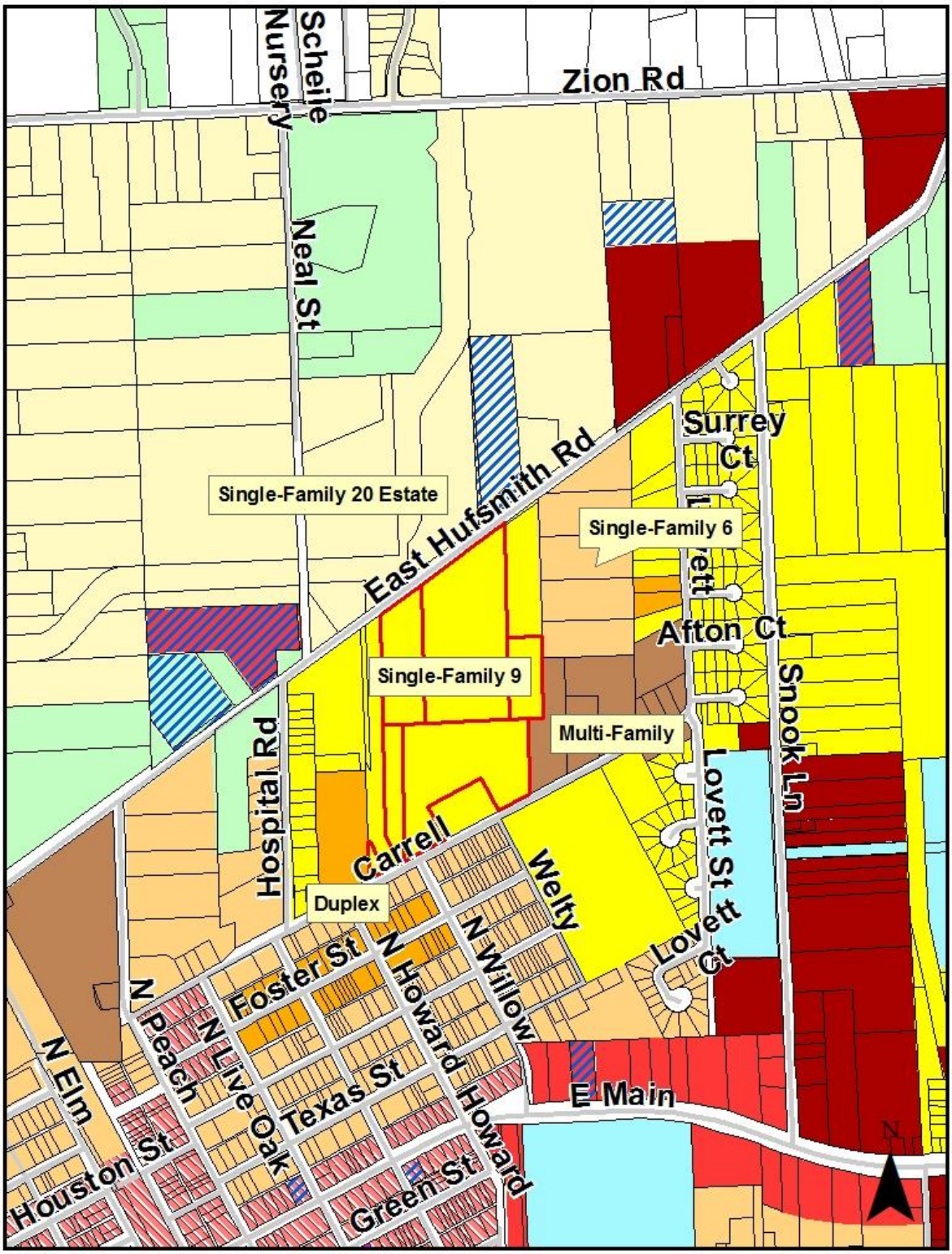


**Exhibit "D"**
**Site Photos**




*View from East Hufsmith Road*




*View from Carrell Street*

**Exhibit "E"**
**Application**

Revised 5/19/15

P18-120

# APPLICATION FOR PLANNED DEVELOPMENT

**Community Development Department**
**Planning Division**

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

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

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

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

**Applicant**
Name: BENSON DEVELOPMENT, LLC Title: PRESIDENT
Mailing Address: P.O. Box 2331 City: Tomball State: TX
Zip: 77377
Phone: (281) 932-7836 Fax: (____) _____ Email: will@bensondev.com

**Owner**
Name: Jayanti K Patel Title: _____
Mailing Address: 6021 Calhoun Rd City: Houston State: TX
Zip: 77021
Phone: (713) 747-3569 Fax: (____) _____ Email: jay@energyflowsystems.com

**Engineer/Surveyor (if applicable)**
Name: ODYSSEY ENGINEERS / WINDROSE SUR. Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: (____) _____ Fax: (____) _____ Email: _____

**Description of Proposed Project:** GRAND JUNCTION Sections 2+3

Physical Location of Property: 710 E. Hufsmith Rd
[General Location – approximate distance to nearest existing street corner]

HCAD PARCELS

Legal Description of Property: 0352830000238 ; 0352830000216 ; 0352830000232
0352830000115 ; 0352830000210 ; 0352830000211
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: _____ Acreage: 25.7328 ac

Current Use of Property: undeveloped

Proposed Use of Property: Single family Residential

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

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

X _____ 7.3.2018
**Signature of Applicant** **Date**

X Jay Patel 7/19/18
**Signature of Owner** **Date**

# PLANNED DEVELOPMENT
for
# GRAND JUNCTION SECTIONS 2 & 3

**CERTAIN RESTRICTIONS FOR THE PLANNED DEVELOPMENT ARE SET FORTH HEREIN**

**JULY 3, 2018**

**PLANNED DEVELOPMENT**
**FOR**
**GRAND JUNCTION, SECTIONS 2 & 3**

## ARTICLE I
## GENERAL PROVISIONS

1.1 **GENERAL PROVISIONS:** The following General Provisions shall apply to the boundary of the property and shall have the following meanings, unless otherwise expressly provided herein:

The construction of the improvements within the Planned Development shall substantially conform to the Planned Development proposed herein. Upon acceptance of the completed improvements by the City of Tomball, the installed improvements shall be deemed acceptable to the Planned Development Standards contained herein.

Unless specifically provided herein, any definitions contained within the City's ordinances or Development Codes shall be applicable to the design or construction of infrastructure or structures, shall have the intended meanings and applications contained within the City of Tomball Development and Construction codes within this Planned Development.

The engineering for improvements within the Planned Development shall substantially conform to the City of Tomball engineering or drainage criteria and/or Harris County or Harris County Flood Control District codes or standards where applicable. Once construction permits are issued by the applicable governing jurisdictions, the Engineering Design will have been deemed acceptable to the Planned Development Standards herein in order to commence construction.

Open Spaces are required within the Planned Development. Open Space is defined by that portion of land contained within the Planned Development that is not within the boundary of any lot or right-of-way. Open spaces shall be labeled as Reserves on the Final Plat. Open Space can be used for detention, parks, landscaping, buffers, or other similar uses. Open Space shall substantially conform to the Planned Development proposed herein.

The "Property" means the 25.7328 acres.

The Plat shall mean the Final Plat for Grand Junction Section 2 & Section 3. The Plat shall be designed to substantially conform to the Planned Development Standards contained herein. After the plat is recorded into the public record, the Plat shall be the final design and layout for the Planned Development and deemed acceptable to the Planned Development Standards contained herein.

"Un-contemplated Regulations" means that any regulations that apply to PH or SF50 land uses respectively, that are not contemplated within this Planned Development shall be made applicable to the design or improvements within the Planned Development. Upon acceptance of completed improvements by the City of Tomball, the installed improvements shall be deemed acceptable to the Planned Development Standards contained herein.

## ARTICLE II
## LAND USE

2.1 **LAND USE:** The following land uses and shall apply to PD herein:

(i) Patio Home – (PH4) Patio Home Residential use with a minimum of 4,000 Square Foot in total lot area.

(ii) Single Family – (SF50) Single Family Residential use with a minimum of 6,000 Square Foot in total lot area.

(iii) Right of Way – (ROW) for use of public infrastructure.

(iv) Reserve –(Res.) Reserves for the use of detention, parks, open space, or similarly related.

## ARTICLE III
## DESIGN STANDARDS

3.1 **DESIGN STANDARDS:** The following shall apply to the PD herein:

(a) PATIO HOME – (PH-4)

(i) Minimum Dwelling Unit Area – 1,400 Square Feet

(ii) Two Story Unit not to Exceed - 35 Feet Height

(iii) Minimum Lot Area – 4,000 Square Feet

(iv) Minimum Interior Lot Width – 40 Feet

(v) Minimum Lot Depth – 100 Feet

(vi) Minimum Radial Lot Width (at R.O.W.) – 25 Feet

(vii) Minimum Radial Lot Width (at Front B.L.) – 40 Feet

(viii) Minimum Front Building Setback – 20 Feet

(ix) Minimum Rear Building Setback – 15 Feet

(x) Minimum Side Building Setback – 5 Feet

(xi) Minimum Corner Lot Building Line, where the side of the Lot faces the ROW – 10 Feet

(xii) Encroachment by Building Eaves or AC Units may not encroach greater than 3 Feet into any Side Yard or Rear Yard Setback.

(xiii) No minimum or maximum yard sizes are contemplated herein

(xiv) Maximum lot coverage is 60%

(b) SINGLE FAMILY – (SF 50' Lots)

(i) Minimum Dwelling Unit Area – 1,500 Square Feet

(ii) Two Story Unit not to Exceed - 35 Feet Height

(iii) Minimum Lot Area – 6,000 Square Feet

(iv) Minimum Interior Lot Width – 50 Feet

(v) Minimum Lot Depth – 100 Feet

(vi) Minimum Radius Lot Width (at R.O.W.) – 30 Feet

(vii) Minimum Radius Lot Width (at Front B.L.) – 50 Feet

(viii) Minimum Front Building – 20 Feet

(ix) Minimum Rear Building Setback – 15 Feet

(x) Minimum Side Building Line – 5 Feet

(xi) Minimum Corner Lot Building Line, where the side of the Lot faces the ROW – 15 Feet

(xii) Encroachment by Building Eaves or AC Units may not encroach greater than 3 Feet into any Side Yard or Rear Yard Setback.

(xiii) No minimum or maximum yard sizes are contemplated herein

(xiv) Maximum lot coverage is contemplated at 55%.

(xv) No minimum or maximum open space is contemplated herein

(c) RESERVES – (Res.)

(i) A minimum 20% Open Area shall be dedicated for all PH-4 land use areas. The calculation for the open space requirement shall be the total of the area of all lots designated for PH-4 use, multiplied by 20%, to arrive at the minimum open space dedication requirement. The majority of the Open Area(s) shall be strategically placed adjacent to the PH-4 designated land uses, or at other strategic points within the PD. The Open Space shall maintain the following minimum features:

(1) Open areas must be maintained in grass or landscaping

(2) Should any planned wet-bottom detention exist, a water fountain feature shall be required & maintained.

(3) One small park playground area shall be designated

(4) A minimum of 1 Landscaping Tree from the City's approved landscaping tree list shall be installed in Reserve Areas, for each lot designated for PH-4 Land Use in the PD.

## ARTICLE IV
## EXHIBITS

4.1 **EXHIBITS:** The following Exhibits shall apply to PD herein:

(a) Concept Plan (Below)


a schematic development plan for
GRAND JUNCTION
± 25.7 ACRES OF LAND
prepared for:
WILL BENSON
SNOOK LN.
LOVEJOY ST.
SEC 1
38 LOTS
(TYP. 40'x120')
± 7.3 Ac.
SEC 2
66 LOTS
(TYP. 30'x120')
± 14.5 Ac.
DETENTION
N. WILLOW ST.
CARROLL ST.
HOSPITAL ST.
LOT SUMMARY
40'x120' 38 LOTS 37%
30'x120' 66 LOTS 63%
TOTAL 104 LOTS

Page 5

## Amelia Lindley

**From:** David Thompson <dkthouston@gmail.com>
**Sent:** Monday, August 06, 2018 7:54 PM
**To:** John Ford; Gretchen Fagan; Mark Stoll; Chad Degges; Derek Townsend; Lori Klein Quinn; Amelia Lindley
**Cc:** Mike Baxter
**Subject:** New Development Reboot

Fellow Tomball leaders and enthusiasts,

If I were you I might have taken a bit of offense by my email yesterday. If I did offend I apologize as I am a big fan of the current Tomball city leadership. I haven't met all of you but I look forward in doing so. So I moved to Tomball two years ago because I wanted something different from the typical Houston suburbia. And I got what I wanted. I bought a house on Carrell St. built in 1950 and have devoted many (many) hours and a considerable investment to improve my new home while maintaining its original integrity.

Since I sent my email Amelia has provided me more details about the planned development which I appreciate very much. Gretchen has also weighed in to explain more about the intent of the city in pursuing this opportunity and how it supports the city's vision for expansion. I do appreciate these responses and feel better about the plans now.

One thought. Tomball does a great job in promoting us as a destination for shopping, eating, train enthusiasts, etc. The mayor, city council, and other departments deserve credit for extradorinaiy progress in this direction. I give special credit to Mike Baxter and all his assistants & volunteers for making this a reality. He and many others work every day to make Tomball a destination for FUN. Perhaps we should also tout Tomball as a special place to live for those not content with the monotony of Houston suburbia. That's why I moved here. And there are many more out there who want something different and good. Tomball is not only fun but also a cool place to live. I'd be glad to help in this endeavor. I'm not saying you don't already do this but believe we can do more.

Thanks again for all you do and I appreciate your time and attention.

David Thompson
281-541-1552

> On Aug 5, 2018, at 8:54 PM, David Thompson <dkthouston@gmail.com> wrote:
>
> Tomball Leaders,
>
> My initial comments on the city's suggestion that we rezone a part of our city to accommodate some real estate developer's plan is attached. We need to work to protect what we have and what we want to build.
>
> We are Tomball! Let's keep it that way.
>
> Sincerely,
> David Thompson
>
>
>
> <Letter to Tomball Officials.docx>

August 5, 2018

Honorable Mayor, City Council & Zoning Board Members,

I am writing this because I am a Tomball resident who loves our small town, its history and want us to work to continue to make it better. I moved to 505 Carrell St. two years ago because I wanted something different from the all too common Houston suburbia home. I am a 66 year old native Texan UT Austin Chemical Engineer who raised 3 lovely daughters in the Spring area and am blessed to have 9 grandchildren in the area.

I received a letter from the City just last week informing me that a developer wants to 'develop' (that's what they do, right?) on beautiful treed property across from my home. However, the developer wants the city to change the zoning of that property from a Single Family District to something called a Planned Development District to accommodate their plans. I had no idea just what this means so I asked and was told:

'The developer is proposing 104 single-family residential homes on about 26 acres. The reason this has to be a Planned Development is because the developer is proposing some 40' wide lots, which the City considers a "patio home" product and patio homes are only permitted in a Planned Development. According to the concept plan, 37% of the homes will be 40' wide and the remainder will be 50' wide.'

I don't know whether that means the developer is bringing to our fair town housing that enhances our town. Maybe he envisions small homes that complement our current community – perhaps he plans to save the beautiful oak and pecan trees on the property, maybe energy efficient, an affordable community for artists & other forward thinkers who would enhance Tomball. Or, maybe this is a typical developer's ploy to pack as many houses into a limited space as possible to increase his profit at our expense. These developers build something that makes him a lot of money but does not serve the community. Once it's done they go away and we are left with it forever. I don't have enough information to make that determination. Do we have a plat or an artist's rendering that you could share? My neighbors have expressed the same frustration. Too little information.

Tomball is very unique as we are a small Texas town with a rich history in northwest Harris County (suburbia Houston). We should protect our uniqueness and not let just any developer come in and do what most developers do – cut down all of the trees, build cookie cutter houses (or patio homes) – then go away. We need to be very selective as to what we allow the developers to do to our community. There is no shortage of developers who would love to do their thing in Tomball. It is our duty to only allow those who have our best interests at heart in.

I have the utmost respect for those who have taken us to where we are today. We need to be selective as to who we allow to build in our town. Tomball is unique. Many developers will want to build here. We need to be very selective as to who we allow to do that.

We do not want to become another Old Town Spring which has become a weekend shopping destination. Tomball is much more than that. Yes we have a wonderful array of restaurants, shops, antique stores and a railroad museum to boot – but it is the residents who make it so much more. I highly encourage the Zoning Board to consider this when making your decision. Does this developer have our best interests at heart? Does his 'patio home' development' help us to achieve your (and our) goals for Tomball? Is there someone else out there who might offer a plan which is in align with our goals? We should consider all of these questions carefully before moving ahead. We only get one chance to make this decision.

Until I know more I will oppose the proposal.

Thank you,

David Thompson
505 Carrell St.
281-541-1552

## Amelia Lindley

**From:** Jay Patel (Energy Flow Systems) <jay@energyflowsystems.com>
**Sent:** Thursday, August 02, 2018 8:19 AM
**To:** Amelia Lindley
**Subject:** RE: 8/13/18 Planning & Zoning Commission Meeting

Amelia

I am OK with the change from the Single-Family 9 District to the Planned Development District.

**I have No Objection.**

Thanks,

Jay Patel
Energy Flow Systems, Inc.
Tel: 713-747-3569
Mobile#: 832 788-8488
Fax: 713-747-7868
jay@energyflowsystems.com

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**From:** Amelia Lindley [mailto:alindley@tomballtx.gov]
**Sent:** Wednesday, August 1, 2018 2:49 PM
**To:** Will Benson <will@bensondev.com>
**Cc:** Jay Patel (Energy Flow Systems) <jay@energyflowsystems.com>
**Subject:** 8/13/18 Planning & Zoning Commission Meeting

On Monday, August 13, 2018, Tomball's Planning & Zoning Commission will meet at City Hall (401 Market Street) at 6:00 p.m. to discuss the following item:

**Zoning Case P18-120:** Request by Benson Development, LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 25.7328 acres of land legally described as Tract 82, Tract 75B, Tract 93, Tract 94A & 95A and Part of Lots 78 & 79 (AG-USE) Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the south side of East Hufsmith Road between Hospital Road and Lovett Street, from the Single-Family 9 District to the Planned Development District.

The applicant (or his/her designee) must be present at the meeting to answer any questions to the Commission may have. If you have any questions, please let me know.

Thank you,

Amelia Lindley
Planner
Community Development Department
(281) 290-1410
www.tomballtx.gov/cd



# Regular City Council
# Agenda Item
# Data Sheet

Meeting Date: August 20, 2018

**Topic:**
Consideration and Possible Action regarding TML Committees and Direction to Randy Parr, Representative for City of Tomball for Home-Rule Legislation

**Background:**
During the August 6, 2018, Council meeting, Randy Parr, Fire Chief, was given approval to represent the City during a TML Legislative Committee Meeting. Prior to his departure to Austin, Council directed that Chief Parr return to Council with a briefing regarding the legislative agenda, with an understanding that the only legislative direction given by Council was to oppose legislation eroding home rule/local control, and that which establishes unfunded mandates.

**Origination:**
Randy Parr

**Recommendation:**
Allow Chief Parr to represent the City at the TML Conference.

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

**ACTION TAKEN**

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

**ATTACHMENTS:**

TML Policy Summit Document
Summit Book-1 of 7
Summit Book-2 of 7
Summit Book-3 of 7
Summit Book-4 of 7
Summit Book-5 of 7
Summit Book-6 of 7
Summit Book-7 of 7

**TML Policy Summit**

| Policy/Proposition | Position |
|---|---|
| Pg 9/15 Harmful Legislation in General/Preemption | Oppose any legislation that would provide state preemption of municipal authority |
| Pg 16 Harmful legislation in general | Oppose any legislation that would erode municipal authority in any way or would impose unfunded mandates |
| Pg 17 Revenue caps, including reduced rollback Calculations, automatic rollback elections, reduced Rollback petition requirements, exclusion of "new property" adjustment | Oppose |
| Pg 22 Expenditure caps | Oppose |
| Pg 23 Appraisal caps | Oppose |
| Pg 27 Effective and rollback rate reform | Support legislation that would simplify the effective tax rate calculation for notice purposes only, providing the underlying legislation did not result in the change of the results of the calculations themselves |
| Pg 31 Property tax abatements | Support extension of present legislation |
| Pg 32 Property tax exemptions | Support TML position on new exemptions |
| Pg 34 Equity appraisals | Support TML position on beneficial amendments to the equity appraisal statute (personally feel this system is flawed as the better way to value commercial properties is through a capitalization of net income before depreciation deduction) |
| Pg 36 Sales price disclosure | Support TML position of requiring mandatory sales price disclosure |
| Pg 37 Dark Store appraisal | TML position opposes legislation that would erode the concept that appraisals must reflect true market value |
| Pg 38 Disaster reappraisal | This would either create a requirement for a reappraisal or an exemption of reduction if the property is located in a disaster area and has suffered damage. |

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| Pg 39 Disaster-related effective rate relief | Evaluate legislation that may create a grant program or a program to modify the effective tax rate to allow cities to collect an amount of revenue similar to that prior to the disaster incident. Legislation such as this provides local jurisdictions with the ability to continue to function without increasing the tax burden on properties remaining in the jurisdiction. |
| Pg 41 Homestead property tax exemption | City officials opposed to appraisal caps, homestead exemptions can be a trick proposition. Large increases in homestead exemptions shifts the property tax burden from residential to commercial properties. TML 2017 position opposed new mandatory homestead exemptions or increases and support legislation that would allow council-option exemptions expressed as a percentage or flat dollar amount. |
| Pg 43 Sales tax exemptions | TML opposes any sales tax exemption that would substantially erode the tax base or broaden/lengthen the scope of the current sales tax holiday. |
| Pg 45 Sales tax on remote sales | TML opposes legislation that would 1) alter the city share or the calculation or sourcing of city sales taxes, 2) opposes legislation that would expand the sales tax base without fully benefitting the city tax base and 3) supports legislation that would expand the sales tax base but only if the city tax base fully benefits from the expansion. |
| Pg 48 Type A/Type B Economic Development Sales Tax | 2017 TML 1) took no position on legislation that would broaden the authority of A and B EDC; 2) oppose legislation that would limit the A & B EDCs statewide but remain neutral on legislation impacting regional legislation for cities supporting that region. |
| Pg 50 Issuing City Debt | Governor's 2018 property tax reform included 1) adding additional financial information to local debt election ballots; 2) restricting the use of Cos to infrastructure projects relating to a natural disaster and 3) requiring a 2/3 supermajority vote for local debt elections. |

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| | TML opposes any legislation that would expand the election requirements for the issuance of any city debt, impose an election procedure where none exists or would otherwise erode the ability of a city to issue debt in any way. |
| Pg 54 Major Events reimbursement program | 2017 TML position opposes legislation that would limit or eliminate the flexibility of the Major Events reimbursement program as a tool to attract and host major events and conventions. |
| Pg 55/56 Summary of TML position on Comprehensive Positions | Summary of above details. |
| REGULATION OF DEVELOPMENT | |
| Pg 57 Annexation | 2017 legislation changed annexation legislation. TML will oppose legislation that would erode municipal annexation authority. |
| Pg 61 Eminent Domain | TML recommends opposing any legislation that would further erode a city's ability to condemn property for public use. |
| Pg 66 Zoning/Religious land use/regulatory takings | 2017 TML position was 1) oppose legislation that would erode municipal zoning authority; restrict cities' ability to adopt or amend zoning regulations or vest or otherwise create a property right in a zoning classification; 2) oppose legislation that would further erode a city's ability to regulate religious or charitable organizations; and 3) oppose legislation that would establish a standard or process for determining economic loss and related compensation resulting from a regulatory action. |
| Pg71 Permit vesting | no 2019 activity anticipated but 2017 TML position remains opposed to legislation that would enact adverse amendments to the vesting statutes in Chapter 245. |
| Pg 72 Building codes/permit fees | In 2001, Texas Builders Association pushed the legislature to adopt the International Residential Code and the National Electric Code as the standards for residential standards in Texas cities. (Section 214.211 of the Local Gov Code. In 2009 SB 1410 was adopted as an |

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| | amendment to the plumbing license requirements but eliminated the ability of a home rule city to adopt the provisions of the International residential Code to require the installation of fire sprinklers in newly constructed single family and duplex homes. In 2017 Tomball requested TML support in returning the decision to that of a local one. The TML 2017 position provided 1) TML would oppose legislation that would erode a city's ability to make recommendations to model building codes; 2) support legislation that would authorize a city council to opt-in to requiring residential fire sprinklers in newly constructed single-family dwellings and 3) oppose legislation that would further restrict a city's ability to impose building permit fees. |
| Pg 79 Tree Preservation | Higley likely that Additional legislation will be filed in 2019 to completely preempt municipal tree authority. The TML prior position is to oppose legislation that would erode municipal authority in relation to tree preservation requirements. |
| Pg 84 Short-term rentals | 2017 TML opposed legislation that would erode the authority of Municipalities to regulate short term rentals. |
| Pg 85 Summary of TML Comprehensive positions on Regulation of Development | TML recommends opposing legislation that would erode municipal authority related to development matters including 1) annexation; 2) eminent domain; 3) zoning; 4) regulatory takings; 5) building codes; 6) tree preservation and 7) short-term rentals<br>TML should support legislation that would authorize a city council to opt-in to requiring residential fire sprinklers in newly constructed single-family dwellings. |
| UTILITIES and TRANSPORTATION<br>Pg 87 Municipal right-of-way authority/compensation | Deals with the leasing of the city's right-of-way assets to private companies to install telephone, cable and electric lines. Some in State government and the PUC argue that these rents amount to a tax. Small cell nodes appear to be the hot topic. 2017 TML program |

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| | opposed legislation that would 1) erode the authority of a city to be adequately compensated for the use of its rights-of-way; 2) erode municipal authority over the management and control of rights-of-way; and 3) erode the provisions of Chapter 66 of the Texas Utilities code. |
| Pg 98 Local transportation funding | 2017 TML program supported legislation that would 1) allow for greater flexibility by cities to fund local transportation projects; 2) amend or otherwise modify state law to help cities fund transportation projects; or 3) provide cities with additional funding options and resources to address transportation needs that the state or feds are unable or unwilling to address. |
| Pg 102 State and Federal transportation funding | In 2017, TML supported legislation that would 1) discontinue the diversion of transportation revenues to non-transportation purposes; 2)provide additional funding to TxDOT for transportation projects that would benefit cities; 3)provide local, state and federal transportation funding for rail as one component of transportation infrastructure. |
| Pg 106 Billboards | Issue generally is height and location of biilboards along state highways but inside city limits. TML opposes any legislation that would erode the authority of a city over billboards or place any unfunded mandate on cities relating to billboards. |
| Pg 111 Overweight Trucks | TML opposes a general increase in the weight of vehicles operating on Texas highways and streets but takes no position (neutral) on bracketed bills supported by cities. |
| Pg 112 Comprehensive positions on Utilities and Transportation | 1) The TML should oppose state or federal legislation or rules that would erode the authority of a city to be adequately compensated for the use of its rights –of-way and or erode municipal authority over the management or control of rights-of-way. 2) TML should support legislation that would a) allow for greater flexibility by cities to fund local transportation projects; b) amend or otherwise |

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| | modify state law to help cities fund transportation projects or c) provide cities with additional funding options and resources to address transportation needs. 3) TML should support legislation that would a) provide additional funding to TxDOT for transportation projects that would benefit cities and b) provide local, state and federal transportation funding for rail systems as a component of the overall transportation infrastructure. 4) TML should oppose legislation that would erode municipal authority over billboards or place any unfunded mandate on cities relating to billboards. |
| MISCELLANEOUS ISSUES | |
| Pg 113 Public Safety – Red Light Photo enforcement | 2017 TML took no position (neutral) on any legislation that would standardize red light photo enforcement systems so long as the underlying authority of cities is not eliminated. |
| Pg 120 Public Safety – Licensed Carry – Courts | 2015 legislation HB 910 created a "license to carry a hand gun". Cities have very limited authority to prohibit a license holder from carrying in city facilities with public access. State law prohibits carrying in a polling place or any government office utilized by the court. City may post restrictions in buildings where government meetings are held. Recommendation to review District Court ruling in Paxton vs City of Austin. TML 2017 program supported legislation that would clarify the administration and execution of the licensed carry laws as long as such legislation would not erode current municipal authority. |
| Pg 125 Purchasing – Boycotting Israel | Requires contract language to include a provision that the company does not or will not boycott Israel. Texas law does not require a contract to be in writing and the bill does not define contract. This Policy Summit may wish to provide direction to the TML on clarifying provisions of HB 89. |
| Pg 126 Personnel – Pension reform | Defined benefit pension programs under fire. TMRS COLA adjustments has issues as the COLAS were never built into the funding formulas. TML position is to take no position (neutral) on legislation that would amend the |

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| | affected provisions relating to TMRS to allow for greater flexibility in retiree pension increases and provide for a forgiveness provision for cities that stopped regular repeating COLA payments without reference to a cost of living index. |
| Pg 132 Personnel – Disease presumption | Presumptive forms of cancer or other diseases that may be associated to exposure to certain known carcinogens. TML will oppose legislation that would substantively change or expand the scope of the current disease presumption law. (The costs associated with expanding the presumptive disease list are enormous and could potentially be disruptive to the TMLIRP and become financially unsustainable by cities) RP note |
| Pg 135 Elections: Ballot Language/Initiative and Referendum | Would have required ballot language to have been approved by the state. TML opposes any legislation that will increase state regulation of local ballot language or the initiative and referendum process. However, delegates should take a close look at whether these elections are a core municipal value that should be defended or a tool used to circumvent direct council actions. Open for discussion |
| Pg 137 Elections: Partisan City Elections | TML will oppose legislation that would require a candidate for city office to declare a party affiliation in order to run for city office. |
| Pg 140 Elections: Uniform Election Dates | Only 2 dates available for uniform election dates, May & November. Groups attempting to eliminate May. TML opposes any legislation that would eliminate either of the two uniform election dates. |
| Pg 142 Municipal Court: Collection of State fees | State continuously attempts to increase its share of municipal court costs that benefits state. TML opposes legislation that would impose additional state fees on municipal court convictions or require municipal courts to collect fine revenue for the state but will support legislation that will allow for a more equitable method of distributing court fines |

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|---|---|
| | that would result in additional amounts being retained by the municipality. |
| Pg 151 Administration: Restrictions on Lobbying | TML opposes legislation that would 1) require the reporting of lobbying activities beyond the requirements in current law; 2) limit or prohibit the authority of city officials to use municipal funds to communicate with legislators; and 3) limit or prohibit the authority of the TML to use any revenue, however derived, to communicate with legislators. |


TEXAS MUNICIPAL LEAGUE
MUNICIPAL
POLICY SUMMIT
★
August 23-24, 2018
Hilton Austin
500 East Fourth Street
Austin, Texas
★

# Summit Delegates

**Texas Municipal League**
**Municipal Policy Summit**

| | |
|---|---|
| Chair: | Julie Masters, Mayor, Dickinson |
| Co Vice-Chair: | Kathryn Wilemon, Mayor Pro Tem, Arlington |
| Co Vice-Chair: | Anthony Williams, Mayor, Abilene |
| TML Board Representative: | Ramiro Rodriguez, Mayor, Palmhurst |

Jerry Bark, Director Parks and Recreation, Harker Heights
Allen Barnes, City Administrator, Stephenville
John Basham, Mayor Pro Tem, Reno
Alan Bojorquez, City Attorney, Bastrop
Jeffrey Boney, Councilmember, Missouri City
Shelley Brophy, Mayor, Nacogdoches
Cindy Burchfield, Councilmember, Daisetta
Lynn Buxkemper, Mayor Pro Tem, Slaton
Scott Campbell, City Manager, Roanoke
Dawn Capra, Mayor, Johnson City
Sylvia Carrillo-Trevino, Assistant City Manager, Corpus Christi
Jesse Casey, Mayor, Hallsville
Randy Childers, Building Official, Waco
Roxann Pais Cotroneo, City Attorney, Three Rivers
Drew Corn, Town Administrator, Northlake
Jason Cozza, City Administrator, Hallettsville
Jim Darling, Mayor, McAllen
Kevin Falconer, Mayor, Carrollton
Paul Frederiksen, Assistant City Manager, Duncanville
Brian Frieda, Chief of Police, Sweetwater
George Fuller, Mayor, McKinney
Beverly Gaines, Councilmember, Webster
Himesh Gandhi, Councilmember, Sugar Land
Andrea Gardner, City Manager, Watauga
Teclo Garica, Director of Strategic Partnerships & Program Development, Mission
Gregg Geesa, Councilmember, White Settlement
Reed Greer, Mayor, Melissa
Tom Hart, City Manager, Grand Prairie
Bob Hart, City Manager, Corinth
Stephen Haynes, Mayor, Brownwood
James M. Heid, Mayor, Clifton

Terry Henley, Mayor Pro Tem, Meadows Place
Mike Herndon, Mayor, Anson
Patricia Hilborn, Councilmember, Haslet
Bill Hill, City Manager, Shavano Park
Norman Hogue, Mayor Pro Tem, Willow Park
Shona Huffman, Mayor Pro Tem, Frisco
Karen Hunt, Mayor, Coppell
Stanley Jaglowski, Councilmember, Lancaster
Cody Jones, City Commissioner, Canyon
Jungus Jordan, Councilmember, Fort Worth
Jeff Jordan, Mayor, Kaufman
Latrelle Joy, Mayor Pro Tem, Lubbock
Norma Juarez, Councilmember, Plainview
Bill Kelly, Director of Government Relations, Houston
Steve Killen, Director of Code Compliance, Garland
John Kinnaird, Councilmember, Waco
Lee Kleinman, Councilmember, Dallas
Michael Kovacs, City Manager, Fate
Kelly Kuenstler, City Manager, Leon Valley
Craig Lindholm, City Administrator, Winnsboro
Chris Looney, Planning & Communication Development Director, New Braunfels
Prentiss Madison, Councilmember, Bryan
Randy Mansfield, City Administrator, Leary
Raul Marquez, Mayor Pro Tem, Big Spring
Tony Martinez, Mayor, Brownsville
Stephen Mason, Mayor Pro Tem, Cedar Hill
Jean H. Matlock, Councilmember, Texarkana
Rhonda McCollough, Mayor, West Lake Hills
Mick McKamie, City Attorney, Alpine
David Miller, City Administrator, Springtown
Ginger Nelson, Mayor, Amarillo
Aimee Nemer, City Secretary, Richardson
Claudia Ordaz, Councilmember, El Paso
Randy Parr, Fire Chief, Tomball
W.L. Pate, Jr., Councilmember, Beaumont
Art Pertile, City Attorney, Stafford
Tadd Phillips, Human Resources Director, Georgetown
Stan Pickett, Mayor, Mesquite
Kayci Prince, Councilmember, Plano
Jana Prock, Library Director, Keller

Jim Pruitt, Mayor, Rockwall
Benny Puente, Councilmember, Beeville
Deborah Pullum, City Attorney, Tyler
Cyndie Rathbun, Mayor, Rancho Viejo
Leonard Reed, Mayor, Willis
Patrick Rios, Mayor, Rockport
Annie Rodriguez, Mayor, Yoakum
David Rutledge, Mayor, Bridge City
Pete Saenz, Mayor, Laredo
Rey Saldana, Councilmember, San Antonio
Sabrina Schmidt, Purchasing, Pflugerville
Jose Segarra, Mayor, Killeen
Bill Seiler, Mayor, Marion
Alan Shubert, VP Operators & Technical Services, El Paso Water Utility
Greg Smith, City Manager, Jacksonville
Landra Solansky, Court Administrator, Seguin
Lottie Spencer, Mayor Pro Tem, Littlefield
Dennis Stahl, Mayor, South Padre Island
Mike Sturm, Director of Information Technology, San Marcus
Ron Stutes, City Attorney, Palestine
Kathie Tovo, Councilmember, Austin
Rolando Vela, City Manager, Laguna Vista
Chris Watts, Mayor, Denton
Jon Weist, Intergovernmental/Legislative Officer, Irving
Benjamin White, City Manager, Farmersville
Scott Williams, Director of Public Works, Pantego
Belinda Willis, Director of Communications and Marketing, Mansfield
Mike Wisko, Fire Chief, Galveston
Robert Wood, City Administrator, West Lake Hills
Tammy Young, Councilmember, Round Rock
John Zagurski, Budget Manager, Trophy Club

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# AGENDA

**Texas Municipal League**
**Municipal Policy Summit**
**Hilton Austin**
August 23-24, 2018

## Thursday, August 23

| | |
|---|---|
| 7:30-8:45 a.m. | **Registration and Breakfast** |
| 8:45-9:15 a.m. | **Introduction, TML Policy Development Process, Staff Roles, and Agenda Process**<br>Bennett Sandlin, Executive Director<br>Scott Houston, General Counsel<br>Shanna Igo, Deputy Director of Legislative Services |
| 9:15-10:00 a.m. | **Harmful Legislation in General/Preemption**<br>Bennett Sandlin<br>Scott Houston |
| 10:00-10:15 a.m. | **Break** |
| 10:15-Noon | **Tax and Revenue**<br>Bill Longley, Legislative Counsel |
| Noon-1:00 p.m. | **Lunch** |
| 1:00-1:30 p.m. | **Tax and Revenue (Cont.)** |
| 1:30-2:30 p.m. | **Regulation of Development**<br>Scott Houston, General Counsel |
| 2:30-2:45 p.m. | **Break** |
| 2:45-3:45 p.m. | **Utilities and Transportation**<br>Scott Houston, General Counsel |
| 5:00 p.m. | **Reception** |

# Friday, August 24

| | |
|---|---|
| 7:45-8:45 a.m. | **Breakfast** |
| 8:45-10:30 a.m. | **Miscellaneous:**<br>• **Public Safety**<br>• **Purchasing**<br>• **Personnel**<br>• **Elections**<br>• **Municipal Court**<br>• **Administration**<br>Bill Longley<br>Scott Houston |
| 10:30-10:45 a.m. | **Break** |
| 10:45 a.m.-Conclusion | **Member-Submitted Miscellaneous Items/Affiliate Programs**<br>• **Veterans Employment**<br>• **TRAPs Legislative Program**<br>• **Disaster Issues**<br>• **Other Items**<br>Bill Longley<br>Scott Houston |
| Conclusion | **Adjourn** |

# FOREWORD

City officials across the state are well aware of the fact that many significant decisions affecting Texas cities are made by the Texas Legislature, not by municipal officials. Newly elected mayors and councilmembers quickly realize that cities are indeed "creatures of the state." This subservient position of cities in the state's intergovernmental system means that the legislature can address virtually any aspect of city government.

This fact is vividly demonstrated during each legislative session. For example, during the 2017 session, more than 6,500 bills or significant resolutions were introduced; more than 2,000 of them would have affected Texas cities in some substantial way. In the end, over 1,200 bills or resolutions passed and were signed into law; almost 300 of them impacted cities in some way.

There is no reason to believe that the workload of the 2019 session will be any lighter; it may be greater. And for better or worse, city officials will have to live with all the laws that may be approved by the legislature. Thus, the League must make every effort to assure that detrimental bills are defeated and, as time allows, beneficial bills are passed.

The TML approach to the 2019 session will undoubtedly be guided by principles that spring from a deeply rooted TML legislative philosophy, a philosophy that was affirmed by a blue ribbon legislative strategy committee that met early in 2018:

- The League will vigorously oppose any legislation that would erode the authority of Texas city officials to govern municipal affairs.
- Cities represent the level of government closest to the people. They bear primary responsibility for the provision of capital infrastructure and for ensuring our citizens' health and safety. Thus, cities must be assured of a predictable and sufficient level of revenue and must resist efforts to diminish that revenue.
- The League will oppose the imposition of any state mandates that do not provide for a commensurate level of compensation, and resist any attempts to require cities to raise money for the state.

The League's 2019-2020 Legislative Program will be developed using a two-pronged approach. First, as has always been the case, any member city, TML affiliate organization, or TML region may submit individual resolutions to either the 2017 or 2018 TML Resolutions Committee. (Detailed information relating to resolution submittal is provided to each member city, TML affiliate organization, and TML region well in advance of the due date.) For 2019, the Resolutions Committee will be eliminated in favor of a more

streamlined process wherein resolutions go directly to the Business Meeting. The implementation of that change will require a transition year in 2018. In 2018, the Resolutions Committee and Business Meetings will take place in one room, as subsequent meetings.

Moreover, the League's even-year policy development process will progress in a slightly different format than in years past. Previously, the process was based on the recommendations of a handful of topic-specific committees (e.g., Revenue and Finance, Regulation of Development, etc.). Each committee made recommendations on numerous topics that were ultimately sent forward to the TML Resolutions Committee at the annual conference.

The upcoming 2018 interim will see a similar process. However, in lieu of multiple committees, the recommendations will come from the participants in the League's "Municipal Policy Summit." As with past year's committee members, the summit participants are appointed by the TML President based on volunteers and others chosen to balance the demographics of the TML membership at-large.

The Municipal Policy Summit will be an intensive, two-day workshop during which League staff will brief the participants on the myriad legislative issues faced by cities. (Most will be issues that arise each session, but others will consist of solicited or unsolicited issues brought to us by city officials.) After each subject-matter briefing, the participants will make recommendations that will be sent to the 2018 TML Resolutions Committee for consideration. Those recommendations will be more streamlined and condensed than in the past. In addition, they will form the basis of a "fixed" legislative program, under which – each session – only modifications will be considered at the Policy Summit, Business Meeting, or TML Board Meeting. The fixed program will eliminate the need to "reinvent the wheel" each interim on straightforward issues, and free up future Policy Summits to spend more time on difficult and new issues. Of course, staff will continue to brief city officials on all of the issues at each step in the process.

## SCHEDULE

Beginning in 2017 and throughout 2018, legislative policy committees help TML prepare legislative positions. The League's legislative policy development schedule is roughly as follows:

> **October 2017** – the 2017 TML Resolutions Committee met to consider resolutions. The recommendations of the Resolutions Committee then went forward for consideration by the TML membership at the 2017 Annual Conference at the annual business meeting.

**May 2018** – the chair, vice-chairs, board representative, and participants of the League's Municipal Policy Summit were appointed by the TML President.

**July 2018** – Municipal Policy Summit materials were distributed to the delegates.

**August 2018** – the Municipal Policy Summit, a two-day policy briefing at which the members will make recommendations for the League's 2019-2020 legislative program, meets.

**October 2018** – the report of the Municipal Policy Summit and stand-alone resolutions will go forward to the 2018 TML Resolutions Committee for consideration. The recommendations of the Resolutions Committee will then go forward for consideration by the TML membership at the 2018 Annual Conference during the annual business meeting, which will be held immediately subsequent to the Resolutions Committee.

**December 2018** – the TML Board will finalize the League's 2018-2019 legislative program based on resolutions passed in both 2017 and 2018.

## SOME SUGGESTIONS

As can be seen from the section above, the Municipal Policy Summit provides the framework for the TML legislative policy development process. As an integral part of that process, city officials can significantly impact the outcome of the 2019 legislative session. Those officials should keep in mind the following:

1. **There is a practical limit to what the League – or any group, for that matter – can accomplish in any legislative session.** It is obvious that all resources – human, financial, and political – are limited, and no group can hope to achieve all its legislative objectives. The most powerful interest groups in the state sometimes come away from a legislative session bruised and battered. On occasion, the best that can be expected is that no harm be done or that damage be mitigated.

2. **TML will expend the vast majority of its resources killing bad bills.** This has always been so and will probably always be the case. At one point during the 2017 regular session, the League was monitoring more than 2,000 bills or resolutions, many of which were bad for cities. The League's legislative philosophy has traditionally been, first and foremost, to defeat bad legislation and, secondarily, to seek passage of beneficial legislation as time, resources, and political realities permit.

3. **It is unlikely that any other interest group in the state monitors and opposes as many bills as does the Texas Municipal League.** During recent legislative

sessions, the League took steps to oppose bad legislation dealing with everything from annexation to zoning and from autonomous vehicles to tree preservation. The breadth of the League's legislative focus becomes obvious each year when TML completes and submits its state-mandated lobbyist registration form. One schedule of the form asks which of 83 subject matters are of interest to TML. Of the 83, only two fall outside the League's areas of interest.

4. **Unfortunately, the number of bad city-related bills grows almost every year. (Please see the chart below.)** As a result, the League has been forced to expend an ever-greater percentage of its resources simply fending off bad ideas.

5. **Given the League's finite resources, and because vast amounts of those resources are necessarily expended in defeating bad legislation, the League must very carefully select bills that it will support or for which it will attempt to seek passage.** A sharply focused legislative program is more likely to lead to success than is a very large and wide-ranging program. In addition, supporting a bill that has a low probability of passage requires a large amount of time and political resources that can be used more productively in other ways. **Thus, it is important to advocate only those initiatives that are truly important and that have a realistic chance of passage.**

**Bill Introduction and Passage Since 2000**

| Year | Total Bills Introduced | Total Bills Passed | City-Related Bills Introduced | City-Related Bills Passed |
|---|---|---|---|---|
| 2001 | 5,712 | 1,621 | 1,200+ | 150+ |
| 2003 | 5,754 | 1,403 | 1,200+ | 110+ |
| 2005 | 5,369 | 1,397 | 1,200+ | 105+ |
| 2007 | 6,374 | 1,495 | 1,200+ | 120+ |
| 2009 | 7,609 | 1,468 | 1,500+ | 120+ |
| 2011 | 6,303 | 1,410 | 1,500+ | 160+ |
| 2013 | 6,061 | 1,437 | 1,700+ | 220+ |
| 2015 | 6,476 | 1,329 | 1,600+ | 220+ |
| 2017 | 6,800 | 1,220 | 2,000+ | 290+ |

6. How can summit participants identify initiatives that are truly significant and that merit a place in the TML legislative program? Committee members may wish to ask the following questions about each discussion item:

   - **Does the initiative have wide applicability to a broad range of cities of various sizes (both large and small) and in various parts of the state?**
   - **Does the initiative address a core municipal issue, such as erosion of local control and preservation or enhancement of municipal revenue?**
   - **Will the initiative be vigorously opposed by strong interest groups and, if so, will member cities commit to contributing the time and effort necessary to overcome that opposition?**
   - **Is this initiative, when compared to others, important enough to be part of TML's list of priorities?**
   - **Is this initiative one that city officials, more than any other group, should and do care about?**

The foregoing suggestions are not meant to imply that TML can't pass good, solid legislation. It can, it has in the past, and it will again. The suggestions are meant merely to emphasize the fact that any group, to succeed, must use its resources and its political strength wisely and selectively.

## CATEGORIES

Legislative positions should reflect one of four categories that will direct League staff. Keep in mind that there is a difference between "seek introduction and passage" and "support."

- **Seek Introduction and Passage** means that the League can attempt to find a sponsor, will provide testimony, and will otherwise actively pursue passage. Bills in this category are known as "TML bills." **These bills require an enormous amount of time and resources, and the committee should be very cautious about putting items in this category.**
- **Support** means the League will attempt to obtain passage of the initiative if it is introduced by some other entity.

With very few exceptions, any item that makes its way into the 2019-2020 TML Legislative Program should be categorized by the two terms above, or by a recommendation that TML "**oppose**" or "**take no position.**"

League staff will, based upon the foregoing principles and its knowledge of current legislative realities, determine the amount of time and resources devoted to any item in the program. The delegates to the League's Municipal Policy Summit are an invaluable part of protecting municipal authority. The League is nothing without the involvement and expertise of its members. Thank you for your service!

# HARMFUL LEGISLATION IN GENERAL/PREEMPTION

## PREEMPTION

When it comes to legislative advocacy in Austin, cities' advocacy efforts stem from one, overarching principle: Leave cities alone to do the state's local work.

Property tax caps, preemption legislation, or any other limit on municipal authority comes down to one, universal truth: Local officials know best how to govern their cities.

Put another way, how could a legislator from the Panhandle possibly know what's best for a city on the Gulf Coast? How could a person who grew up in the deserts of far West Texas know what's best for the Piney Woods of deep East Texas? They can't, and city officials who do know best for their own cities are beginning to speak up, and speak up loudly.

The former mayor of Lubbock summed up this premise perfectly in a quote on his local Fox News affiliate:

> While relief for taxpayers is the stated goal of these bills, opponents say a cap could limit funding for essential services like fire protection, law enforcement, and street maintenance.
>
> "It's the routine day to day business of running your city. So to think that somebody, a legislator from Houston knows what's going on in Lubbock and should have a vote on it is absolutely ludicrous," Mayor Glen Robertson said.

Some lawmakers disagree. For example, a House member from Plano was quoted in the *Dallas Morning News* as saying, "Local control generally sounds good until you realize that some cities are out of control." A Dallas County Senator, who filed a bill to essentially eliminate home rule cities, added that he wants to prevent Texas from becoming a patchwork of regulations, pointing to fracking bans and minimum wage laws. "Local control is not a blank check," he said.

Dallas mayor Mike Rawlings, in the same article, pointed out that state officials don't like that approach from the federal government. "Respect for our neighborhoods, citizens and cities has to be heard."

City officials should be insulted, even angry, that some state legislators are questioning their ability to govern. Legislators need to hear from city officials early and often that city officials are elected from the same group of engaged and informed citizens that elected those state officials. Some legislators frame their assault on local control as "protection of liberty."

Government's responsibility is to protect liberty, and that responsibility is best kept local. The efforts of some legislators to control city councils sound more like centralizing power in Austin.

Many legislators have said that they aren't hearing opposition from the cities in their respective districts. Senate Bill 343 by Senator Don Huffines (R – Highland Park) was the key preemption bill from the 2015 legislative session. Shortly after the bill was filed, League staff sent a letter to Senator Huffines describing cities' concerns with the bill.

In addition, on July 8, 2016, the *Wall Street Journal* reported on the preemption trend nationally. Following the 2017 regular legislative session, the governor apparently didn't think that cities had been properly preempted.

He called for a special legislative session to begin in July of that year. Of the 20 topics added to the special call, at least eight would have restricted or preempted Texas cities.

The city-related topics added to the call included:

1. Revenue caps (the governor urged the legislature to pass S.B. 2 from the regular session – a four-percent property tax cap – or an even "better law").
2. Spending caps for both the state and cities equal to population growth plus inflation (this bill was not filed during the regular session).
3. Annexation reform.
4. Tree ordinance preemption.
5. City permit vesting reform.
6. City permit streamlining.
7. Union dues check off prohibition.
8. Cell phone/texting preemption (presumably to the extent that city ordinances are stricter than the just-passed state texting while driving ban).

There were many other issues added to the call that did not directly affect cities, including bathrooms. "I'm calling for legislation that reduces, restricts and prohibits local regulation," Abbott said, calling legislators back to Austin for the month-long session last session. Abbott says that broad-based laws, rather than a patchwork of local regulations, are a "more simple, more elegant" way to run Texans' lives.

Obviously, Texas cities had their work cut out for them last summer. Centralizing power at the state level, as the eight items above seek to do, would be a disturbing development. Seventy-four percent of Texans live in our 1,215 cities, and the decisions they have made at

the local level have put Texas cities at the top of the nation in economic and infrastructure success. Stifling their voices through an all-powerful, overreaching state government is a recipe for disaster. In the end, Annexation reform was the only bill to pass that session.

The League's "Our Home, Our Decisions" messaging campaign sums it all up nicely:

> It's the place where you and your family live. It's your home, your neighborhood, your community. And you should have a voice in decisions that affect you and everyone in your community.
>
> But your ability to continue having a voice in vital decisions affecting your neighborhood and your community is under assault from politicians in state government in Austin. They want to force every town and city in Texas to conform to their ideas and they have the power to do it.
>
> If it's working, leave it alone.
>
> The dramatic growth in jobs and population in Texas cities in recent decades is indisputable proof that the decisions Texans have made at the local level have produced the kind of communities where people want to live, work, and do business. Year after year, Texas towns and cities lead the nation in the number of companies and people moving here. Even so, some politicians want you to believe people in communities across the state are adopting job-killing policies that are unfriendly to business. The reality we see around us every day proves they are trying to mislead us.
>
> The success Texas cities have had in attracting people and businesses is the envy of the nation. But that success comes with challenges such as maddening traffic congestion and the need for more police officers, firefighters, water and sewer lines, trash collection, and all the other local services we all

Preemption attempts are so prolific that it may not make sense to have individual topic defensive positions (e.g., short term rentals, paid sick leave, payday and auto title lending, etc.). A comprehensive position may better service League staff in their lobbying efforts. However, it may make sense to have an aggressive seek introduction and passage position as it relates to plastic bag bans if that is the will of the Summit delegates.

In recent years, several Texas cities have taken action to ban or otherwise regulate plastic bags due to the litter issues caused by the bags. Additionally, cities (especially coastal cities) cite to the harmful effect of plastic bags upon aquatic and other wildlife as justification for regulation. Roughly twenty Texas cities ranging from Kermit to Austin have adopted ordinances to limit the detrimental effects of plastic bags.

In 2011, the Texas Legislature considered the issue in a number of bills that would have regulated plastic bags or limited the authority of a city to decide how to deal with plastic bags.

In 2013, Representative Drew Springer filed H.B. 2416, the so-called "Shopping Bag Freedom Act." H.B. 2416 would have simply preempted any city ordinance that prohibited or restricted a business from providing a bag, package, or other container made from any material. The bill received a hearing in the House Urban Affairs committee, where the League, other cities, and environmental groups testified against it, and did not advance to the House floor.

In March 2014, Representative Flynn requested an opinion from the attorney general's office on whether or not an existing state statute—Health and Safety Code Section 361.0961—preempts cities from adopting an ordinance banning the use of plastic bags. That provision prohibits a city from adopting an ordinance, rule, or regulation to "prohibit or restrict, for solid waste management purposes, the sale or use of a container or package in a manner not authorized by state law; [or] . . . assess a fee or deposit on the sale or use of a container or package." The resulting opinion, GA-1078, concluded that a single-use plastic bag is likely a "container or package" within the meaning of this statute. As a result, the attorney general opines that: (1) an ordinance prohibiting the use of single-use plastic bags may run afoul of state law *if* the city adopts it for solid waste management purposes; and (2) a city is likely prohibited from assessing a fee on the sale or use of a replacement bag.

With that backdrop, three bills preempting cities' plastic bag bans were filed in 2015: H.B. 1939 by Rinaldi, S.B. 1550 by Hall, and S.B. 1806 by Estes. S.B. 1806 was the only one of the plastic bag preemption bills to receive a committee hearing, and even then the section on preempting cities plastic bag bans had been pulled out of the version of the bill that was heard in committee (the rest of S.B. 1806 dealt with preemption of city regulation in a general sense). No bills preempting city plastic bag bans gained any traction in 2015.

In June 2018, the Texas Supreme court struck down the City of Laredo's plastic bag ban. The court, in *City of Laredo v. Laredo Merchants Association*, concluded that the ban is preempted by state law.

In 2015, a City of Laredo adopted an ordinance making it unlawful for commercial establishments to provide plastic checkout bags to customers. It was adopted pursuant to a strategic plan aimed at creating a "trash-free city."

The Texas Health and Safety Code prohibits a city from adopting an ordinance, rule, or regulation to "prohibit or restrict, for solid waste management purposes, the sale or use of a container or package in a manner not authorized by state law..." The court concluded that the city's ban is clearly and unmistakably preempted by the code because: (1) it was adopted for

a "solid waste management purpose;" and (2) it prohibits or restricts the sale or use of "containers" or "packages" (i.e., a plastic bag).

The city argued that, by regulating plastic bags, the ordinance aims to *prevent litter* as opposed to *managing solid waste*. It also argued that a "container or package" relates to prohibiting municipal regulation of wasteful product packaging, rather than plastic carryout bags. The court disagreed and concluded that those terms included plastic checkout bags. Thus, the ordinance is preempted. Interestingly, the attorney general, three state senators and 17 members of the Texas House of Representatives joined together in briefs supporting the Laredo Merchants' Association in their challenge of the city's ordinance.

Speaking of the attorney general, he recently penned an op-ed for the Austin American-Statesman in July:

> **Commentary: Cities should end their assault on liberty and rule of law**
>
> **By Texas Attorney General Ken Paxton**
>
> Independence and defiance are Texas traditions. After all, one of the most famous statements our Founding Father Sam Houston ever made was that "Texas has yet to learn submission to any oppression, come from what source it may." It's unsurprising that independence and resolution are greatly valued in a state born from a group of poorly armed and inadequately trained civilians who stood up to a powerful nation with a large army based on that nation's failure to adhere to its own constitution.
>
> The conviction that nobody is above the law, then, is another proud tradition of our state, the very foundation of our independence and our defiance. The tradition of stubbornness remains strong across Texas today, but the tradition against lawlessness is sadly eroding among a few of Texas' local governments.
>
> Take our capital city, for instance. The city of Austin recently declared itself a "freedom city" — meaning that it will make every effort to thwart enforcement of the immigration and drug laws duly enacted by representatives of the people, based on trumped-up claims of racism among its own police officers — while seeking to deny its residents the freedom to use a disposable bag at the grocery store, take an Uber to the airport, call your ailing mother while driving to the airport or have a compost bin in the backyard.
>
> Liberal politician Adlai Stevenson once said that "a hypocrite is the kind of politician who would cut down a redwood tree, then mount the stump and make a speech for conservation." The City of Austin — and several cities with similar laws — seems to embody that label today.

Although hypocrisy may just elicit an eye roll and a chuckle, these policies reflect a much deeper problem — the increasing disdain of local governments for the rule of law.

My office receives complaints regularly that cities, counties, school districts and other local governments in Texas are defying state statutes prohibiting sanctuary-city policies, protecting the right to keep and bear arms, setting the minimum wage, preventing electioneering on the taxpayer's dime and violating transparency of government meetings. Regardless of where one falls on the political spectrum, those complaints should raise a great deal of concern for anyone who enjoys living in a state that is both safe and free.

As a former legislator, I understand the need to fight hard for policies that comport with your principles. As a law enforcement officer, I understand the discomfort of standing up and enforcing a law that may go against your own political beliefs. Most importantly, as a Texan who enjoys the blessings of liberty that are so central to our state's values, I understand that neither liberals nor conservatives benefit when public officials think they are above the law.

The people of Texas will not allow the rule of law to be subordinated to the political ambitions of city officials eager to score a few points with their base.

In late June, the Texas Supreme Court made clear that bag bans like the one in Austin violate state law. In light of the Supreme Court ruling, Austin recently announced that it would stop enforcing its own bag ban and other cities should follow its lead. But the bag ban is only one manifestation of a larger problem.

When a statute or Supreme Court ruling prohibits a local government action — like they have recently done with sanctuary cities and bag bans — Texans will demand those governments adhere to the law. As the person who has the privilege of being attorney general, I call on the city of Austin and other cities in Texas to put an end to their pattern of disrespect for the rule of law and to afford due deference to the liberty state law affords Texans.

And he issued this press release in July:

AUSTIN – Attorney General Ken Paxton's office today cautioned San Antonio city leaders about Texas law that preempts municipalities from enacting ordinances requiring employers to provide paid sick leave.

In a letter to San Antonio Mayor Ron Nirenberg and members of the city council, the attorney general's office expressed concern about a petition submitted to the city clerk to place a municipal paid sick leave ordinance on the ballot. Under the city's

charter, the council must vote on whether to enact the ordinance as proposed. If it declines to do so, then the city must place the proposal on the ballot for voters to decide.

"We write to inform you that no matter the Council's decision or the result of any ballot initiative, Texas law preempts a municipal paid sick leave ordinance," the letter from the attorney general's office explains. Because the proposed ordinance would increase wages for the workweek beyond those permitted by the Texas Minimum Wage Act, the state law preempts such a measure.

When the Legislature enacted the Minimum Wage Act, it intended to set a single, uniform policy for all of Texas. The policy it set made no mention of requiring employers to provide paid time off from work. The law expressly preempts cities like San Antonio from passing a different law simply because they disagree with the judgment of the state's elected representatives.

"We ask that the City Council reject the proposed ordinance because state law preempts it," the letter from the attorney general's office concludes.

In April, Attorney General Paxton intervened in a lawsuit filed by the National Federation of Independent Business, American Staffing Association, LeadingEdge Personnel, Staff Force, HT Staffing, and Burnett Staffing Specialists against the city of Austin's unlawful sick leave ordinance, which is scheduled to take effect on October 1.

The above rhetoric shows the importance of city officials spreading the word using the League's "Our Home, Our Decisions" messaging campaign. The 2017 TML Legislative Program provided that the League oppose legislation that would provide for state preemption of municipal authority in general. With regard to plastic bags, the program provided that the League oppose legislation that would preempt existing or suture bans on the use of plastic bags in a city. Plastic bag bans are one of the best examples of a small number of cities responding to their unique needs. As such, seeking to reinstate that authority may be a banner issue for cities.

**Potential Comprehensive Positions**

The League should oppose legislation that would provide for state preemption of municipal authority in general.

The League should seek introduction and passage of legislation that would authorize a city to regulate plastic bags in a way that best fits the needs of that city.

## HARMFUL LEGISLATION IN GENERAL

The Texas Municipal League traditionally includes the following position in its legislative program:

> *The League will oppose legislation that would erode municipal authority in any way, would impose an unfunded mandate, or would otherwise be detrimental to cities.*

The League staff urges the committee to recommend that TML once again adopt this position.

# REVENUE AND FINANCE

## REVENUE CAPS

The most serious threat to city revenue in 2019 will be legislative attempts to limit the total amount of property tax revenue cities can generate from year-to-year. Rooted in the so-called Taxpayer Bill of Rights, versions of which have been enacted in other states, a revenue cap prevents a city from raising more property tax revenue than it raised in the previous year without first conducting a popular election, with some allowances made for population growth and/or inflation. Such revenue caps are seriously dangerous propositions that would alter city finance as we know it.

The notion that revenue caps would work in Texas is based on several flawed assumptions. First is the assumption that Texas is like other states when it comes to state aid for cities. Most states give substantial state aid to their cities. Under such a scheme, limiting local revenue can be easily offset by increased state aid. Texas cities are different—they receive little meaningful aid from the state.

Second is the assumption that the need for city revenue rises roughly with the rate of inflation. This is far from true. Employee health care costs, for example, routinely rise at rates that exceed the underlying inflation rate. Homeland security threats and catastrophic weather events don't happen on an inflation-adjusted timeline. The costs of gasoline, asphalt, electricity, natural gas, and many other items purchased by cities have soared in recent years.

Third is the assumption that popular elections are a reasonable safety valve for circumventing revenue caps. In reality, elections are expensive to conduct, and Texas municipal election cycles do not coordinate at all with standard budget cycles.

Several bills filed in the last several sessions would have imposed various types of revenue limits or caps. Some bills would have imposed more than one type of revenue cap. Here's a summary of the revenue-capping features of those bills:

**Reduced rollback rate**. Several would have reduced the rollback rate from eight percent to five percent or even four percent. One bill would have permitted, as an alternative to a five-percent rollback rate, a rollback rate calculated by complicated formulas relating to consumer inflation and relief from unfunded mandates.

**Automatic rollback elections**. This feature, typically combined with a lowered rollback rate, would require an automatic rollback election whenever a city proposes a tax rate that exceeds the rollback rate.

**Reduced rollback petition requirements**. One bill would have shrunk the number of petition signatures necessary to launch a rollback election. Under the petition thresholds in current law, about half of rollback elections succeed, while the other half fail. That balance indicates that the current petition threshold is probably just about right.

**Exclusion of the "new property" adjustment from effective and rollback rate calculations**. Cities are permitted under current law to exclude the taxes levied on new property when calculating their tax rates. This is allowed for a very good reason: new construction requires additional city services and new taxes to pay for those services. Also, by excluding new growth in each year's tax rate calculations, a city is able to present an accurate picture of tax increases or reductions on existing homeowners. Deleting this adjustment, as two different bills proposed to do, would have had the ironic and devastating effect of punishing Texas cities for new growth.

The revenue cap bill that made the most progress in the 2009 legislative session was S.B. 700 by Sen. Dan Patrick. As filed, that bill would have lowered the rollback rate from eight to five percent and required a mandatory ratification election to exceed the rollback rate. A committee substitute removed the lowered rollback feature, but kept the mandatory ratification election. As substituted, the bill was voted from the Senate Finance Committee on April 20, 2009, but was never brought up for debate on the Senate floor because it lacked the necessary two-thirds vote.

Once again, several revenue cap bills were filed in 2011, none of which passed. Most of the bills filed rehashed older proposals, like reducing the rollback rate to five percent or the rate of inflation, or calling for automatic rollback elections (no petition required). The only revenue cap bill to receive a committee hearing was S.B. 720 (Williams). S.B. 720 introduced the notion of a "council option" into the revenue cap picture. The bill would have lowered the rollback tax rate to five percent, but allowed a city council to adopt a resolution to increase the rollback rate back up to eight-percent in case of a disaster or to protect the health, safety, or property of persons in the city.

The new "council option" component of a revenue cap was examined closely by the Revenue and Finance policy committee heading into the 2013 session. Generally speaking, the League has been supportive of legislation in other areas that promotes local control. The committee ultimately decided that the form of local control promoted by the bill was not something that could be supported, since the only control given to city councils was the ability to take the potentially controversial political position of raising the rollback rate, which had been artificially lowered. Although the issue has not been incorporated into legislation yet, the committee may want to address whether TML would also oppose efforts that would give city councils the discretion to lower the rollback rate from eight percent to some lower figure.

Only two revenue cap bills were filed in the 2013 session—S.B. 102 by Patrick and S.B. 144 by Williams—and both bills were virtually identical to revenue cap bills filed in sessions past. S.B. 102 would have reduced the rollback rate to five percent and required a mandatory ratification election to exceed the lowered rollback rate. S.B. 144 was essentially the same as the "council option" revenue cap bill filed in 2011. The Senate Finance Committee's Subcommittee on Fiscal Matters heard both bills together, but did not take action on either proposal.

With Dan Patrick's election as lieutenant governor in 2014, a strong proponent of revenue caps gained control of the Texas Senate and new life was breathed into revenue caps heading into the 2015 legislative session. Lt. Governor Patrick's replacement in the Senate was Paul Bettencourt, a former Harris County Assessor-Collector and property tax agent who made reducing property taxes a hallmark of his campaign. Not surprisingly, Senator Bettencourt filed several property tax bills in 2015, including two revenue cap bills—S.B. 182 and S.B. 1692. S.B. 1692 would have prohibited a city council from adopting a tax rate for a tax year that exceeds a tax rate based upon inflation and the rate of population growth, unless a higher rate was required to service debt. It did not receive a hearing.

The Senate's revenue cap push in 2015 was centered around S.B. 182, which, as initially filed, would have lowered the rollback rate to four percent for cities, counties, and special districts, and required an election for any proposed rate exceeding the four percent rollback rate. The committee substitute took special districts out of the bill entirely and set the rollback rate at six percent. Just like in previous sessions, dozens of city and county witnesses lined up in opposition to the bill, and ultimately S.B. 182 didn't have the votes to get out of the Senate Finance Committee.

During the interim leading up to the 2017 session, Lt. Governor Patrick appointed seven senators to serve on the Select Committee on Property Tax Reform and Relief. Senator Bettencourt, the Senate's most outspoken proponent of revenue caps was picked to chair the committee. Though the select committee was established to receive public feedback about how to best improve our property tax system and make recommendations accordingly, there was little doubt that revenue caps would be a focal point of the hearings. In an *Austin American-Statesman* article published shortly after the committee was formed, Lt. Governor Patrick suggested caps will be the primary focus of the select committee's hearings: "We need to reduce property taxes. The way you do that is by keeping the growth of local governments — city, county and schools — below population and inflation (rates). They have to learn to live with less. And if they believe they need more money, they'll have to go to voters and make their case."

Not surprisingly, as the select committee's "roadshow" travelled to public hearings across the state, revenue caps were consistently brought up by some committee members as the solution to rising property taxes. At each hearing, committee staff presented a series of misleading

charts that compare a city's total property tax levy growth to the growth in average median income in the city. The League has since pointed out that the comparison of a total to an average is like comparing apples to oranges. In growing Texas cities, total levies are supposed to increase faster than average income (or any other average) because new construction, growth, and annexations must generate new taxes to pay for new services. In short, the committee's entire existence was predicated upon misleading attempts to paint total levy growth as some indication of what's happening to existing, year-over-year, homeowners.

All of this set the stage for the most formidable battle over revenue caps to date in 2017. Though not an emergency item, Governor Abbott stressed in his 2017 state of the state address the need for property tax revenue caps, praising Senator Bettencourt's S.B. 2 for giving voters a chance to vote on tax increases. As evident in the low number, S.B. 2 was a top priority for both the governor and lieutenant governor. In addition to making several changes to the truth-in-taxation and appraisal processes, the crux of S.B. 2 as it was reported from the Senate Finance Committee was a five percent rollback rate combined with automatic ratification elections held on the November uniform election date. The bill was approved by the Senate by a vote of 18-12 despite intense opposition from cities and counties. The bill received a hearing in the House Ways and Means committee, but did not have the votes to get out of committee. Instead, the committee approved a bill (S.B. 669) that just contained the truth-in-taxation and appraisal reforms without the revenue cap component. That bill was rejected by the Senate, which only heightened tensions over property tax reform in the soon-to-be-called special session.

When Governor Abbott called the special session, he highlighted property tax reform, including revenue caps on cities and counties, as his top priority. As it passed the Senate during the special session, S.B. 1 was similar to S.B. 2 from the regular session with one major difference. The lowered rollback rate (4 percent this time) and automatic election requirement only applied to the largest cities and counties in the state – those that bring in more than $20 million in property tax and sales tax revenue combined. In other words, the revenue cap component would apply to roughly 100 cities out of more than 1200 in the state. Before passing the Senate, the bill was amended to require an election in every "smaller" city or county in the state to allow the voters to subject the local government to the same revenue cap restrictions that applied to the larger cities and counties. S.B. 1 passed the Senate by a vote of 19-12.

As the bill made its way across the capitol rotunda, it became clear that the attempt to divide and conquer local governments by pitting them against each other based upon size would help the bill's chances in the House. With the new language limiting S.B. 1 to the larger cities and counties, the bill was approved by the House Ways and Means committee. The bill then went to the House floor where it was modified to differ from the Senate version in a few key respects. First, the revenue cap component only applied to cities, counties, and other

special districts that brought in more than $25 million in maintenance and operations property taxes (roughly 25 cities). Second, the revenue cap component used a rollback rate of six percent, as opposed to four percent in the Senate version. Lastly, the proposal excluded the election requirement to apply the revenue cap to smaller local governments that was added on the Senate floor. Ultimately, the House version of S.B. 1 finally passed the House by a vote of 105 to 41.

Rather than accepting the House version and declaring victory in the decades-old fight to impose revenue caps on cities and counties, the primary proponents of revenue cap legislation in the Senate rejected the House's version of the bill as not stringent enough. The end result? After coming closer to passing a revenue cap bill in 2017 than ever before, the House and Senate couldn't iron out their differences and nothing passed.

In January 2018, Governor Abbott released a property tax reform plan on his campaign website, which unsurprisingly features revenue caps as its cornerstone. What is surprising, however, is that the cap proposed by Governor Abbott is far harsher than any revenue cap proposed to date.

The governor proposed a 2.5 percent revenue cap on all cities, counties, special purpose districts, and school districts in the state. More specifically, the revenue cap would:

- Propose a property tax rollback rate of 2.5 percent;
- Provide that any proposed increases in excess of the cap may be only for certain purposes, like compensation for law enforcement personnel or critical infrastructure;
- Prohibit a local government from proposing any property tax increase, even for the purposes listed above, in excess of the statewide (not city-specific) increase in population plus inflation;
- Require that any proposed increase above the cap (but under the statewide population-plus-inflation rate) be approved by two-thirds of the elected officials of the governing body proposing the increase *and* be approved by two-thirds of the voters at an election; and
- Include a "carry forward" provision so that taxing entities can offset the effects of declines in property appraisal values during economic downturns.

According to the plan, the inspiration for the 2.5 percent revenue cap comes from a similar Massachusetts law passed in 1980. What the report fails to account for, however, is that local governments in Massachusetts are funded in a very different manner from local governments in Texas. Roughly 35 percent of Massachusetts cities' general revenue comes directly from revenue generated by the state government. In 2017, the State of Massachusetts sent cities over $1 billion in unrestricted aid. Limiting Massachusetts cities' discretion on property taxes

can be somewhat justified given that there are other revenue sources, like state funding, to pay for necessary projects and services. In comparison, Texas cities receive only four percent of their general revenue from the state. (That amount is lower than all but three states.) A hard 2.5 percent revenue cap in Texas stifles city spending to a significantly greater degree than in other states like Massachusetts.

The governor's plan reflects a profound distrust of the relationship between local elected officials and the citizens they represent. As Texas' population continues to grow, common sense dictates that local officials should retain the ability to provide the type of services and infrastructure that make our communities amongst the most attractive places to live in the entire nation.

The 2017 TML Legislative Program provided that the League oppose legislation that would impose a revenue cap of any type, including a reduced rollback rate, mandatory tax rate ratification elections, lowered rollback petition requirements, limitations on overall city expenditures, exclusion of the new property adjustment in effective rate and rollback rate calculations, or legislation that lowers the rollback rate and gives a city council the option to re-raise the rollback rate.

## EXPENDITURE CAPS

When Governor Abbott called the special session in 2017, he included in his call legislation that would limit the growth in local spending to no more than the growth of population and inflation, in spite of the fact that such legislation wasn't even considered during the regular session. While the push for revenue caps would have limited city revenue, this proposal was only focused on how much cities and other local governments spend.

The resulting legislation was S.B. 18 by Estes and H.B. 206 by Villalba. H.B. 206 never received a committee hearing. S.B. 18 was given a hearing and reported from committee, although it never came up for a vote on the Senate floor. Interestingly, S.B. 18 was one of the few items included among the governor's special session priorities that wasn't approved by the Texas Senate.

The reason for S.B. 18's failure is fairly straightforward. The idea of expenditure caps might make sense on a bumper sticker, but the legislation actually drafted to implement the idea was utterly devoid of any common sense understanding of the local budgeting process. Even the most staunch anti-tax, anti-local government senators couldn't support the ideas in S.B. 18. In short, S.B. 18 would have capped a city or county's total expenditures based on an annual population plus inflation rate, and generally only allowed a city or county to exceed the expenditure cap if the voters approved any additional expenditures at an election called for that purpose and held on a uniform election date.

The confusing language prompted more questions than answers. Would city employees still get paid once the city hit its expenditure cap? Would all public safety services have to shut down if and when a city hit its cap? Since revenue bonds count towards the cap, would this effectively force cities to choose between issuing revenue debt and providing services? What good would an election in November do for city expenditures that would need to be made in the preceding months?

No answers were provided for these questions, and the bill failed. Nevertheless, many legislators like the general idea of local expenditure caps, and S.B. 18 at least provided a template for what this legislation might look like in future sessions.

The 2017 TML Legislative Program provided that the League oppose legislation that would impose a revenue cap of any type, including a reduced rollback rate, mandatory tax rate ratification elections, lowered rollback petition requirements, limitations on overall city expenditures, exclusion of the new property adjustment in effective rate and rollback rate calculations, or legislation that lowers the rollback rate and gives a city council the option to re-raise the rollback rate.

## APPRAISAL CAPS

Property taxes must, by law, reflect the market value of the property being taxed. When residential home values rise, property taxes rise unless the tax rate is reduced. This situation offends some homeowners, however, and has led to a call for caps on the appraised value of residential homesteads (more accurately, caps on the *assessed value*, as appraisal districts would continue to render theoretically accurate appraisals). One of the first states to experiment seriously with such proposals was California under the infamous Proposition 13. Texas jumped on board in 1997 by limiting assessed value increases to 10 percent annually for residential homesteads, despite the opposition of TML.

The effect of artificially limiting appraisals on certain properties is to shift the tax burden to properties that aren't increasing in value and to non-residential properties. Further, this shifting has been shown to be regressive in practice—the poor and seniors living in aging neighborhoods are harmed by the shift that results from caps on assessed values.

Another negative consequence of assessed value caps is that they favor some residents over their next door neighbors based simply on the purchase dates of the two homes. A key element of assessment caps is that capped values are permitted to "catch up" upon the sale of a home. This results in situations where identically appraised homes are assessed at very different levels.

The State of Florida enacted a three-percent appraisal cap in 1995 (that cap has recently been modified to some degree). It applied to homestead property. Ten years later (September

2005) the *Sarasota Herald-Tribune* published a seven-part study of the state's appraisal cap. The study concluded that:

- The cap shifted tax burdens to businesses and landlords;
- The cap "has turned into a cash cow largely for the rich";
- "Your tax bill can be thousands of dollars higher than your neighbor's even if your homes are identical" (recent constitutional amendments in Florida address this issue);
- "Millionaires in mansions on the water pay the same taxes as middle-class families in cookie-cutter subdivisions";
- "More and more of the tax burden is being paid by fewer and fewer people"; and
- The cap meant that growing families looking for larger homes found that the tax bill on a new residence would be so much higher that they abandon the idea of moving, and the real estate market suffered as a result.

These are the same results that various groups predicted for Texas when a lower (three-percent or five-percent) appraisal cap was proposed in every session from 2003 to 2015. The groups that have opposed those proposals were TML, the Texas Association of Realtors, the Texas Taxpayers and Research Association, and business groups, in addition to counties, school administrators, and others.

Local governments were aided in their fight against lower appraisal caps when a study by noted economist Dr. Ray Perryman was released in March of 2005. According to Dr. Perryman, "[L]imitations on appraisals distort market outcomes and create systematic inequities among taxpayers." Dr. Perryman found, for example, that a three-percent appraisal cap would lead to the following:

1) 32,175 permanent jobs lost after 10 years;
2) $1.349 billion in lost personal income in year 10; and
3) $2.071 billion in lost gross state product in year 10.

Appraisal cap bills emerged again during the first and second special sessions in the summer of 2005, but none passed. One bill in particular deserves mention: 2 S.J.R. 4. That bill would have amended the Texas Constitution (if approved by Texas voters) to give local governing bodies (cities, counties, and schools) **the option** of lowering the residential appraisal cap from ten percent to any amount between three and ten percent. The legislation provided that, once lowered, a local option appraisal cap could not be changed for five years. The bill did not pass.

The TML membership knew that the idea of a local-option appraisal cap, such as 2 S.J.R. 4 proposed, needed to be examined closely heading into future regular sessions. Clearly, such a concept is what TML traditionally seeks: local control. How can cities oppose something that is a local option, supporters of such a concept will ask? After much debate, the membership voted to take no position on legislation that would authorize a council-option appraisal cap, a position that carried over through 2017. The "council-option" requirement is, however, critical: legislation filed in 2009, H.B. 46 by Riddle, would have permitted the county commissioners court to call a county-wide election on an appraisal cap that would apply to all taxing units, including cities. TML opposed the bill because it did not provide for a city council option.

During the 2007 legislative session, the momentum behind appraisal caps slowed considerably. Numerous appraisal cap bills of all varieties—five percent, three percent, as well as the local-option—were filed, but none made it out of committee.

Two developments that occurred during the 2007 session indicate that the idea of appraisal caps was dying a slow death. First, a handful of bills—H.B. 3149, S.B. 1099, and S.B. 1565—would have provided for local-option appraisal caps within Harris County only. Though Harris County was the epicenter of the appraisal cap movement, none of those bills made it out of committee.

The other interesting development was that for the first time the Senate voted on an appraisal cap initiative when it considered an amendment to H.B. 438. The amendment, which would have imposed a five-percent appraisal cap, was tabled by a 20-8 vote. Because passage of an appraisal cap would ultimately take a two-thirds favorable vote for an accompanying constitutional amendment, it appears that the Senate wasn't inclined to lower the current ten-percent cap.

In addition to ordinary appraisal cap bills, two new types of appraisal cap bills were filed, but did not pass, in 2009. The first—H.B. 209 (Bohac) and its companion S.B. 276 (Patrick)—would have limited re-appraisals of residential homesteads to no more often than once every two years in an attempt to "back-door" a five-percent cap. (Note: In 2011, a similar bill was filed—H.B. 1884 (Garza)—that would have limited re-appraisals to no more often than once every three years, practically imposing a three-and-one-third-percent cap.) Both of these bills lacked an accompanying constitutional amendment resolution, and would have thus been unconstitutional if enacted.

The second was H.B. 500 by Kolkhorst, which would have prohibited appraisal increases on residential property for two years following a successful valuation challenge at the appraisal review board or following a successful appeal of the board's order, provided the value was reduced by at least fifteen percent (S.B. 721 by Hegar was similar). Proponents of the bill argued that certain appraisal districts routinely "punish" successful tax protesters by

automatically bumping up their values the following year. No hard evidence that this actually occurs was shown, however, and the fiscal note to cities under the bill was a significant $21.5 million per year by 2014. The bill failed to pass.

The unprecedented state budget deficit of $27 billion likely had a lot to do with the legislature's general lack of interest in appraisal cap legislation in 2011. No appraisal cap legislation was reported out of a committee in 2011, with only two appraisal cap bills even receiving a hearing in committee (S.B. 129 by Dan Patrick and S.B. 175 by Nichols).

One of the bills filed in 2011—S.B. 175 by Nichols—introduced yet another variation of an appraisal cap. S.B. 175 would have: (1) reduced the property tax appraisal cap on homesteads from ten percent to five percent; (2) authorized a county commissioners court to call an election to increase the homestead appraisal cap for all taxing jurisdictions in the county back to some percentage between six and ten; and (3) prohibited a subsequent election from occurring for ten years after such an election is held. This bill represented a sort of "reverse county-option" to call an election to raise the cap on appraisals after it would be lowered by law to five percent. Not only would there be no council-option, but the concept behind the bill almost guarantees that the cap on appraised values would remain at five percent across the state, as citizens in a given county would almost certainly not vote to increase the appraisal cap back to ten percent.

Other bills were filed in 2011 that would have expanded the application of appraisal caps. Under current law, the ten-percent appraisal cap applies only to residential homesteads. H.B. 1079 (P. King) and its companion S.B. 474 (Patrick) would have applied the ten-percent cap to "business property." H.B. 1184 (Legler) proposed to reduce the appraisal cap on homesteads to five percent, and then apply the five percent cap to all property, instead of just homesteads. Neither bill received a committee hearing, but needless to say the cost to the state under either proposal would far exceed the cost under other, more traditional, appraisal cap bills.

The sizeable state fiscal note routinely attached to these bills almost certainly ensured their demise in 2011. For example, the fiscal note on the five-percent appraisal cap bills filed in 2011 was $373 million per year to the state by 2016, and $150 million to cities in that year.

In 2013, a total of ten appraisal cap bills were filed. Of those ten, only three actually received a hearing, all in the House Ways and Means Committee. No appraisal cap bill was reported from committee. H.B. 1943 by Bohac, a bill that simply lowered the appraisal cap on homesteads from ten percent to five percent, was heard on the last possible day for committee hearings along with a bill that would have repealed property taxes altogether. Given the late consideration of H.B. 1943, the sizable fiscal note (a cost of $437 million to the state over the next five years), and the other bills up for consideration at the hearing, it was apparent that the hearing was primarily symbolic in nature.

The other two bills that were heard in the House Ways and Means Committee in 2013, H.B. 3173 by Bohac and H.B. 3570 by Chairman Hilderbran, would have limited the frequency of appraisals, thus effectively imposing an appraisal cap. H.B. 3173 provided that if the appraised value of property in a tax year is lowered pursuant to a court determination of an excessive or unequal appraisal, the appraised value of the property as finally determined is considered to be the appraised value of the property for that tax year and the next three tax years. Meanwhile, H.B. 3570 would have limited reappraisals of a parcel of real property to no more than once every three years, with an exception allowing a parcel to be reappraised the year after being sold.

As further indication that appraisal caps are losing steam as a possible means of tax relief, only five appraisal cap bills were filed in 2015. One of those bills—H.B. 2041 by Bell—received a committee hearing in the waning days of the session. H.B. 2041 would have lowered the appraisal cap to five percent and applied the five percent cap to all property.

Like appraisal cap proposals in years past, H.B. 2041 was dead-on-arrival due to its sizeable fiscal note. Shockingly, H.B. 2041 would have cost the state roughly $5 billion over five years while costing cities $3 billion over the same period. Needless to say, any bill with that kind of fiscal note stands virtually no chance of passage without a very coordinated effort for appraisal cap reform from the outset of the legislative session.

Fortunately for Texas cities, the push for appraisal caps has weakened to the point that, in the last several sessions, no appraisal cap proposal had a realistic chance of passage. This was certainly true during the 2017 regular and special sessions. Several appraisal cap bills were filed during both sessions, none of which were so much as heard in a committee.

Nevertheless, there is no doubt that appraisal cap bills, of both the mandatory and council-option varieties, and others, will emerge next session and perhaps every session thereafter for the foreseeable future. The committee should recommend a position on each type of initiative, and may wish to consider taking a position on further attempts to apply an appraisal cap to non-homestead property.

The 2017 TML Legislative Program provided that the League: (1) oppose legislation that would negatively expand appraisal caps; (2) oppose legislation that would erode the concept that appraisals must reflect the true market value of property; and (3) take no position on legislation that would authorize a council-option reduction in the current ten-percent cap on annual appraisal growth.

## EFFECTIVE AND ROLLBACK RATE REFORM

Numerous bills have passed during the last several legislative sessions that would purportedly improve "truth-in-taxation" laws in relation to the property tax rate setting

process. For example, H.B. 2291, passed in 2009, added additional, mandatory motions that must be made when adopting tax increases and makes other changes. While this constant reform to the truth-in-taxation process arguably has made the process more confusing than transparent, TML typically stays neutral on these bills that affect the process only and don't modify the effective or rollback rates themselves, and even supports legislation that makes beneficial changes to tax rate transparency.

Various witnesses have testified during recent sessions that when truth-in-taxation was created in 1979, the effective tax rate calculation was simple, clean-cut, and useful. Some believe that amendments made to the effective rate calculation and other notice provisions in the Tax Code since 1979 have made the effective tax rate incomprehensible to homeowners. Specifically, the critics point to numerous exemptions from the rate for new mandates on local governments (pollution control, health care mandates, and many more).

To some degree, these critics have a point, and it's rooted in the fact that the effective rate is designed to serve two distinct functions. The first function is to serve as a "hold harmless" rate to guarantee local governments the same level of property tax revenue as the year prior, after accounting for changes in appraisals *and changes in service mandates*. To this end, it is absolutely critical that the various exemptions for new service mandates in the Tax Code remain in place. Without them, a local government is unfairly penalized in its budget for new services it must provide because of new state laws and rules.

The other function served by the effective tax rate, though, is to give "typical" homeowners notice of whether their taxes will be higher. Assuming a home's value doesn't change, a homeowner could have expected, under the original 1979 reforms, to experience no change in city property taxes if the city adopted the effective rate as its actual rate. That is no longer true, however. The various exemptions added to the effective tax rate over the years have eroded the ability of the effective rate to serve its role as a precise predictor of property taxes paid by a "same-value" homeowner.

Prior to the 2011 legislative session, an influential lobbying and research organization, the Texas Taxpayers and Research Association (TTARA), drafted a "simplified" effective rate designed to address this issue from the notice perspective only. The proposal essentially constituted an effective tax rate *for notice purposes only* that excluded all the exemptions and adjustments to the effective rate that have been added over the years, but still adjusted for new growth. The effect of the proposal would be that if an existing, same-value homeowner is to pay $1 more in property taxes than last year *for any reason*, then that homeowner would receive a supposedly easier-to-understand notification of that fact.

In 2011, this proposal was introduced as S.B. 1771 by Williams and its companion bill, H.B. 874 by Charlie Howard. Both bills were reported favorably out of committee late in the legislative session, but neither received a vote on the floor of the House or Senate. The

League testified against the bills in committee due to some technical objections to a few components of the legislation. More specifically, the bills contained language that would penalize a city for missing a tax deadline in the bill due to a natural disaster, and also would have inadvertently deleted a section of the Tax Code providing for a default tax rate for cities that did not adopt their tax rates in a timely manner. Other than working to make these technical fixes to the language of the bill, the League did not actively oppose either bill, and likely would have supported the underlying concept.

Somewhat surprisingly, the same TTARA proposal was not filed in 2013. Instead, S.B. 1510 by Hinojosa was filed, which represented a compromise bill that was supported by cities, counties, and TTARA, as well as all other interested parties. S.B. 1510 replaced the old effective tax rate notice with a new simplified property tax rate notice that requires notice of the previous year's adopted tax rate, the current year's effective tax rate, and the current year's proposed tax rate. The notice is different depending on whether or not the proposed rate exceeds the lower of the effective tax rate and rollback rate, but under either scenario the notice provides a formula taxpayers can use to determine the amount of taxes they owe based on the listed tax rates. The bill also allows a city to either publish the notice in the newspaper or mail the notice to each property owner. Given the broad support of the legislation, it isn't surprising that S.B. 1510 passed both houses unanimously and was signed into law by Governor Perry.

A few different bills worth mentioning were filed in 2015 related to the property tax rate adoption process. First, TML priority legislation passed (H.B. 1953 by Dennis Bonnen) that gives cities additional time to provide notice of the tax rate to citizens if the certified appraisal roll is received later than normal from the appraisal district. The same good language also passed as part of S.B. 1760 by Creighton.

S.B. 1760, which also passed, included a couple of other provisions that are potentially more troublesome. The Senate amended S.B. 1760 on the floor to require 60 percent of the city council to vote in favor of any property tax rate exceeding the effective rate. Although this new requirement will not impact the majority of Texas cities, since most have five councilmembers and a mayor, it could require one more additional vote to approve a tax rate exceeding the effective rate in cites with 7, 9, or 11 councilmembers. S.B. 1760 also requires cities proposing a tax rate exceeding the lower of the rollback rate or effective rate to include a statement in the notice describing the proposed use of the additional revenue attributable to the tax rate increase.

One bill filed in 2015 by Senator Bettencourt, S.B. 766, would have: (1) modified the effective tax rate calculation by eliminating the consideration of "lost property value;" (2) modified the rollback tax rate calculation by eliminating the consideration of the current debt tax rate; and (3) provided that the captured appraised value and tax increment that is paid by

a taxing unit into the tax increment fund for a reinvestment zone is included in the calculation of a property tax rate. Fortunately the bill was not heard in committee.

H.B. 1086 by Isaac would have made a change to the language of the verbal motion to adopt an ordinance setting a property tax rate that exceeds the effective tax rate that has long irked many city officials. Under current law, the law requires the mayor to read a sentence stating that the tax rate is increasing, even if in some cases the rate is staying the same or is being lowered from the previous year. H.B. 1086 would have modified the language to read as follows: "I move that a tax rate of (specify tax rate) be adopted, which exceeds the effective tax rate by (insert percentage by which the proposed tax rate exceeds the effective tax rate) percent." The bill was heard in the House Ways and Means Committee, though the bill was largely dismissed by the committee as making the tax rate setting process more confusing, not less.

In 2017, significant truth-in-taxation reforms were packaged with revenue caps in both the regular and special sessions. The bills contained very similar changes to the truth-in-taxation process. These changes included things like:

- Renaming the "effective tax rate" the "no-new-revenue tax rate";
- Providing that a person who owns taxable property is entitled to an injunction restraining the collection of taxes by a taxing unit in which the property is taxable if the taxing unit has not complied with certain tax rate calculation, publication, and adoption requirements, without regard to whether the failure to comply was in good faith;
- Requiring each taxing unit to maintain an Internet website; and
- Requiring each taxing unit to calculate various rates and provide various types of financial information to the appraisal district for posting into an online property tax database.

Other proposals posed more significant issues for cities. For instance, S.B. 2239 by Bettencourt would have changed the definition of "debt" for purposes of calculating property tax rates to only include debt that has been approved at an election. Had it passed, S.B. 2239 would have required certificates of obligation and other non-voter approved debt to be financed through a city's maintenance and operations rate instead of its debt service rate. The bill also proposed to repeal Sec. 26.03 of the Tax Code, which excludes money in a tax increment fund from the total property tax levy for purposes of calculating the effective and rollback tax rates.

The key to the League's approach to such proposals the past several sessions has been to carefully monitor them to make sure that they address only notification issues (truth-in-taxation) and do not modify the underlying effective and rollback rates themselves (or the hold-harmless exemptions that are essential to those rates).

The 2017 TML Legislative Program provided that the League support legislation that would simplify the effective tax rate calculation for notice purposes only, provided the legislation would have no effect on either the underlying effective tax rate and rollback tax rate calculations themselves, or upon the hold harmless exemptions to those rates.

## PROPERTY TAX ABATEMENTS

Economic development incentives have always been controversial. When a city offers an incentive to attract a new business, like a property tax abatement agreement or sales tax rebate, the city council often hears from citizens that the deal is a form of corporate welfare and merely shifts the tax burden to homeowners to cover the subsidy to the business. Heated but healthy debates over the merits and necessity of incentives occur in city halls across the state on a monthly basis.

As a practical matter though, if your city wants to "win" a new manufacturing facility or corporate headquarters, it typically must play the game. That's the reality when other cities, states, and even countries are offering lucrative incentives to lure businesses elsewhere.

For cities and businesses alike, the big economic development issue in the next legislative session will be the extension of the statute authorizing cities to enter into property tax abatement agreements. Chapter 312 of the Texas Tax Code authorizes taxing entities (excluding school districts) to use property tax abatement as an incentive to both attract new businesses and retain and develop existing businesses. Under the statute, taxing entities may limit the property taxes assessed on repairs or improvements to certain properties for up to ten years. Texas cities are authorized by the statute to tailor tax abatement agreements to city-specific economic development guidelines and criteria.

Section 312.006 of the Tax Code currently reads as follows:

"Sec. 312.006. EXPIRATION DATE. If not continued in effect, this chapter expires September 1, 2019."

A bill to extend the expiration date above must pass both houses of the Texas legislature and be signed by the governor in 2019 in order for cities to retain their ability to offer traditional property tax abatement agreements moving forward. Without the authority to offer property tax abatements under Chapter 312 of the Tax Code, cities would have to rely on other economic development tools to attract businesses. At the end of the day, the sunset of Chapter 312 incentives would limit cities' flexibility to foster and develop business activity.

Given the contentious nature of economic development incentives, passage of this legislation is far from a safe bet. Even if a bill does pass and the date gets extended, it is entirely possible, given the controversy surrounding incentives, that the bill includes other reforms or

limitations to the current property tax abatement process that could be detrimental to cities. Additionally, the bill could potentially be used as a bargaining chip in the larger property tax relief debate.

## PROPERTY TAX EXEMPTIONS

In 2000, the TML Legislative Policy Committee on Municipal Revenue and Taxation recommended a change to the League's traditional approach to proposed property tax exemptions. Rather than opposing all property tax exemptions, the committee recommended (and the TML membership agreed) that the League should oppose only those exemptions that substantially erode the property tax base. Accordingly, TML has since taken no position on new exemptions that would be relatively low in cost and would serve some social benefit.

The rationale behind the new approach was that the effective tax rate and rollback tax rate mechanisms provide dollar-for-dollar relief for small amounts of lost property tax base. The lost property tax base is simply shifted from exempt to non-exempt properties. Cities are still able to raise the same level of revenue without facing negative property tax consequences.

The downside of new property tax exemptions is that residential property tends to disproportionately bear the shifted burden. While this is a valid concern, it is not a uniquely city concern. In response to most proposed exemptions, legislators are confronted by taxpayer groups who feel that property taxes are high enough already without raising them more to finance subsidies for privileged groups. Further, cities and counties share the property tax base with school districts, most of which are much closer to their maximum gross tax rates than are cities and counties.

In other words, small, socially beneficial tax exemptions must run the full gauntlet of political examination, inquiry, and potential opposition. Because such exemptions must survive that exposure, and because municipal revenue is not harmed since the tax burden is simply shifted, TML committees recommended that the League take no position on minor property tax exemptions in the nine regular legislative sessions spanning from 2001 – 2017. Those nine sessions resulted in the enactment of only a few new property tax exemptions that affected cities (other than the senior tax freeze and Super Freeport), and many of those contained local option provisions.

In order to determine whether a property tax exemption "substantially erodes" the tax base, League staff have typically looked at two primary factors. First, what is the bill's overall cost to cities as reflected in the fiscal note prepared for the bill by the Legislative Budget Board? Although there is not necessarily a threshold cost above which any property tax exemption legislation would be considered to "substantially erode" the tax base, an exemption bill that would cost Texas cities tens of millions of dollars in revenue would almost certainly be opposed by the League under the standard position.

Secondly, the League looks at whether the exemption has wide applicability to a broad range of cities of various sizes and in various parts of the state. Taking both of these criteria together, League staff elected not to oppose S.B. 163 and H.J.R. 62 in 2013, the constitutional amendment that would exempt the residence homestead of the surviving spouse of a member of the armed forces who was killed in action. The fiscal note showed a fiscal impact to roughly 1,200 Texas cities at approximately $90,000 per year in the aggregate. The low cost to cities, coupled with the fact that residence homesteads eligible for an exemption under the new legislation are relatively rare was enough to satisfy League staff that the exemption did not "substantially erode" the property tax base. On the other hand, proposals like the one talked about on the campaign trail in 2014 to exempt senior citizens from paying any increase in property taxes would likely cost cities across the state millions of dollars, and would be opposed by the League because it would substantially erode the tax base.

In 2015, most of the attention regarding tax exemptions was focused on increasing the mandatory school district homestead exemption. With the passage of S.B. 1 and S.J.R. 1 (both authored by Senator Nelson), and the subsequent voter approval of an increased $25,000 school homestead exemption, the legislature largely accomplished its property tax relief goal in 2015 without a major impact on city revenue. Nevertheless, there were a couple of other exemptions that passed that have some impact on cities.

H.B. 994 by Anchia made permanent the property tax exemption for landfill-generated gas conversion facilities and provides that the exemption applies to certain tangible personal property only, and not to real property. This comes with an estimated price tag of about $1 million to all cities over the next five years. H.B. 992 by Dennis Bonnen and the accompanying H.J.R. 75 passed and was approved by the voters in November 2015. The bill provided a complete residence homestead property tax exemption for the surviving spouse of a 100 percent or totally disabled veteran who died before the law authorizing a residence homestead exemption for such a veteran took effect, but only if the surviving spouse has not remarried since the death of the disabled veteran. The fiscal note estimated a total cost to cities of about $9 million over the next five years, and a cost of roughly $22 million to the state over the same period.

There were a handful of property tax exemption bills that the League actively opposed in 2015. S.B. 516, S.B. 758, and S.B. 763 were all filed by Senator Bettencourt and heard at the same time in the Senate Finance Committee. The bills would have expanded the Freeport property tax exemption (S.B. 516) and enacted exemptions for business personal property (S.B. 758 and S.B. 763). All three of the bills would have substantially eroded the tax base. Both S.B. 516 and S.B. 763 would have cost cities tens of millions per year, and S.B. 763 would have cost cities over $500 million per year. None of the bills were reported from committee.

Dozens of property tax exemption bills were filed in 2017, exempting everything from property leased to open-enrollment charter schools to certain mineral interests to property owned by Purple Heart recipients and their surviving spouses. Ultimately only one property tax exemption of any significance passed. S.B. 15 by Huffines and the corresponding constitutional amendment, S.J.R. 1 by Campbell, exempts from property taxes the residence homestead of a surviving spouse of a first responder killed or fatally injured in the line of duty. According to the Legislative Budget Board, the exemption will cost Texas cities roughly $350,000 in property tax revenue per year in total.

One of the advantages of the League's recent approach to property tax exemptions is that it allows TML staff to focus on property tax issues that seriously endanger municipal revenue, such as strict revenue caps.

The 2017 TML Legislative Program provided that the League oppose legislation that would impose new property tax exemptions that substantially erode the tax base.

## EQUITY APPRAISALS

One issue relating to property appraisal that has become problematic for Texas cities in recent years is the shift from appraisals based on a market approach to appraisals based on an equity approach. County appraisal districts have typically relied on a market approach to appraisals, which is primarily based on actual sales prices. However, commercial property owners are becoming increasingly inclined to file lawsuits challenging local appraisals, arguing that their properties should instead be appraised based on how similar properties are valued.

Commercial property owners' argument for equity appraisals stems from a change in state law in 1997. S.B. 841 was adopted that year, which in addition to many other changes, required a district court to grant relief to a property owner on the grounds that a property is appraised unequally if the appraised value of the property exceeds the median appraised value of a reasonable number of comparable properties.

The problem is that now a large number commercial property owners are filing lawsuits against appraisal districts, which are typically settled due to cost, on the grounds that the appraised value of their property exceeds the appraised value of similar properties. If and when a commercial property owner's appraisal is lowered through a settlement, other property owners sue attempting to use the initial commercial property owners' lowered value as a comparable property for the purpose of lowering their appraisal. According to a 2014 article in the *San Antonio Express News*, businesses filed more than 600 lawsuits against the Bexar County Appraisal District in 2013 to protest more than $10 billion in appraised values.

Both Senator Wendy Davis and Representative Sylvester Turner filed bills in 2013 that would have largely fixed the equity appraisal issue for cities and other local governments by requiring clearly defined criteria to be met in order for a property to be considered "comparable" if it is to be used to demonstrate an unequal appraisal. Senator Davis's bill, S.B. 1342, was heard in the Senate Finance Committee's Subcommittee on Fiscal Matters, but was left pending in the subcommittee.

Several good bills were filed in 2015 that would have addressed issues related to equity appraisals to varying degrees. Some bills, like S.B. 280 (Watson), would have addressed the equity appraisal problem in a significant way. S.B. 280 would have: (1) provided that, in a property tax protest based on unequal appraisal, the appraised value of the property in question in comparison to other properties is to be determined: (a) using comparable properties located in the same appraisal district; (b) based on the similarity of the properties with regard to specified statutory characteristics, like square footage, property age, and property condition, among other things; (c) by calculating adjustments in accordance with generally accepted appraisal standards; and (d) based on the calculation of the appraised value of each comparable property as shown in the appraisal records submitted to the appraisal review board by the chief appraiser; and (2) required a district court to grant relief on the ground that a property is appraised unequally if the appraised value of the property exceeds by ten percent the median appraised value of a reasonable number of comparable properties in the appraisal district based on the standards in (1), above.

Unfortunately, S.B. 280 and other bills like it didn't receive so much as a committee hearing in 2015. Instead, the legislature's response to the equity appraisal problem was to pass H.B. 2083 by Darby, which requires the selection of comparable properties and the application of appropriate adjustments for the determination of an appraised value of property to be based upon the application of generally accepted methods and techniques. The League supported H.B. 2083, though tax experts believe additional legislation may be necessary to have a meaningful impact on the equity appraisal issue.

In August 2015, the City of Austin sued the State of Texas, the Travis County Appraisal District, and certain property owners within Travis County, seeking to have the current tax appraisal system declared unconstitutional and to request permanent injunctions to ensure compliance. The city's argument was essentially that the statutes authorizing equity appraisals open the door for the unequal (and therefore unconstitutional) appraisal of commercial property. The city estimated that commercial and vacant property values in Austin have been historically undervalued by 47 percent due to equity appeals, which has the effect of shifting a disproportionate share of the property tax burden to residential homeowners. A district judge dismissed the city's suit in November 2015.

Surprisingly, no legislation containing beneficial amendments to the equity appraisal issue was filed in 2017. However, in response to the lawsuit filed by the City of Austin, legislation

was filed to prohibit taxing units from challenging the level of appraisals of any category of property in the district or in any territory in the district. This change was included in some of the major tax reform legislation – S.B. 2 and S.B. 669 during the regular session and S.B. 1 during the special session. While nothing ultimately passed in 2017, the committee may wish to take a position on legislation that prevents a taxing unit from challenging appraised values. One additional consideration regarding this issue is that such a challenge can potentially delay the delivery of certified rolls to other taxing units (including cities) in the same appraisal district, potentially making tax-rate setting and adoption of the budget more difficult.

The reliance of commercial property owners on equity appraisals has created a "race to the bottom" in terms of appraised values that is costing cities and other local governments a significant amount of property tax revenue. The committee should not only consider a position on beneficial legislation that would amend the equity appraisal process, but also legislation that would restrict cities' ability to bring legal challenges to the property tax system.

The 2017 TML Legislative Program provided that the League support legislation that would make beneficial amendments to the equity appraisal statute.

## SALES PRICE DISCLOSURE

Even though property tax appraisals must, by law, be based on market value, and even though sales prices are arguably the best evidence of market price, appraisal districts are prevented by current law from having easy access to sales price data.

Various bills considered in the last five legislative sessions would have mandated sales price disclosure by the buyer and/or the seller to appraisal districts for taxing purposes. In 2011, S.B. 299 by Wentworth would have required the purchaser of property to include the sales price in any instrument filed with the county clerk that conveys real property under a contract for sale. The bill did not receive a committee hearing. Even a bill that would only have required the comptroller to conduct a study to examine the impact of required sales price disclosure upon the property tax system (H.B. 666 by Villarreal) failed to receive a committee hearing.

The only bill filed in 2013 relating to sales price disclosure was H.B. 1830 by Naomi Gonzalez. H.B. 1830 would have created a pilot program in El Paso county that would allow the chief appraiser to file a request with the appraisal review board to compel a property owner to disclose to the chief appraiser information relating to the sales price, rate of occupancy, lease or rental income, or production capacity and income of a commercial or industrial property that was the subject of the protest. The bill was not heard in committee.

No sales price disclosure legislation was filed in 2015. Interestingly, in its suit to challenge the equity appraisal process in late 2015, the City of Austin sought to have the district court declare that mandatory sales price disclosure is necessary for appraisal districts to comply with the statutory and constitutional "equal and uniform" taxation requirements. Though the suit was dismissed, this highlights how closely related sales price disclosure efforts are with the equity appraisal issue.

Sales price disclosure legislation is generally defeated because sales price disclosure is frequently opposed by real estate interests on various grounds. One argument against using sales price disclosure for appraisal purposes is that actual sales prices often reflect ancillary financial deals between buyer and seller—furniture costs for example—that shouldn't have an effect on the house's market value.

Another commonly-used argument against sales price disclosure is that disclosure is simply a precursor to the state enacting a real estate transfer tax. However, when the voters approved Proposition 1 in November 2015 to increase the residence homestead exemption for schools, tucked away in the same amendment was a statement that prohibits the adoption of a transfer tax: "After January 1, 2016, no law may be enacted that imposes a transfer tax on a transaction that conveys fee simple title to real property." In other words, the passage of Proposition 1 takes away one of the main arguments against sales price disclosure.

In 2017, Rep. Diego Bernal filed two bills related to sales price disclosure. The first, H.B. 182 would have simply required the legislature to study the impact of sales price disclosure on the property tax system. The other, H.B. 379, would have actually mandated sales price disclosure. Neither bill received a committee hearing.

Mandated sales price disclosure might be beneficial to cities if it made appraisals more accurate, thus taking some ammunition away from property tax critics who claim that the entire property taxing system is flawed. The committee should discuss whether to recommend a position on this subject, especially in light of the advantage some commercial property owners may enjoy due to equity appraisals.

The 2017 TML Legislative Program provided that the League support legislation that would require mandatory disclosure of real estate sales prices.

## DARK STORE APPRAISAL

In recent years, big box retailers across the country have attracted attention for arguing that their stores should be appraised based on the "dark store" theory of property valuation. Essentially the retailers argue that their commercial properties should be appraised and valued the same whether they are in operation or closed. In other words, the properties

should be appraised as if they were "dark" or shuttered, as the properties will be difficult to sell because the big box store design likely wouldn't appeal to prospective purchasers.

The problem for cities and other local governments, including the state due to its reliance on property taxes to fund schools, is that these retailers are often arguing that their appraised values should be cut in half or more based on the dark store theory of valuation. If successful, the retailers would pay far less in property taxes than would otherwise be required based upon the current market value of their property, thus shifting the tax burden to residential taxpayers.

Big box retailers have already brought legal challenges against appraisal districts in Texas based on this theory. In a recent case, a three-member arbitration panel upheld Bexar County Appraisal District's methodology and appraisals of Lowe's stores in Bexar County, effectively rejecting the dark store theory of property valuation. A case between Lowe's and the Harris County Appraisal District was settled based on the arbitration outcome in Bexar County.

In 2017, Rep. Drew Springer filed H.B. 27, which would have eliminated the dark store appraisal loophole by requiring property to be appraised at its "highest and best use." The fiscal note estimated savings to local governments reaching into the hundreds of millions of dollars per year, though in fairness the fiscal note estimate made several assumptions inflating the prevalence of the dark store loophole under existing law.

The 2017 TML Legislative Program provided that the League oppose legislation that would erode the concept that appraisals must reflect the true market value of property.

## DISASTER REAPPRAISAL

In the wake of Hurricane Harvey, the issue of property appraisal following a disaster has emerged at the forefront of appraisal-related issues coming into the 2019 legislative session. Under current law the governing body of a taxing unit has the discretion to authorize reappraisal of all property damaged in a disaster at its market value immediately following the disaster. Following Hurricane Harvey, some taxing units authorized reappraisal. Many did not. Those that didn't reappraise may have been motivated by several factors, not the least of which would be the added cost of the reappraisal.

A few bills were filed in 2017 before Hurricane Harvey that would have made disaster-related reappraisals mandatory. During the regular session, H.B. 513 by Davis and S.B. 717 by V. Taylor were both approved by the first chamber, but both died after crossing over to the other chamber. In the special session, the House approved H.B. 331 by Davis as a form of property tax relief to those affected by a disaster. That bill was not approved by the Senate.

The House also amended S.B. 1 during the special session to include the mandatory disaster reappraisal provision, but that too was rejected by the Senate.

Despite the unfunded mandate, the League did not oppose mandatory disaster reappraisal during the 2017 regular and special legislative sessions for a few reasons. First, mandatory reappraisal after a disaster could provide targeted property tax relief to city residents who need it and would be generally be preferable as a form of tax relief to more damaging legislation like revenue caps. Secondly, cities theoretically can have their property tax levies kept whole through the effective tax rate, even if politically the city would be unwilling to raise the rate to the effective rate following a disaster.

Cities can expect similar legislation in 2019 given the impact of Hurricane Harvey. As an alternative to mandatory reappraisal, cities should also expect legislation that would allow for a local option property tax exemption of a portion of the appraised value of a parcel if: (1) the property is located in a disaster area; (2) the property is at least partially damaged by the disaster; and (3) the exemption is adopted by the governing body of the taxing unit.

The committee should consider adopting a position on mandatory reappraisals and a local option property tax exemption for property damaged in a natural disaster.

## DISASTER-RELATED EFFECTIVE RATE RELIEF

State law generally requires appraisal districts to appraise property at its market value as of January 1st of a given year. Due to the destruction caused by Hurricane Harvey in communities along and near the gulf coast, many of those property appraisals will come back much lower in 2018 than they did in 2017. The result will be the erosion in a significant percentage of the property tax base in many of the communities hit hardest by the storm.

When these cities, counties, and special districts meet to adopt their property tax rates in the fall of 2018, many will be forced to consider raising their tax rates to the effective tax rate – the level necessary just to bring in the same amount of revenue as the previous year, given fluctuations in appraisals. If appraised values plummet in 2018, as expected in many coastal communities, the effective tax rate will rise just as dramatically. If a city were to adopt the significantly higher effective tax rate just to bring in the same amount of revenue as the previous year, property owners in the community that did not experience storm damage would experience a significant tax increase – a much higher rate on roughly the same or even greater property value.

Below are a couple of optional changes to the effective rate calculation under the Tax Code that could help Texas cities adopt reasonable property tax rates while maintaining sufficient control over city finances to respond to the needs of the community.

**Tax Relief Grant Program Proposal**

Setting the tax rate is a decision for locally-elected officials to make in accordance with feedback from their constituents. While local officials will undoubtedly be mindful of their citizens' ability to pay property taxes following a disaster, local governments will need to balance that with the need to generate enough revenue to address the infrastructure and service needs in the wake of the hurricane. If state or discretionary federal pass-through dollars were made available to local governments affected by a natural disaster like a hurricane, this could take pressure off of property taxes and incentivize local governments to keep tax rates low.

This grant program would be optional for all local governments. Those choosing to participate, however, could—along with the state—claim a fiscal "win-win." Locals get the revenues they need to rebuild after Harvey, and the state gets to target grant relief in a way that holds property tax rates steady, protecting existing homes and businesses from drastic increases.

The timeline for the grant process could operate as follows:

**May 1 – July 1**: Local Governments within the disaster area can submit applications to governor's office for tax relief grants during this time frame. State law requires local appraisal districts to submit a preliminary estimate of the appraisal roll to local jurisdictions by April 30. At this point, local government officials should have a general idea of how much property values dropped due to the hurricane. Only local governments with less taxable value than the previous year attributable to storm damage and based on the estimated appraisal roll should be eligible for this type of grant. The grant application should include information on the amount of revenue estimated to be generated by the previous year's tax rate when applied to the amount estimated to be generated by an estimated effective tax rate.

**July 31**: Governor's office awards grants to local governments based on application scoring criteria. Local governments receiving grants could be required under the terms of the grant to adopt the same tax rate as the previous year, with the grant money offsetting the difference in revenue generated between last year's tax rate and the upcoming year's effective tax rate. Alternatively, the local government receiving the grant could adopt a higher rate than last year yet lower than the effective rate, again with the grant money offsetting the difference in revenue generated between last year and the upcoming year.

**August 1 – September 30**: Local governments receiving grants adopt tax rates and set budgets for upcoming fiscal year accounting for grant revenue received from tax relief grants from governor's office. Grant revenue can be budgeted and spent for general purposes in upcoming fiscal year.

**Effective Rate Reset Mitigation**

Another option that would benefit cities recovering from disasters would be giving city councils the option of adopting an adjusted effective tax rate in years following the disaster that doesn't have the side effect of immediately lowering the effective rate, and thus levy, in subsequent years.

Under this option, any city in a disaster area that voluntarily adopts a property tax rate lower than the effective tax rate in the first year immediately following a disaster has the option, for the three years following that first tax year, of choosing to calculate the effective tax rate using the city's normal tax levy ***prior*** to the disaster.

The city essentially pretends it took in the full effective rate-permitted levy those years so as not to artificially reset the effective rate in subsequent years. This would allow those cities several years to slowly rise up to the pre-disaster effective rate, thus cushioning the blow on un-damaged property owners. Put differently, damaged property owners would have time to rebuild and then begin to contribute again to the pre-disaster levy amount.

This option doesn't provide immediate new funding to disaster-affected cities, it merely prevents the city from being doubly penalized in future tax years for protecting undamaged property in the first year by keeping the tax rate steady.

The committee may wish to adopt a position on legislation that would allow cities impacted by a natural disaster to maintain the financial flexibility to keep property tax rates low in the years immediately following the disaster.

## HOMESTEAD PROPERTY TAX EXEMPTION

Various legislative proposals over the last four legislative sessions would have increased the amount of mandatory and optional homestead exemptions, some quite dramatically. Some bills, for example, would have increased from $5,000 to $30,000 the minimum application of any optional city homestead exemption.

In 2015 the legislature passed, and the voters approved, an increase in the mandatory school homestead exemption from $15,000 to $25,000 in the form of S.B. 1 and S.J.R. 1 by Nelson. Though the focus of the bill was on the mandatory school homestead property tax exemption and not city homestead exemptions, the legislation does impact cities in one important respect. S.B. 1 and S.J.R. 1 contained language prohibiting the governing body of a city, school district, or county that adopted an optional homestead exemption for the 2014 tax year from voting to reduce or repeal that exemption until December 31, 2019.

For city officials who are opposed to appraisal caps, homestead exemption increases can be a tricky proposition. On the one hand, they relieve pressure on homeowners in markets

characterized by increasing values. On the other hand, large increases in a homestead exemption have the effect of creating a "split roll" by shifting the property tax burden from residential to commercial property. (A split roll is one of the negative features of appraisal caps as well.)

A new proposal in 2013 would have provided more flexibility to cities when approving an optional city homestead exemption. H.B. 3348 by Eddie Rodriguez would have authorized a city council to adopt the local option residence homestead exemption of either a percentage of the appraised value of an individual's residence homestead (as authorized under current law) or a portion, expressed as a dollar amount, of the appraised value of an individual's residence homestead, but not both. In other words, the bill would give city councils additional authority to adopt a flat dollar amount homestead exemption, in addition to the current ability to adopt a percentage exemption. In theory, providing a dollar-amount exemption would allow a city council that has been hesitant to offer a percentage-based homestead exemption due to the budgetary impact associated with rising property values a viable alternative that both provides tax relief and allows the city's budget to be more predictable.

A modified version of the flat dollar amount city homestead exemption was filed in 2015. S.B. 279 by Watson would have: (1) authorized any city council to take action to adopt a flat-dollar amount residence homestead property tax exemption of at least $5,000, unless a larger amount is specified by the council, before July 1st of any given year; (2) provided that a $5,000 residence homestead property tax exemption automatically goes into effect in any city that: (a) does not take official action to opt-out of the flat-dollar amount exemption prior to July 1st of any given year; and (b) has not already adopted a percentage-based residence homestead property tax exemption under current law; and (3) provided that in any city where the city council has ceased to offer a percentage-based residence homestead property tax exemption and instead adopted a flat-dollar amount property tax exemption, an individual may elect to rescind entitlement to the new flat-dollar amount exemption to continue to receive the percentage exemption that was previously available by filing written notice with the chief appraiser before July 15. S.B. 279 passed the Senate and was reported from the House Ways and Means Committee, but did not receive a vote on the House floor.

Senator Watson filed very similar legislation in 2017 (S.B.418 and S.J.R. 29), with much less success. S.B. 419 did not receive a committee hearing, likely as a consequence of so much attention being paid to revenue cap legislation.

The committee should discuss what position to take on proposed increases in homestead exemptions, including whether the position should be different for council-option homestead exemption increases versus mandatory, or across the board, increases in homestead exemptions. The committee should also consider how it wants the League to approach the flat-dollar amount homestead exemption.

The 2017 TML Legislative Program provided that the League would: (1) oppose legislation that would impose new mandatory homestead exemptions or exemption increases; and (2) support legislation that would allow a council-option city homestead exemption, expressed as a percentage or flat-dollar amount.

## SALES TAX EXEMPTIONS

For many years, organized interest groups have descended upon the legislature attempting to obtain exemptions from sales taxation, just as many groups have attempted to obtain property tax exemptions. That effort intensified after 1987 when the legislature adopted a massive tax bill that increased the state tax rate and broadened the sales tax base to include custom computer software, local telephone service, data processing, garbage collection, janitorial and cleaning services, non-residential repairs and remodeling, landscaping, lawn services, surveying, exterminating, security services, and a variety of additional services.

At the urging of the Texas Municipal League, lawmakers ensured that the broadened base was subject to the local-option sales tax as well as the state sales tax. As a result, the bill generated millions of dollars for Texas cities.

As soon as the sales tax base was broadened, those who were included in the broadening began to seek exemptions. In the first special session in 1991, the legislature once again broadened the sales tax base. Since then, more exemptions have been sought. During each session, some exemptions are passed while many more fail.

In 1999, the legislature passed sweeping exemptions to the sales tax base. S.B. 441 enacted sales tax exemptions as follows:

1. The first $25 of a monthly charge for Internet access service.
2. Any drug or medication, without regard to whether it is prescribed, that is labeled with a national drug code.
3. Any article of clothing costing less than $100 if it is sold between the first Friday in August and midnight on the following Sunday (the sales tax holiday).
4. Twenty percent of the value of information services and data processing services.

The bill also provided that the back-to-school clothing exemption (see number 3 above) can be repealed by a city council after holding a public hearing. That opt-out provision was cancelled in 2003, as only one city had ever taken advantage of it.

During the 2001 legislative session, lawmakers considered numerous sales tax exemptions, but none passed.

During the 2003 legislative session, the legislature passed some minor sales tax exemptions, including an increase in the tax-exempt threshold for the cost of newspapers from $.75 to $1.50, an expanded exemption for candy and soft drink sales by charities, and an exemption for water-related equipment used exclusively for tax-exempt purposes.

Lawmakers passed no significant sales tax exemptions during the 2005 legislative session, though they considered more than one bill that would have exempted college textbooks and school supplies from sales taxes, along with other bills that would have expanded the back-to-school sales tax holiday.

In the 2007 legislative session, the legislature added school backpacks costing less than $100 to the sales tax holiday, which was moved from the first weekend to the third weekend in August. In 2009, school supplies were finally exempted from sales taxes by H.B. 1801, which had a relatively insignificant fiscal note.

A number of sales tax exemption bills were filed in 2011, although none of them passed. The proposals included a sales tax exemption for personal property used at a "data center" (H.B. 3479 by Christian), an exemption for precious metal coins (H.B. 3104 by Simpson), an exemption for textbooks purchased by college students during a ten-day period prior to each semester (S.B. 52 by Zaffirini), and an exemption for guns and ammunition (H.B. 181 by S. Miller).

One bill, H.B. 2237 by Lyne, would have reclassified all-terrain vehicles, off-road motorcycles, and golf-carts as "motor vehicles," thus subjecting them to the motor vehicle sales tax, which does not include a local component. Although this bill was not a sales tax exemption in the traditional sense, it would have greatly reduced sales tax receipts in those cities where these particular off-road vehicles sold. H.B. 2237 was reported from the House, but luckily did not get voted out of committee in the Senate. TML strongly opposed the idea.

A handful of small sales tax exemptions passed in 2013, including exemptions for the sale of various types of coins, food products sold by an elementary or secondary school, and certain snack items. H.B. 800 by Murphy was a more substantial sales tax exemption bill that passed, which exempts certain personal property used in research and development activities. The fiscal note for H.B. 800 estimates a cost of roughly $24 million per year to cities, while costing the state approximately $150 million per year.

In 2015, a total of six sales tax exemption bills passed. The bill with the most significant cost to cities was S.B. 1356 by Hinojosa, which exempts the sale of a water-conserving or WaterSense product from sales and use taxes if the sale taxes place on Memorial Day

weekend. According to the bill's fiscal note, the bill will cost cities a total of roughly $800,000 per year for the next five years.

No sales tax exemption bills of any significance passed in 2017. One minor exemption that did pass, H.B. 4054 by Murphy, highlights exactly how specific some sales tax exemptions get. H.B. 4054 exempts from sales taxes certain baked goods regardless of whether the items are heated by the consumer or seller and sold at certain locations without plates or other eating utensils. The fiscal note showed no significant impact to local governments.

Since 2007, the TML approach to sales tax exemptions was similar to the flexible approach taken with property tax exemptions: the League opposed only those sales tax exemptions that substantially eroded the sales tax base. Smaller, socially beneficial exemptions such as children's school backpacks and school supplies were largely ignored under the theory that if the state can tolerate the minuscule loss of tax base, so can local governments. The committee should discuss continuing to follow such a policy.

Lengthening the back-to-school sales tax holiday, as many bills have proposed in recent sessions, would likely result in a more substantial erosion of sales tax revenues. S.B. 485, which passed in 2013, moved the back-to-school sales tax holiday weekend to earlier in August, but did not extend the length of the holiday. The committee should discuss continued opposition to lengthening the holiday.

The 2017 TML Legislative Program provided that the League would oppose legislation that would: (1) impose any sales tax exemption that would substantially erode the tax base; and (2) lengthen or broaden the scope of the current sales tax holiday.

## SALES TAXES ON REMOTE SALES

In June 2018, the United States Supreme Court in *Wayfair v. South Dakota* held that a South Dakota state law requiring certain remote sellers to collect sales taxes on goods shipped to customers living in South Dakota is constitutional. In doing so, the Court overturned decades of legal precedent and potentially set the stage for a significant sales tax debate during the upcoming 2019 session of the Texas Legislature.

For over 25 years, the 1992 United States Supreme Court decision in *Quill. v. North Dakota* represented the law of the land regarding collection of state and local sales taxes on remote sales. *Quill* provided that a business could not be required to collect and remit sales taxes to a state if it had not established a physical presence there. State sales tax laws, Texas's included, were modified years ago to account for the *Quill's* physical presence test.

Writing for the five-four majority in *Wayfair* Justice Kennedy rejected the previous holdings of the Supreme Court as outdated and incompatible with the technological realities of a

twenty-first century economy. According to Kennedy, simply relying on physical presence to determine whether or not a company can be required to collect sales taxes ignores the fact that companies now have websites accessible in every state. Those company websites might save cookies to customers' hard drives, have apps that can be downloaded anywhere, and may store data that is located in any number of states. In short, South Dakota's law was upheld because it established a clear connection between out-of-state retailers and the state based on both economic and virtual contacts.

So where does the *Wayfair* decision leave Texas and its cities?

At this point, nobody knows for sure. There's always the possibility that Congress attempts to pass federal law that provides some uniformity across the states. In the meantime – and in the absence of federal legislation – the *Wayfair* decision opens the door for states to model sales tax collection laws after South Dakota's law.

In Texas, state and local officials will likely be awaiting some guidance from Texas Comptroller Glenn Hegar, whose office administers state and local sales taxes. A distinct possibility is that statutory changes will be necessary in the 2019 legislative session to conform Texas sales tax laws on remote sales to mirror the South Dakota law.

According to the Court, South Dakota's system maintains certain features that protect it from claims that it imposes "undue burdens" on interstate commerce. Other states, including Texas, might seek to harmonize state law and procedure with these features to put any potential state law on solid legal footing. These features include:

- A "safe harbor" for companies that transact only limited business in the state. South Dakota's law applies only to sellers that annually deliver more than $100,000 of goods or services into South Dakota or engage in 200 or more separate transactions for the delivery of goods in the state. According to the Court, this quantity of business could not occur unless the seller had an extensive virtual presence in the state.
- Expressly providing that no obligation to remit the sales tax may be applied retroactively.
- Adopting the "Streamlined Sales and Use Tax Agreement," which standardizes taxes to reduce administrative and compliance costs.

Of the above provisions, the prospect of Texas adopting the Streamlined Sales and Use Tax Agreement might present the biggest challenge. The national Streamlined Sales Tax Project is a decade-long effort to standardize all state sales tax codes in order to ease the transition to apply sales taxes to remote sales. Texas has not participated in the project. Though there are likely several reasons for this, one of the chief reasons had been an insistence by the project that states shift intrastate sales tax sourcing from the origin city to the destination city. TML

has historically opposed this idea, and the comptroller's office has supported cities on the issue.

In 2008, the national project agreed that participating states could keep origin sourcing generally, provided that each state conduct a substantial rewrite of laws related to the allocation of goods delivered from warehouses as opposed to retail stores.

At the same time the national project was floating this "compromise," several Texas cities were involved in lawsuits against one another over the very issue of whether cities with warehouses or cities with retail storefronts are the proper "place of business" for purposes of sales taxation under current Texas law.

Because of the confluence of these two debates, TML formed a task force prior to the 2009 session to examine where cities might find common ground. The results of that task force's work can be seen in the League positions below.

While TML stayed out of the city-vs.-city fight for the most part, important sales tax legislation did pass during the 2009 session in the form of S.B. 636. That bill provides that when there are retailers with more than one place of business in Texas, city sales taxes are sourced where the retailer first received the order for the goods, provided the order was placed in person. This legislation was a compromise between "warehouse cities" and "storefront cities," and was prospective only.

Somewhat surprisingly, even though cities were permitted to keep origin sourcing, no bill has been filed in recent years to permit Texas to join the streamlining project. It is likely that state officials are reluctant to pass anything that could be labeled a tax increase, which is what some have called the streamlining project.

Given the *Wayfair* decision, legislators may feel the need to reevaluate the decision to sit on the sidelines with regard to the Streamlined Sales and Use Tax Agreement. Regardless of the decision to join the streamlining project, in all likelihood there will be legislation in 2019 that addresses remote sellers' responsibility to collect state and local sales taxes on all or most Texas sales.

The 2017 TML Legislative Program provided that the League: (1) oppose legislation that would alter the city share or the calculation or sourcing of city sales taxes; (2) oppose legislation that would expand the sales tax base without fully benefitting the city tax base; and (3) support legislation that would expand the sales tax base, but only if the city tax base fully benefits from the expansion.

# TYPE A/TYPE B ECONOMIC DEVELOPMENT SALES TAX

The Texas Legislature created economic development corporations (EDCs) in 1979. At the time, the concept of economic development as a legitimate governmental function was in its infancy. In fact, city expenditures to attract business activity were arguably unconstitutional under Article III, Section 52, until a 1987 amendment established economic development pursuits as a public purpose. As a result, early EDCs relied on donations and were largely ineffective.

Legislation passed in 1989 and 1991 gave teeth to EDCs by authorizing the Type A and Type B sales taxes, respectively. (Note: These two types of sales taxes were formerly referred to as "4A" and "4B" due to the section of Vernon's Civil Statutes that authorized the taxes. The relevant statutes are now codified in the Local Government Code.) These sales taxes were initially envisioned by the legislators who created them as vehicles for fostering manufacturing and industrial jobs. After their initial involvement in creating the tax, many of these legislators turned to other matters for the next decade. Meanwhile, each legislative session thereafter brought a gradual expansion of the permissible uses of Type A and Type B taxes. First, Type B EDCs were given general authority to attract commercial and retail businesses. Next, Type B EDCs (and, to a lesser extent, Type A EDCs) were given authority to fund certain municipal improvements, such as parks and city buildings. Finally, Type A EDCs were given the same broad commercial and retail business authority that their Type B cousins possessed.

Prior to the 2003 regular session, some of the legislators who had a hand in creating the initial EDC sales taxes began to revisit the issue, their focus being alleged "abuses" of the tax. In reality, it is more likely that these legislators were simply shocked by the broad, but legal, expansion of the two taxes over the previous decade. Some of these legislators warned that the very existence of the tax was in jeopardy. In a sort of preemptive strike, professional economic development organizations took the lead in drafting legislation designed to placate the irate legislators. The result was H.B. 2912, a revolutionary rewrite of Type A and Type B EDC laws.

The primary feature of H.B. 2912 was that it effectively canceled the authority of both Type A and Type B corporations to engage in direct commercial and retail economic development. For Type A EDCs, the cancellation was straightforward: the phrase "to promote new and expanded business development" was struck from an introductory section of the law that defined eligible projects. It was this section that had essentially granted commercial and retail authority to Type A EDCs in the late 1990s. For Type B EDCs, H.B. 2912 retained language that permits expenditures to "promote or develop new or expanded business enterprises." However, H.B. 2912 limited such expenditures for both Type A and Type B corporations to projects that create "primary jobs." "Primary jobs" was a new concept and was defined in a

way that includes jobs mostly related to "blue collar" and financial-type industries. Examples include crop production, animal production, forestry and logging, commercial fishing, support activities for agriculture and forestry, mining, utilities, manufacturing, wholesale trade, transportation and warehousing, information, securities, commodity contracts, certain financial investments and related activities, insurance carriers and related activities, scientific research and development services, and management of companies and enterprises. Conspicuously absent from this list are jobs related to basic commercial, retail, and services industries. Unless a Type A or Type B project created a "primary job," as defined above, the project was likely improper. In summary, Type A and Type B EDCs were no longer permitted to engage in attracting commercial, retail, or service businesses. Fortunately, existing projects were grandfathered.

H.B. 2912 also repealed the authority of Type B corporations to spend sales tax proceeds on learning centers or city buildings. The bill also restricted the ability of any EDC to provide a direct financial incentive to a business prospect (as opposed to preparing land or infrastructure for use by the business), unless done pursuant to performance agreements.

Going into the 2005 session, the TML legislative program was largely silent on the issue of rolling back the effects of H.B. 2912, with one exception. TML supported legislation that would restore commercial and retail authority to corporations in "land-locked" cities. The League's overall neutrality was a function of the fact that some cities without Type A/Type B corporations dislike the broad retail incentive authority possessed by some of their neighbors. This is especially true in urban areas where some cities' entire sales tax discretion is taken up by the sales tax for transit. Such cities feel that neighboring cities with Type A/Type B corporations are able to poach existing retail business by using economic development incentives.

Some cities made a push on their own to roll back the effects of H.B. 2912. Through a combination of several bills that were enacted, commercial and retail incentive authority was restored for Type B corporations only in either of the following two cases: (1) cities under 20,000 population; or (2) cities with less than $50,000 per year in Type B sales tax revenues. (More narrow changes were enacted for land-locked cities and certain border cities.) The statute has remained relatively unchanged since that time.

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For 2013, the membership and TML Board determined, after extensive discussion, that the League would: (1) stay neutral on legislation that would expand EDC authority; and (2) oppose legislation that would limit EDC authority on a statewide level, provided that the League would take no position on legislation that was regional in scope and that was supported by some cities in the region. In other words, attempts to limit EDC authority in certain regions of the state that received support from cities in those regions would not be actively opposed by the League. This position was crafted with an eye on keeping the League out of city vs. city fights concerning EDCs.

Despite the new nuanced position by TML during the 2013 session, very few EDC bills were filed, and even fewer passed. Two bracketed bills passed giving the Port Arthur EDC additional spending authority. Another bill, H.B. 2473 by Deshotel, was signed into law after narrowly being approved by the House on a 70-69 vote. H.B. 2753 would broaden the authority of all EDCs to use EDC sales tax revenue for housing facilities at public state colleges.

Only two bills directly affecting EDCs passed in 2015. One was H.B. 157 by Larson, which provides that a city may hold an election to adopt an EDC sales tax in any increment of one-eighth of one percent (among many other things). The other, H.B. 2772 by Martinez, authorizes certain EDCs located near the border to spend EDC funds on specified transportation facilities.

In 2017, TML priority legislation passed in the form of H.B. 3045 by Dale that authorizes a city to hold an election to reduce or increase the rates of various city sales taxes. Few other bills of any significance were filed that would have affected EDCs, and no other EDC bill was passed into law.

The committee should discuss whether the League should continue to remain neutral on authority expansion, and opposed to statewide authority limitation bills.

The 2017 TML Legislative Program provided that the League: (1) take no position on legislation that would broaden the authority of Type A or Type B sales tax corporations; and (2) oppose legislation that would limit the authority of Type A or Type B sales tax corporations statewide, but take no position on legislation that is regional in scope and that is supported by some cities in that region.

## ISSUING CITY DEBT

Perhaps no issue relating to municipal revenue and finance has generated more attention over the past few years than local debt. Although numerous bills had been filed prior to the 2013 session that would have made it more difficult for cities to issue certain debt obligations, the outcry against the perceived endemic growth of local debt reached a fevered pitch during the 2013 legislative session. All of this in spite of the fact that state-collected data continues to show that local government debt (and city debt, in particular) is increasing a significantly lower rate than is state debt.

Nevertheless, heading into the 2013 legislative session, Comptroller Susan Combs sharpened her focus on the issue by publishing a report on the problems associated with the issuance of local debt. On January 2013, Combs authored an article that ran in the Wall Street Journal entitled *Debt Excess Even Lives in Texas* in which she claimed that local elected officials choose to deliberately hide-the-ball from the citizens they represent with regard to debt:

"Unchecked and invisible debt and out-of-control spending are putting the nation in real jeopardy, and too many public officials seem happy to keep you in the dark. It's up to you to demand that the lights be turned on—before it's too late."

Even more problematic than the comptroller's articles, however, were the comprehensive local debt bills she had filed by the chairman of the Senate Finance Committee and chairman of the House Appropriations Committee in 2013—SB. 14 and H.B. 14. As filed, the bills would have impacted cities in three major ways: (1) required cities to include various types of financial information on the actual ballot proposition for a bond election, including the total and per-capita amounts principal and interest required to pay all outstanding debt (including non-tax-supported debt), the principal and interest of the bonds to be authorized, as well as other estimations of interest rates and maturity dates for the bonds to be authorized, among other things; (2) required the preparation of an annual financial report that contains information on each city fund as well as information on the city's debt obligations, and required every city to post the report on its website or Facebook page; and (3) imposed limitations on the issuance of certificates of obligation (COs), such as expanded notice when issuing COs, limitations on how often COs could be issued, and lessening the threshold number of voters needed to petition to force an election on the issuance of a CO from five percent of the qualified voters of the city to five percent of the total number of voters that voted in the most recent gubernatorial general election in the city.

Conventional wisdom dictated that comprehensive bills on local debt sponsored by arguably the two most powerful committee chairmen in the House and Senate, and being pushed as a number one priority by the comptroller stood a pretty good chance of passing. The League testified against the bills in committee, but also worked to make beneficial changes to the bills with the sponsors and other interested groups as the bills progressed through the process. By the end of the session, the above provisions of the bills had been modified significantly: A more appropriate amount of financial information would be included in the bond election order only (not on the actual ballot), annual reporting requirements were lessened, and many of the limitations on issuance of COs were lifted. By the time H.B. 14 by Chairman Pitts arrived on the House floor, the League no longer actively opposed the legislation, although the League was also not supportive of it.

Just as debate began on H.B. 14 on the House floor, a point of order was raised against the bill and sustained, effectively killing the bill. The focus then shifted to S.B. 14, Chairman Williams' companion bill to H.B. 14. The bill was overwhelmingly approved by the Senate on a 29-1 vote. S.B. 14 made it all the way to the House floor with only a few days left in the regular session, where it met the same fate as H.B. 14 and was killed on a point of order.

A number of other city-debt related bills were filed in 2013, many of them containing individual components of the omnibus local debt bills, H.B. 14 and S.B. 14. The only bill regarding city debt issuance that passed, S.B. 637 by Paxton, contained some similar

provisions regarding bond election notice as the two more comprehensive bills. As passed, S.B. 637 requires cities to include various types of information in the election order for a debt election, including information on the debt being issued, total outstanding tax-supported debt, tax rates resulting from the debt issuance, and more. In addition, the election order must be posted in each polling place, on the city's website, and in three other public places in the city. The League did not oppose S.B. 637, as it represented a preferable alternative to the initial proposal in H.B. and S.B. 14 that would put misleading information in the actual ballot proposition.

H.B. 2176 by Kolkhorst would have placed the same restrictions on city issuance of COs as provided by H.B. and S.B. 14. This bill received a hearing in House Urban Affairs, and despite the League's opposition, was reported favorably from the committee. Fortunately the bill did not make it to the House floor. However, with the passage of S.B. 637, which addressed many of the perceived deficiencies in election notices for debt elections, it seems relatively likely that some legislators will turn their focus to limiting city's ability to issue COs. The primary concern of the former comptroller and some legislators has been that COs do not require an upfront election, but only require an election if the citizens petition for one within 30 days of receiving notice of the issuance. This has led to a focus on COs in recent years, even though the issuance of COs has decreased since 2008, and issuing COs actually can save cities millions in interest costs as compared to a revenue bond.

Not surprisingly, several bills were filed in 2015 that would address local debt. Momentum coalesced around H.B. 1378 by Flynn, a debt reporting bill that was ultimately passed and was signed into law. In addition to requiring every city to complete an annual report containing information about issued and outstanding debt, H.B. 1378 also prohibits a city from issuing a CO for a project that was rejected by the voters at a bond election during the preceding three years. S.B. 310 by Campbell would have added notice requirements and reduced the petition threshold to call elections on COs. The bill was approved by the Senate late in the session but never made it to the floor of the House.

Several bills were filed that would have required varying degrees of additional financial information to be included in any proposition language at a bond election. S.B. 1041 by Bettencourt was the ballot language bill that gained the most traction, getting approved by the Senate and the House Elections Committee before stalling in the House Calendars Committee. One other troubling bill, H.B. 1283 by Simmons, would have only allowed city debt elections to take place on the November uniform election date. The bill was reported from House Elections Committee but did not advance further.

There are a few local debt bills from 2017 that did not pass that are worth mentioning. S.B. 461 by Lucio was the latest attempt at transparency on the ballot proposition to approve a local debt issuance. The bill was approved by the full Senate unanimously but was lost in the shuffle in the House late in the regular session. The League testified against the bill as filed,

though it was ultimately amended in such a way that the League remained neutral on the bill after the initial committee hearing. As amended, S.B. 461 would have required a limited amount of new financial information on the ballot (just an estimated maximum annual increase of taxes that would be imposed on a $100,000 home in the political subdivision, if the local debt proposition were approved). The bill would have required additional information in the election order itself and on a voter information document to be posted at each polling place and on the political subdivision's website. Additionally, the bill would have added language to the notice required when issuing a CO, and expanded the duration of the notice of a CO from 30 to 45 days.

One new approach in 2017 to combat local debt issuances was legislation that provided a debt election was not valid unless a certain percentage of registered voters showed up to vote. The only such bill to receive a committee hearing was S.B. 702 by Huffines. As filed, S.B. 702 would have required turnout of 33 percent of the registered voters of a political subdivision in order for a bond election to take effect. The threshold was amended to 15 percent after the committee hearing. The bill was voted from committee but moved no further. The irony of this new idea is that it comes from legislators who appear to be very concerned with local government spending, yet they are willing to author legislation that could waste taxpayer dollars on invalid elections.

The governor's 2018 property tax reform plan focuses on restricting the issuance of local debt. The governor's proposals include: (1) requiring additional financial information on local bond election ballots; (2) restricting the use of COs to infrastructure projects relating to a natural disaster; and (3) requiring a 2/3rds supermajority vote of the voters to approve the issuance of new local debt, along with establishing minimum turnout requirements for local debt elections. All of these proposals would significantly impact local governments' ability to provide necessary infrastructure and services to deal with a growing population.

The committee should discuss the League's position on a number of aspects of city debt issuance, like requiring extensive financial information on a ballot for an election to approve issuance of a debt, requiring other increased notice and reporting requirements relating to city debt, requiring all debt elections to be held on the November uniform election date, and placing restrictions on the ability to issue a certificate of obligation or other debt instrument that does not require an upfront election.

The 2017 TML Legislative Program provided that the League oppose legislation that would expand election requirements for issuance of any city debt, impose a petition/election procedure where none currently exists, or that would otherwise erode the ability of a city to issue debt in any way.

## MAJOR EVENTS REIMBURSEMENT PROGRAM

Before undergoing a name change and having administration duties shift to the governor's office in 2015, the Major Events Trust Fund was a program administered by the comptroller to offer incentive funding that helps Texas cities and counties host major sporting events and conventions. Eligible events still include, among other things, NCAA Final Four basketball games, the Super Bowl, Academy of Country Music Awards, and national political conventions of the Republican or Democratic National Committees. After a site selection organization receives an application from a city or county and chooses to bring an event to Texas instead of another state, the city or county can apply for funding from the Major Events Trust Fund to offer as an incentive to the organization. The money spent from the Major Events Trust Fund is repaid into the fund in part by cities and counties through incremental sales tax, mixed beverage tax, and/or hotel occupancy tax gains that result from the major event that takes place.

In 2012, the administration of the Major Events Trust Fund by the comptroller garnered some political attention. Specifically, some politicians and other groups had called into question the comptroller's ability to use the fund to pay for certain events, like the Cotton Bowl, that have traditionally been held in Texas. The criticism concerning the use of the fund led Texas Land Commissioner Jerry Patterson to recently request an attorney general's opinion regarding the comptroller's authority to spend Major Event Trust Fund dollars to attract the Formula 1 race to the Austin area after it appeared that the organization sponsoring the event had already settled on bringing the event to central Texas.

Up until that point, the existence and use of the Major Events Trust Fund had been relatively non-controversial. In fact, the legislature adopted a number of bills over the last several legislative sessions that would add events to the list of proper uses of the Major Events Trust Fund without any apparent opposition.

As expected, legislation was filed in 2013 to place some limitations on how the Major Events Trust Fund, as well as the closely-related Events Trust fund, could be utilized. S.B. 1678 by Deuell made several changes to the way the Major Events Trust Fund and Events Trust Fund operate, including adding eligibility, reporting, and disbursement requirements for both funds. S.B. 1678 passed both houses by a significant margin and was signed into law.

In 2015, legislation passed changing the name of the Major Events Trust Fund to the Major Events Reimbursement Fund. In addition S.B. 633 passed, which transferred administration of the Major Events Reimbursement Program and Events Trust Fund (among other funds) to the office of the governor. In addition, S.B. 633 added several events to the list of eligible events for funding from the Major Events Reimbursement Program.

While a small handful of bills were filed in 2017 that would have abolished the Major Events Reimbursement Program, along with the other similar state incentive funding programs, none of them were seriously considered and none received a committee hearing.

The committee may want to adopt a position on the Major Events Reimbursement Program insofar as it affects the ability of cities to utilize the fund to attract major events.

The 2017 TML Legislative Program provided that the League oppose legislation that would limit or eliminate the current flexibility of the Major Events Reimbursement Program as a tool for cities to attract or host major events and conventions.

**Potential Comprehensive Positions**

1. The League will oppose legislation that would impose a revenue cap of any type, including a reduced rollback rate, mandatory tax rate ratification elections, lowered rollback petition requirements, limitations on overall city expenditures, exclusion of the new property adjustment in effective rate and rollback rate calculations, or legislation that lowers the rollback rate and gives a city council the option to re-raise the rollback rate.

2. The League will oppose legislation that would negatively expand appraisal caps but take no position on legislation that would authorize a council-option reduction in the current ten-percent cap on annual appraisal growth.

3. The League will support legislation that would simplify the effective tax rate calculation for notice purposes only, provided the legislation would have no effect on either the underlying effective tax rate and rollback tax rate calculations themselves, or upon the hold harmless exemptions to those rates.

4. Seek introduction and passage of legislation that would renew the expiration date in Chapter 312 of the Tax Code for property tax abatement authority, so long as the legislation does not significantly limit cities' current authority.

5. The League will oppose legislation that would impose new property tax or sales tax exemptions that substantially erode the tax base.

6. The League will support: (1) legislation that would make beneficial amendments to the equity appraisal statute; (2) legislation that would close the "dark store" theory of appraisal loophole; and (3) legislation that would require mandatory disclosure of real estate sales prices.

7. The League will support: (1) legislation that would authorize a council-option property tax exemption of a portion of the appraised value of property damaged by a

disaster; and (2) legislation that would authorize a council-option city homestead exemption expressed as a percentage or flat-dollar amount.

8. The League will oppose: (1) legislation that would alter the city share or the calculation or sourcing of city sales taxes; and (2) legislation that would expand the sales tax base without fully benefitting the city tax base.

9. The League will support legislation that would expand the collection of city sales taxes or the sales tax base, so long as the city tax base fully benefits from the expansion.

10. The League will support legislation that would convert the sales tax reallocation process from a ministerial process into a more formalized administrative process.

11. The League will: (1) take no position on legislation that would broaden the authority of Type A or Type B economic development corporations; and (2) oppose legislation that would limit the authority of Type A or Type B economic development corporations statewide, but take no position on legislation that is regional in scope and that is supported by some cities in that region.

12. The League will oppose legislation that will erode the ability of a city to issue debt.

13. The League will oppose legislation that would limit or eliminate the current flexibility of the Major Events Reimbursement Program as a tool for cities to attract or host major events and conventions.

# REGULATION OF DEVELOPMENT

## ANNEXATION

Up until 2017, Texas granted broad annexation power to all of its home rule cities. According to many national authorities, that power was the primary difference between the flourishing cities of Texas and the declining urban areas in other parts of the nation.

That year, the regular and special sessions turned out to be an all out assault on annexation authority. Ultimately, S.B. 6 (Campbell/Huberty) passed and became effective on December 1, 2017. On final passage in the House, Representative Huberty proclaimed that, "Citizens have rights, cities don't."

With that, municipal annexation as it existed for over a century is over. The bill requires landowner or voter approval of annexations in the state's largest counties (those with 500,000 population or more) and in counties that opt-in to the bill through a petition and election process. Those are called "Tier 2" annexations. Other "Tier 1" annexations are those in the remaining counties and those essentially follow the service plan, notice, and hearing law that was in place before S.B. 6.

Many analysts believe that S.B. 6 is one of the most detrimental pieces of legislation to pass in the last century. With the population in the state's largest counties expanding exponentially, the loss of planning and financial control may bring massive problems to transportation, utilities, and land use planning, as well as financial problems for cities. So, how did we get here?

The modern story began in 1997. Scores of annexation bills were filed, and legislative committees held numerous hearings on these bills in front of raucous, "standing room only" crowds. City officials from all over the state testified before these committees and contacted their legislators on this issue. In the end, all efforts to erode municipal annexation authority were defeated.

The lieutenant governor and the speaker of the house each appointed legislative committees to study this issue during the 1997-98 legislative interim. These committees held hearings throughout the state – again hearing from numerous "annexation reformers" and city officials.

The 1999 legislative session turned out to be the start of major reforms. In December 1998, the chairman of the Senate Intergovernmental Relations Committee filed S.B. 89, a massive rewrite of Texas annexation laws. TML and city officials testified numerous times, offered amendments, and worked to eliminate or modify the more onerous provisions. Although the bill dramatically changed annexation laws, it contained several key provisions that mitigated the more onerous requirements. Most of the major concerns of cities had been addressed.

In every session that followed, bills were filed that would have required a vote of those in the area a city wished to annex. TML, to stave off the assault, commissioned a study of the economic benefits of annexation for cities and the state as a whole. The resulting report, issued by The Perryman Group on April 14, 2003, showed that overly restrictive annexation policies would harm the Texas economy by reducing the gross state product, personal income, sales, employment, and population. The study identified election bills as drastically reducing or eliminating annexations and thus damaging the state's economy. It concluded that the election requirement on annexation would have meant that "the entire character of the Texas economy will be changed in a way which notably limits its capacity to support future growth and prosperity." Restricting annexation would result in a loss of more than $300 billion in gross state product over the next 30 years, according to the report. In addition, the state would lose 1.2 million jobs and 2.3 million in population.

Without annexation authority, the report says, core urban areas would deteriorate, eroding the viability of central cities, diminishing support networks, and imposing future costs on the entire metropolitan region. As a result, prospects for business locations, expansions, and retentions would be negatively affected. Hopefully, the dire consequences in the report won't come to fruition following the 2017 reforms.

Legislators continued to file restrictive legislation. The big news of the 2007 session was a bill that requires a mandatory offer of a development agreement in lieu of annexation for agricultural and other rural land. H.B. 1472 applies to land that is: (1) eligible to be the subject of a development agreement under Subchapter G of Chapter 212 of the Local Government Code; and (2) appraised as agricultural, wildlife management, or timber land. The bill provided that: (1) a city may not annex an area described above unless: (a) the city offers to the landowner a development agreement that would guarantee the continuation of the extraterritorial status of the area and authorize the enforcement of all regulations and planning authority of the city that do not interfere with the use of the area for agriculture, wildlife management, or timber; and (b) the landowner declines to make the agreement; (2) an area adjacent or contiguous to an area that is the subject of a development agreement is considered adjacent or contiguous to the city; (3) a provision of a development agreement that restricts or otherwise limits the annexation of all or part of the area is void if the landowner files any type of subdivision plat or related development document for the area with a governmental entity that has jurisdiction over the area, regardless of how the area is appraised for ad valorem tax purposes; and (4) a development agreement under the bill does not create vested rights. The bill passed, and the non-annexation agreement is still a prerequisite to any annexation.

Annexation reformers often try to frame their arguments in terms of "property rights." In fact, annexation has little to do with property rights, and much more to do with the system of intergovernmental finance in Texas. Under that system, the state relies on cities to provide various services that benefit the local and state economies, but provides virtually no financial assistance to cities to provide those services. Nevertheless, one interim report concluded that

"[i]n practical terms, it can be stated that *municipal governing bodies are not accountable to any higher authority for the actions that they take* when annexing new territory, with the exception of their own citizens at the ballot box at some future point in time."

As with each interim before it, the House Committee on Land and Resource Management issued its interim report in 2015 on the following charge:

> *Examine population growth in Texas cities and the impact the growth has had on housing, available land resources, city centers, businesses, and the state's economy. Evaluate Texas' preparedness to respond to future growth and ensure economic stability. (Joint charge with the House Committee on Urban Affairs) In reviewing this charge, the committee focused on the annexation, zoning, and other regulation of land use to ensure Texas' ability to sustain the population growth and ensure economic stability.*

In an unusual recommendation, the report stated that "the majority of the committee remains silent on recommendations due to the complaints being isolated to certain areas of the state and unintended consequences [of changes based on that]." Another section of the report titled "other recommendations" wasn't entirely clear, but appeared to require a vote prior to annexation, and to erode municipal authority in the ETJ.

Specifically, "a majority vote from the citizens of an ETJ area must take place to decide annexation between the ETJ and city. The area must be as wide as it is away from the current city limits, unless it is an ETJ within city limits. Prior to annexing outside the existing city limits, cities must annex areas within city limits that may not be already a part of the city." In addition, the report stated that "ETJ's need to be reduced to ½ mile for all cities. Currently larger cities have a massive advantage over smaller cities that are having their growth stifled. This measure would only apply if a vote of the citizens of the 'to be' annexed area is not required."

Legislation to limit municipal authority in this area was a certainty in 2015, and it came in the form of H.B. 2221 by Representative Dan Huberty (R – Kingwood). The bill would have done many things, but the most harmful provisions in the bill would have required strict voter approval of an annexation of an area with more than 200 residents. (Under the bill, other annexations required a vote if triggered by a petition.)

League staff, along with several city officials, testified against the bill in the House Land and Resource Management Committee. In spite of that testimony, it was voted out of committee. According to Representative Huberty's staff:

> Back in the 1990's Kingwood was forcefully annexed by the City of Houston…No one living in Kingwood wanted to be annexed at all, but they had no choice in the matter. To this day, the people of Kingwood still despise the relationship that they have with the City of Houston. My boss was in Kingwood throughout the annexation process and

saw how invasive the annexation was to his community. This bill is an attempt to ensure that this does not happen to any other group of property owners.

Legislation was passed more than a decade ago to address the complaints of the residents of Kingwood. That legislation, Senate Bill 89 in 1999, was a hard-fought compromise that ensures appropriate services to highly-populated areas. But it didn't require an election prior to a city annexing. Still, an election requirement wasn't put in place because key legislators understood that cities support the state's economy through the services they provide.

Texas ranks very low (45th) among the states in total per capita tax burden. Telling, however, is the fact that it ranks much higher (27th) in local taxes per capita. The reason is that, compared to those in other states, Texas cities and other local governments pay for more services that benefit the entire state, and unlike other states, Texas cities receive little state-generated revenue.

When annexation authority for cities in the largest counties was severely curtailed, Texas became the only state in the nation that denies both state financial assistance and annexation authority to its cities. Opponents of annexation cannot point to a single state that has restricted annexation authority without implementing fiscal assistance programs under which the state helps cities pay for the infrastructure on which the entire state depends. If San Antonio, for example, had the same boundaries it had in 1945, it would contain more poverty and unemployment than Newark, New Jersey. The failure to annex prosperous, surrounding areas was partially responsible for the unprecedented bankruptcy of Detroit. With a popular vote requirement, Texas cities may – over time – languish economically as so many northern cities do.

The House Land and Resource Management Committee was issued the following 2016 interim charge:

> *Examine current regulatory authority available to municipalities in their extraterritorial jurisdiction. Study current annexation policies in Texas. Make necessary legislative recommendations to ensure a proper balance between development, municipal regulations, and the needs of citizens in Texas.*

And the Senate Intergovernmental Relations Committee was given a similar charge:

> *Identify areas of concern in regards to statutory extraterritorial jurisdiction expansion and the processes used by municipalities for annexation, specifically reviewing whether existing statutes strike the appropriate balance between safeguarding private property rights and encouraging orderly growth and economic development. Make recommendations for legislative action, if necessary.*

On the heels of those charges, Senate Bill 6 passed and became effective on December 1, 2017. The bill requires an election in the area to be annexed (and the entire city if a petition is filed, in Travis, Tarrant, Harris, Fort Bend, El Paso, Denton, Dallas, Collin, Bexar, Henderson, and any

other County that has Opted into Tier 2 by Election. At least four smaller counties have petitions pending. The county-wide election in those counties must be called if more than ten percent of the registered voters submit the petition to the county commissioners' court.

For the 2018 interim, the Senate Intergovernmental Relations Committee has been given the following charge:

**ETJ Limitations and Notice:** Review the existing regulatory authority granted to home-rule municipalities within the extraterritorial jurisdiction (ETJ), including practices used by cities to expand ETJ boundaries, and whether proper notification is provided to property owners added to a city's ETJ following an annexation proceeding. Determine the limitations that need to be placed on a city's authority within the ETJ to better protect the private property rights of individuals and landowners, and ways to notify individuals of the impact of being within a city's ETJ. Develop a statewide rule and minimum requirements for such notifications.

Committee staff has told the League that the charge actually relates to annexation, and that it could be used as a backstop for bills that would "undo" annexations by cities during the period starting with the passage of S.B. 6 in August 2017 and the bill's effective date of December 1, 2017. Moreover, the charge may result in legislation that would allow any person to disannex their property from a city.

The current legislature lost sight of the reasons behind annexation. In the process, it may deal a punishing blow to Texas. In a state that adds 1,400 people each day to its population, S.B. 6 will curtail the ability of cities to manage that incredible growth. That being said, city officials in Texas are resilient and hopefully will find innovative ways to keep the Texas miracle alive. The 2017 TML Legislative Program provided that the League oppose legislation that would erode municipal annexation authority.

## EMINENT DOMAIN

### Background

Cities and other governmental entities must acquire land for a variety of reasons. If a city is unable to negotiate with a property owner for property acquisition, the city may condemn the property through the process of eminent domain. The city must strictly follow legal procedures. The city must make a determination of public use (but, see discussion of limitations on eminent domain for economic development purposes, below), and it must engage in good faith negotiations with the property owner to acquire the property. If negotiations fail, the city must file, in court, a petition for condemnation. The court then appoints three special commissioners.

The commissioners hold a hearing, during which the city and other parties appear and present evidence as to the compensation to be paid. The commissioners make a written determination of

the compensation to be paid. If the award is less than what was offered by the city, then the property owner pays all costs. If the award is more than what was offered by the city, the city pays all costs. The commissioners must determine the market value of the property at the time of the hearing. If only a portion of the tract is being condemned, the effect on the remaining property is included in the compensation. If a party is dissatisfied with the award, objections must be filed with the court. If objections are filed, the award is appealed and a new trial is conducted by a court in a judicial proceeding.

Modern eminent domain reform came after a handful of highly-publicized condemnations, followed later by the *Kelo* case, grabbed the attention of the legislature. In these condemnations, cities condemned property to sell to private businesses for economic development. An article in the March 12, 2004, edition of the *Dallas Business Journal* stated that:

> *When tax-hungry public officials in Texas team up with land-hungry private developers, innocent home and business owners standing in the way are likely to get mugged city hall style. Once the city declares them public outcasts, their land is forcibly purchased at a price the government deems "fair" and then passed to a developer whose plans for the property will boost tax revenue.*

Under current law, before a city condemns property, the city council must determine that the condemnation serves a public use. The council's decision has always been subject to judicial review, and local officials have always maintained that deciding what constitutes a public use should be done by the city council, the elected officials closest to the people, rather than by the state. TML knew that condemnations for economic development would eventually result in legislation designed to curtail that authority. Nothing of interest happened during the 2005 regular session, but the following special sessions – and every session since – led to a firestorm of controversy regarding the issue. The following sections discuss different parts of eminent domain reform.

### *Kelo*: Eminent Domain for "Economic Development Purposes"

On June 23, 2005, the United States Supreme Court issued its opinion in *Kelo v. City of New London, Connecticut.* Under that opinion, the decision to use eminent domain authority for economic development was left to local officials, and those officials were authorized to determine whether using that authority serves a "public use."

Many newspaper reports led readers to believe that cities would use this "new" authority to "seize" property, "bulldoze" homes, and "grab" everything that stands in the way of increased tax revenue. News articles and popular banter regarding the case usually painted a picture of a little old woman's home being bulldozed to make way for a huge corporation's project. In reality, the *Kelo* case was about community leaders trying to save the economic viability of their city and its residents.

But in no time at all, numerous Texas legislators spoke out in favor of amending the Texas Constitution to prohibit condemnation for "economic development" purposes. Several lawmakers filed proposed constitutional amendments to do just that. Some of this legislation was dangerously broad and would have applied to political subdivisions, *but not to the state.*

In the end, a 2005 compromise bill (S.B. 7) became the first vehicle for restricting eminent domain for economic development. That bill, which passed during the second special session, restricts the use of eminent domain authority as follows:

1. Provides that neither a governmental nor private entity may take private property through the use of eminent domain if the taking: (a) confers a private benefit on a particular private party; (b) is for a public use that is merely a pretext to confer a private benefit on a particular private party; or (c) is for economic development purposes, unless the economic development is a secondary purpose resulting from community development or municipal urban renewal activities to eliminate an existing affirmative harm to society from slum or blighted areas.

2. Establishes numerous exceptions to the prohibitions listed in number 1 above, including: (a) transportation projects, including but not limited to railroads, airports, or public roads or highways; (b) ports, navigation districts, and certain conservation and reclamation districts; (c) water supply, wastewater, flood control, and drainage projects; (d) public buildings, hospitals, and parks; (e) the provision of utility services; (f) certain sports and community venue projects; (g) the operations of certain common carriers and energy transporters; (h) waste disposal projects; or (i) libraries, museums, and related infrastructure.

3. Provides that the determination by a governmental or private entity that a taking is not for a purpose listed in number 1 above does not create a presumption that the determination is valid.

4. Provides that information held by an entity that is not subject to the Public Information Act (PIA) but is authorized to use eminent domain, is subject to the PIA.

**Process Reform**

A 2006 interim legislative committee ultimately concluded that "Senate Bill 7 provided a good beginning for eminent domain reform in Texas. The diligent work of interim committee members and other parties has provided a solid foundation for comprehensive eminent domain legislation in the 80th Legislature."

Based on that conclusion, more than twenty bills and joint resolutions (proposing constitutional amendments) were filed that would have made numerous changes to eminent domain were filed. The bill that ultimately became the omnibus eminent domain bill for the 2007 session was H.B.

2006. That bill, which was vetoed by the governor, would have made numerous changes to eminent domain laws.

Governor Perry vetoed H.B. 2006 because he claimed it would have cost the state and certain counties up to $1 billion for future highway projects. The governor's veto message stated that "[i]t is important to balance the rights of Texas landowners whose land is acquired through eminent domain against the needs of the greater taxpaying public. In essence, the state and local government would be over-paying to acquire land through eminent domain in order to enrich a finite number of condemnation lawyers at the expense of Texas taxpayers."

In 2009, the legislature passed a constitutional amendment that attempted to define "public use." In a strange political compromise, the law essentially combined language from House and Senate versions to come up with an odd amalgamation of a definition. As approved by the voters in November of 2009, H.J.R. 14 provides that no person's property shall be taken, damaged, or destroyed for or applied to a "public use" without adequate compensation being made, unless by the consent of such person, and only if the taking, damage, or destruction is necessary for: (1) the ownership, use, and enjoyment of the property, notwithstanding an incidental use, by the state, a political subdivision of the state, or the public at large or an entity granted the power of eminent domain under law; or (2) the elimination of urban blight on a particular parcel of property. The resolution also provides that a "public use" does not include the taking of property for transfer to a private entity for the primary purpose of economic development or the enhancement of tax revenues, and that on or after January 1, 2010, the legislature may enact a law granting the power of eminent domain to an entity only with a two-thirds vote of all members elected to each house.

In 2011, the legislature ultimately passed a significant "process reform" bill in the form of S.B. 18. Many thought process reform was done at this point. Not true.

In 2015, and continuing into the 2016 interim, legislators seemed to be most focused on the amount of money a property owner receives when the government, a pipeline company, a railroad, or a utility acquires property. One idea received the most attention. It came in the form of H.B. 3339 (Burkett), H.B. 3065 (Fallon), and S.B. 474 (Kolkhorst), which would have provided that, if the amount of damages awarded by the special commissioners is at least 10 percent greater than the amount the condemnor offered to pay before the proceedings began or if the commissioners' award is appealed and a court awards damages in an amount that is at least 10 percent greater than the amount the condemnor offered to pay before the proceedings began, the condemnor shall pay: (1) all costs; and (2) any reasonable attorney's fees and other professional fees incurred by the property owner in connection with the eminent domain proceeding.

Those bills did not pass, but the Senate State Affairs Committee was charged to study the issue during the 2016 interim. At a March hearing, the committee considered the following charge:

*Gather and review data on the compensation provided to private property owners for property purchased or taken by entities with eminent domain authority. Examine the variance, if any, between the offers and the fair market values of properties taken through eminent domain. Make recommendations to ensure property owners are fairly compensated.*

Invited witnesses included representatives from the Texas Department of Transportation, Texas Farm Bureau, electric utilities, gas pipelines, and various landowner groups. Testimony focused on the amount landowners receive when their land is taken using eminent domain. As one would expect, landowners testified that awards should be higher, and condemning entities testified that the process is working as it should.

The main idea discussed by reformers is that a condemnor, including a city, should pay the landowner's attorney fees and costs if the final award is some percentage greater than the initial offer. (This is what the 2015 proposed bills mentioned above would have required.)

Those familiar with eminent domain practice know that to be a difficult change for cities. A city's initial offer is – by law – based upon an appraisal obtained by the city. The fair market value and final award are then determined by negotiating or submitting the issue to a special commissioners hearing. The fact that a city "negotiates up" to avoid litigation doesn't necessarily mean that its initial offer was "lowballed."

League staff was also asked to testify, and pointed out that – according to recent U.S. Census numbers – the more than 1,300 people per day who moved to Texas in 2014-2015 didn't move to rural areas. They moved to cities. And that movement means that cities will need to judiciously use eminent domain for streets, utilities, and other vital public infrastructure.

City officials absolutely want the process to be fair, but they also can't allow it to become so expensive as to be useless.

A coalition of reformers (including the Farm Bureau and the Texas and Southwestern Cattle Raisers Association) continues to press hard for more compensation to landowners. A number of bills that would further reform the use of eminent domain were filed in 2017, and both the House Committee on Land and Resource Management and the Senate State Affairs Committee have held hearings on most of the bills.

The League is currently part of a coalition of entities with eminent domain authority called the Coalition for Critical Infrastructure (CCI). CCI and its many members worked diligently with bill authors and landowner groups to provide more transparency in the process and appropriate compensation to landowners. However, nothing passed.

It seems possible that, through continuing negotiations, a workable solution can be negotiated that is better for landowners and meets the infrastructure needs of our growing state. The 2017

TML Legislative Program provided that the League oppose legislation that would further erode a city's ability to condemn property for a public use.

## ZONING/RELIGIOUS LAND USE/REGULATORY TAKINGS

Zoning is the division of a city into districts that permit specific land uses, such as residential, commercial, industrial, or agricultural. Zoning authority empowers a city to protect residential neighborhoods, promote economic development, and restrict hazardous land uses to appropriate areas of the city. It is designed to lessen street congestion; promote safety from fires and other dangers; promote health; provide adequate light and air; prevent overcrowding of land; and facilitate the provision of adequate transportation, utilities, schools, parks, and other public facilities.

Chapter 211 of the Texas Local Government Code contains many procedural requirements that must be followed when a city zones property, including strict notice and hearing provisions. The requirements ensure that city and neighborhood residents have a strong voice anytime a zoning change is considered. In addition, Chapter 211 provides for the creation of a planning and zoning commission to make recommendations on the adoption of the original regulations, as well as to hear proposed amendments. Also, a board of adjustment may be appointed to hear requests for variances from the regulations.

Zoning authority is often demanded by the residents of cities. Citizens, acting through neighborhood and preservation groups, generally support it wholeheartedly. In essence, zoning grants a city the authority to prohibit detrimental uses and to promote beneficial uses. For example, zoning authority allows a city to prohibit lead-smelting plants or junkyards from being located in or near residential areas, thereby protecting quality of life and property values for residents. Without zoning authority, the property values in a city would almost certainly drop.

As with all issues that affect the residents of a city, the power to zone is best exercised by the level of government that is closest to the people. For example, most would agree that a person from a small town in the Panhandle cannot possibly know what type of zoning is best for a large coastal city. Despite this fact, the legislature has considered bills over the past several sessions that would have overturned the zoning decisions of individual cities.

In recent years, a handful of cities – in response to "tear-down" development in established neighborhoods – have enacted ordinances to restrict the size and shape of new homes in certain areas of the city. The ordinances are enacted to preserve the character of existing communities. These ordinances are commonly referred to as "McMansion ordinances." In response to the ordinances, lawmakers in 2007 debated two bills that would have essentially overruled the ordinances. H.B. 1732 and H.B. 1736 would have limited the ability of a city to preserve the character of existing communities through McMansion ordinances. Neither bill passed, but each was designed to undermine local planning.

In another (almost unbelievable) situation in 2007, a state representative from the Houston area filed a bill to force a central Texas city to rezone a specific parcel of property. The city had rejected the rezoning application of a prominent developer. The bill was left pending in committee. Similar bills (e.g., H.B. 3397 in 2009) were filed in subsequent sessions, but nothing passed. Another detrimental bill, considered in 2009 (H.B. 4144), would have provided, among many other things, that a landowner may petition the *county commissioners court* to overturn a city's zoning decisions. A similar bill, H.B. 3513, was introduced in 2013. And the issue was back in 2015 with H.B. 3701 (Guillen).

For the 2014 interim, the House Land and Resource Management Committee received the following interim charges that could produce detrimental recommendations:

- *Study current regulatory authority available to municipalities in their extraterritorial jurisdiction. Examine how citizens are involved in the zoning process, and make necessary recommendations to ensure a proper balance between development activities, municipal regulations, and the effect zoning decisions have on Texas citizens.*

The committee's interim report concluded that:

> Zoning exists to support development and to ensure compatible uses occur in proximity to one another. Zoning does not exist to deny altogether the ability of a landowner to develop his or her property. Unfortunately, the committee finds a handful of city councils have misused the zoning and comprehensive planning processes to stymie development by imposing on a particular area or specific tracts uses which are not attainable under real-world marketplace conditions, even in the long-term. This misuse of powers has imposed uncompensated burdens and financial hardships on private landowners for the sake of preserving theoretical long-term future public benefits. In the worst instances, these cities use the requirement set forth in Section 211.004(a) in combination with an unrealistic and aspirational comprehensive plan to create a "planning trap" that makes near-term development impossible and can force a private landowner to hold his or her land in an undeveloped state for years.

Based on that conclusion, H.B. 3701 (the legislation discussed above that would give zoning authority to county commissioner appointees) was filed and heard, but never made it out of committee.

Zoning authority has frequently come under attack in the legislature, and bills like those described above strike at the very heart of local land use decisions. In addition, with 2016 interim committees considering charges that could produce recommendations related to municipal land use authority, detrimental legislation was almost certain to be filed in 2017.

Municipal zoning ordinances sometimes provide for a change in zoning classification under certain circumstances. "Downzoning" occurs when the change in classification results in a more

restricted use of the property. For example, changing a zoning classification from "industrial" to "commercial" is a downzoning. Under this situation, the landowner may have had the ability to build a manufacturing plant under "industrial," but that would not be allowed under "commercial." Many cities have downzoned in areas where the zoning classifications were old and outdated, and the change was made to address the current character of the property and the surrounding area.

The Texas Supreme Court has held that downzoning does not usually require that a city pay compensation to a landowner. On March 5, 2004, the Court issued its opinion in *City of Glenn Heights v. Sheffield Development Co., Inc.* The decision upholds a city's authority to impose reasonable zoning changes. The Court also found that no compensation is required because the downzoning in that case (smaller to larger residential lots) did not deny the developer all economically beneficial use of his land, nor did it impose a great economic impact on the developer. However, the court said, determining whether a regulation goes too far in any particular case is a question of fact that requires a balancing of the rights of the public and the rights of a private landowner.

While the *Glenn Heights* decision provides philosophical support for defending against downzoning legislation, the legislature can always overrule the case by statute. Even though bills have been filed to directly prohibit downzoning, some legislators continue to attempt to "back door" the issue of downzoning through a "regulatory takings bill (discussed below)."

One other component of the zoning issue relates to religious land uses. Most cities allow churches in most, if not all, zoning districts. If a city does not, it is usually for safety reasons. For example, it might be inappropriate to site a church in a heavy industrial district. In addition, most cities impose the same reasonable health and safety restrictions on churches that they impose on other property owners. For example, cities require churches to comply with subdivision ordinances and building codes.

In recent years, some religious organizations have claimed that cities are discriminating against them by enforcing zoning, subdivision, and building code requirements, even though these requirements are applied uniformly to all property owners.

The Texas Religious Freedom Act and the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) provide that a governmental entity may not substantially burden a person's free exercise of religion through any exercise of governmental authority (the Texas Act) or implementation of a land use regulation (RLUIPA) unless the government demonstrates that the burden furthers a compelling governmental interest and is the least restrictive means of furthering that interest. These Acts provide a method of redress for religious organizations that claim discrimination. For example, in the case of *Castle Hills First Baptist Church v. City of Castle Hills,* a federal trial judge ruled that the city is authorized to prohibit the major expansion of a church's parking lot. However, in the same decision, the judge ruled that the city's denial of

the church's request for a specific use permit to use a fourth-floor storage area for a classroom is an impermissible burden on the free exercise of religion.

In 2009, the legislature considered a constitutional amendment that would have amended the Texas Constitution to provide that the right to act or refuse to act in a manner that is substantially motivated by a sincerely held religious belief may not be substantially burdened unless the government proves it has a compelling governmental interest in infringing on the specific act or refusal to act and has used the least restrictive means in furthering that interest. (Note: this bill could substantially impact city zoning and other authority.) The bill didn't get a hearing, and most of the activity in this area has been in the federal courts area.

Many attempts, in 2011-2017, followed. None have been successful. The resolutions seemed deceptively simple, but would overturn decades of judicial precedent relating to the right to practice religion. How? By removing one word: "substantially." The current-law judicial test for determining whether a government practice relating to religion is unconstitutional requires a "substantial burden" on a person's ability to practice his or her religion. Under that test, uniform and generally-applicable regulations won't usually be found unconstitutional. For example, a municipal requirement that a place of worship obtain a building permit and comply with uniform building codes won't be unconstitutional, because it is not a substantial burden on a person's ability to build a worship facility. By removing "substantially," the resolutions would have struck down any ordinance that "burdens" religion by even a small amount.

Further, the resolutions would have opened the floodgates for lawsuits seeking protection for every kind of bizarre religious practice imaginable. Attempts to enforce animal cruelty laws, child protection laws, health regulations, or public nuisance ordinances against alleged "religious practices" would bring needless litigation.

In 2017, bills were back in the form of H.B. 2779 (Schaefer); H.B. 3671 (Oliverson) H.B. 3959 (Frank); among others. The League is obviously not opposed to religious freedom, but the bills that have been filed would go too far and lead to numerous unintended consequences.

The regulatory takings issue was first debated in 1995, and returned in 2005 when the legislature debated two bills that would have been devastating to most cities. H.B. 2833 and its companion, S.B. 1647, were known as the "takings" bills, and they would have subjected cities to the Texas Private Real Property Rights Preservation Act (Act).

The Act, first adopted in 1995, ensures that the state and certain political subdivisions (excluding cities) consider whether a proposed regulation might be a "taking" of private real property. The Act is designed to protect rural property owners from unnecessary governmental actions.

The Act defines a "taking" as an action that would reduce the value of a property by more than 25 percent. That definition is drastically different from both the Texas and United States

Supreme Courts' definition of a "taking" as applied to cities. Those courts apply a more reasonably balancing test to weight regulatory benefits between the public and property owner.

Put simply, the Act is known as a "pay or waive" law. That means that a city would have three choices when presented with a claim from a landowner: (1) pay the alleged damages; (2) waive the regulations; or (3) litigate the claim. Disastrous experiments in other states with similar laws have shown that cities can't afford to litigate or pay the sometimes bogus claims, and thus waive their regulations.

Cities are exempt from the law as a matter of public policy. People move to cities with the expectation that their property will be protected for the good of the city as a whole. Because of that expectation, cities regulate private real property in many ways, such as by zoning and platting; by regulating nuisances, sexually oriented businesses, setbacks, and landscaping requirements; and by adopting building codes.

Nevertheless, bills have been filed in every session since 2009 to subject cities to the Act. Throughout the process, various organizations attempted to frame the bill as a rural property rights issue. They claimed that cities and other governmental entities are destroying their rural way of life. In fact, several landowners who spoke in favor of the bill at the committee hearing said they merely wanted to preserve their "beautiful land in the Texas hill country." By definition, a city does not regulate "rural" land.

The same commenter also stated that Texans have the right of "owning and enjoying private property." City officials undoubtedly agree with that statement. However, no reasonable person believes that any Texan has the right to develop property in a way that is detrimental to fellow city residents. That would be more akin to the right of "owning *and developing* private property *any way you want, no matter the effects on others.*"

As the Texas Supreme Court has stated: "the takings clause…does not charge the government with guaranteeing the profitability of every piece of land subject to its authority. Purchasing and developing real estate carries with it certain financial risks, and it is not the government's duty to underwrite this risk."

Certain groups tried to frame this bill as protecting rural residents. Quite the contrary, this bill strikes at the very reason cities are incorporated in the first place: *to protect the property values and the health and safety of those living in close proximity to one another.*

The regulatory takings issue will almost certainly be back in 2019. The committee should take a position regarding "takings" legislation. The 2017 TML Legislative Program provided that the League oppose legislation that would: (1) erode municipal zoning authority; restrict cities' ability to adopt or amend zoning regulations, or vest or otherwise create a property right in a zoning classification; (3) further erode a city's ability to regulate religious or charitable organizations;

and (4) establish a standard or process for determining economic loss and related compensation resulting from a regulatory action.

## PERMIT VESTING

In 1987, the legislature enacted a statute that governed the application of state and local permits. The law generally required that approval or disapproval of a permit for a project be based on the requirements that were in effect when the original permit application was filed. Also, if a series of permits had to be filed for a project, the applicable requirements would be those in effect when the first permit application was filed. This "freeze" in regulations is known as "permit vesting."

This statute was inadvertently repealed during the 1997 session. In 1999, the legislature enacted H.B. 1704, a bill that essentially re-enacted the repealed statute. This bill also voided any action taken by political subdivisions that caused or required the expiration of a project or permit during the two years the statute was not in effect. The permit vesting statute is now codified in Chapter 245 of the Texas Local Government Code. It does *not* apply to state government.

Chapter 245 generally provides that a developer vests in the regulations in place at the time a permit application is filed. In the 2011 case of *City of Austin v. Harper Park Two,* the Texas Supreme Court rejected an appeal from a harmful court of appeals ruling. In the case, a developer filed a plat more than 20 years ago. The plat, for an office project, certainly vests development regulations in place at that time as to that project. However, the court of appeals held that the submission by the developer of his intent to begin an entirely new project did not remove vested status as to the new project.

In 2012, the attorney general concluded in Opinion No. GA-0980 that the City of Austin's permit vesting ordinance conflicted with chapter 245 of the Local Government Code. In addition, the City of San Antonio also "lost" a lawsuit relating to its so-called "fair notice" ordinance interpreting certain provisions of chapter 245.

In 2013, an Austin legislator filed a number of bills aimed at] gutting the permit vesting law, none of which passed. In 2015, the same legislator filed similar bills. Again, none passed.

In 2017, the Texas governor's plan to abolish home rule city authority took a step forward in the form of H.B. 3787 by Cecil Bell (R – Magnolia). The bill, which was voted out of the House Committee on Land and Resource Management, would provide that a city may not enforce an ordinance related to land use or business regulation if the ordinance was not in effect on the date the property owner acquired title to the property. This is often referred to as super-vesting.

The bill is certainly in line with the governor's recent comments. "It would be far simpler and frankly easier for those of you who have to run your lives and businesses on a daily basis if the

state of Texas adopted an overriding policy and that is to create certain standards that must be met before which local municipalities or counties can establish new regulations," he said. He characterized his proposal as a "broad-based ban on regulations at the local level..."

House Bill 3787 is permit vesting on steroids (the current permit vesting law is triggered at the time of a permit application, rather than land purchase). Its passage would mean that a city couldn't even protect neighbors from a sexually oriented business or a pig farm being put right next door to their home. It's a bad idea any way you slice it.

Another permit vesting bill, H.B. 898 by Paul Workman (R – Austin), would also be detrimental to cities. That bill would provide, among other things, that a political subdivision that has been found by a court to have violated the permit vesting statute is liable for actual damages, reasonable attorney's fees, administrative and court costs, and the applicant's portion of the cost of any mediation that did not result in an agreement.

Both ideas, in the form of 1H.B. 188 and 1H.B. 164, were filed in the 2017 special session. Neither bill passed. Given the recent activity in the area of permit vesting, it is highly likely that bills will be filed in 2019. The 2017 TML Legislative Program provided that the League oppose legislation that would enact adverse amendments to the permit vesting statute (Chapter 245 of the Local Government Code).

## BUILDING CODES/PERMIT FEES

Uniform building codes can make construction and inspection easier and more cost-effective. However, because Texas is a vast state with many different climates and topographical features, the TML membership usually insists that each city be allowed to amend any mandatory codes to meet that city's needs.

Prior to 2001, Texas had no statewide standard for any residential or commercial buildings. Each city chose which, if any, building codes to apply within the city, and each city amended its code to meet local concerns. The most common codes were the Uniform Building Code and the Southern Standard Building Code.

In 2001, at the behest of homebuilders, the Texas Legislature adopted S.B. 365, now codified as Section 214.211 *et seq.* of the Texas Local Government Code. S.B. 365 adopted the International Residential Code (IRC) and the National Electrical Code as the standard building codes for residential construction in Texas cities starting January 1, 2002. Under the statutes, cities are authorized to make amendments to these codes to meet local concerns.

Also in 2001, the legislature adopted S.B. 5, which is now codified as Section 388.003 of the Texas Health and Safety Code. S.B. 5 adopted the Energy Efficiency Chapter of the IRC for single-family residential construction and the International Energy Conservation Code (IECC)

for all other residential, commercial, and industrial construction. The bill became effective on September 1, 2001, and cities were required to establish procedures for the administration and enforcement of the codes by September 1, 2001. Here again, cities are authorized to make amendments to the codes to meet local concerns in most cases, even after comprehensive amendments in 2015.

S.B. 283, passed in 2003, requires any city that adopts a building code other than the International Residential Code to adopt and enforce either prescriptive provisions for the rehabilitation of buildings or the rehabilitation code that accompanies the city's building code. The bill is codified as Section 214.215 et seq. of the Local Government Code.

Prior to 2005, no standard building code existed for new commercial construction, other than the applicable IECC provisions. Many cities still used the Uniform Building Code or the International Building Code for commercial construction, while others had adopted the newly-developed International Building Code.

In early 2004, the TML staff was approached by a group that wanted cities to be required to adopt the International Building Code for all non-residential construction. The group consisted of the state and national architects associations and representatives from the Texas Apartment Association and the Greater Houston Builders Association. The president of the Building Officials Association of Texas (BOAT), a TML affiliate organization, also participated in the discussions. Based on information discussed at several stakeholder meetings, the BOAT Board of Directors supported the adoption of the new building code, so long as cities were free to make amendments to the code to meet local concerns. After much discussion, the League's 2005 legislative program ultimately included the following:

> *Take no position on legislation that would enact a uniform commercial building code, provided that cities may amend the code without limitations.*

In the meantime, the attorney general issued an opinion (GA-0297) that confirmed the authority of cities to make local amendments to the International Residential Code. During the 2005 legislative session, lawmakers filed several bills that would have restricted city authority over amendments. H.B. 1949 would have: (1) adopted the International Building Code as the municipal building code in Texas for commercial and multi-family construction; (2) authorized a city to make amendments to the code; but (3) prohibited a city from adopting an amendment that is less stringent than the code. S.B. 1423 would have: (1) provided that a city may adopt the Uniform Plumbing Code and the Uniform Mechanical Code in conjunction with the International Residential Code if the uniform codes are published in Spanish and English; and (2) prohibited a city from enacting an amendment to the International Residential Code, National Electrical Code, Uniform Plumbing Code, or Uniform Mechanical Code that is less stringent than those codes. The bills did not pass.

Rather, the legislature passed S.B. 1458, which provides that: (1) the International Building Code is adopted as the municipal building code in Texas for commercial and multi-family construction; (2) a city may establish procedures to adopt local amendments to the International Building Code and for the administration and enforcement of the code; (3) a city that has adopted a more stringent commercial building code before January 1, 2006, is not required to repeal that code and may adopt future editions of that code; and (4) the National Electrical Code applies to all commercial buildings in a city for which construction begins on or after January 1, 2006, and to any alteration, remodeling, enlargement, or repair of those commercial buildings.

The only bill related to building code adoption that passed in 2007 was H.B. 3693. The bill made changes to various energy conservation statutes. Of interest to cities, the bill modified the way in which certain energy efficiency provisions were adopted. Specifically, it provided that:

1. If the State Energy Conservation Office (SECO) determines, based on written recommendations from the Energy Systems Laboratory at Texas A&M University, that the energy efficiency provisions of the latest published editions of the International Residential Code or the International Energy Conservation Code for residential or commercial energy efficiency and air quality are equivalent to or more stringent than the provisions of previous editions, SECO by rule may adopt and substitute in the energy code the equivalent or more stringent editions.

2. If SECO adopts the latest published editions of the International Residential Code or the International Energy Conservation Code into the energy code, it shall establish an effective date for the new editions that is not earlier than nine months after the date of adoption.

3. SECO by rule shall establish a procedure for allowing an opportunity for persons, including city officials, who have an interest in the adoption of energy efficiency codes to comment on a code considered for adoption.

In accordance with the legislation, the State Energy Conservation Office (SECO) proposed that, effective January 1, 2012, the energy efficiency provisions of the International Residential Code as they existed on May 1, 2009, are adopted as the energy code in this state for single-family residential construction. SECO has also proposed that effective January 1, 2011, the International Energy Conservation Code as it existed on May 1, 2009, is adopted as the energy code for use in this state for all residential, commercial, and industrial construction that is not single-family residential construction. Neither TML nor BOAT provided comments on the rules because BOAT leadership saw no problems with them. Major changes to the energy provisions came in 2015, and those are discussed below.

The 2009 session brought a bill that, as filed, would have been detrimental to all cities. The bill, S.B. 820, ultimately became a negotiated compromise that all parties could live with. It applies only to a city with a population of more than 100,000, and it provides that on or before the 21st

day before the date the governing body takes action to consider, review, and recommend the adoption of or amendment to a national model code governing the construction, renovation, use, or maintenance of buildings and building systems, the governing body: (1) shall publish notice of the proposed action conspicuously on the city's Internet Web site; (2) shall make a reasonable effort to encourage public comment from persons affected by the proposed adoption or amendment; and (3) on the written request of five or more persons, shall hold a public hearing open to public comment on the proposed adoption or amendment on or before the 14th day before the date the governing body adopts the ordinance. The bill also provides that if the governing body has established an advisory board or substantially similar entity for the purpose of obtaining public comment on the proposed adoption of or amendment to a national model code, the requirements described above do not apply. In addition, the bill provides that the governing body of a city with a population of more than 100,000 that adopts an ordinance or national model code provision that is intended to govern the construction, renovation, use, or maintenance of buildings and building systems in the city shall delay implementing and enforcing the ordinance for at least 30 days after final adoption, unless a delay in implementing or enforcing the ordinance would cause imminent harm to the health or safety of the public.

S.B. 1410 was a bill that passed in 2009 despite strong municipal opposition. The bill makes various changes to the requirements to obtain a state plumbing license. Of interest to cities, the bill provides, among other things, that: (1) notwithstanding any other provision of state law, after January 1, 2009, a city may not require the installation of a fire sprinkler system in a new or existing one- or two-family dwelling; (2) a city may allow a multipurpose residential fire protection sprinkler specialist or other contractor to offer, for a fee, the installation of a fire sprinkler protection system in a new one- or two-family dwelling; and (3) a multipurpose residential fire protection sprinkler specialist may install a sprinkler system in a new or existing one- or two-family dwelling. The City of Tomball requested that the League support changing the prohibition against residential fire sprinklers in 2017 (one bill was filed – H.B. 2814 (Oliverson) – to implement that plan, but did not pass), and has again done so for 2019. (See Appendix 1.)

In 2011, H.B. 1168 was the only building permit-related bill that passed. The bill modifies the law relating to a landlord's duty to install smoke alarms in a rental unit. Of particular interest to cities, the bill provides that, if a dwelling unit was occupied as a residence before September 1, 2011, or a certificate of occupancy was issued for the dwelling unit before that date, a smoke alarm installed in accordance with law may be powered by battery and is not required to be interconnected with other smoke alarms, except that a smoke alarm that is installed to replace a smoke alarm that was in place on the date the dwelling unit was first occupied as a residence must comply with residential building code standards that applied to the dwelling unit on that date.

The larger issue of legislative adoption of the International Building Codes appears to be fairly well-settled. Despite that, legislators still file harmful legislation in this area on specific issues.

S.B. 1995 (2009), which did not pass, would have: (1) provided that the various municipal building codes in current law are updated to the 2008 versions; (2) provided that a building-related code adopted by state statute, including an energy code adopted pursuant to the Texas Clean Air Act, prevails to the extent of any conflict with a city ordinance, including a local amendment to a code; and (3) adopted the International Residential Code and the National Electrical Code as the building codes in the unincorporated areas of certain counties near the Gulf of Mexico.

In 2014, TML staff and BOAT leadership attended a meeting of the Federal Alliance for Safe Homes (FLASH) Texas Collaborative. The FLASH group consists of various parties interested in making the International Codes standard throughout the state, including in the unincorporated areas. Past experience has shown the initiative's chance of success to be very slim.

Also in 2014, the Texas Department of Licensing and Regulation adopted the 2014 version of the National Electrical Code, effective September 1, 2014. The TDLR press release seemed to indicate that its version of the code is what electricians should be following, but the state law is clear that a city can make local amendments.

Proponents of restricting city authority to govern their own affairs relating to building codes kept at it in 2015. That year, S.B. 1679 (Huffines) was proposed, and would have provided that, when a city adopts procedures to adopt amendments to the International Building Code or any other building code, those procedures must include: (1) the preparation of a cost-benefit analysis of each amendment; and (2) two public hearings on each amendment. The bill would also provide that (1) and (2) must be completed prior to any building code or building code amendment being adopted. The bill passed the Senate but died in the House.

The issue of energy efficiency standards arose again in 2015 as well. Comprehensive negotiations between the League, homebuilders, and environmental groups resulted in the passage of H.B. 1736 (Villalba/Fraser). The bill provides that: (1) on September 1, 2016, the energy efficiency chapter of the International Residential Code, as it existed on May 1, 2015, is adopted as the energy code in this state for single-family residential construction; (2) on or after September 1, 2021, the State Energy Conservation Office (SECO) may adopt and substitute for that energy code the latest published edition of the energy efficiency chapter of the International Residential Code (IRC), based on written findings on the stringency of the chapter submitted by the Texas A&M Energy Systems Laboratory; (3) SECO may not adopt an edition of the code more often than once every six years and by rule shall establish an effective date for an adopted edition that is not earlier than nine months after the date of adoption; (4) SECO may adopt and substitute for the International Energy Conservation Code (IECC), which applies to all other residential, commercial, and industrial construction, the latest published edition of the IECC, based on written findings on the stringency of the edition submitted by the laboratory, and SECO by rule shall establish an effective date for an adopted edition that is not earlier than nine months after the date of adoption; (5) SECO by rule shall add a procedure for manufacturers of

building materials and products to have an opportunity to comment on the codes under consideration; (6) an Energy Rating Index Compliance Alternative or subsequent alternative compliance path as described by (7), below, shall be considered in compliance; (7) an Energy Rating Index Compliance Alternative or subsequent alternative compliance path used to measure compliance for single-family residential construction in an optional compliance path of the energy efficiency chapter of the IRC that uses an energy rating index is as follows: (a) for climate zone 2, an energy rating index of: (i) 65 or lower from September 1, 2016, to August 31, 2019; (ii) 63 or lower from September 1, 2019, to August 31, 2022; and (iii) 59 or lower on or after September 1, 2022; (b) for climate zone 3, an energy rating index of: (i) 65 or lower from September 1, 2016, to August 31, 2019; (ii) 63 or lower from September 1, 2019, to August 31, 2022; and (iii) 59 or lower on or after September 1, 2022; and (c) for climate zone 4, an energy rating index of: (i) 69 or lower from September 1, 2016, to August 31, 2019; (ii) 67 or lower from September 1, 2019, to August 31, 2022; and (iii) 63 or lower on or after September 1, 2022; (8) the optional compliance paths in (7), above, expire September 1, 2025; and (9) a city located in a nonattainment area or in an affected county may establish procedures to adopt local amendments to the optional compliance paths in (7), above.

During the 2017 session and 2018 interim, building code restrictions came back with a vengeance. The regular session saw S.B. 636 (Huffines). That bill, which did not pass, would have: (1) lowered the population threshold in current law from 100,000 to 40,000 to invoke certain notice and hearing procedures for changes in a city's building code; and (2) imposed new requirements: (a) that a city publish a detailed cost-benefit analysis of a building code or code amendments; and (b) that would mandate, for an amendment that addresses existing or potential harm to health and safety: (i) scientific evidence supporting the probability or likelihood that the harm has occurred or will occur; and (ii) scientific evidence supporting the probability or likelihood that the amendment will prevent or address the harm. Essentially the same bill was filed during the special session in the form of 1H.B. 88. That bill also did not pass.

A city is not limited by statute as to the amount the city may charge for building and related permits. Fees vary widely based on several factors, including the number and type of inspections and the sophistication of the city's permitting process.

The Texas Association of Builders continues to claim that out-of-control city fees are responsible for the rising costs of housing in Texas. In fact, a survey commissioned by TML shows that building and inspection fees constitute only a tiny fraction of a homebuyer's mortgage payment.

Further, while there is no state statute that limits the amount a city may charge for building fees, court cases have held that cities are prohibited from making a large profit from building permit fees. Under the common-law interpretation of a city's police powers, which include the power to adopt building codes and related fees, a city cannot charge more than is reasonably related or necessary to administer such powers. If a city does so, the fee may be deemed an unconstitutional tax.

Early in the 2008 legislative interim, the Senate Intergovernmental Relations Committee held a hearing on ways to increase affordable housing in Texas. Representatives of the Greater Austin Builders Association and the Texas Builders Association testified that "middle class families are at risk of being priced out of many communities by rising taxes, government fees, and most importantly and most critically, regulations."

In addition, at least one city was sued by a developer who claimed that the city's fees were too high, but the case was ultimately settled. No bills were filed in 2009, but interim hearings in 2010 showed that homebuilders continue to call attention to municipal fees as an alleged barrier to affordable housing.

For the 2012 interim, the Senate Intergovernmental Relations Committee was charged to:

> Analyze ways to better coordinate existing federal, state, and local housing resources to increase access to affordable housing following a disaster that caused the loss of homes. Review best practices for fulfilling emergency short-term housing needs and developing long-term housing opportunities using existing tools, such as land trusts, land banks, and other available incentives. Review housing and development codes, and guidelines for structures in areas prone to natural disasters, and make recommendations on how these structures can be "hardened" to avoid loss. In addition, make recommendations to educate and enable private landowners to use best practices in fire risk mitigation, fuel reduction, and urban forest management to reduce exposure to wildland fires. (A hearing on this charge was held in Dallas on May 3, 2012.)

Nothing of substance related to city fees came out of the committee.

In 2015, S.B. 1679 (Huffines) would have provided that, when a city adopts procedures to adopt amendments to the International Building Code or any other building code, those procedures must include the preparation of a cost-benefit analysis of each amendment; and (2) two public hearings on each amendment. The bill did not pass, but it shows that developers are still concerned with city building permit fees.

For the 2018 interim, the Senate Intergovernmental Relations Committee met in Pharr to discuss the following charge:

*Examine issues that impact housing affordability, including the effect of local government taxes, fees, and mandates. Evaluate the cost of purchasing a single-family residence in different parts of the state, factoring in the impact of local rules and regulations, to identify matters of policy with the greatest influence, and identify ways to increase transparency and awareness prior to the adoption of costly local ordinances or orders.*

The use of the term "housing affordability," rather than "affordable housing," led to some confusion as to what input the committee sought from city officials. The mayors of McAllen,

Pharr, and Harlingen all testified to the various affordable housing programs they administer. But they also spoke to "the impact of local rules and regulations" on the cost of housing generally.

Some committee members seemed to allege that city property taxes, fees, and land use guidelines are a significant driver of housing costs in Texas. The city witnesses debunked that claim, focusing on the population influx and its effects on pricing. The key request from city officials is that the legislature "do no harm" to cities by imposing one-size-fits all legislation.

The Texas Association of Builders (as opposed to their testimony in previous sessions), and League staff, testified that reasonable building guidelines make sense because an "affordable" home that isn't built to code is of no benefit to anyone.

The 2017 TML Legislative Program provided that the League would: (1) oppose legislation that would erode a city's ability to make amendments to model building codes; (2) support legislation that would authorize a city council to opt-in to requiring residential fire sprinklers in newly constructed single-family dwellings; and (3) oppose legislation that would further restrict a city's ability to impose building permit fees.

## TREE PRESERVATION

Many Texas cities have enacted tree preservation ordinances. In fact, the City of San Antonio was sued regarding its requirements in the extraterritorial jurisdiction and ultimately won its case in 2009.

In 2011, H.B. 1388 and its companion S.B. 732 were filed. The bills would have prohibited a city from regulating the planting, clearing, or harvesting of trees or vegetation or other uses of trees or vegetation on a particular tract of land in the city's extraterritorial jurisdiction.

In addition, S.B. 1741 was filed and would have provided: (1) that, if a city requires as a condition for the approval of a permit that the applicant pay to the city or to a third party a tree mitigation fee, the amount of the tree mitigation fee shall be roughly proportionate to the impacts of the activity on the public; and (2) for procedures to appeal the amount of the fee.

In 2013, the issue came to a head. At a hearing on H.B. 1858 (Workman), a legislator called city officials "crazy and asinine," and called tree preservation ordinances "the biggest scam in the State of Texas."

The bill would have allowed a property owner to cut down a tree on his property if he believes it poses a fire risk, even if a municipal ordinance prohibits the cutting. The author explained that the reason for the bill was the devastation caused by the recent Bastrop wildfires.

Witnesses for the bill showed pictures of homes that were destroyed by fire allegedly because of the trees surrounding them.

While no one wants to see the proliferation of wildfires, no connection whatsoever was made at the hearing between municipal tree preservation ordinances and increased wildfire risk. In fact, the destroyed homes that were shown in the proponent's photos weren't even subject to a municipal tree ordinance.

The bill is an example of a common bait-and-switch tactic at the Capitol. By packaging the measure as "fire mitigation," attention was diverted from the real issue – desired preemption of municipal authority. That became clear at the hearing when a committee member aggressively questioned a mayor who was there to explain why his city adopted a tree preservation ordinance (answer: because the citizens demanded it) and how it works (answer: it in no way creates a fire hazard). In fact, the mayor's city is one of only a handful of cities in the state certified as a "Firewise Community" by the National Fire Protection Association, meaning that the city's fire protection regulations are among the finest. WE HAVE CERTAIN IDEAS ON THIS, AND HAVE REVIEWED THE FIRE PROGRAM

"Cities…think they're smarter than the property owners out in the communities," the committee member said. Perhaps instead it was a case of a state legislator believing his judgment is superior to that of a mayor and five city councilmembers who were elected to represent their citizens locally.

House Bill 1377 (Kolkhorst) was another bill aimed at limiting how cities enforce tree preservation ordinances. It states that a "*landowner owns all trees and timber located on the landowner's land as real property until cut or otherwise removed from the land, unless otherwise provided by a contract, bill of sale, deed, mortgage, deed of trust, or other legally binding document.*"

At first glance, the tree ownership language seems innocuous: all landowners do in fact own their trees. From a legal perspective, though, the language of the bill would radically change common law relating to trees and property value. When H.B. 1377 was heard in the House Committee on March 27, the author explained it as simply codifying the current common (i.e., court cases) law in Texas, but it actually does the opposite.

First, some legal background: for constitutional "regulatory takings" purposes (requiring a city to compensate a landowner, like it does when it uses eminent domain, if a regulation makes property valueless), trees are a factor that can be used to determine the value of land, but value is decided based on the *total market value* of the land. A tree preservation ordinance that prohibits a person from cutting down one or even several trees will not usually rise to the level of a regulatory taking that requires compensation, because it doesn't render property valueless or unreasonably interfere with the use of property.

H.B. 1377 would radically change that. The "ownership provision" would make *each individual tree* subject to a regulatory takings analysis. If the bill passed, it would mean that a prohibition on cutting down a tree works a taking on each tree on the property. This means that a city would either have to pay an owner for the value of each tree affected by the ordinance, or else waive its regulation. Cities can't afford to make those cash payments, of course, and will thus be forced to waive their tree regulations.

The Georgia Supreme Court considered a similar argument from the Greater Atlanta Homebuilders several years ago. The homebuilders lost, and the court sensibly explained why:

> *[T]he Tree Ordinance does not destroy [a developer's] ability to develop its land; it only regulates the way in which new and existing trees must be managed during the development process. [Developers] have failed to show that the Tree Ordinance destroys its ability to develop land... While the Tree Ordinance may impose some additional costs and thus diminish the ultimate value of [developers'] land, "[m]any regulations restrict the use of property, diminish its value or cut off certain property rights, but no compensation for the property owner is required."*

League staff and a number of city officials testified in opposition to H.B. 1377 at the committee hearing.

Ultimately neither bill filed in 2013 passed, but the issue was back in 2015. H.B. 1442 (Workman) would have provided that a city, county, or other political subdivision may not enact or enforce any ordinance, rule, or other regulation that restricts the ability of a property owner to remove a tree or vegetation on the owner's property that the owner believes poses a risk of fire to a structure on the property or adjacent property, with certain exceptions. The bill was heard in committee, but never voted out.

In 2017, the issue came back with a vengeance.

The regular session of the legislature saw a number of bills designed to preempt city tree preservation ordinances. None of those passed, but the governor added the issue to his special session agenda. In the meantime, Senator Donna Campbell (R – New Braunfels) requested an attorney general opinion about whether current law prohibits cities from protecting trees. The attorney general released a pre-planned opinion (KP-0155) that concluded nothing. Rather, it went through a regulatory takings analysis and said the following:

*If a municipal tree preservation ordinance operates to deny a property owner all economically beneficial or productive use of land, the ordinance will result in a taking that requires just compensation under article I, section 17 of the Texas Constitution.*

Texas cities are not alone in the fight to protect their residents from legislators who seek to centralize power in state government. City officials should know that a "preemption wave" is

spreading across the country at the behest of certain business and political groups. For example, the following quote from a state legislator in Florida appeared in the *New York Times*:

"We're the United *States* of America. We are not the United Towns of Florida. We're not the United Counties of Florida," said Randy Fine, a Republican state representative there who sponsored a bill this year that would have broadly blocked local laws…"

Just a few months apart, this quote from the Texas governor appeared in the *Texas Tribune*:

On Monday, Abbott did not back away from the idea, saying that the country is not called the "United States of Municipalities." Abbott said at a lunch event, characterizing the proposal as a "broad-based ban on regulations at the local level…"

Sound familiar? This disturbing trend towards homogeneity should be alarming to all of us.

One way the League has sought to counter the trend is by enlisting the help of a nationally-recognized law professor to submit comments on Senator Campbell's "tree opinion request." Professor John Echeverria of Vermont Law School stated in a letter to the Texas attorney general that his "legal research has revealed that courts across the country have so far been unanimous in their judgment that municipal tree preservation ordinances do NOT result in a taking or otherwise unconstitutionally impair private property rights."

Rather than adopting the talking points of groups that support preemption, we hope – wrongly – that our attorney general would listen to an expert and stick to well-established law when he issued his opinion.

Ultimately, S.B. 744 – a compromise between home builders, cities, environmentalist, and others – passed. The bill was vetoed by the governor, who concluded that compromise was a bad thing. "I applaud the bill authors for their efforts, but I believe we can do better for private property owners in the upcoming special session," the governor said in his veto statement.

In a surprising turn of events, the exact same bill passed in the special session, and the governor did not veto it. House Bill 87 (Phelan/Kolkhorst) provides that

1. "Tree mitigation fee" means a fee or charge imposed by a city in connection with the removal of a tree from private property.

2. A city may not prohibit the removal of or impose a tree mitigation fee for the removal of a tree that: (a) is diseased or dead; or (b) poses an imminent or immediate threat to persons or property.

3. A city may not require a person to pay a tree mitigation fee for the removed tree if the tree: (a) is located on a property that is an existing one-family or two-family dwelling that is the person's residence; and (b) is less than 10 inches in diameter at the point on the trunk 4.5 feet above the ground.

4. "Residential structure" means: (a) a manufactured home as that term is defined by the Texas Manufactured Housing Standards Act; (b) a detached one-family or two-family dwelling, including the accessory structures of the dwelling; (c) a multiple single-family dwelling that is not more than three stories in height with a separate means of entry for each dwelling, including the accessory structures of the dwelling; or (d) any other multifamily structure.

5. A city that imposes a tree mitigation fee for tree removal on a person's property must allow that person to apply for a credit for tree planting to offset the amount of the fee.

6. An application for a credit under (5), above, must be in the form and manner prescribed by the city.

7. To qualify for a credit, a tree must be: (a) planted on property: (i) for which the tree mitigation fee was assessed; or (ii) mutually agreed upon by the city and the person; and (b) at least two inches in diameter at the point on the trunk 4.5 feet above ground.

8. For purposes of determining where an off-site tree must be planted, the city and the person may consult with an academic organization, state agency, or nonprofit organization to identify an area for which tree planting will best address the science-based benefits of trees and other reforestation needs of the city.

9. The amount of a credit provided to a person must be applied in the same manner as the tree mitigation fee assessed against the person and: (a) equal to the amount of the tree mitigation fee assessed against the person if the property is an existing one-family or two-family dwelling that is the person 's residence; (b) at least 50 percent of the amount of the tree mitigation fee assessed against the person if: (i) the property is a residential structure or pertains to the development, construction, or renovation of a residential structure; and (ii) the person is developing, constructing or renovating the property not for use as the person's residence; or (c) at least 40 percent of the amount of the tree mitigation fee assessed against the person if: (i) the property is not a residential structure; or (ii) the person is constructing or intends to construct a structure on the property that is not a residential structure.

10. As long as the city meets the requirement to provide a person a credit under (8), above, the bill does not affect the ability of or require a city to determine: (a) the type of trees that must be planted to receive a credit, except as provided by (7), above; (b) the requirements for tree removal and corresponding tree mitigation fees, if applicable; (c) the requirements for tree-planting methods and best management practices to ensure that the tree grows to the anticipated height at maturity; or (d) the amount of a tree mitigation fee.

11. The bill does not apply to property within five miles of a federal military base in active use as of December 1, 2017.

It is highly likely that bills to completely preempt municipal tree authority will be filed in 2019. The 2017 TML Legislative Program provided that the League oppose legislation that would erode municipal authority in relation to tree preservation requirements.

## SHORT-TERM RENTALS

Some cities have experienced problems with short-term home rentals recently, largely due to the proliferation of websites such as AirBNB and VRBO. Those problems range from uncollected hotel taxes to out of control parties. Some cities have enacted ordinances in an attempt to address these problems.

While beneficial legislation in the form of H.B. 1792 (Anderson) was filed in 2015, some short-term rental companies sought preemption legislation in 2017 to prohibit any city regulation of short-term rental properties. In particular, S.B. 451 (Hancock) would have preempted a city's authority to regulate. The Senate hearing on the bill showed the level of passion on both sides of the issue ("property rights" proponents [STR owners] v. neighborhood groups).

More recently, Texas attorney general Ken Paxton intervened in a lawsuit seeking to invalidate the City of Austin's ordinance regulating short term rentals (STRs). Some cities have experienced problems with STRs recently, again largely due to the proliferation of websites such as AirBNB and VRBO.

The City of Austin, in particular, has been at the forefront of short term rental regulations. After revamping its STR ordinance in February 2016, a number of short term rental owners, represented by attorneys from the Texas Public Policy Foundation (TPPF), sued the City of Austin. According to the petition filed by TPPF:

*The City's STR Ordnance violates a host of rights arising under the Texas Constitution — including property owners' rights under the equal protection and due course of law clauses of the Texas Constitution, as well as tenants' rights to the freedom of movement, privacy, and assembly. In addition, the STR Ordinance exceeds the City's zoning powers. The STR Ordinance prohibits short-term rentals in previously-permitted residential areas, phases out existing, lawfully operating short-term rental properties, restricts the number of people allowed to step foot on any short-term rental property, dictates the movement and association of "assemblies" in short-term rentals, and sets a bedtime for tenants. The City cannot carpet bomb the constitutional rights of short-term rental owners and lessees under the auspices of zoning or code enforcement. Such regulations violate the Texas Constitution and must be struck down.*

The attorney general issued a press release when he decided to intervene in the Austin lawsuit stating that he is seeking to protect the property rights of STR owners in Austin.

Noticeably absent from the press release was any mention of the property rights of other property owners and residents who live near STRs. After all, no state official is in a prime position to really immerse themselves in an issue that is truly local in nature.

An STR ordinance is a perfect example of a local decision that is best made at the local level. Not every city has an issue with STRs. But in high-tourist areas and neighborhoods, city councils are the first ones to hear from residents about any potential problem. The Austin city council didn't adopt the STR ordinance on a whim. It did so after numerous complaints and after hours of deliberation and testimony from STR owners, renters, and neighbors alike. This included testimony from citizens about de-facto hotels in the form of STRs locating in otherwise quiet family neighborhoods. The ordinance that was ultimately adopted was a tailored response to a uniquely local issue.

The 2017 TML Legislative Program provided that the League oppose legislation that would erode municipal authority to regulate short-term rentals.

**Potential Comprehensive Positions**

1. The League should oppose legislation that would erode municipal authority related to development matters, including with respect to the following issues: (1) annexation, (2) eminent domain, (3) zoning, (4) regulatory takings; (5) building codes, (6) tree preservation, and (7) short-term rentals.

2. The League should support legislation that would authorize a city council to opt-in to requiring residential fire sprinklers in newly constructed single-family dwellings.

# UTILITIES AND TRANSPORTATION

## MUNICIPAL RIGHT-OF-WAY AUTHORITY/COMPENSATION

**Telecommunications: Access Line Fees**

Chapter 283 of the Texas Local Government Code, enacted in 1999, significantly altered the procedures under which cities collect compensation from telecommunications providers that use city rights-of-way (ROWs). Chapter 283 replaced telecommunications franchise agreements with a new system of compensation based on "access lines." Essentially, a telecommunications provider pays compensation for the use of the ROWs based on how many lines it operates in a city. The system represented a relatively successful compromise in 1999. However, new technologies have placed a strain on the language and led to many disagreements about which providers and what types of lines are subject to the compensation requirements. In addition, the continuing migration to cell phones has reduced the number of land lines on which the fee can be collected.

S.B. 5, the state cable and video franchise bill (discussed below), was passed during the second special session of 2005. While most cities' attention was focused on the cable franchise portions of the bill, S.B. 5 also contained language amending Chapter 283. Specifically, S.B. 5 amended the definition of "voice service" in Chapter 283 to provide that "*voice communications services provided through wireline facilities located at least in part in the public right-of-way, without regard to the delivery technology, including Internet protocol technology*" constitute a compensable use of city ROWs. In addition, the bill expanded the definition of a "CTP" to include not only a PUC-certificated telecommunication provider, but also "*a person that provides voice service.*" The effect of the amendments was to create technology-neutral definitions that include Internet phone technology under the compensation requirements of Chapter 283. The PUC implemented the changes made by S.B. 5.

Some groups refer to access line fees as a "tax" and recommend that they be eliminated. The municipal position is that the fees are a rental for the use of city rights-of-way, and that any revenue stream that is "eliminated" should be replaced by alternate funding sources.

For 2008, the House Committee that considers right-of-way issues was charged to:

> *Study and review information on the Internet and other communications services, and how Texas can best prepare for potential changes to Internet and communications services, and infrastructure demands. Recommend policy changes to encourage greater infrastructure investment while ensuring the continued growth and development of the Internet. Study the current state and*

*local communications tax structure, including an analysis of the tax burdens imposed on consumers and providers of communications services.*

As mentioned above, certain groups continually attempt to describe access line fees and other franchise-type fees as "taxes," and the 2008 report took the same approach. It concluded that access line fees should be reduced to provide an "instant savings to all Texas telephone customers." No bills were introduced on the topic in 2009. However, in September of that year, PUC staff presented a proposed, routine rulemaking to the PUC at an open meeting. The PUC voted to publish for public comment a proposed rule that would make certain "tweaks" to the various categories of access lines.

The notice was routine in that it asked for comments on the technical aspects of the proposed rules. The notice was not routine, however, in that it asked an additional, troubling, and unrelated question:

*"The commission invites specific comments on the commission's jurisdiction to affect the total amount that a municipality collects as access line fees."*

This question was posed pursuant to a commissioner's statements regarding the fees at a September 2009 meeting. The commissioner, who is now the chair of the PUC, discussed her concern with the "outrageous" level of fees and stated her opinion that the fees are a "hidden tax…that is coming through [the commission]." Her comments indicated that she wanted to reduce the total amount of revenue to cities from the fees. (In 2016, the chair has also sought jurisdiction over municipal water rates, discussed below.)

While no rules were adopted, the commissioner's statements and the question stated above are causes for concern and raise a much larger issue than those proposed rules. As noted above, some have incorrectly argued that the compensation for the use of a city's rights-of-way is a "tax" on telecommunications providers or consumers. Any characterization of right-of-way compensation as a "tax" is wrong. The compensation that telecommunications providers pay is simply a cost of doing business, just like leasing property for an office or other facility. In fact, the Texas Constitution prohibits a city from allowing the private use of its property for free, and to reduce the fee would provide an unconstitutional public subsidy to private business.

The League's position has always been that the PUC does not have the authority through a rulemaking to reduce or cap the amount of rent that cities receive. The issue did not come up in 2011, 2013, 2015, or 2017, but it is always possible that it will return.

One issue that arose more recently relates to a petition filed with the PUC by a company called Extenet against the City of Houston. (A similar petition has been filed against the City of Dallas.) Extenet is arguing that, because it is a CTP, it can place wireless facilities (towers and fiber optic) that support a new technology called small cells (see discussion below) in the city's rights-of-way.

The CTP designation was meant to authorize land line providers to use a city's rights-of-way, subject to any management ordinance the city has in place, and to require the CTP to pay only an access line fee for rental. A small cell is not a land-line technology. It is akin to a cellular tower. Essentially, Extenet sought to utilize a statute that does not apply to its activities and equipment as a way to preempt municipal authority over it. The Texas Coalition of Cities for Utility Issues and the League filed comments in the docket, which was largely made moot by the small cell bill that passed in 2017.

**Electric: Franchise Fees**

S.B. 7, passed in 1999, deregulated the Texas electric power market. The legislation, which went into full effect in 2002, made changes that not only deregulated most electric utilities in Texas, but also changed the way in which municipal electric franchise fees are charged and collected.

Traditionally, cities and electric utilities operated under a franchise agreement that governed the amount the utility paid for use of the city's rights-of-way, typically stated as a percentage of the utility's gross receipts for service provided within the city limits.

Prior to its amendment by S.B. 7 in 1999, Section 182.025 of the Texas Tax Code provided that a city could unilaterally charge and collect a fee equal to two percent of gross receipts from an electric utility. Section 182.026 then provided that Section 182.025 would not impair or alter a provision of a contract, agreement, or franchise made between a city and an electric utility company relating to a payment made to the city. In other words, cities and electric utilities were free to enter into franchises that provided for a fee of greater than two percent, and it was on that basis that many cities negotiated for and received franchise fees of three or four percent of gross receipts.

Since January 1, 2002 (the date deregulation was implemented), a city's electric franchise fee has been – with some exceptions – based on the number of kilowatt-hours (kwh) that a utility delivered to customers located within the city's boundaries in 1998. The total franchise fees for 1998 were divided by the total kwhs for that year to arrive at a "per kwh rate." That rate is multiplied by the current kilowatt hours used by all customers within the city to arrive at the franchise fee amount due to the city.

**Cable/Video: State Issued Certificate of Franchise Authority**

For many years, cable companies were the sole provider of wire-based video programming to city residents. Until 2005, a cable company that wanted to serve customers within a Texas city did so by obtaining a franchise agreement from that city. Federal law requires a local authority (e.g., a state or local government) to issue a franchise agreement, and Texas law provides that compensation for the use of a city's rights-of-way is required.

Because of ever-growing technological capabilities, telecommunications companies now also have the ability to provide video programming. Therefore, these companies wanted the local franchise system reformed so that they would not have to obtain hundreds of franchises, which they felt would be an impediment to installing the infrastructure necessary to implement their new technology.

Cities were interested in reaching an agreement on a new compensation system that would provide cities with stable and predictable compensation for use of the public rights-of-way. Cities also wanted to ensure that all technologies and services, including cable and newer technologies, that use the public rights-of-way would pay a fair and equitable fee for use of the public's land. In addition, cities wanted to ensure that they retained police power authority over their rights-of-way and were still able to provide public, educational, and governmental (PEG) programming to their citizens.

In 2005, the legislature asked cities, cable providers, and telecommunications companies to reach a compromise on issues related to the right-of-way compensation system for companies that provide video services to city residents. The end result, after several failed bills, much negotiation, one regular session, and two special sessions, was Senate Bill 5, which created a new Chapter 66 of the Texas Utilities Code. It represented a compromise that was acceptable to cities.

The bill made numerous changes to telecommunications, cable, and broadband laws. For cities, the most important elements of Chapter 66 are that it:

1. creates a state issued certificate of franchise authority (SICFA) to be administered by the Public Utility Commission (PUC).

2. requires an entity seeking to provide cable or video service in Texas to file an application with the PUC for the SICFA.

3. requires the PUC to issue a certificate of franchise within 14 business days of the receipt of an application, provided that, among other things, the applicant: (a) agrees to comply with all federal laws and regulations; (b) agrees to comply with all city regulations regarding the use of the public rights-of-way (ROW), including the police powers of the city; and (c) provides a description of the service area footprint to be served.

4. provides that a state-issued certificate of franchise shall contain a grant of authority to use a city's ROWs, subject to the police powers of a city.

5. requires a SICFA holder to make a quarterly payment to each city in which it provides service and that the payment be equal to five percent of gross revenues, as that term is defined in the bill, earned by the franchise holder in that city.

6. authorizes the state or a city to review the business records of a provider to ensure proper payment of fees.

7. exempts a SICFA holder from any "build-out" requirements.

8. provides that: (a) a SICFA holder shall comply with federal customer service requirements until there are two or more providers offering service to an area; and (b) the PUC shall post the number of complaints regarding each service provider on its Web site.

9. requires a SICFA holder to: (a) provide a city, upon request, with PEG channels to be operated by the city for noncommercial programming, with certain limitations and restrictions; and (b) provide to a city without a PEG channel a certain number of them, based on population.

10. provides that a city may enforce police-power-based regulations in the management of the public ROWs against a SICFA holder to the extent that the regulations are reasonably necessary to protect the health, safety, and welfare of the public.

11. prohibits a city from requiring a SICFA holder to: (a) maintain a business office in the city; (b) obtain bonding or insurance for activities within the city; or (c) pay any fee for a permit to work in the city's ROW, except that the city may require a SICFA holder to register with the city and maintain a point of contact.

12. provides that: (a) a city must promptly process any request from a SICFA holder to construct or maintain any facilities in the city's ROW; and (b) a provider may begin work under certain circumstances without a permit, if it notifies the city as promptly as possible after work begins.

13. provides that the PUC has no jurisdiction to review a city's police power regulations governing the city's ROWs.

14. requires a provider to indemnify a city for the negligent acts of the provider while working in the ROW.

15. prohibits a SICFA holder from discriminating against any group of potential residential subscribers based on income in the "local area" in which the group resides.

16. provides that the state may enforce any of its franchise provisions in a court of competent jurisdiction, and that a city may be a party to such litigation.

Many providers applied for, and received, a SICFA. Some telecommunications providers have used the bill's provisions to "roll out" video services through new technology using fiber optic lines.

The cable industry was opposed to the bill from the beginning. In fact, the cable industry brought two lawsuits in federal court on those very issues, the first of which is now moot due to subsequent state legislation. S.B. 1087 (2011) provided that – beginning September 1, 2011 – a cable service provider in a city with a population of less than 215,000 may elect to terminate not less than all unexpired local cable franchises in the state and seek a SICFA. Time Warner Cable and Comcast Cable (the major providers in Texas) have done just that. The good news is that the bill will likely benefit many Texas cities because the terms of the SICFA will often be more favorable in terms of revenue to the city.

The second lawsuit was brought by Time Warner Cable (TWC) against the City of West University Place over the payment of the one-percent PEG fee. Chapter 66 provides that a holder of a state-issued certificate of franchise offering service in a city must pay to the city an additional fee (over and above the five-percent franchise fee) equal to one percent of its gross revenue. In the lawsuit, TWC challenged the one-percent fee on the basis that it is preempted by a five-percent franchise fee cap established in federal law. On the contrary, the League argued, S.B. 5 was carefully drafted to ensure that the one-percent fee would be collected and spent in accordance with federal law.

Nevertheless, some cable providers argue that a city may "elect" to not receive the one-percent fee. There may be some legal consequences to a city making the election, but it is probably a case of "no harm, no foul." (Note that the one-percent fee may currently be used only to support capital costs [e.g., equipment] related to PEG channels. The revenue from the fee must be deposited in a separate account and may be used only for statutorily-authorized purposes.)

On March 25, 2010, the House Ways and Means Committee took testimony on what appeared, from a city perspective, to be a relatively harmless interim study charge: "Study the tax structure as applied to cable versus satellite service to determine if any unfair competition results from state tax policies." Unfortunately, the hearing quickly took a turn for the worse. Cable company lobbyists and some committee members began attacking franchise (right-of-way) fees as an unfair "tax" on cable television because satellite providers pay no similar fee. A member of the committee quickly and correctly pointed out that cities don't control the airwaves and thus don't have any basis to impose franchise fees on satellite.

In any case, H.B. 3675 (and H.B. 259, a similar bill) was filed in 2011, ostensibly as a way to address the inequities between cable and satellite providers. The bill would have: (1) imposed on each video provider (e.g., cable television services and similar services, as well as satellite service) a state "assessment" of 6-1/4 percent of gross revenues derived from the provision of subscription video services in this state (but excluding Internet service); (2) provided that each video provider is entitled to a credit against the assessment imposed under this bill for state or local franchise fees paid to cities; (4) provided that, effective on January 1, 2012, not later than the last day of the second month following a calendar quarter, the comptroller shall calculate the pro rata share of total subscription video service subscribers for each city and the unincorporated

area of each county according to the most recent subscription report filed by each provider; and (5) required the comptroller to distribute the balance of the amount in the subscription video assessment clearance fund, less up to a five percent administrative fee in certain circumstances, by issuing a warrant drawn on the fund to each city with subscription video service subscribers in an amount equal to the city's pro rata share of the amount in the fund as of the date the warrant is issued and each county with subscription video service subscribers outside of an incorporated area in an amount equal to the county's pro rata share of the amount in the fund as of the date the warrant is issued.

The bill did not pass, nor did anything similar pass in 2013, 2015, or 2017.

**Small Cell Nodes**

Senate Bill 1004, passed during the 2017 regular session and effective September 1, requires a city to allow access for cellular antennae and related equipment ("small cell nodes") in city rights-of-way, and it also entitles cell companies and others to place equipment on city light poles, traffic poles, street signs, and other poles. Negotiations during the legislative session led to concessions giving some city authority over placement. That may make the bill's access provisions palatable to many cities, but local preparation is key to dealing with the installations. The League has obtained example documents for city officials to use when developing their ordinance, design criteria manual, and attachment agreements.

Because the industry sought compressed timelines, most agree that there hasn't been sufficient time for stakeholder input at the city level. The implementation of the bill may be the classic "be careful what you ask for" for cell providers. City officials who are confused by the bill's requirements, and how they will work in practice, can rest assured that they are not alone.

Small cell nodes are not yet a replacement for the large "macro towers" that dot our landscape. Rather, the nodes are meant to expand network bandwidth in densely populated areas. S.B. 1004 allows cell companies and others to place the nodes in city rights-of-way, but cities in rural areas may not be affected immediately – if at all.

The bill grants some control to cities by allowing them to, among other things:

1. Adopt a "design manual," which can include things like aesthetics, insurance, and recommended placement locations;

2. Create an "attachment agreement" governing how nodes are attached to city facilities; and

3. Create "design districts" that can have more stringent aesthetic requirements.

Most cities will also need to review their right-of-way management ordinance and may need to create or modify permit application forms for right-of-way access. The documents can be very simple or very complex, depending on the needs of each city.

The League has obtained example documents, timelines, and other materials that were prepared for the Texas Coalition of Cities for Utility Issues and others. The documents are comprehensive, but they do include a "short form" implementation ordinance that has been drafted and circulated by AT&T. However, no city should ever adopt that ordinance without careful practical and legal review.

Probably the best place to start is an overview paper that was recently presented to the Texas City Attorneys Association. Keep in mind that the documents are simply a starting place for staff and attorneys to develop city-specific regulations. Each city should consult with legal counsel prior to adoption, and many cities may need to seek expert help to do so.

Following the bill's passage, the City of McAllen is leading a coalition of around twenty cities that filed a lawsuit to challenge the unconstitutionally low right-of-way rental fees in it. The bill caps a city's right-of-way rental fee at around $250 per small cell node. The price per node in the current bill is a taxpayer subsidy to the cellular industry because it allows nearly free use of taxpayer-owned rights-of-way and facilities. The lawsuit also claims that S.B. 1004 unconstitutionally delegates a city's legislative authority to control its rights-of-way to private businesses. The City of Austin has also filed a lawsuit challenging S.B. 1004. Both lawsuits are pending.

During the 2018 interim, it became time to clear up what appears to be some confusion about the relationship between cities, TML, and cell providers, which are all focused on small cell technology. In May, the Senate Business and Commerce Committee held an interim hearing on the following charge: "the Committee will receive an update on the implementation of S.B. 1004, relating to the deployment of network nodes in public right-of-way."

The witnesses at the hearing consisted of the representatives of the major cell phone providers, city representatives from four large cities, and various others. One overarching principle is clear after the hearing: cities and businesses want better cellular/broadband service. We all want the best technology for educational and businesses opportunities. That's why the tone of some parts of the hearing was disconcerting.

Some committee members, and some witnesses, characterized the lawsuit as being only about cities wanting more money. And it's certainly not true, as many committee members alleged, that "TML is leading charge to organize these cities to get more money."

The lawsuit isn't about a "money grab." It is about a mandate in the Texas Constitution that prohibits the legislature from doing what it did with S.B. 1004: giving away taxpayer-owned

property to private business without just compensation. The relevant part of the Constitution is very simple:

> "[T]he Legislature shall have no power to authorize any county, city, town or other political corporation or subdivision of the State...to grant...[any] thing of value in aid of, or to any individual, association or corporation whatsoever..."

The legislature mandating the use of city property for less than fair market value clearly violates the above provision, and the victims are city taxpayers who are forced to subsidize private industry. Think about this analogy: would the legislature mandate that a city allow it's parkland to be used by a fast food restaurants for little or no rent? Of course not, and city residents would be appalled by such a mandate, as they should be here. That's why cities are suing, not because the League told them to. Texas cities are smarter and more independent that some in the legislature give them credit for. In fact, the mayor of the City of McAllen penned a letter to one of the witnesses explaining why the city filed the lawsuit, and pointing out that – contrary to some industry claims – nothing in the bill will help deploy broadband to underserved areas.

State challenges aren't the only thing cities need to be concerned with. Over the last decade, the Federal Communications Commission (FCC) has issued numerous orders preempting city right-of-way and other authority, and it is continuing to ramp up its efforts.

The issues may seem technical to some, but they are among the most important that cities face. FCC efforts could ultimately eliminate a city's ability to direct what goes where in its rights-of-way. Just as important, they could collectively cost Texas cities hundreds of millions of dollars in right-of-way compensation.

Here's a summary of the evolution of FCC preemption efforts:

- **November 2009:** CTIA, the national association of wireless telecommunications providers, filed a "petition for declaratory ruling" with the FCC asking it to preempt local zoning of wireless phone tower locations. The subsequent FCC order applies to city regulation of macro cell towers on private property. While not technically a "right-of-way" preemption order, it set the stage for those efforts as providers sought new ways to provide service. Among other things, the order sets deadlines within which a city must act on a wireless application. Otherwise, the application is essentially deemed granted.

- **October 2014:** The FCC issued another order relating to wireless facility siting in cities. The 155 page order reads like a 1-2-3 of municipal preemption. It largely preempts a city's ability to regulate the "collocation" of wireless facilities on existing sites.

  Almost every issue in the order was decided in favor of industry, with only a few important city protections kept intact. One municipal victory was that the FCC rejected an industry position that would mandate collocations on "any structure capable of

supporting a wireless antenna." That position could have meant that antennae could be placed on any building in a city without much oversight. (This victory may have been one of the reasons AT&T and other providers sought S.B. 1004, the Texas legislation that allows providers to place their facilities on city and other poles in the rights-of-way with inadequate compensation.)

- **December 2016:** The FCC issued a public notice seeking comment on two topics that could shape the future of cities' control over their rights-of-way. The FCC's Wireless Bureau requested public comment on how to "streamline" the deployment of small wireless facilities, primarily through potential changes to local land-use ordinances, and it also sought comments on a petition filed by infrastructure company Mobilitie regarding local government rules and procedures.

  The public notice raises several major concerns for cities. First, the FCC seeks to use these proceedings to question whether the evidence presented by local governments during 2009 and 2014 rulemakings on local wireless facilities siting is still valid.

  Specifically, the notice once again questions the amount of time needed by local governments to process wireless siting applications for small-cell facilities, particularly when submitted in large quantities. It also questions the amount and structure of fees charged by local governments for applications and access to rights-of-way.

- **March 2017:** The FCC formed the Broadband Deployment Advisory Committee (BDAC). The BDAC is tasked with developing recommendations to expedite wired and wireless broadband deployment in cities by "reducing regulatory barriers." That phrase can usually be translated as "preempting municipal authority."

  With state preemption of city right-of-way authority looming, and new leadership at the FCC, the membership of the BDAC was clearly "stacked" in favor of industry. The FCC chair appointed the committee members. Out of 30 total members, only five represented cities. One of those, the mayor of San Jose, resigned in protest because he objected to continued efforts to require taxpayers to subsidize the telecommunication industry. Moreover, his resignation protested the fact that the committee's recommendations did not in any way reflect municipal input.

  For example, the BDAC chair created five working groups to assist the entire committee. None of those groups was chaired by a city representative. One of the working groups was assigned the task of creating a "draft model code for states" related to small cell deployment. The group had zero city representatives, and its report is extremely detrimental to cities. It incorporates many of the most restrictive and preemptive policies that have been introduced or passed in state legislation around the country.

- **April 2017:** The FCC released proposed rules that, if finalized, could dramatically preempt city authority. The two proposed rules, which are intended by the FCC to "streamline and promote broadband deployment," suggest a series of changes that could severely hamper a city's authority to manage use of the rights-of-way. Again, the quoted phrase usually translates into eliminating municipal authority.

  The first proposed rule, "Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment," would reform utility pole attachment rules to mandate timelines and limit fees for applicants seeking to attach antennas or new wires to existing poles. The proposed rule also considers whether the FCC should further preempt any local ordinances or practices that "frustrate, delay, or inhibit" telecommunications providers – a statement that could open the door to broad preemption.

  The second proposed rule, "Wireless Infrastructure NPRM," would revisit existing "shot clocks" for wireless site application review and potentially create a number of new categories with differing shot clock timelines. It would also suggest: (1) that any city that failed to meet a shot clock requirement would have "defaulted its authority" to review wireless applications at all; and (2) limiting aesthetic requirements for wireless sites; and (3) limiting any regulations not relating directly to health and safety.

- **January 2018:** City representatives on the BDAC, after recognizing the FCC's ongoing preference for industry positions, filed a "minority report" with the FCC. The City of McAllen, Texas, along with San Jose and New York authored the report. The report outlines the city position that local control of rights-of-way is best.

Make no mistake, these FCC proposals, along with administrative actions at the Texas Public Utility Commission and legislative action at the Texas Capitol, are nothing less than a full preemptive strike at cities.

In addition to FCC action, Congress is moving into the fray as well. After months of delays and numerous meetings with local and industry stakeholders, Senators John Thune (R- South Dakota) and Brian Schatz (D – Hawaii) introduced the *Streamlining The Rapid Evolution And Modernization of Leading-edge Infrastructure Necessary to Enhance (STREAMLINE) Small Cell Deployment Act (S. 3157)*.

The bill, much like pending FCC rules, would federalize municipal right-of-way authority and compensation. While the FCC's statutory authority is debatable and would certainly be challenged in court, congressional action could be permanently damaging.

The bill would make major changes to federal requirements for small cell siting by imposing new requirements, such as:

- Providing that fees must be "competitively neutral, technology neutral, and nondiscriminatory; publicly disclosed; and based on ***actual and direct costs***." This provision would eliminate market-based rents for small cell nodes. (Editor's note: The fee currently in place under Texas law limits a rental fee to $250 per node annually. A lawsuit has been filed by numerous Texas cities to challenge the state cap.)

- Limiting local authority over "small personal wireless facilities (e.g. small cell nodes)" to "objective and reasonable…structural engineering standards based on generally applicable codes; safety requirements; or aesthetic or concealment requirements."

- Imposing federal "shot clock" requirements for approval of small cell nodes, including a deemed granted provision for applications not acted upon by the local government in the stated period.

These issues are so important that League officers and staff travelled to Washington, D.C., to visit with key members of the Texas Congressional delegation about the federal efforts mentioned above. The goal of the visit was to show that Texas has enacted legislation (for telecommunications, cable/video, and small cell deployment) to address industry concerns and that further preemption – especially in the area of right-of-way compensation – would create a subsidy for telecommunications companies on the backs of taxpayers.

The 2017 TML Legislative Program provided that the League oppose legislation that would: (1) erode the authority of a city to be adequately compensated for the use of its rights-of-way; (2) erode municipal authority over the management and control of rights-of-way; and (3) erode the provisions of Chapter 66 of the Texas Utilities Code.

## LOCAL TRANSPORTATION FUNDING

For more than three decades, TML has attempted to obtain access to new revenue sources so that the backlog of spending on infrastructure (and streets in particular) can be addressed, and so that some pressure can be taken off the property tax. For example, in the late 1970's the League pushed for legislation that would have raised the local option sales tax from one cent to two cents, under the theory that the additional revenue would be used for street projects. This TML initiative failed.

In 1981, TML pressed for legislation that would have raised the state automobile registration fee in order to create a City Street Improvement Fund. The effort failed.

In 1983, the League pushed for a "Pothole Bill." Here is how the January 1983 edition of *Texas Town & City* magazine explained the effort:

*A TML survey of Texas cities indicated that the current backlog of municipal street repair needs exceeds $1 billion – a sum that will grow each year, as cities fall further and further behind.*

*Upwards of 20 percent of all municipal streets – 12,000 miles – need major repairs, and the magnitude of the problem is steadily growing. Texas cities are spending an estimated $180 million per year on street repairs, 58 percent more than three years ago. But they are falling even further behind, because the street repair backlog is snowballing at rates that exceed local spending increases. The cities will never be able to bring their streets and bridges up to standard without state financial assistance.*

Note that the backlog was estimated to be $1 billion in 1983. It is now much higher. Here is the solution that was proposed in 1983:

*...city residents, who comprise 80% of Texas' population, pay a major proportion of all motor vehicle-related taxes collected by the state. But none of these revenues are remitted back to the cities to help deal with the problems created by the millions of vehicles which generated the funds and the potholes in the first place. The TML City Street Improvement Fund would provide a remedy by tying the problem (motor vehicle wear on city streets) to the solution (repair funding provided from motor vehicle-related taxes).*

Again, the League's efforts failed.

During the late 1980's and in 1991, TML urged the Texas Legislature to raise the state gasoline tax by five cents and remit the revenue back to cities for street improvements. The League came very close during a special session in 1991, when the House approved the five-cent increase, but the Senate narrowly rejected it.

All efforts failed, probably because of the way in which the legislature views tax increases:

1. Lawmakers remain reluctant to raise state taxes *at all* but are more likely to allow city councils (or local voters) the authority to raise taxes. For example, lawmakers have given cities the authority to raise the local sales tax for: (a) economic development, (b) property tax relief, and (c) other specific purposes (see "The 2001 Legislation" below).

2. The legislature is even more reluctant to raise a state tax (like the gasoline tax) and give the increase in revenue to the cities, because the state may want to increase that tax for its own purpose sometime in the future. Indeed, virtually all the taxes listed above have been increased by the legislature *for state revenue* sometime after the League asked for an increase for local revenue.

**The 2001 Legislation**

The 2001 legislature passed H.B. 445, a bill that authorizes a city to hold an election to adopt a one-fourth-percent sales tax to repair and maintain city streets. Only those cities with room under the two-percent local sales tax cap are eligible to adopt the tax. If approved by the voters, the tax expires after four years, unless a new election is held to reauthorize the tax.

**The 2003 Legislation**

The 2003 legislature passed H.B. 164, a bill that authorizes a one-eighth-percent sales tax to repair and maintain city streets, in addition to the one-fourth-percent tax mentioned above. The 2003 legislature also passed an important property tax bill, S.B. 340, which imposes penalties for failure to render business personal property for taxation.

**The 2005 Legislation**

In 2005, the legislature passed no bills that significantly improved municipal revenue, but did pass a bill (H.B. 3195) that gives cities more flexibility to switch between optional sales taxes by permitting a single ballot proposition to raise an optional sales tax while simultaneously reducing another. Numerous cities have taken advantage of this legislation.

**The 2007 Legislation**

The 2007 legislature passed a bill (H.B. 3084) that abolished the four-year expiration of the street maintenance sales tax. Unfortunately, the governor vetoed that bill.

**The 2009 Legislation**

By 2009, it had become painfully obvious that Texas was experiencing a severe shortage of federal and state transportation dollars. The burden of dealing with mobility issues was increasingly being pushed down to local governments. In an effort to provide those local governments with the tools to fund projects that are essential to the state's mobility and economy, legislators introduced the Texas Local Option Transportation Act (TLOTA). Senator John Carona and Representative Vicki Truitt filed TLOTA in the form of S.B. 855 and H.B. 9.

As filed, S.B. 855 and H.B. 9 were companion bills that would have allowed the voters in only Dallas and Tarrant Counties to choose from a menu of options for raising transportation funds through local fees and assessments. The menu included such revenue alternatives as: (1) a county motor fuels tax of up to ten cents per gallon that could be adjusted for inflation; (2) a mobility improvement fee not to exceed $60 annually; (3) a parking regulation and management fee of $1 per hour / per parking space; (4) a motor vehicle emissions fee; (5) an annual driver's license renewal fee of $25; and (6) a roadway impact fee imposed on new residents. Any fee would have required voter approval.

Senate Bill 855 was considered in committee on March 18 and was reported from committee on March 25. (House Bill 9 never received much consideration; legislators instead relied on the Senate version as the vehicle.) As passed by the Senate Transportation and Homeland Security Committee, the bill expanded TLOTA to include the twelve-county North Texas region (Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties) as well as Bexar, Travis, and El Paso Counties.

When S.B. 855 was deliberated on second reading in the Senate, three additional regions were added to the bill (Corpus Christi, the Rio Grande Valley, and Waco). Another amendment adopted by the Senate provided that the bill would not take effect unless the legislature passed and the voters approved a constitutional amendment limiting diversions from the state highway fund. This provision linked the passage of S.B. 855 to the passage of S.J.R. 9 and S.J.R. 52. The bill passed to third reading, but was held up over objections from Senator Steve Ogden that the bill would violate the Texas Constitution. Senator Ogden and Senator Carona met with legal counsel over the next week and determined that it did not violate the Constitution. Senate Bill 855 finally passed the Senate by a vote of 21-9, with Senators Fraser, Hegar, Huffman, Jackson, Nelson, Ogden, Patrick, Uresti, and Van de Putte voting no.

The House Committee on Transportation waited an entire month before voting 6-1 to approve the bill, with Yvonne Davis voting no. As passed by the House committee, S.B. 855 would have applied to any county within a Metropolitan Planning Organization (MPO). (There are 25 federally-designated MPOs in Texas, affecting 55 counties and covering 85 percent of the state population.) Although broader in its applicability, the bill allowed for only one funding mechanism: a local option gas tax of 10 cents per gallon.

Opposition to S.B. 855 began to grow. The Texas Public Policy Foundation and other groups expressed concerns over increasing taxes during a recession, as well as the ability of some counties to raise taxes while others could not. Opponents argued that local governments already have the ability to pay for additional transportation infrastructure by redirecting existing sales tax revenue that, they said, was originally intended for mobility, or to cut "waste" and apply those savings to transportation.

By May 23, 2009, TLOTA was still on the House Calendar awaiting full consideration by the House. Unfortunately, S.B. 855 was a victim of the five-day "chubbing" that took place in the House to defeat the controversial "Voter ID" bill.

TLOTA's provisions were also added to H.B. 300, the TxDOT Sunset Bill, but were stripped from the bill by the conference committee. (House Bill 300 also died.)

### The 2011 Legislation

The 2011 legislature passed a bill (H.B. 2972) that would allow cities to reauthorize the street maintenance sales tax every eight years (instead of every four years) in certain situations. The bill also authorized a city to spend street maintenance sales tax revenue on sidewalks. As with H.B. 3084 in 2007, the bill was vetoed by the governor.

### The 2013 Legislation

No comprehensive TLOTA-type legislation was filed in 2013. However, H.B. 1511 by Larson would have, among other things, extended the requirement that a street maintenance sales tax be reauthorized by election by election every four years to every eight years. H.B. 1511 actually passed both the House and Senate overwhelmingly, but was vetoed by Governor Perry. According to the Governor's veto message, the bill was vetoed because he believes voters deserve the right to vote on whether to be taxed.

During 2013, it was hoped that the announcement of the TxDOT Turnback Program would be a "springboard" for further discussions about how the state's transportation system is funded. Unfortunately, however, no legislation related to city transportation funding sources (other than minor amendments to the transportation reinvestment zone statute by S.B. 1110) passed in 2013.

### Recent Issues

The same was true in 2015, largely because funding at the state level had passed in 2013 (see discussion below). Because of the passage of that significant state funding, the legislature was quiet on the local funding issue in 2015 and 2017.

The TML Legislative Program for 2017 included supporting legislation that would: (1) allow for greater flexibility by cities to fund local transportation projects; (2) amend or otherwise modify state law to help cities fund transportation projects; or (3) provide cities with additional funding options and resources to address transportation needs that the state and federal governments are unable or unwilling to address.

## STATE AND FEDERAL TRANSPORTATION FUNDING

### State Funding

The legislature, in the 2013 regular session, considered dozens of state transportation funding bills that would have enacted new fees, changed the use of existing fees, and/or ended "diversions" of transportation-related revenues to other purposes. Just a few examples of such bills included the following: (1) ending or modifying the diversion of the state's gas tax revenues: (2) dedicating motor vehicle sales taxes to transportation purposes; and (3) creating new fees or taxes.

None of the bills above passed. However, legislators were finally able to address at least a portion of the state's transportation funding problems. In the 2013 third special session, two bills - S.J.R. 2 and H.B. 1 - passed and both chambers promptly adjourned *sine die*.

The general idea of those two bills was to amend the Texas Constitution to divert some of the state's oil and gas tax revenues from the rainy day fund for transportation purposes. However, legislators hadn't been able to agree on certain details, specifically whether the rainy day fund should retain a minimum balance before money can be diverted for transportation purposes. In the second special session, different versions of two bills passed the House and the Senate. The bills then went to a conference committee, but the conference committee version failed to pass either chamber.

The legislation that ultimately passed during the third special session provides for about $1.2 billion in new funding annually. That amount is far less than the $4 billion needed at the time, but it was a start. It also provides that the funding mechanism will end in 2025, unless reauthorized by the legislature. Here are summaries of the two bills:

- **S.J.R 1 (Nichols/Pickett) – Transportation Funding**: amended the Texas Constitution to provide that: (1) if, in the preceding year, the state received from oil and gas taxes a net amount greater than that received in 1987, the comptroller shall transfer an amount equal to 75 percent of the difference between those amounts (25 percent continues to go to general revenue), with one-half to the rainy day fund and the remainder to the state highway fund; (2) the legislature by general law shall provide for a procedure by which the allocation of the amount transferred may be adjusted if revenue is less or greater than expected; and (3) revenue transferred to the state highway fund may be used only for constructing, maintaining, and acquiring rights-of-way for public roadways, other than toll roads. (Effective when approved by the voters on November 5, 2014.)

- **H.B. 1 (Pickett/Nichols) – Transportation Funding**: provided that: (1) not later than September 1 of each even-numbered year until 2024, the speaker and the lieutenant governor shall appoint a select committee to ensure that the state's rainy day fund has an appropriate balance, based on several criteria; (2) the select committee shall determine and adopt for the next state fiscal biennium a sufficient balance of the fund; (3) when the select committee has adopted the amount of the sufficient balance of the fund for a state fiscal biennium, the matter of approving that amount shall be presented to each house of the legislature in a concurrent resolution during the next succeeding regular legislative session; (4) the amount must be approved by a vote of a majority of the members of each house, and must be finally approved by each house not later than the 45th day of that legislative session; (5) before the comptroller makes transfers for a state fiscal year in accordance with S.J.R. 1 (above), the comptroller shall ensure that the balance in the rainy day fund meets the minimum amount, or adjust any transfers accordingly; (6) amounts transferred to the state highway fund under S.J.R. 1 (above) must be used and

allocated throughout the state by the Texas Department of Transportation consistent with existing formulas adopted by the Texas Transportation Commission; (7) on or before August 31, 2015, the department shall identify and implement savings and efficiencies that result in a total savings of at least $100 million in state funds appropriated to the department, to be used for reducing the principal of and interest on bonds and other public securities issued and bond enhancement agreements; (8) the commission may use money from the Texas Mobility Fund to provide funding, including through a loan, for certain port security projects, port transportation projects, or similar projects; (9) to serve as a transition committee, the speaker and the lieutenant governor shall appoint a select committee to determine the appropriate rainy day fund balance for the next biennium; (10) by November 30, 2013, the speaker shall appoint nine members to a House Select Committee on Transportation Funding, Expenditures, and Finance and the lieutenant governor shall appoint nine members to a Senate Select Committee on Transportation Funding, Expenditures, and Finance; and (11) the two committees appointed under (10) shall separately or jointly, review, study, and evaluate the future reliability of all current state transportation funding sources and similar criteria. (Effective immediately after S.J.R. 1 was approved by the voters in November 2014.)

The House Select Committee on Transportation Funding on Expenditures and Financing met on May 6, 2014, to hear from various state officials and experts on how transportation is funded in Texas. The Committee ultimately issued a report on various funding options, including – among others - bonds, reducing the comptroller's allowance for motor fuels tax administration, modifying the uses of overweight/oversize vehicle permits.

It appeared that the governor and lawmakers were satisfied with the compromise reflected in 2013's two bill package. But the lack of full funding meant that completely fixing the state's transportation funding problem continued to be on the table in the 2015 session.

The 2015 session saw dozens of bills (some of which would have needed constitutional amendments to be implemented) filed that would have enacted enact all sort of transportation funding schemes. A sampling of those ideas follows:

None of the bills above passed, but some of their features were included in what became 2015's single vehicle bill for transportation funding, S.J.R. 5 (Nichols/Pickett). The constitutional amendment was approved by the voters on November 3, 2015, and provides that the comptroller direct some of the state's motor vehicle sales tax to the State Highway Fund, but can't be used to fund toll roads. Essentially, if the state sales and use tax revenue reaches $28 billion in a given year starting in 2017, the additional money – up to $2.5 billion – would go to the highway fund. In addition, starting in 2019, 35 percent of state motor vehicle sales and rental tax revenue that exceeds $5 billion would go to the fund.

Specifically, the amendment provides that: (1) in each state fiscal year, the comptroller shall deposit to the credit of the state highway fund $2.5 billion of the net revenue derived from the imposition of the state's general sales and use tax that exceeds the first $28 billion of that revenue coming into the treasury in that state fiscal year (until 2032); (2) in each state fiscal year, the comptroller shall deposit to the credit of the state highway fund an amount equal to 35 percent of the net revenue derived from the motor vehicle sales tax that exceeds the first $5 billion of that revenue coming into the treasury in that state fiscal year (until 2029); (3) money deposited to the credit of the state highway fund under the bill may be appropriated only to construct, maintain, or acquire rights-of-way for public roadways other than toll roads or to repay the principal of and interest on general obligation bonds; (4) the legislature by adoption of a resolution approved by a record vote of two-thirds of the members of each house may direct the comptroller to reduce the amount of money deposited to the credit of the state highway fund under the bill, except that the comptroller may be directed to make that reduction only: (a) in the state fiscal year in which the resolution is adopted, or in either of the following two state fiscal years; and (b) by an amount or percentage that does not result in a reduction of more than 50 percent of the amount that would otherwise be deposited to the fund; and (5) the legislature by adoption of a resolution approved by a record vote of a majority of the members of each house of the legislature may extend the 2032 and 2029 deadlines in (1) and (2), above, in 10-year increments.

The main news of the 2017 session was the passage of the TxDOT "sunset bill." That bill continued the agency until 2029 and made various administrative improvements to the agency.

The comptroller's office recently released a summary of transportation funding in Texas. That summary is included in two parts in Appendix 2.

**Federal Funding**

Heading into 2015, the then-current federal transportation funding legislation – known as MAP-21(Moving Ahead for Progress in the 21st Century Act) – was about to expire, and the fear was that federal transportation monies were about to dry up.

TML joined the National League of Cities (NLC) in advocating for a multi-year, multi-modal bill that allows local governments a greater say in spending decisions through their regional planning organization. With transportation so critical to job creation and economic output, it has remained the position of NLC that more of the funding decisions should be in the hands of local officials acting through their local planning organizations.

With remarkable bipartisan support, the House and Senate passed a multi-year transportation bill in December 2015 that was immediately signed by the President. The bill, dubbed the Fixing America's Surface Transportation (FAST) Act is paid for with gas tax revenue and a package of $70 billion in offsets from other areas of the federal budget. It calls for spending approximately $205 billion on highways and $48 billion on transit projects over the next five years.

The last time Congress passed a bill that gave five or more years of certainty to our nation's local leaders was 1998's *Transportation Equity Act for the 21st Century* (TEA-21), which makes some consider the speedy passage of the FAST Act in both the House and Senate a small miracle. This monumental effort would not have been possible without the lobbying efforts by city officials.

Passage of the FAST Act was truly great news for cities, which count on vital sources of federal funds to ensure the economic and physical well being of America's cities. What's more, it increases funding for locally owned infrastructure, and provides greater access to popular programs for smaller cities.

Based on the fact that federal transportation funding appears to have been addressed for the time being, a general position on federal transportation funding may be appropriate.

The League's 2017 Legislation Program provides that the League support legislation that would (1) discontinue the diversion of transportation revenues to non-transportation purposes; (2) provide additional funding to the Texas Department of Transportation for transportation projects that would benefit cities, so long as existing funding formulas are followed; and (3) provide local, state, and federal transportation funding for rail as one component of transportation infrastructure.

## BILLBOARDS

Outdoor signs pose distinct problems that are subject to a city's police powers. For example, signs take up space and may obstruct views, distract motorists, preclude alternative uses of land, and pose other problems that legitimately call for regulation.

In 2005, the legislature considered (but did not pass) a bill that would have required a city to pay for the costs of billboards that need to be moved or removed for a state highway project. The bill would have provided that: (1) if outdoor advertising in a city or a city's extraterritorial jurisdiction (ETJ) may not stay in place because of widening, construction, or reconstruction of a state highway, the owner of the outdoor advertising is entitled to relocate the use, structure, or permit to another location within the city or the city's ETJ; (2) any entity that acquires outdoor advertising by eminent domain or causes the need for the outdoor advertising to be relocated shall pay the costs related to the acquisition or relocation; (3) if the view of outdoor advertising is obstructed due to a noise abatement or safety measure, a grade change, construction, an aesthetic improvement, a directional sign, or widening along a highway, the owner of the sign may adjust the height of the sign or relocate the sign to a location within 500 feet of its previous location; and (4) any governmental entity shall give written notice to all outdoor advertising licensees and permit holders within its jurisdiction of any change or proposed change to the outdoor or off-premise advertising provisions of its zoning provisions, codes, or ordinances.

The 2007 session brought similar legislation that gained more momentum. S.B. 111, which ultimately did not pass, would have limited the authority of a city to regulate outdoor advertising by providing that, if any outdoor advertising may not stay in place because of a Texas Department of Transportation (TxDOT) highway expansion project, the owner of the outdoor advertising is entitled to relocate the use, structure, or permit to another location on the same property, on adjacent property, on the same highway not more than one mile from the previous location, or, if the outdoor advertising is within a city or its ETJ, within that city or its ETJ. The bill also would have required a city in which the outdoor advertising is located to provide for the relocation by a special exception to any applicable zoning ordinance.

The provisions described above would have required a city to allow a billboard to be relocated anywhere in the city if it must be moved because of a state highway project. Under the bill, an outdoor advertising company could have been authorized to place an 80-foot-tall billboard in a residential area. S.B. 111 would have vested billboard-owners with a special property right given to no other entity.

The bill also would have provided that, if a governmental entity prohibits the relocation of outdoor advertising, the governmental entity shall pay just compensation. Under the terms of the bill, a city that prohibits relocation of a sign pursuant to its sign regulations would have been required to pay the costs of a sign that must be discontinued *by a TxDOT highway project.* Further, the bill would have provided that that the rights associated with a billboard that is lawfully in existence but no longer complies with current, applicable laws and regulations vest in the owner of the billboard. In other words, if a city can't afford to pay the owner of a sign that must be discontinued because of a TxDOT project, the city *would have been required to allow the sign to be relocated in the city.*

When TxDOT obtains right-of-way for highway projects, it must pay for that right-of-way or use eminent domain to acquire it. Requiring a city to pay the costs to condemn a billboard that can't remain in place due to a state highway project constitutes an unfunded mandate. For example, if an auto repair shop or restaurant is located in the right-of-way, TxDOT must acquire that property and pay just compensation. If S.B. 111 applied to those businesses the way it does to signs, a city would have to either: (1) bear the burden of paying the fair market value to the business owner because of a project over which the city has no control; or (2) allow the business to relocate somewhere else in the city.

Cities would generally be unable to afford the financial burden associated with this unfunded mandate. In fact, it would be almost impossible for a city to budget for possible payments because it has no control over TxDOT highway projects.

For the 2008 legislative interim, the Senate Committee on Transportation and Homeland Security was charged to:

*Study and make recommendations regarding state and local regulation of billboards. Produce a graphical analysis of current billboards, evaluate objective criteria for locations where billboards can be permitted or prohibited, including but not limited to geographical (corridor or urban/rural), land usage (e.g. industrial), or cultural/historical criteria, and include consideration of the impact on any federal funding.*

The committee's report was somewhat limited and dealt largely with billboards in rural areas, but the tone tended to favor billboard companies.

The 2009 legislation came in the form of provisions in H.B. 300, the Texas Department of Transportation sunset bill. That bill passed the House and Senate but ultimately failed to pass because the conference committee report wasn't adopted. As the bill passed the House, however, it had provisions that were similar to the bills discussed above, and would have provided that if outdoor advertising located in a city or the city's extraterritorial jurisdiction must be removed because of the widening, construction, or reconstruction of a road, and if relocation of the outdoor advertising would be allowed under TxDOT rules but is prohibited by charter, ordinance, or a decision of the city, the city shall pay just compensation: (a) to the owner of the outdoor advertising for the right, title leasehold, and interest in the outdoor advertising; and (b) to the owner or, if appropriate, the lessee of the real property on which the outdoor advertising is located, for the right to erect and maintain the outdoor advertising.

In 2011, the TxDOT sunset bill – in the form of S.B. 1420 – was finally passed. The bill contained many administrative streamlining provisions, but no detrimental billboard provisions. However, a new twist on billboards emerged that session.

The Senate Committee on Transportation and Homeland Security held a public hearing on S.B. 971 in March 2011. The bill would have, among other things: (1) required the governor's Emergency Management Division, with cooperation from the Texas Department of Transportation and emergency management directors, to create an emergency information network system consisting of at least 200 digital displays to display local public health and safety information and availability of fuel, food, lodging, and pharmacy services in certain urban areas; (2) required the division to contract with vendors who will erect and maintain the signs within city limits or within extraterritorial jurisdiction of a city; (3) allowed the vendors to display commercial messages when emergency information is not being displayed; and (4) allowed the erection of such signs without requiring compliance with municipal sign ordinances or permission from the city in which the sign is located.

Under the guise of public safety emergency messaging, it appears that the bill would have actually allowed commercial sign companies to build digital billboards in urban areas to be used for commercial advertising when emergency messages are not being displayed. Even more disturbing, the bill would expressly preempt city and state sign regulations. At the hearing,

several city officials testified about the importance of local control over signs and emphasized the important safety and aesthetic considerations the cities have made when choosing whether to allow electronic signs on a local level. The witnesses agreed that emergency messaging is valuable, but they testified that present signage and other media outlets adequately serve this purpose. It appears that the true purpose of the bill came to light in the hearing. A representative of a newly created organization, the Texas Emergency Network (TEN), spoke in favor of the bill. He was questioned about the purpose of the bill and why TEN was created. He admitted that the sole purpose of creating the organization was to lobby for the passage of S.B. 971. Why? So TEN could bid on the highly lucrative job of placing digital displays that, as stated by TEN, would likely display commercial advertising for all but four days a month.

Due to a substantial amount of opposition, the bill was left pending in committee. However, the issue was alive and well heading into the 2013 session because the House Committee on Homeland Security and Public Safety was charged to "determine the feasibility and need for a digital emergency public service messaging network to be developed on established evacuation routes."

In 2013, the relocation legislation was back in the form of S.B. 1383 and its companion, H.B. 2244. They would have provided, similar to the bills from previous sessions, that a city must pay just compensation to a billboard owner and a landowner who leases property to a billboard owner if a billboard has to be removed from a city or a city's extraterritorial jurisdiction because: (1) of the widening, construction, or reconstruction of a highway that is part of a state highway project; and (2) it cannot be moved to another place in the city because of a city ordinance or regulation. Senate bill 1383 passed out of the Senate committee, but was never set on the Senate calendar due to fierce opposition from city officials.

The 2015 session was quiet in the area of billboards. However, 2016 and 2017 proved to be "banner" years.

In 2016, the Austin Court of Appeals issued a substituted opinion in the case of *Auspro Enterprises, LP v. Texas Department of Transportation*. The new opinion came to the same conclusion as an original one: several provisions of the Texas Highway Beautification Act are unconstitutional because they regulate based on the written content of signs and billboards near state highways. However, it creates a different remedy that the original opinion.

The dispute in *Auspro* related to a store owner placing a political sign supporting Ron Paul for president alongside a state highway. TxDOT ordered the property owner to remove it because state law allows political signs along state highways only during certain periods before and after an election. The owner also failed to seek a state permit to place the sign and refused to remove it.

TxDOT sued the owner in district court and won. The owner appealed, and the Austin Court of Appeals overturned the trial court based on a U.S. Supreme Court opinion from 2015. In *Reed v.*

*Town of Gilbert,* the Supreme Court concluded that city ordinance provisions containing content-based restrictions violate the First Amendment.

The Austin Court of Appeals adopted the U.S. Supreme Court's mandate that, if a person has to *read the content of the sign* to determine whether it is subject to regulation, the regulation will usually violate the First Amendment. The substitute opinion held the same way, but struck only certain provisions of the Texas Highway Beautification Act that regulate non-commercial speech. (The original opinion struck down the entire law.) The opinion concluded that:

> [O]ur decision here is necessarily limited to government regulation of noncommercial speech, specifically Texas's regulation of outdoor advertising in the Texas Highway Beautification Act. But as briefly noted above, the Texas Act includes several provisions that, while related to highway beautification, do not constitute government regulation of speech. For example, the Act includes the Legislature's program for state controlled right-of-way information logo signs; regulations controlling junkyards and automobile graveyards along the State's highways; and the Transportation Commission's legislative authority to provide public rest areas. Because these provisions in the Texas Act are not government regulations of speech, neither Reed nor our decision here affect their validity.

The substituted *Auspro* opinion shouldn't be any more detrimental to cities than was the original opinion. In fact, it somewhat allayed fears that a city with no sign ordinance would be completely exposed to the construction of new billboards along a state highway that runs through the city. In 2017, the legislature passed legislation to address the *Auspro* decision:

> **S.B. 2006 (Watson/Morrison)** provides that: (1) the Texas Highway Beautification Act, under which the Texas Department of Transportation regulates signs along state highways, essentially applies only to a "commercial sign" (as opposed to all "outdoor advertising"); and (2) commercial sign means a sign that is: (a) intended to be leased, or for which payment of any type is intended to be or is received, for the display of any good, service, brand, slogan, message, product, or company, except that the term does not include a sign that is leased to a business entity and located on the same property on which the business is located; or (b) located on property owned or leased for the primary purpose of displaying a sign.

Based on the bill above, the Texas Supreme Court vacated the case as moot in April 2018.

Another issue that arose from the TxDOT sunset legislation in 2017 related to the height of billboards. The bill provided that, for a sign (billboard) existing on March 1, 2017, that was erected before that date: (a) the sign may not be higher than 85 feet, excluding a cutout that extends above the rectangular border of the sign; and (b) a person may rebuild a sign described by (a) without obtaining a new or amended permit from the department, provided that the sign is rebuilt at the same location where the sign existed on March 1, 2017, and at a height that does

not exceed the height of the sign on that date. Following the passage of the bill, TxDOT adopted rules that would increase the maximum height of billboards. The taller maximum would include signs within a city's limits, unless the city's ordinances prohibit signs or limit their height to some lesser maximum height.

The TML Legislative Program for 2017 provided that the League oppose legislation that would erode municipal authority over billboards or place any unfunded mandate on cities relating to billboards.

## OVERWEIGHT TRUCKS

Various bills filed in 2015 (H.B. 2606, H.B. 3061, and H.B. 3129 for example) would have increased weight limits for trucks on Texas roadways up to 90,000, 97,000, or in some cases 120,000 pounds. Critics of these bills pointed out that heavier trucks degrade our highways and roads at a faster rate than lighter trucks, and also pose additional safety hazards. Some cities have expressed concern as well, given the increasing role of cities in funding the state highway system through local participation.

The League has participated in the Coalition Against Bigger Trucks (CABT). According to CABT, "[s]emitrailer trucks play a vital role in the U.S. economy and transportation system, but longer, heavier trucks endanger motorists, weaken our roads and bridges, and cost taxpayers billions of dollars every year in highway subsidies. A leading voice in opposing more dangerous truck configurations, the Coalition Against Bigger Trucks (CABT) is a national, nonprofit grassroots organization that advocates for highway safety and sound transportation policies."

The League's 2017 Legislative Program provided that the League oppose legislation that would increase the permissible size or weight of vehicles under state law. That position was called into question when a handful of League member cities supported limited increases in truck weights, and bills passed to that effect. For example, H.B. 2319 (Paddie) provides that: (1) a vehicle or combination of vehicles that is powered by an engine fueled primarily by natural gas may exceed any weight limitation imposed by the state by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system, provided that the maximum gross weight of the vehicle or combination of vehicles may not exceed 82,000 pounds; and (2) certain overweight intermodal shipping containers may be driven on certain roads near the Arkansas border.

The frequent filing of limited or bracketed bills supported by various cities may mean that the League should take no position on the issue of overweight vehicles.

**Potential Comprehensive Positions**

1. The League should oppose state or federal legislation or rules that would erode the authority of a city to be adequately compensated for the use of its rights-of-way and/or erode municipal authority over the management and control of rights-of-way.

2. The League should support legislation that would: (1) allow for greater flexibility by cities to fund local transportation projects; (2) amend or otherwise modify state law to help cities fund transportation projects; or (3) provide cities with additional funding options and resources to address transportation needs that the state and federal governments are unable or unwilling to address.

3. The League should support legislation that would: (1) provide additional funding to the Texas Department of Transportation for transportation projects that would benefit cities; and (2) provide local, state, and federal transportation funding for rail as one component of transportation infrastructure.

4. The League should oppose legislation that would erode municipal authority over billboards or place any unfunded mandate on cities relating to billboards.

# MISCELLANEOUS ISSUES

## PUBLIC SAFETY: RED LIGHT PHOTO ENFORCEMENT

For many years, the authority of cities to impose a civil penalty for a red light violation caught on film was in doubt. Going into the 2007 session, most city officials believed that cities had such authority but realized that many legislators wished to repeal the authority.

During the 2007 session, comprehensive red light photo enforcement legislation finally passed. The final bill (S.B. 1119) was a combination of three separate motives: (1) the desire of some legislators to clarify the legality of red light cameras; (2) the desire of other legislators to strictly regulate the installation and operation of red light cameras, if they were in fact to be legal; and (3) the desire by most legislators for the state to share in any proceeds generated by red light cameras. As passed, the bill did all three, and then some. S.B. 1119 does the following:

(1) allows a city to implement a system by installing cameras at traffic lights in the city;

(2) allows a city to contract with a private contractor for the administration and enforcement of the system, so long as the contractor's payment is not based on a specified percentage or dollar amount of the citations issued;

(3) provides that, before installing a system at an intersection, a city shall conduct a traffic engineering study of the intersection approach to determine whether, in addition to or as an alternative to the system, a design change to the approach or a change in the signalization of the intersection is likely to reduce the number of red light violations at the intersection;

(4) requires a city to report results of that traffic engineering study to a citizen advisory committee consisting of one person appointed by each member of the governing body;

(5) provides that the citizen committee shall advise the city on the installation and operation of the system;

(6) requires the city to install signs along each roadway that leads to an intersection at which a system is in active use, and provides criteria for the signs;

(7) provides that a city or the city's contractor may not provide information about a violation to a credit bureau;

(8) requires that an intersection approach must be selected based on specific criteria;

(9) provides that before installing a system at an intersection, the city shall compile a written report of the number and type of traffic accidents that have occurred at the intersection for a period of at least 18 months before the date of the report, must submit that report to the Texas Department of Transportation (TxDOT), and must continue to monitor and report to TxDOT the effectiveness of the system;

(10) provides for the creation of a class A misdemeanor for a person who uses a system for a purpose other than to enforce red light violations;

(11) limits a civil or administrative penalty for a red light violation detected by the system to $75, and a late payment penalty to $25;

(12) provides that a city shall send 50 percent of the revenue derived from civil or administrative penalties to the state comptroller for deposit to the credit of the regional trauma account created by the bill, and shall deposit the remainder of the revenue in a special account in the city's treasury to be used only to fund traffic safety programs (Note that the state has been collecting its share of the revenue, but as of summer 2012 has not disbursed any of the funds. The League has remained neutral on this issue because cities are in competition with one another for the funds.);

(13) allows a city to retain an amount necessary to cover the costs of purchasing or leasing equipment, installing the system, operating the system, and maintaining the general upkeep and functioning of the system;

(14) prohibits the imposition of a civil penalty on a driver who received a criminal citation for the same conduct;

(15) specifies the contents of a notice of violation mailed to the owner of a motor vehicle that is photographed while running a red light;

(16) prescribes mandatory administrative hearing procedures and authorizes the owner of a motor vehicle to appeal a civil penalty to the city's municipal court;

(17) provides that at an intersection at which a photographic traffic monitoring system is in use, the minimum change interval for a steady yellow signal must be established in accordance with the Texas Manual on Uniform Traffic Control Devices;

(18) provides that if the owner of a vehicle that ran a red light fails to timely pay the penalty, that person may not be arrested;

(19) provides that if the owner of a vehicle that ran a red light is delinquent in paying the civil fine, the county tax assessor-collector or TxDOT may refuse to register the motor vehicle; and

(20) provides that the imposition of a penalty authorized by this legislation is not a conviction for any purpose.

Despite the comprehensive nature of S.B. 1119, red light camera authority was far from etched in stone.

In 2007, a House floor amendment by then-Rep. Carl Isett would have imposed a 2009 sunset date for red light camera authority. It passed the House by a vote of 81 to 55 but was later stripped out in conference committee.

Similarly, in 2009, H.B. 2639 by Isett would have eliminated red light authority statewide, but it did not pass. However, H.B. 300, the TxDOT sunset bill, had in its later versions the following provisions:

1. TxDOT shall have jurisdiction over red light camera systems in this state and shall adopt rules governing them, including: (a) the specifications for the systems; (b) the identification of intersections where a system may be installed; and (c) the operation and maintenance of the systems.

2. TxDOT may not approve the implementation or operation of a red light camera system that was not in operation on June 1, 2009, or for which a contract for the administration or enforcement of the system had not been entered into by a local authority on or before that date.

The bill with those provisions passed the House 138-6, but they were stripped out in a Senate committee. Upon appointment of a conference committee, the House voted 103-28 to specifically instruct the House conferees to retain the detrimental red light camera provisions. The bill eventually died over the numerous differences between the House and Senate versions, and a temporary extension of the agency through 2011 was passed during a special session. The TxDOT sunset bill passed in 2011 without the detrimental red light camera provisions.

While the leader of the fight against red light cameras in the House, Carl Isett, was no longer in office, the vote counts above indicated that the issue would be front and center again in 2011. Indeed, numerous bills were filed that would have eliminated city authority or required burdensome actions by cities to continue using the systems:

- **H.B. 1066 (Workman) – Red Light Cameras**: would require a local authority, including a city, to install a timer at each intersection at which a photographic traffic signal enforcement system is used that displays the number of seconds that remain before the signal changes.

- **H.B. 1365 (Callegari) – Red Light Cameras**: would require that signs installed at an intersection alerting drivers to the presence of a photographic traffic monitoring system or photographic traffic signal enforcement system: (1) may not be located more than 750

feet from the intersection; (2) must have affixed a flashing yellow circular beacon; and (3) must comply with design and size requirements established by the Texas Department of Transportation.

- **H.B. 1561 (Orr) – Red Light Cameras**: would: (1) prohibit a city from adopting an ordinance to implement a photographic traffic signal enforcement system unless the city holds an election and a majority of the voters approve the proposition; and (2) require a city that currently has a photographic traffic signal enforcement ordinance to hold a referendum election no later than November 8, 2011, and if a majority of voters do not approve the proposition, allow the city to continue to operate the system until any related administration and enforcement contract expires.

- **H.B. 1792 (Gutierrez) – Red Light Cameras**: would provide that all revenue from red light camera violations, after a city has deducted its administrative costs, be deposited to the credit of the state's regional trauma account.

- **H.B. 2852 (Mallory Carraway) – Red Light Cameras**: would provide that: (1) a city shall install a sign at each intersection at which a photographic traffic monitoring system is in active use and at which turning right is permissible; and (2) the sign must indicate the location at which the operator of the vehicle must stop the vehicle when facing a steady red signal.

- **S.B. 500 (Jackson) – Red Light Cameras**: would: (1) prohibit a local authority, including a city, from implementing or operating an automated traffic control system with respect to a highway or street under its jurisdiction (but would grandfather certain, existing contracts); (2) repeal a municipal court's jurisdiction over cases involving photographic traffic signal enforcement offenses; (3) repeal provisions of the Health and Safety Code that establish regional trauma accounts; (4) repeal provisions of the Transportation Code that establish the amount of and direct the deposit of civil and administrative penalties collected as a result of a photographic traffic signal enforcement system; and (5) repeal Chapter 707 of the Transportation Code, which authorizes a photographic traffic signal enforcement system.

While none of the bills above passed, the media later reported interesting comments from a key Senator in the debate:

**Texas: Top State Senator Says Red Light Cameras About Money**

**www.thenewspaper.com/news/36/3691.asp**

**1/17/2012**

Top supporter of red light cameras in the Texas Senate now says photo enforcement is a bad deal. The most senior Texas state lawmaker admitted last week that he voted to

save red light camera programs even though he knew they had no effect on public safety. State Senator John Whitmire (D-Houston), who was first elected to the legislature in 1973, appeared on KTRH radio's morning news program to discuss how public opposition to red light cameras persuaded legislators to devote some of the camera profit to trauma centers.

"People went to Austin protesting it, and so John Carona -- a senator from Dallas -- didn't want to eliminate them," Whitmire explained. "He said, you know, it's obviously a revenue source. Local communities try to sell it as public safety, cutting down on red light running. He and I think most people would realize it's really a revenue source. John Carona in Austin said. I'm not going to eliminate but let the state have half of that revenue dedicated to trauma care which is badly underfunded."

Though the money was promised to trauma care centers, over $4.1 million of this money has remained in the state's general fund and not been distributed to the trauma centers.

"The budget writers in an effort to find resources and money to balance the budget never sent that," Whitmire explained. "It's wrong. It's wrong."

Whitmire played an essential role in 2005 in blocking House legislation that would have banned red light cameras as well as an amendment that would have forced municipalities to obtain voter approval before instituting a red light camera program. The Senate voted 18 to 13 to against the referendum requirement. Whitmire explained that the mayor of Houston, a fellow Democrat, had pressed him for that vote.

"Bill White came to Austin and he had two issues," Whitmire said. "The next vote that came up was to try to repeal red light cameras. The vote was whether we'd take that away from the cities. And I don't think Austin ought to be trying to run the cities on a day-to-day basis."

Houston's cameras were ultimately shut down, but only after a heated legal and political battle. A federal judge even intervened to overturn the results of a public vote on the matter.

"It is a bad deal and the people acted on it and repealed it," Whitmire said. "The issue of red light cameras, I was always suspect about it. I never thought it was about public safety. The greatest number of red light citations are issued to people who don't come to a complete stop on turning right or similar violations. It's a civil ticket, that shows you how insincere they are about it."

A number of bills relating to red light cameras were filed in 2013, although none of them passed. House Bill 3025 by Zedler would have prohibited cities from operating red light camera systems

or any other automated traffic control system. The bill did not receive a hearing. Other bills would have limited cities' red light camera authority, although to a lesser extent than H.B. 3025. House Bill 2420 by Elkins would have prohibited a city red light camera ordinance from imposing a civil penalty on the owner of a motor vehicle that is turning right at an intersection. House Bill 3304 by Geren would have prohibited the county assessor-collector and the Texas Department of Motor Vehicles from refusing to register a motor vehicle when the owner of the motor vehicle is delinquent in the payment of a civil penalty resulting from the violation of a red light camera ordinance, thus taking away cities' primary collection tool.

The red light camera bill that made the most progress in 2013 was H.B. 3172 by Bohac. That bill would have required that a red light camera sign include the range of the dollar amounts of the monetary penalties that could be imposed for a violation recorded by the camera. The bill passed the House unanimously, but did not receive a committee hearing in the Senate.

There has also been activity at the local level in a handful of home rule cities. For example, a referendum petition pursuant to the City of College Station charter in 2009 resulted in a ban on cameras in that city. In addition, a similar petition in the City of Houston led to the removal of cameras there in 2011. The Houston vote also led to a multimillion dollar settlement between the city and ATS Traffic Solutions, the camera operator, for the breach of contract caused by the referendum. In 2014, voters in Conroe banned red light cameras, and Arlington voters did the same in 2015.

In 2015, several bills that would have limited this authority were filed. The following were heard in their respective committees, but never passed the first house:

- **H.B. 142 (Stickland) – Red Light Cameras**: would: (1) prohibit all automated traffic enforcement, including red light cameras; (2) eliminate the state trauma account funded by the state's portion of red light camera fines; and (3) allow a current contract between a city and its red light camera administration company to continue so long as the contract existed as of June 1, 2015.

- **H.B. 740 (Bohac) – Red Light Cameras**: would require that red light camera signs list the possible monetary penalties for violations in addition to the information required by current law.

- **H.B. 1437 (S. Turner) – EMS and Trauma Facilities**: would: (1) abolish the regional trauma account administered by the Health and Human Services Commission; and (2) transfer the red light camera revenue that formerly went to the regional trauma account described in (1), above, to the designated trauma facility and emergency medical services account administered by the Department of State Health Services.

- **H.B. 1710 (Bohac) – Red Light Cameras**: would: (1) require a city to submit to its voters the question of repealing an ordinance establishing red light cameras if the city

council receives a petition requesting the election signed by 10 percent of the registered voters; (2) prohibit a city from adopting another red light camera ordinance if a majority of the votes cast at an election described in (1), above, favor repealing the ordinance; and (3) prohibit an election described in (1), above, from being held more often than every two years.

- **H.B. 2442 (Zedler) – Red Light Cameras**: would provide that, if the owner of a motor vehicle is delinquent in the payment of a civil penalty imposed in connection with a photographic traffic signal, the county assessor-collector or the Texas Department of Motor Vehicles may not refuse to register the motor vehicle alleged to have been involved in the violation.

- **S.B. 714 (Hall) – Red Light Cameras**: would: (1) prohibit a city from implement or operating an automated traffic control system; and (2) provide that if before June 1, 2015, a city has enacted an ordinance and entered into a contract for the administration enforcement of an automated traffic control system, the city may continue to operate the system under the terms of the contract until the expiration date specified in the contract.

Of particular interest was S.B. 714 by Hall. That bill was approved by the Senate, but did not make it out of the House Committee on Transportation. Later in the session, Senator Hall was able to attach a floor amendment with similar language to a transportation funding bill, H.B. 13, authored by the chairman of the House Committee on Transportation, Representative Joe Pickett. When the bill went back to the House for final approval, Chairman Pickett took the unusual step of calling a point of order on his own bill because he felt the red light camera amendment was not germane to transportation funding. The point of order was sustained and the bill died in the House.

A similar litany of bills modifying or repealing cities' red light camera authority were filed in 2017. Once again, Senator Hall's bill to eliminate red light camera authority altogether—this time S.B. 88—was approved by the Senate and stalled out in the House Transportation Committee.

"Texas Red Light Camera Coalition" is a group of cities that was formed in 2006 to prepare for the 2007 session. The Coalition is still active and has been involved in negotiating the specifics of bills and rules that relate to the systems.

The 2017 TML Legislative Program provided that the League take no position on legislation that would standardize red light photo enforcement systems, so long as the underlying authority is not eliminated. (Further, TML should defer to the Texas Red Light Coalition on more detailed matters relating to revisions to red light camera policy.)

**Potential Comprehensive Position**

The League will take no position on legislation that would standardize red light photo enforcement systems, so long as the underlying authority is not eliminated. (Further, the committee recommends that TML defer to the Texas Red Light Coalition on more detailed matters relating to revisions to red light camera policy.)

## PUBLIC SAFETY: LICENSED CARRY – COURTS

House Bill 910, which became effective on January 1, 2016, modifies the prior law relating to concealed handgun licenses. The bill eliminates the concealed/open carry distinction, and it creates a "license to carry a handgun."

H.B. 910 allows a person with a current concealed handgun license, or a person who obtains the new "license to carry a handgun," to carry a handgun in a concealed manner or openly in a belt or shoulder holster. The rules related to where and when a license holder may openly carry are essentially identical to where and when a concealed handgun license holder could carry under prior law. (Another bill passed in 2016, S.B. 11, allows "concealed campus carry" by a license holder.)

A city has very limited authority to prohibit a license holder from carrying in city facilities to which the general public has access. State law prohibits a license holder from carrying a handgun on the premises: (1) of a polling place on the day of an election or while early voting is in progress; and (2) any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court.

In addition, a city has the option of posting a specific notice to prohibit a license holder from carrying in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to the Open Meetings Act.

The main issue for cities (and counties) relates to how the statutory prohibition against carrying a firearm onto the premises of a court or court office been interpreted. Two attorney general opinions called into question Texas city attorneys' previous understanding of where firearms can be carried in and around city courts. Attorney general opinion requests RQ-0040-KP (July 24, 2015) and RQ-0051-KP (September 9, 2015) asked numerous questions about the statutory prohibition against carry a firearm onto the premises of any government court or office utilized by the provision. The opinions further confused the issues. A discussion of each subsequent opinion, along with an explanation of their practical effects, follows.

- Tex. Att'y Gen. Op. No. KP-0047 (2015) concluded that a person is prohibited from carrying a firearm only into the *room* that actually houses a court or court office. That opinion is contrary to what the League and most other attorneys had been advising for

years under the concealed carry law. That advice has now been confirmed by at least two district courts: that a person is prohibited from carrying a firearm into the *entire building* that houses a court or court office.

Most governmental entities took that position because of the confusing nature of the law. In other words, because it wasn't (and still isn't) exactly clear into what "portion" of a building a licensee can carry, the licensee could (and still perhaps can) inadvertently commit a third degree felony for going to the wrong portion of the building.

The opinion states that "[w]hile we can't be sure what the outside limits of the prohibition are, it is clear that 'the legislature intended to prohibit concealed handguns from the rooms that house government courts and offices central to the business of the courts....in order to provide clarity, we construe subsection 46.03(a)(3) to encompass only government courtrooms and those offices essential to the operation of the government court." Again, at least two district courts have concluded that the opinion is wrong in this aspect, and that the prohibition applies to the entire building that houses a court or offices utilized by a court. Moreover, it applies all the time, not just when court is in session.

The opinion further states that "[w]e routinely acknowledge that decisions like this are for the governmental entity in the first instance, subject to judicial review. Accordingly, the responsible authority that would notify license holders of their inability to carry on the respective premises must make the determination of which government courtrooms and offices are essential to the operation of the government court." The prohibition does not require notice, but notice given by a "no firearms allowed" sign or one with a gun with a slash through it has been found by at least one district court to be acceptable for doing so (see below discussion).

In the past, it always seemed clear that a license holder couldn't go into the court building. That interpretation provided certainty. Contrary to the "would notify license holders" quote above, the court or court office prohibition *does not require signage*. Thus, the opinions incorrectly shift the risk of compliance onto the license holder to know where he can carry.

In the wake of KP-0047, some local governments called foul. For example, the Texas District and County Attorneys Association and the Texas Conference of Urban Counties both questioned the conclusions of the attorney general's office.

Whether a city official agrees or disagrees with the conclusions in the opinions, it seems safe to say that many are having trouble deciding how to deal with them. The CUC's advice to its county members is that the opinions are:

> not consistent with the plain language found in Texas statutes, nor the very clear evidence of legislative intent...[t]he question of whether "premises of a court" means only a courtroom should be a question of law to be decided by the trial judge in the first instance, subject to appeal. Interestingly, as of this writing, the judges of the Texas Supreme Court and the Texas Court of Criminal Appeals don't permit any weapons to be brought into the Supreme Court building.

TDCAA's advice is slightly more tempered, but comes to a similar conclusion. Again, regardless of one's opinion on where guns should be allowed, it's tough to properly interpret the courts prohibition. As mentioned above, the attorney general's opinions actually shift the risk of compliance onto the license holder to know where he or she can carry.

Recently, Waller County, located northwest of Houston, filed a lawsuit to find out the answer. On November 28, 2016, a district judge in Waller County issued an order in the case of *Waller County v. Terry Holcomb*. The order concluded that the *entire building that houses a court* is off-limits to anyone carrying a firearm, including the holder of a license to carry. The order also concludes that the attorney general has no authority to investigate the county's signs providing notice that no firearms are allowed.

Terry Holcomb is the leader of the group known as Open Carry Texas, and spends much of his time complaining about governmental entities posting licensed carry signage in what he alleges is the wrong place or with the wrong wording. He sent a written complaint to Waller County officials claiming that – based on the attorney general opinion mentioned above – they can't prohibit licensed carry in the entire courthouse building. He also claimed that the attorney general's office, under its investigatory authority over signage, can seek civil penalties against the county if it refuses to remove its signs. (The other attorney general opinion discussed above incorrectly asserts investigatory authority that is not authorized by law.)

The county filed a lawsuit against Mr. Holcomb seeking a declaratory judgment from a district court that: (1) the entire courthouse is off-limits to licensed carriers; and (2) the attorney general's office doesn't have as much enforcement authority as it claims. The court's order agreed fully with the county's position.

The order isn't precedential, and it was recently overturned by a Houston Court of Appeals (that opinion is precedential in the geographic area of the court, and persuasive in other parts of the state).

The court of appeals concluded overturned the order because, writing a letter to a political subdivision to complain about its allegedly unlawful conduct is not a wrong that give a court jurisdiction. According to the court, "Holcomb had a statutory right to notify the County of his contention that its courthouse signage violates the Government Code and request that the County

Even in the absence of a statute, the court of appeals held, he had a right under the Texas Constitution to "apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address or remonstrance."

The court of appeals ultimately concluded that only the attorney general can investigate an allegation that a sign isn't allowed. That means the lawsuit should be between the county and the attorney general. Because the attorney general wasn't named as the party, the order was thrown out.

Moreover, the court actually sent the case back to the trial court for it to consider awarding damages to Holcomb under a law called the Citizen's Participation Act. The Act is designed to protect a citizen who complains against government to claim unfair treatment.

In any case, the reversal doesn't mean that the court of appeals wouldn't agree with the trial court on the merits. It simply means that the correct parties weren't involved, which rendered the trial court without jurisdiction to hear that case. The case was appealed to the Texas Supreme Court on April 30, 2018.

The attorney general, before the order and subsequent opinion in the case discussed above, filed a separate lawsuit against Waller County in Travis County District Court on the exact same issues. In *Ken Paxton v. Waller County et al.*, the attorney general is asking a Travis County district court to: (1) force the county to remove signs prohibiting any firearms in the county courthouse (including by license to carry holders); and (2) impose civil penalties on the county.

Even *more* recently, the attorney general's office filed a lawsuit against the City of Austin to require licensed carry at city hall, even though a municipal court is conducted there. More specifically, the Austin city hall houses the city's "community court." According to its website, the court's purpose is "to collaboratively address the quality of life issues of all residents in the downtown Austin community through the swift, creative sentencing of public order offenders." The court "seeks to hold people responsible while also offering help to change behavior."



The court is held in city hall. Because of that, the city took the position that the entire building is off-limits to license holders carrying handguns. A "no guns" sign (a handgun with a slash through it – see photo to the left) is posted on the window, and a guard posted at a metal detector provides verbal notice that licensed carry is not allowed.

The attorney general's lawsuit asked the court to order the city to remove its sign and authorize licensed carry in city hall. It also sought civil penalties from the city. In 2018, the district court judge in *Paxton v. City of Austin* disagreed, concluding that the attorney general has no jurisdiction under Government Code Section 411.209 to investigate, seek an injunction, or seek

civil penalties for the display of any sign other than a 30.06 sign or verbal notice under that same section.

In a letter explaining her decision, the judge eviscerated the attorney general's arguments based on the plain language of the law. Her conclusions can be summarized as follows:

1. Texas Government Code Section 411.209 provides that: "[A] political subdivision of the state may not provide notice by a communication described by Section 30.06, Penal Code, or by any sign expressly referring to that law or to a license to carry a handgun, that a license holder carrying a handgun...is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03 or 46.035, Penal Code."

2. The section above refers only to Section 30.06 signs, which allow a city to prohibit licensed carry only in a meeting room while a meeting subject to the Open Meetings Act is taking place.

3. The plain language of the section above does not grant the attorney general any authority whatsoever to investigate or enforce against any other type of sign relating to firearms.

4. The section above does not prohibit a city from giving notice by a sign providing a gun with a slash through it (or presumably a "no firearms allowed" sign) that all firearms are prohibited under some other law. (Such as the prohibition against anyone carry any firearm – licensed or not – onto the premises of a building with a court or offices utilized by the court.)

5. The city's argument that the entire building that contains a court or offices utilized by the court is off limits to anyone – licensed or not – carrying a firearm is correct because "premises" is defined Penal Code Section 46.035(f)(3) law to mean "a building or portion of a building."

6. Number (5), above, is true because the prohibition against carry in a building or portion of a building is a criminal offense, and means that a person with a firearm can't go into any portion of the building housing a court or offices utilized by a court.

7. A building or portion of a building that houses a court or offices utilized is off limits to anyone – licensed or not – who is carry a firearm at all times (not just when court is in session).

What are the practical effects of the opinions and cases above? Based on the advice of a city's attorney, a city may wish to rely on the City of Austin's district court ruling, which is better-reasoned that the attorney general opinions. That reliance would be that a license holder may not carry a handgun into a building that houses a court or offices utilized by a court. No signage is

necessary. However, some cities – like the City of Austin did – may deem it appropriate to post a sign of some type notifying the license holder that a room houses a court or court office.

What would the signs mentioned above look like? Some would argue that they should be the 30.06 and 30.07 "criminal trespass by license holder" signs mentioned in a previous question. But according to the Austin district court, that type of sign would mean that the attorney general has authority over them and can sue the city. Better might be a gun with a slash through it or a "no firearms allowed sign." Even better might be quoting the Penal Code section prohibiting carry into those places should be mentioned:

This building houses courts and court offices.

All weapons are prohibited pursuant to Penal Code Section 46.03(a)(3).

An offense under that section is a third degree felony.

The above analysis relates only to courts and court offices, but it might also be relevant to the prohibition against carrying on the premises of a school sponsored activity or polling place during early voting or on Election Day.

Previous version of this paper advised that one possible option a city could use to address the confusion is to adopt a resolution making findings as to which of its room(s), portion(s) of building(s), or buildings are off-limits based on the court exception. An example is available at www.tml.org, under Legal Topics, Public Safety, but no city should do so without first consulting with local legal counsel. Considering the ruling in the Austin case, the advice to adopt that resolution may no longer make sense.

The League's 2017 Legislative Program provided that the League support legislation that would clarify the administration and execution of the licensed carry law, so long as such legislation does not erode current municipal authority.

**Potential Comprehensive Position**

None suggested.

## PURCHASING – BOYCOTTING ISRAEL

During the 2017 regular session, the legislature passed a bill that requires additional steps when a city enters into a contract. It is not particularly clear as to implementation, but city officials with purchasing responsibility should be aware of it.

The bill, H.B. 89 (King/Creighton), relates to government contracts with and investments in companies that boycott Israel. It provides that a governmental entity, including a city, may not enter into a contract with a company for goods or services unless the contract contains a written

verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract.

The written verification could be as simple as a contract term providing that:

*In accordance with Chapter 2270, Texas Government Code, a governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract.*

*The signatory executing this contract on behalf of company verifies that the company does not boycott Israel and will not boycott Israel during the term of this contract.*

The bill does not define "contract." Questions have arisen as to whether the bill applies to oral contracts or basic purchase orders and similar purchasing documents.

Texas law does not require that a contract be in writing. In fact, just about every purchase of a good or service, regardless of whether paper is involved, forms a contract. That being said, it would appear that the only reasonable interpretation would be that the bill applies only to written contracts. However, each city official who makes purchases should consult with their city attorney to decide how to interpret the bill.

The committee may wish to recommend a League position regarding clarifying the provisions of H.B. 89 (2017).

**Potential Comprehensive Position**

None Suggested.

## PERSONNEL: PENSION REFORM

**Pension Reform**

Although many of Texas' defined benefit (DB) plans seem to be in better shape than the rest of the country, the debate over shifting all government DB plans to defined contribution (DC) plans continues to build momentum. Organizations in Texas such as Texans for Public Pension Reform, the Texas Conservative Coalition, and the Texas Public Policy Foundation (TPPF) are all seeking reforms in public pensions, including advocating for a constitutional amendment against DB plans for public employees.

TPPF issued a report in 2011 calling for the following changes in public retirement systems:

- Freeze the current defined benefit pension plan for all new and unvested employees.

- Enroll newly-hired or unvested employees in a 401(k)-style defined contribution pension plan.
- Implement either a hard or soft freeze of the system for vested employees.

TPPF claims that these changes would save the state and local government considerable money over the long term. The report goes on to add:

> *With government workers now reaping more compensation than their private sector counterparts, taxpayers can no longer afford to subsidize generous retirements. During the past several years, state and municipal pension systems have implemented changes in the hopes of reigning in ballooning liabilities. Modifications like an increased minimum retirement age and readjusted benefit calculations have bought some time for the plans, but in no way have they gone far enough to keep long-term costs at bay.*
>
> *Public-sector defined-benefit pension plans - retirement packages that promise retirees a set monthly income based on an employee's salary history and years of service - are entitlements that transfer wealth from workers in the private sector to public sector retirees.*
>
> *When pension funds fall short of their expected return rates (the case for the past several years), governments must eventually fill the gap by either increasing taxes or reallocating existing revenue. With public workers now making more than workers in the private sector, poorer taxpayers end up subsidizing generally wealthier government retirees.*

How ? New taxes?

Really?

The report concludes that the changes "would not only shield Texas from an inevitable public pension cost explosion, they would align public sector benefits with those in the private sector and create a more just retirement system."

To counter the efforts of TPPF and others, members of Texas employee pension systems, employee groups, unions, and other related groups benefiting firefighters, police, and municipal employees have formed an organization called Texans for Secure Retirement (TSR). TSR's objectives include retaining DB plans as the primary retirement planning option for all current and future public employees in Texas; educating the business community about the advantage of DB plans for public sector employees, employee groups, and related institutions; and, enhancing public awareness about how DB plans for public employees are advantageous for the general public and the economy in Texas.

With so many coordinated efforts to address public pensions, League staff expected a healthy debate on pension reform during the 2013 legislative session. Many bills were filed and a few passed. The following bills passed and are largely related to reporting, auditing, and training:

- **H.B. 13 (Callegari/Duncan) – Pensions**: this bill: (1) requires public pension systems to post the following documents on their Internet websites: (a) actuarial valuations; (b) annual financial reports; (c) member and retiree reports; (d) State Pension Review Board (Board) registration; and (e) reports of investment returns and assumptions; (2) imposes reporting requirements on the Board if a public retirement system does not post its required financial documents, including: (a) posting the names of the systems on its website; (b) notifying either the governor and Legislative Budget Board or the political subdivision of the failure, depending on the pension system; (3) requires the Board to create model ethical and conflict of interest rules for public pension systems to adopt voluntarily; (4) requires the Board to create an educational training program for public pension system administrators; (5) authorizes a public retirement system to provide its own educational training to trustees and system administrators if the Board determines that the system's training meets or exceed the minimum training requirements; (6) requires a public retirement system to post certain contact information on a publicly-available Internet website; and (7) requires a public retirement system to submit to the Board an investment returns and actuarial assumptions report before the 211th day after the last day of its fiscal year. (Effective immediately.)

- **S.B. 200 (Patrick) – Pension Review Board:** this is the Pension Review Board sunset bill. Of interest to cities, this bill: (1) continues the Pension Review Board until 2025; (2) authorizes the board to provide training to retirement trustees and administrators; (4) exempts some fire fighter pension plans from the certain state law requirements; (5) requires an audit for a public retirement system that is separate from a governmental entity's general audit; (6) requires that a public retirement system inform its participants within 31 days of any significant change in the ordinances or regulations of the system that could affect contributions, benefits, or eligibility; and (7) eliminates certain actuarial valuations for defined contribution plans.

- **S.B. 220 (Birdwell/Anchia) – Firefighters Pension Commissioner**: among other things, transfers the responsibilities of the firefighters' pension commissioner to the Texas Emergency Services Retirement System and the local firefighters retirement systems. (Effective Immediately.)

- **S.B. 366 (L. Taylor) –Retirement Benefits:** authorizes a city to: (1) establish a Roth IRA program for its employees; and (2) develop procedures to allow retirement plan vendors to lend money to a participating employee.

The following, more burdensome bills, did not pass:

**H.B. 3356 (Callegari) – Retirement Systems**: would: (1) require each actuarially funded retirement system to be funded at 100% by 2045; (2) require each actuarially funded retirement system to provide reports regarding its funding to its plan members, beneficiaries, plan sponsors, and board; (3) require certain retirement systems that have over $100 million in total assets to do an actuarial experience study; and (4) require each public retirement system to adopt ethical standards and conflict-of-interest policies at least as strict as state law.

**H.B. 3488 (Burkett) – Pensions:** would provide that pensions, including city pensions, comply with certain accounting requirements that other postemployment benefits must already comply with under state law

In the 2015 legislative session, the focus turned on reforming the Texas employee pension systems. Only a few public pension bills were filed and none received a hearing.

**S.B. 1994 (Bettencourt) – Public Retirement System:** would: (1) allow a city that has its own, statutorily-created pension system to change the provisions of its pension by ordinance if: (a) it can 100 percent fund the change by the end date of the fiscal year; (b) provisions only affect an individual who retires after December 2015; and (2) allow an ordinance adopted under the bill to preempt state law.

**H.B. 2955 (Klick) – Pension Systems:** would, among other things: (1) repeal various city fire, police, and employee pensions; and (2) require that each city affected by the repeal to renegotiate its pension system benefits, policies, and procedures with its employees and retirees.

In 2016, TPPF issued a policy brief, *Restoring Local Control of State-Governed Pension Plans*, which examines the fiscal health of the systems and gives recommendations. TPPF acknowledges the difficulty in making substantive changes that are needed to make systems viable when approval must come from the legislature. The brief recommends that the legislature give the localities the authority to govern their own pension systems.

In the 2017 legislative session, the legislature largely concentrated on reforming the pension systems of Houston and Dallas, and significant bills were passed affecting those two cities. A few oversight bills were filed but none passed:

**S.J.R 43 (Huffman) – Local Retirement Systems**: would amend the Texas Constitution to provide that the state is not liable and may not appropriate money to pay for any debts or other obligations of a local retirement system. (Companion is **H.J.R. 85** by **Flynn**.)

**S.B. 152 (Bettencourt) – Local Retirement Systems**: would, among other things, provide that a city that is the sponsoring authority of a public retirement system that was created under a state statute, but is not a part of a statewide public retirement system, may adopt by ordinance or

resolution provisions that prospectively supplement or supersede the operative provisions of the public retirement system.

**S.B. 509 (Huffman) – Public Retirement Systems**: would require any public retirement system, other than the Texas Municipal Retirement System (TMRS), to select an independent firm to evaluate the system's investment practices and performance. (The evaluation would be conducted biennially for systems with assets over $100 million and every five years for systems with assets under $100 million.) The bill would also require the governing body of each public retirement system to submit to the Pension Review Board an annual investment performance report including: (1) commission and fees paid by the retirement system, and (2) a copy of the retirement system's most recent evaluation.

It is unclear whether serious legislation will be filed this coming session. In any case, the Committee may wish to recommend a position on the issue.

**TMRS Flexible Cost of Living Adjustments**

Provisions of the Texas Government Code provide for cost of living adjustments (COLAs) to annuities paid to Texas Municipal Retirement System (TMRS) retirees. Under current law, a COLA is calculated based on the level of the Consumer Price Index (CPI) when the employee retired. There are three optional increases allowed: 30 percent, 50 percent, or 70 percent of the change in CPI. Unless the ordinance that establishes the amount of the COLA is modified or repealed, the increase automatically repeats itself. Ultimately, this has had the effect of making the COLA a promised benefit to TMRS retirees because these annually repeating annuity increases were never built into the funding formulas.

In recent years, TMRS actuaries began valuing the COLA as a promised benefit. As a result, the contribution rates and unfunded liabilities of member cities have increased. It is difficult for cities to modify the percentage amount of the COLA in their ordinance. For example, if a city decreases a COLA from 70 percent of CPI to 50 percent, most retirees would not see a benefit increase for a long time. Because the previous 70-percent COLA benefit would be greater that the 50-percent COLA, the retiree would not see another increase until the 50-percent COLA exceeded the 70-percent COLA increase received previously. The retrospective nature of the COLA also makes increases difficult. If a city was granting a 30-percent COLA and wants to increase it to 50 percent, calculating the increase in the benefit for several years becomes very costly for cities to implement.

From 2009 to 2015, bills were filed that would have allowed a city participating in TMRS to adopt a non-retroactive, flat-rate COLA. None of the bills have passed.

S.B. 1358 by Senator Seliger, filed in 2009, was sought by the cities of Amarillo, Abilene, Garland, and Carrollton. The bill would have provided TMRS member cities the option of calculating the amount of the annual COLA as an increase in the current benefit only. S.B. 1358

would have allowed cities the ability to effectively manage their retirement plans and control costs and continue to retain the adjustment as an additional benefit for retirees. S.B. 1358 was reported from the House Pensions and Investments Committee with some opposition. The Combined Law Enforcement Association of Texas (CLEAT), the Arlington Police Association, Arlington Professional Firefighters, and the Texas State Association of Fire Fighters all testified against the bill. If it had not been late in the legislative session, this bill would have likely been debated on the House floor with the possibility of passing.

In 2011, Senator Seliger filed S.B. 642. The bill would have allowed a city participating in TMRS to adopt a non-retroactive, flat-rate COLA. An increased payment to an annuitant resulting from such a COLA adopted by a city would be limited to the cumulative increase the annuitant would have been entitled to receive if the 70 percent of the CPI limit under TMRS's existing law had been applied to the annuity. The bill would have also required that if a city adopts an ordinance to either discontinue an annually repeating COLA or to change an annually repeating COLA, the city must give written notice to members and annuitants at least 60 days prior to the effective date of the change adopted in the ordinance. The bill didn't pass.

In 2013, Rep. John Smithee filed H.B. 718, which allowed a city participating in TMRS to adopt a non-retroactive, flat-rate COLA. Much like S.B. 642 in 2011, H.B. 718 ran into opposition from the unions and did not pass.

In 2015, Rep. John Smithee filed H.B. 4080, which allowed a city participating in TMRS to adopt a non-retroactive flat-rate COLA. The bill was reported from committee but died in the House Committee on Calendars.

No bills were filed that related to COLA's during the 2017 legislative session, when the League's position was to take no position on legislation that would amend the affected provisions relating to TMRS to allow for greater flexibility in retiree pension increases and provide for a forgiveness provision for cities that stopped the regular repeating COLA payments without reference to a cost of living index.

**Potential Comprehensive Positions**

Take no position on legislation that would amend the affected provisions of the Texas Government Code relating to the Texas Municipal Retirement System to allow for greater flexibility in retiree pension increases and provide for a forgiveness provision for cities that stopped the regular repeating COLA payments without reference to a cost of living index.

Oppose legislation that would further erode local control as it pertains to retirement issues.

## PERSONNEL: DISEASE PRESUMPTION

After extensive negotiations between cities and firefighters, the legislature in 2005 passed a bill (S.B. 310) that provides that certain diseases contracted by firefighters and emergency medical technicians (EMTs) are presumed to be work-related and thus included in workers' compensation coverage.

The key to understanding S.B. 310 is to know that very expensive provisions that other states have included in their presumption bills were excluded from the Texas bill. A general presumption that heart disease is caused on the job, for example, would be extremely expensive and was not included in S.B. 310. To date, there have been successful presumption claims, but total city liability has been fairly limited.

As a "compromise" bill, it's not unreasonable for cities to take the position that no changes or expansion of the law should be considered for several years. Of course, some groups try to amend the statute anyway. During the 2013 session, for example, new presumption legislation was filed in an attempt to expand the law:

- **H.B. 365 (Martinez):** would have provided that: (1) a firefighter or emergency medical technician (EMT) who has a heart attack or stroke while on duty is presumed to have suffered the illness or death during the course and scope of employment, which means he or she would be covered by workers' compensation for that condition; (2) a firefighter or EMT who contracts acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV), hepatitis B, or hepatitis C is presumed to have contracted the disease during the course and scope of employment, which means he or she would be covered by workers' compensation for that condition if, while on duty: (a) the firefighter or EMT was exposed to a person with these diseases who received treatment from the firefighter or EMT; or (b) the firefighter or EMT regularly responded to scenes or calls involving exposure to blood or other bodily fluids; and (3) a firefighter or EMT who contracts methicillin-resistant staphylococcus aureus (MRSA) resulting in illness or death is presumed to have suffered the illness or death during the course and scope of employment, which means he or she would be covered by workers' compensation for that condition if, while on duty, the firefighter or EMT was exposed to a person with MRSA who received treatment from the firefighter or EMT.

- **H.B. 1091 (Martinez):** would have extended the time frame for discovering an illness or disease of police, EMS, and fire personnel to five years after they leave employment for which they may be entitled to benefits or compensation.

None of the above bills passed. In 2015, H.B. 50 (Martinez) was filed that again would have attempted to expand the scope of the presumption statute in a similar was as the 2013 bills above. In addition, the following were filed as well:

- **H.B. 60 (Martinez) – Disease Presumption**: would give former fire fighters, police officers, and EMS personnel additional time to make claims for medical benefits and compensation for diseases such as asbestosis and cancer. (Current law requires the condition to manifest itself while the person is still employed.)

- **H.B. 2854 (Martinez) – Disease Presumption**: would, in relation to a presumption that a person is infected with disease at work for purposes of workers' compensation coverage: (1) allow a fire fighter's disease presumption to be determined by: (a) whether the cancer is known to associated with fire fighting by the International Agency for Research on Cancer; or (b) a physician's finding that the cancer is not the result of other known causes; and (2) allow a disease presumption related to a fire fighter's death from certain diseases to be used to determine a survivor's eligibility for benefits.

None of the above passed. However, H.B. 1388 (Bohac) did pass. That bill requires that: (1) a rebuttal made by a government employer regarding workers' compensation disease presumption include a detailed statement of the evidence used to determine that the disease in question was not caused by the individual's employment; and (2) a denial by a carrier include evidence reviewed in making the denial.

Following the session, later in 2015, at least two workers' compensation cases were improperly decided. In those cases, the Texas Department of Insurance's Workers' Compensation Division relied on a manual prepared by the International Agency for Research on Cancer to conclude that – contrary to the plain language of the statute – pancreatic cancer and multiple myeloma fell within the disease presumption statute.

With regard to cancer presumption, the statute provides that

> Sec. 607.055. CANCER. (a) A firefighter or emergency medical technician who suffers from cancer resulting in death or total or partial disability is presumed to have developed the cancer during the course and scope of employment as a firefighter or emergency medical technician if:
>
> (1) the firefighter or emergency medical technician:
>
> (A) regularly responded on the scene to calls involving fires or fire fighting; or
>
> (B) regularly responded to an event involving the documented release of radiation or a known or suspected carcinogen while the person was employed as a firefighter or emergency medical technician; and

(2) the cancer is known to be associated with fire fighting or exposure to heat, smoke, radiation, or a known or suspected carcinogen, as described by Subsection (b).

(b) This section applies only to a type of cancer that may be caused by exposure to heat, smoke, radiation, or a known or suspected carcinogen as determined by the International Agency for Research on Cancer.

The agency described in section (b) only determines three cancers to be caused by firefighting; yet the Division has allowed claims for other types.

The cases are currently on appeal. In 2017, the following bill was filed but did not pass:

> **H.B. 1922 (E. Rodriguez) – Survivor's Benefits**: would provide, in regard to certain claims and benefits or compensation by survivors of fire fighters, that: (1) the opinion of the individual's employer on whether the individual's death resulted from a personal injury sustained in the line of duty may not be considered; (2) any reasonable doubt arising from the circumstances of the individual's death shall be resolved in favor of payment when the person died as a result of an illness sustained in the line of duty and any scientific evidence is presented that establishes: (a) the incidence rate for the illness is significantly higher among persons performing the same job; or (b) a causal link between the illness and a hazardous condition encountered in the individual's job; and (3) deference shall be given to the medical opinion of a treating physician in favor of payment when there is any reasonable doubt regarding the circumstances of the individual's death as a result of a newly discovered or rare illness sustained in the line of duty.

The concern appears to be that some fire/police management groups will get on board with an unreasonably expansive presumption law. Presumably because administrative/judicial action is pending, no bills passed in 2017.

In May 2018, the House Committee on Business and Industry met to consider the following charge:

> Monitor the agencies and programs under the Committee's jurisdiction and oversee the implementation of relevant legislation passed by the 85th Legislature.

The testimony was predictable. The presumption statute is being interpreted differently by interested parties. Witnesses and members of the committee honed in on the use of the word "or" in the statute, stating that use of "or" instead of "and" does not limit the coverage to only cancers determined to be related to fighting fires by the international agency.

Witnesses from the City of Mission testified on the recent case in which their firefighter was denied worker's compensation although the individual refused to release his medical records so the Texas Municipal League Intergovernmental Risk Pool TMLIRP could make a determination into whether workers' compensation should be awarded. TMLIRP denied coverage due to lack of medical evidence provided by the individual, in which he states his previous medical history is irrelevant to providing coverage.

Witnesses did inform the committee that the firefighter in this case was receiving treatment and medical coverage through his insurance provider.

Additional testimony claimed TMLIRP was issuing blanket denials, which is of course not true. The Texas Department of Insurance testified that they also interpret the statute more broadly, stating in a written precedent manual used by the agency, some pancreatic, thyroid, colon and melanoma cancers could also be covered.

The League's 2017 Legislative Program provided that the League oppose legislation that would substantively change or expand the scope of the current disease presumption law.

**Potential Position**

The League will oppose legislation that would substantively change or expand the scope of the current disease presumption law.

## ELECTIONS: BALLOT LANGUAGE/INITIATIVE AND REFERENDUM

Prior to the 2017 legislative session, the lieutenant governor charged the Senate Intergovernmental Relations Committee with studying the following topic:

> Local Ordinance Integrity: Examine the processes used by home rule municipalities to adopt ordinances, rules, and regulations, including those initiated by petition and voter referendum. Determine if additional statutory safeguards are necessary to ensure that ballot language accurately describes proposed initiatives. Identify ways to improve transparency and make recommendations, if needed, to ensure that local propositions, and the means by which they are put forth to voters, conform with existing state law.

When the committee met regarding the charge, it became clear that some want more state regulation of ballot language used in initiative, referendum, and home rule charter amendment elections, which sometimes become highly contentious. Proponents argue that these reforms are necessary due recent case law striking ballot language proposed by cities.

The interim charge to the Senate Intergovernmental Relations Committee culminated with the filing of S.B. 488 by Bettencourt and H.B. 3332 by Kuempel in 2017. S.B. 488 made it furthest

of the two companion bills. It was approved by the full Senate and House Elections Committee, but was never considered on the House floor. In short, S.B. 488 would have authorized the secretary of state to review home rule city ballot language and required cities to make changes to the ballot language based on that review. Even more troubling, the bill would have required cities to pay reasonable attorney's fees, expenses, and court costs to a prevailing plaintiff in a suit challenging the ballot language, even if the city were using language the secretary of state recommended.

With highly charged political issues on a ballot, there is always a distinct possibility of a pro-forma legal challenge to the ballot language by the opponents of a given measure. As the only level of government in Texas that has initiative and referendum elections, home-rule cities are uniquely targeted by proposals like S.B. 488 just by virtue of having a process that allows for the citizens to vote on certain measures. The irony of S.B. 488 is that the Texas legislature—a body that has not come close to adopting direct democracy measures like initiative and referendum at the state level (like many other states)—is attempting to punish home-rule cities for improperly managing their voter-approved procedures for heightened accountability and transparency.

Since the 2017 legislative session, cities have litigated a handful of initiative and referendum cases. Courts (and sometimes charter language) have espoused a rule that items requiring complex procedures or the examination of detailed information are not subject to the initiative or referendum process. In Austin, the city was sued because it refused to put a rewrite of the city's land development code on the ballot. Similarly, in Plano, the city has a case pending before the Texas Supreme Court regarding the city's refusal to submit the city's comprehensive land use plan to the voters at a referendum election. Depending upon how those cases are ultimately decided, there could be additional legislation in 2019 that impacts cities' or citizens' ability to trigger initiative and referendum elections.

The 2017 TML Legislative Program provided that the League oppose legislation that would increase state regulation of local ballot language or the initiative and referendum process. With the recent increase in citizen groups attempting to trigger elections on subjects the council has shown no desire to act upon itself, might there be an argument that some cities would welcome state law reform in this area?

The summit delegates should take a close look at whether initiative and referendum elections are a core municipal value that should be defended, or whether – in some cases – they are an overused tool for interest groups to make an end-run around deliberate council action.

**Potential Position**

None suggested.

## ELECTIONS: PARTISAN CITY ELECTIONS

2017 saw the beginnings of a new effort to politicize the successfully non-partisan nature of city government in Texas. One early-filed bill that didn't progress was H.B. 2919 by Sanford. H.B. 2919 would have required candidates for mayor and city council to declare party affiliation and run as partisans in their elections. As the partisanship in Washington continues to creep down to the state and local levels, supporters of the two major parties are now getting active in local city elections through endorsements and fundraising. This trend toward trying to politicize our least political governing bodies may be one of the biggest challenges the League faces in the coming years. The following chart from the National League of Cities shows populous cities and their method of elections.

**Election Type of the 30 Most Populous Cities**

| Rank | City Name | State | Election Type |
|---|---|---|---|
| 1 | New York | NY | Partisan |
| 2 | Los Angeles | CA | Non-Partisan |
| 3 | Chicago | IL | Non-Partisan |
| 4 | Houston | TX | Non-Partisan |
| 5 | Phoenix | AZ | Non-Partisan |

| | | | |
|---|---|---|---|
| 6 | Philadelphia | PA | Partisan |
| 7 | San Antonio | TX | Non-Partisan |
| 8 | Dallas | TX | Non-Partisan |
| 9 | San Diego | CA | Non-Partisan |
| 10 | San Jose | CA | Non-Partisan |
| 11 | Detroit | MI | Non-Partisan |
| 12 | San Francisco | CA | Non-Partisan |
| 13 | Jacksonville | FL | Non-Partisan |
| 14 | Indianapolis | IN | Partisan |
| 15 | Austin | TX | Non-Partisan |

| | | | |
|---|---|---|---|
| 16 | Columbus | OH | Non-Partisan |
| 17 | Fort Worth | TX | Non-Partisan |
| 18 | Charlotte | NC | Partisan |
| 19 | Memphis | TN | Non-Partisan |
| 20 | Baltimore | MD | Partisan |
| 21 | Boston | MA | Non-Partisan |
| 22 | El Paso | TX | Non-Partisan |
| 23 | Milwaukee | WI | Non-Partisan |
| 24 | Denver | CO | Non-Partisan |
| 25 | Seattle | WA | Non-Partisan |

| | | | |
|---|---|---|---|
| 26 | Nashville | TN | Non-Partisan |
| 27 | Washington | DC | Partisan |
| 28 | Las Vegas | NV | Non-Partisan |
| 29 | Portland | OR | Non-Partisan |
| 30 | Louisville | KY | Partisan |

**Potential Position**

The League will oppose legislation that would require candidates for city office to declare party affiliation in order to run for office.

## ELECTIONS: UNIFORM ELECTION DATES

Prior to 2005, most city elections had to be held on one of four uniform election dates. In 2005, the legislature passed H.B. 57, which deleted the February and September election dates, leaving only two uniform election dates: (1) the second Saturday in May and (2) the first Tuesday after the first Monday in November.

H.B. 57 also gave cities the ability to change the date on which they held a general election to another authorized uniform election date, so long as the action was taken prior to December 31, 2005. Since then, numerous proposals have been filed, and some passed, that alter the deadline for a city to change the date of its general election. As an example, H.B. 3619 by Raymond passed in 2007 and would have extended the deadline for a city to change the date of its election to December 31, 2008. The governor vetoed that bill on the grounds that voters needed to have some confidence in when city elections were to take place. In his veto message, the Governor

stated that "[w]hile some of the deadline extensions were necessary in sessions in which the legislature cut back the number of uniform election dates, we have now reached the point where the cities and other local subdivisions need to stop moving their election dates."

For whatever reason, the governor signed a bill (H.B. 401 by Raymond) extending the deadline for switching election dates in 2009, but with one slight change. H.B. 401 provided that a city that held its general election on the May uniform election date could change the date of the election to the November uniform election date no later than December 31, 2010. In other words, a city that held its general election in November had no statutory authority to move its elections to the May uniform election date.

A major elections bill in 2011 further impacted a city's ability to change the date of its general election. S.B. 100 by Van de Putte implemented the federal Military and Overseas Voter Empowerment (MOVE) Act of 2009. The MOVE Act, among other things, requires that ballots be transmitted to military and overseas voters 45 days prior to an election held in conjunction with a federal election to ensure that military and overseas voters would have ample time to return their ballots.

S.B. 100 implemented the federal legislation by leaving the current primary election date intact but moving the primary runoff date, which used to be held on the second Tuesday in April of even-numbered years, to the fourth Tuesday in May of even-numbered years. This was needed to be able to transmit ballots overseas 45 days in advance of a primary runoff election. The election calendar changes of S.B. 100 meant that the May uniform election date would fall between the primary and primary runoff dates in even-numbered years. Counties were concerned that they would not be able to both lend their machines to cities and school districts for local elections on the second Saturday in May of even-numbered years, and have the electronic voting machines ready for use in the primary runoff election held at the end of May of even-numbered years.

These concerns led to practical limitations on the availability of the May uniform election date in some locations. Following the passage of S.B. 100, a city could still hold an election on the second Saturday in May of an odd-numbered year or on the November uniform election date. However, counties might refuse to provide electronic voting machines to cities for use on the second Saturday in May of an even-numbered year due to the proximity of that election date to the primary runoff date in even-numbered years.

As a result, some cities received notice from the county that they can no longer use the county's electronic voting machines for this date, which forced those cities to take one of three actions: (1) move all elections to the November uniform election date; (2) unstagger terms of office for elected officials so that all officials are elected on the May uniform election date in odd-numbered years; or (3) purchase electronic voting machines so that May elections are not dependent upon the availability of machines from the county.

S.B. 100, along with a separate bill, H.B. 1545, both extended the deadline to December 31, 2012, for cities with May elections to switch to the November uniform election date. That statutory deadline expired, but still remained in place until 2015, thus precluding a city from changing its election date for three years.

In 2015, S.B. 733 by Fraser was passed, which extended the deadline to December 31, 2016. By the time the 2017 legislative session began, Texas cities once again had no statutory authority to move their general election to another uniform election date. This lack of flexibility has become problematic for many cities, primarily because counties still have the ability to refuse to provide electronic voting machines to cities conducting their elections in May of even-numbered years.

A number of bills were filed in 2017 that would have eliminated the May uniform election date, though none of them gained much traction. Entering the 2019 session, cities still have two uniform election dates, and still cannot take action, without special city-specific legislation, to switch their general election date from May to November, or vice versa.

Some theorize that certain legislators want all elections to be held on one date, such as the November uniform election date. Such a joint election would eliminate the need to procure the now-required electronic voting machines for a stand-alone municipal election. But many city officials are uncomfortable with that possibility. City officer elections and propositions, including important bond issues, could be shunted to the end of the ballot, and city issues could be drowned-out under huge national and state campaigns.

The 2017 TML Legislative Program provided that the League: (1) oppose legislation that would eliminate any of the current uniform election dates; and (2) support legislation that would extend the deadline for cities to change the date of their general elections to another uniform election date.

**Potential Position**

The League will oppose legislation that would eliminate any of the current uniform election dates.

## MUNICIPAL COURT: COLLECTION OF STATE FEES

Municipal courts in Texas collect funds on behalf of the state for a wide variety of state programs. These state programs range from the Criminal Justice Planning Fund to the Crime Victims' Compensation Fund. In most cases, the fees are imposed on persons convicted of any criminal offense. For these collection efforts, cities are generally allowed to keep some small amount of revenue as reimbursement for costs incurred to collect the fees and remit them to the state.

Many city officials contend that state court costs adversely impact municipal courts in two ways. First, the state's court costs are complicated to administer. While cities can keep a small percentage of the costs as an administrative fee, that amount is not sufficient to reimburse the cities for the bookkeeping and administrative problems connected with this function. Second, when setting an appropriate fine for an offense, a judge must consider the fact that the defendant will also be paying state court costs. As a result, municipal fine revenue is often lower than it would otherwise be because the judge has considered the state court costs when setting a defendant's total fine.

Municipal court clerks also point out that the state requires that, in the event of a partial payment, the state court costs must be paid first before the city can keep any of the fine. This means that the cities have to do all the work collecting fines but do not get to keep any money until the state court costs have been satisfied.

The bottom line is that cities can't raise court fines fast enough to satisfy the state's ever-growing appetite for revenue, while simultaneously maintaining the amount retained by cities.

In 1993, court costs imposed by the state grew dramatically. Over the objections of TML, the legislature passed H.B. 2178, a bill that increased the municipal court costs collected for the Crime Victims' Compensation Fund. The League opposed the bill by arguing that municipal revenue decreases as state-imposed court costs increase. The legislature was not at all sympathetic to that argument and tended to view TML opposition to the bill as opposition to the crime victims' fund.

In 1995, the legislature considered several bills that would have imposed additional court fees, with the proceeds going to fund a variety of projects. For example, H.B. 2907 would have created a crime victims' institute and imposed a municipal court fee to fund the institute. That bill failed to pass.

In 1997, the legislature again considered several bills that would have imposed or increased state fees collected by municipal courts. One of those bills (H.B. 2272) was a TML priority bill designed to consolidate most state fees into one aggregate fee. That bill passed, but before the ink was dry, lawmakers had added two new, state-mandated court fees to the bill. The first was a five-dollar fee on misdemeanor convictions with the revenue going to a "fugitive apprehension account" in the state's general revenue fund. The second fee was a 25-cent fee on all misdemeanor convictions, with the revenue going to the Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University.

The legislature also passed a bill that requires various courts, including municipal courts, to collect a 25-dollar fee from any person who seeks to pay a fine, court costs, or restitution over a period of time rather than immediately. The custodian of the municipal treasury shall send 50 percent of the revenue collected for this "time payment" fee to the state comptroller at least monthly. The remaining 50 percent shall be deposited in the municipal treasury; ten percent of

this amount must be spent for the purpose of improving the efficiency of the administration of justice in the city.

A third bill passed in 1997 increased from $20 to $25 the additional court costs for a traffic offense that occurs in a school crossing zone and for the offense of unlawfully passing a school bus. This increase applied only in a city with a population of 400,000 or more. That bill repealed the additional court costs for these offenses in all other cities.

It is also interesting to note that the revenue collected in municipal courts for the Crime Victims' Compensation Fund was the subject of a proposed constitutional amendment passed by the 1997 legislature. This amendment, which was ultimately adopted by the voters of Texas, made the Crime Victims' Compensation Fund a separate, dedicated account of the Texas general fund. Money in the fund can be used only to assist victims of crimes as provided by statute.

In 1999, the legislature passed several bills related to municipal courts. S.B. 229 clarified the statute imposing a $25 court cost on defendants who pay over time by defining "immediately" as 31 days. The legislature also passed S.B. 601, which authorizes a city to create a municipal court technology fund and to require court costs of not more than four dollars per conviction to generate revenue for the fund. Revenue in the fund may be used for computer hardware or software, electronic kiosks, electronic ticket writers, or docket management systems. Finally, S.B. 1187 raised the court costs for training of judicial and court personnel from one dollar to two dollars.

In the TML legislative program for 2001, the TML Board included initiatives to seek introduction and passage of legislation that would "consolidate all state court costs into one fee payable to the state" and to oppose any legislation that would "require cities to act as collection agents for state revenue." The 2001 legislature considered both of these issues.

H.B. 2733 and S.B. 1208 would have consolidated all state fees into one payment. The state comptroller had issued a report recommending the passage of such legislation. Although the report stated that fee consolidation and simplified collection and reporting by municipal courts would lead to significant savings in time and money, the legislation didn't pass.

Meanwhile, the trend to impose or increase fees continued with the passage of S.B. 1421. This legislation increased (from 25 cents to 50 cents) the municipal court fee that funds the center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University, and imposed a new 50-cent fee for the Operation of the Correctional Management Institute of Texas at Sam Houston State University. (This trend toward using municipal courts to raise revenue for state universities is particularly troubling.)

Two additional bills considered by the legislature in 2001 are noteworthy. The legislature passed S.B. 1377, which authorizes the state auditor to review each fund or account into which court

fees are directed and determine whether: (a) the money is being used for the proper purpose, and (b) the amount of the court costs is appropriate.

The legislature did not pass S.B. 1538, which would have eliminated court costs in municipal court for the Crime Victims' Compensation Fund. (The bill would have provided that the $35 court fee for the Crime Victims' Compensation Fund would be imposed only for a conviction of a crime that constitutes criminally injurious conduct punishable by confinement.)

Finally, in 2001 the legislature passed (and the voters subsequently approved) significant legislation concerning court costs. S.J.R. 49 amended the Texas Constitution to provide that if the legislature enacts a bill to consolidate municipal court fees, all future fees must conform to that consolidation. Additionally, any fee adopted in the future may not take effect prior to the following January 1 unless the legislature approves the fee by a two-thirds vote of the members of each house.

It should also be noted that the 2001 Texas Legislature passed a bill that once again allows all cities to add an additional $25 fee for a traffic offense committed in a school crossing zone and use the resulting revenue for child health and safety programs.

In 2003, several bills passed based on interim committee recommendations. For example, S.B. 791 required the state comptroller to develop and submit a proposal for a monitoring program under which the comptroller will periodically monitor the collection, remittance, and reporting of court costs and fees collected by municipal courts. In addition, S.B. 1180 created a new state law index of all court costs and fees collected by all courts, including municipal courts. The index consolidates all existing court costs into a new Chapter 101 of the Texas Government Code.

More importantly, H.B. 2424 was passed in 2003. H.B. 2424 was the state comptroller's omnibus tax and fee bill. The bill incorporated many TML priority issues, including:

1. consolidation of the collection and remittance of all court costs and fees collected in municipal court;

2. establishing a court cost of $40 for all non-jailable misdemeanors;

3. providing a uniform definition for the term "conviction" for purposes of determining when court costs and fees are due; and

4. providing for quarterly submittal of court fees.

In addition, the bill:

1. requires the state comptroller to compile a list of court fees adopted or increased during each legislative session and to publish the list in the Texas Register no later than the August 1 following the end of a legislative session.

2. provides that any new or increased court fee does not become effective until January 1 after the effective date of the law imposing the new cost or fee. (**Note**: this provision was enacted pursuant to S.J.R. 49, the Constitutional amendment approved by the voters in 2001.)

3. requires the Legislative Budget Board (LBB) to prepare an impact statement for each bill or proposed constitutional amendment that would impose a court cost on a criminal case or increase an existing court cost imposed in a criminal case (in practice, the LBB has refused to carry out this mandate, claiming that the LBB adheres only to procedural rules adopted by the legislature, not the laws passed by that legislature), and

4. provides that the impact statement (which the LBB refuses to prepare) must show the total amount of court costs and fees a person would be required to pay under the proposed bill or resolution.

The 2003 legislature also passed H.B. 1066, another TML priority bill. This bill extends indefinitely the authority of a municipal court to impose the municipal court technology fee and provides that the revenue may be used for maintaining (as well as purchasing) technological enhancements for the court.

Predictably, city successes in consolidating state fees did nothing to slake the state's thirst for additional city fine revenue. Though the 2003 legislative policy as adopted by the TML membership called for the opposition to the imposition of any new state fees on municipal court convictions, the state continued to press for new fees. During the third special session in 2003, the legislature passed 3H.B. 2, which created a new $30 "state traffic fine" to fund the state's general fund, transportation projects, and trauma care. This new $30 "fine" went right on top of the just-consolidated $40 fee created during the 2003 session.

One would think that by the time the 2005 regular and special legislative sessions rolled around, the amount of state fees and fines attached to municipal court convictions would have reached a saturation point, but that was not the case. During the 2005 regular session, the legislature enacted S.B. 1704, which imposed a new $4 court cost on each conviction of any offense (other than a pedestrian or vehicle-parking offense) in municipal court, and required the city to remit the revenue to the state to be used for increased jury pay. Jurors serving in almost every criminal court in the state benefit from the proceeds of the new fee—except municipal court jurors, who are not compensated for jury service.

During the second special session in the summer of 2005, the legislature passed 2H.B. 11, which increased state judges' salaries and paid for those salary increases, in part, by imposing a $4 court cost on any person convicted of any offense (other than a pedestrian or parking offense) in municipal court. The city retains $.60 of each fee to be used for law enforcement; the remaining $3.40 is remitted to the state.

The 2007 legislative session saw one new court cost imposed and one existing court cost increased. The new court cost was $2 on any municipal court offense other than pedestrian or parking offenses, with the proceeds going to indigent defense in higher state courts. The $4 cost for state judges' salaries, passed in 2005, was increased to $6.

The 2009 session saw no new court fees on general traffic or other offenses, though there was a $.15 fee added to tickets for failure to properly secure a child in a safety seat.

During the 2011 session, numerous bills were once again introduced to add various fees onto municipal court convictions:

- H.B. 331 – $1 equal justice and education fee for deposit into the fund.
- H.B. 939 – $75 fee to be paid by a defendant convicted of a misdemeanor if the services of a peace officer are required to locate the defendant to issue that notice.
- H.B. 2174 – $5 fee for judicial access and improvement to be collected on certain offenses and remitted to the comptroller for deposit in a judicial access and improvement account.
- H.B. 3550 – between $500 and $2000 to be paid to the state general fund upon conviction of certain commercial motor vehicle offenses.
- S.B. 994 – $100 fee to the state general fund for a class C drug-related misdemeanor.

None of the bills listed above passed. However, city officials and municipal advocates had expected to see legislation that would raise the "state traffic fine" (a state fee imposed on certain convictions in municipal court), but no one expected what occurred on Monday, March 7, 2011.

First, some background.

In 2003, the legislature imposed a "state traffic fine" of $30 on each traffic violation conviction. That fine, which is really nothing more than a state-imposed tax on municipal court convictions, was in addition to many other state fees that had previously been tacked onto municipal court fines.

The state traffic fine is a way for the state to raise money by relying on some other entity (in this case, local governments) to actually generate the revenue. The fee produces approximately $90 million annually. Roughly 62 percent of the total goes to the state's general fund, 33 percent goes to trauma centers, and five percent is kept by the cities and counties that collect the fee revenue.

Prior to the 2011 session, the Legislative Budget Board recommended a 50 percent increase in the state traffic fine: a bump from $30 to $45. This, of course, was an attractive option for lawmakers facing a huge budget-balancing problem.

H.B. 258 was filed by Rep. Naomi Gonzalez (D-El Paso) on Wednesday, March 2; the bill was referred to the House Ways and Means Committee the next day. None of this came as a surprise. The surprise came two business days later (Monday, March 7) *when the House voted to suspend the posting rule and have an immediate committee hearing on H.B. 258.*

The proponents of the bill (representatives of trauma centers) had clearly been informed in advance and were present at the hearing with prepared testimony. The TML staff was, as always, monitoring House actions, learned of the rules suspension, and rushed over to the hearing to oppose the bill.

Why would TML oppose? Again, some background.

The fiscal note on H.B. 258 indicated that the bill would generate roughly $28.5 million in additional annual revenue for the state general fund, $14 million for trauma centers, and $2.4 million for local governments: the cities and counties that were tasked with imposing and collecting the fee.

But that fiscal note is very misleading. City officials know that as the state imposes more and more fees on municipal fines, the revenues generated *for the city* from the fines themselves will decrease. If a municipal judge normally imposes a total charge of $250 for a traffic conviction, each dollar that goes to the state is a dollar that won't go into municipal coffers. And, as the state's share goes up, the local share goes down. Thus, contrary to what the H.B. 258 fiscal note says, it is most likely that the bill would also reduce municipal revenue, costing cities even more.

City officials should have been given fair and ample notice of the committee hearing on H.B. 258. The League released the following press release on the issue on March 8, 2011, the day after the hearing:

***State tax on cities is highway robbery***

> AUSTIN – The State of Texas takes the first $82 from every municipal traffic fine collected by cities, which amounted to $235 million in 2010. Monday, the House Ways and Means Committee considered a bill to increase the state's take from every city traffic ticket, skimming off an additional $42 million per year from city traffic fines.
>
> H.B. 258 by Rep. Naomi Gonzalez would increase the amount the state siphons off of every municipal traffic violation by $15 – from $82 to $97 – an 18-percent increase. Two-thirds of the revenue from the increase would go to the state's general fund, and one-third would go to a fund for trauma care and emergency medical services.
>
> "Trauma care is certainly an important and worthy service but if the state wants to increase funding for trauma care by $14 million a year, the legislature should do what every city council has to do: cut somewhere else or vote to raise taxes," said Texas Municipal League President Robert Cluck, Mayor of Arlington. "Taking money out of

city treasuries to pay for state services is simply highway robbery that forces cities to cut services or raise property taxes."

Since 2002, the state tax on every municipal traffic violation has risen from $40 to $82. Regardless of the amount a city is able to collect on a traffic violation, the state gets $82 before the city gets any fine money.

"In defense of city taxpayers, we have to draw the line and strongly oppose any further increases in this state money grab," Mayor Cluck said.

"It wouldn't be so bad if the state helped pay for the cost of enforcing municipal traffic laws by providing cities with funding for police salaries, health insurance and retirement benefits or helped pay for the cost of municipal courts. But that's never going to happen in Texas."

H.B. 258 ultimately did not pass. However, a similar battle was also being waged in the Senate when provisions of S.B. 726 (Rodriguez) – which would create a $10 fee to be collected by municipal courts for judicial access and improvement, to be used to fund basic civil legal service and criminal defense for indigents and electronic filing in court – were added to another bill, S.B. 1811. In response, the League issued yet another press release in May 2011. Ultimately, because of the League's efforts, no legislation with a municipal court fee passed in 2011. A victory for Texas cities.

In the 2013 session, as expected, numerous bills increasing court costs were filed by state legislators. Only one bill from the 2013 session passed that imposed an extra mandatory court cost on cities. S.B. 1419 requires that a city collect an additional $2 court cost, which will be deposited in a dedicated state account for truancy prevention and diversion. The bill does permit a city to deduct and retain 50 percent of the cost for the purposes of operating or establishing a juvenile case manager program and allows a city to request funds from the dedicated state account for providing truancy prevention and intervention services.

The 2015 legislative session saw a number of bills filled proposing increased court costs to fund programs like veterans court programs or the trauma facility and emergency medical services account. None of these bills passed.

During the 2017 legislative session, there were a few bills filed proposing to increase court cost, but none of these bills passed. However, S.B.1913 concerning the collection of court fees from indigent defendants in the wake of Ferguson did pass.

Where do we stand now? On a typical traffic offense conviction, a municipal court defendant must currently pay $84 in state-imposed fees before any city fine is collected, the same that it has been for two legislative sessions. Perhaps cities are turning the corner. The following chart is a comparison of the present situation to sixteen years ago.

| | January 2002 | January 2018 |
|---|---|---|
| Crime Victim Compensation** | $15.00 | $15.00 |
| Judicial/Court | $2.00 | $2.00 |
| Personnel Training** | | |
| Consolidated Court Costs** | $17.00 | $22.00 |
| Juvenile Crime/Delinquency | $.50 | $.50 |
| (Prairie View A&M)** | | |
| Correction Management | $.50 | $.50 |
| Institute (Sam Houston State)** | | |
| State Traffic Fine | -- | $30.00 |
| Jury Pay | -- | $4 |
| State Judges' Salaries | -- | $6 |
| Indigent Defense | -- | $2 |
| Truancy Prevention and | -- | $2* |
| Diversion Fund | | |
| Total | $40.00 | $84.00 (+110%) |

** $1 may be deducted and retained by the city for their juvenile case manager program.*

*** Part of Consolidated Court Cost which is $40 for non-jailable misdemeanors offense, including criminal violations of municipal ordinances.*

The 2017 TML Legislative Program included: (1) opposing legislation that would impose additional state fees or costs on municipal court convictions or require municipal courts to collect fine revenue for the state; and (2) supporting legislation that would allow a more equitable way of distributing court fines that would result a higher percentage of fines being kept local, where the laws are enforced, the court is held, and the fines collected.

**Potential Comprehensive Positions**

The League will: (1) oppose legislation that would impose additional state fees or costs on municipal court convictions or require municipal courts to collect fine revenue for the state; and (2) support legislation that would allow a more equitable way of distributing court fines that

would result a higher percentage of fines being kept local, where the laws are enforced, the court is held, and the fines collected.

## ADMINISTRATION: RESTRICTIONS ON LOBBYING

Prior to the 2007 legislative session, interim legislative committees studied the question of so-called "taxpayer-funded lobbying." One reason for this research was that local government officials and their membership organizations (like TML) had been successful in previous legislative sessions in defeating numerous bad ideas—the foremost of which were harmful appraisal caps and revenue caps—that were being pushed by influential state officials and various interest groups.

In preparation for what the League knew would be an assault on its ability, and the ability of its membership, to lobby the legislature, a special TML Legislative Task Force on Intergovernmental Relations was convened to study this and other issues concerning the League's relationship with state government. The conclusions of that task force were ultimately embodied in the following positions taken by the League in 2007:

1. Oppose legislation that would limit or prohibit the authority of city officials to use municipal funds to communicate with legislators.

2. Oppose legislation that would limit or prohibit the authority of the Texas Municipal League to use any revenue, however derived, to communicate with legislators.

Those positions were adopted none too soon, as 2007 did indeed bring about legislation that would have harmed the League and its members.

H.B. 1517, by Paxton, had two significant components. The first component related to legislative consultants hired by Texas cities. It would have required that: (1) a person who is required under current law to register as a lobbyist must indicate whether he/she lobbies on behalf of a local government entity or any other entity (such as a chamber of commerce) that pays the lobbyist for the benefit of a local government entity; and (2) a registered lobbyist who is paid to represent a local government entity must provide, as part of the lobbyist registration, the exact amount he/she is paid and a detailed listing of the issues for which the lobbyist is reimbursed, retrained, or employed.

The second part of H.B. 1517 related to keeping records of legislative communications undertaken by city officials. It provided that a city's annual financial statement must show: (1) each expenditure for legislative communication, including amounts paid to registered lobbyists, amounts spent by municipal officers or employees in connection with legislative communications, and membership dues paid to organizations that engage in legislative communications on behalf of local governmental entities; and (2) for each expenditure described

above, a detailed description of the issue to which the expenditures related and the local government entity's position on the issue.

The bill was approved by the House State Affairs Committee, but died prior to a House vote. In all fairness, H.B. 1517 didn't prohibit or limit any legislative communication; it required the compiling of information and record-keeping relating to such communication (albeit in a burdensome way.)

The same cannot be said of H.B. 1753 by Rep. Frank Corte (and its companion bill, S.B. 1944 by Sen. Dan Patrick). Those bills had nothing to do with legislative communications undertaken by city officials, nor did they relate to the authority of cities to contract for the services of a legislative consultant – a "hired gun lobbyist." Rather, H.B. 1753 and S.B. 1944 would have prohibited a city from paying dues to an organization if that organization or an employee of that organization directly or indirectly influences or attempts to influence the outcome of any legislation pending before the legislature. In other words, the bills were designed to force TML to stop lobbying on behalf of its member cities or force cities to stop paying dues to TML.

The introduction of bills like H.B. 1753 and S.B. 1944 raises an interesting question. Why does TML spend any resources, however derived, on attempting to influence legislation? The answer is simple: TML does so because legislative advocacy is the service that city officials most want from the League. Every membership survey conducted by the League has shown that "lobbying" is the League's most important activity.

It is also worth remembering that the legislative program that directs the TML advocacy efforts is developed and adopted by the League's membership-at-large and its Board of Directors, not by the TML staff.

It stands to reason, then, that future bills resembling H.B. 1753 and S.B. 1944 should be of the most concern to city officials, not to the TML staff. Such bills would prevent the League from speaking out against the dozens of unfunded state mandates that are proposed each legislative session. They would also prohibit the League from speaking in opposition to legislation that increases the liability of city officials and endangers their personal resources. They would, most importantly, prevent the League from promoting the authority of local officials to respond to the needs and desires of local citizens.

Narrow legislation passed in 2009 requires that cities with federal lobbying contracts file certain reports, but only if the lobbyist doesn't otherwise file such reports under state or federal law. In 2013, Senator Patrick filed S.B. 754, which would have placed some disclosure requirements on registered lobbyists who represent governmental entities. More specifically, the bill would have: (1) required a person registering as a lobbyist to indicate on his/her registration, if applicable, whether the person who reimburses, retains, or employs the registrant is a governmental entity or an entity that reimburses, retains, or employs the registrant on behalf of a governmental entity and the name of the governmental entity on whose behalf the registrant is reimbursed, retained,

or employed; (2) required that compensation or reimbursement required to be reported by a person registering as a lobbyist be reported as an exact amount if the registrant is reimbursed, retained, or employed by a governmental entity or by another entity on behalf of a governmental entity; and (3) provide that the reimbursement, retention, or employment of a registrant by an attorney to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action on behalf of a governmental entity is not the provision of legal representation subject to attorney-client privilege and must be disclosed as required by law. S.B. 754 did not receive a committee hearing.

In 2015, three bills were filed that would have prohibited cities from spending public money to attempt to influence the outcome of any legislation pending before the legislature, as well as expressly prohibiting cities from being members of a nonprofit association that attempts to influence the outcome of any pending legislation—H.B. 1257 (Shaheen), S.B. 711 (Burton), and S.B. 1862 (Burton). Of the three bills, both H.B. 1257 and S.B. 1862 were heard in committee, although neither was voted out. During those committee hearings, local government officials pointed out that the legislation in question would make it next to impossible for legislators to get all the facts they need to cast an informed vote on a bill that affects the cities in their districts. Additionally, cities hire lobbyists for the same reason many state agencies and state universities in Texas spend taxpayer money to employ dozens of lobbyists in Washington, D.C.

Though nothing passed in 2015, the usual suspects were in high gear in 2017. In fact, one senator has outright refused to even discuss an issue with any "taxpayer-funded" lobbyist. Two House bills that would have prohibited lobbying by cities were filed in 2017: H.B 1316 (Swanson/Hall) and H.B. 2553 (Shaheen). Those bills never received hearings. One bill, S.B. 445 (Burton) passed the Senate but wasn't heard in the House.

That bill would have, in regard to a city that imposes a tax or has the authority to issue bonds: (1) authorized the city to spend money directly or indirectly to influence or attempt to influence the outcome of any legislation pending before the legislature only if the expenditure is authorized by a majority vote of the city council in an open meeting as a stand-alone item on the agenda; (2) required the city to report to the Texas Ethics Commission (TEC) and publish on the city's website: (a) the amount of money authorized for the purpose of directly or indirectly influencing or attempting to influence the outcome of any legislation pending before the legislature; (b) the name of any person retained or employed by the city who must register as a lobbyist; and (c) an electronic copy of any contract for services entered into by the city with a person retained or employed by the city who must register as a lobbyist; (3) required the city to report to the TEC and publish on the city's website the amount of public money spent for membership fees and dues of any nonprofit state association or organization of similarly situated political subdivisions or entities that directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature; (4) required the TEC to make available to the public an online searchable database containing the reports submitted under (2); and (5) authorized a

taxpayer of the city or a person who is served by or receives services from the city to seek injunctive relief

The TML Legislative Program for 2017 included a provision that the League oppose legislation that would: (1) require the reporting of lobbying activities beyond the requirements in current law; (2) limit or prohibit the authority of city officials to use municipal funds to communicate with legislators; and (3) limit or prohibit the authority of the Texas Municipal League to use any revenue, however derived, to communicate with legislators.

**Potential Comprehensive Position**

The League will oppose legislation that would: (1) require the reporting of lobbying activities beyond the requirements in current law; (2) limit or prohibit the authority of city officials to use municipal funds to communicate with legislators; and (3) limit or prohibit the authority of the Texas Municipal League to use any revenue, however derived, to communicate with legislators.

# MEMBER-SUBMITTED MISCELLANEOUS ITEMS/AFFILIATE PROGRAMS

## VETERAN'S EMPLOYMENT

In 2017, the City of San Marcos submitted the following to the TML Resolutions Committee:

**2017 TML RESOLUTION COVER SHEET**

**Sponsoring Entity:** City of San Marcos

**Brief Background:** Over 1.7 million Veterans live in Texas, the second highest population in the United States. About 605,000 of those served during the Vietnam War and over 450,000 of those served in Iraq and Afghanistan. The majority of post-9/11 veterans are exiting the service under the age of 45, and are looking for employment. Veterans and military spouses enter the workforce with many skills. Texas needs to continue working toward employment pathways for veterans that identify gaps in training and eliminate redundant training, and fully fund programs like the Texas Veterans Leadership Program, the College Credit for Heroes initiative and the recently established $1 million program, Skills for Veterans, that dedicate funding to address training needs for post-9/11 veterans returning home and entering the Texas Workforce.

**What the Resolution is Intended to Accomplish:** The City of San Marcos supports additional appropriations for the Texas Workforce Commission Skills for Veterans initiative that dedicates funding to address the training needs of post-9/11 veterans returning home and entering the Texas Workforce.

**How the Resolution is City-Related/How it Addresses a Municipal Issue:** Programs that improve workforce training reduce the unemployment rate and put individuals into the workforce in the shortest amount of time benefit cities.

**Statewide Importance:** With the second largest population of Veterans, Texas needs to be agile and responsive in training the veterans and helping them enter the Texas workforce.

**Submitted By:**

| | |
|---|---|
| Name: | Kristi Wyatt |
| Title: | Director of Intergovernmental Relations |
| City: | San Marcos |
| Telephone: | (512) 393-8105 |

The ultimate resolution that was proposed provided that "TML should support additional appropriations for the Texas Workforce Commission skills for veterans initiative that dedicates funding to address the training needs to post-9/11 veterans returning home and entering the Texas workforce."

The Resolutions Committee recommended that the above be referred to a future committee for further study. In the interim, a city official from Plano suggested the following revisions to the resolution:

> TML should support additional appropriations for the Texas Veterans Commission and the Texas Workforce Commission skills for veterans initiative that dedicates funding to address the training needs of veterans returning home and entering the Texas workforce.

The committee may wish to make a recommendation on the above.

**Potential Position**

None suggested.

## DISASTER ISSUES – CITY OF GALVESTON

**Disaster Issues – City of Galveston**

The following was submitted to League staff by the City of Galveston:

> The City of Galveston wanted to make sure you were in the loop on the latest with regards to its Federal Transit Administration (FTA) urbanized area transit fund legislation that protects critical transit funds for communities impacted by major disasters.
>
> Representative Randy Weber (cosponsors Representatives Sessions, Culberson, Gene Green, Farenthold, and Babin) and Senator John Cornyn (cosponsor Senator Tim Kaine) introduced legislation (H.R. 3452, S. 1664) that will correct the problem when a community suffers a loss of FTA urbanized area transit funds due to a decrease in population as a direct result of a major disaster. Galveston worked closely with FTA to craft language that would be interpreted correctly to address both the current problem for Galveston as well as protect other urbanized areas in the future.
>
> A short time ago, H.R. 3452 was referred to the Highways and Transit Subcommittee of the House Committee on Transportation and Infrastructure. Representative Sam Graves of Missouri chairs the Highways and Transit Subcommittee. The Missouri League of Cities has agreed to send a letter of support for HR 3452. Galveston has also reached out to the Pennsylvania Municipal League in hopes they may send letters of support to House Committee on Transportation and Infrastructure Chairman Bill Shuster and committee member Representative Lou Barletta.

We greatly appreciate the early strong support from TML to help us address this problem and ensure that communities in the future don't suffer the same treatment as Galveston.

Please see Appendix 3 for more information.

In addition, the city requested that the League consider supporting contracts immunity protection under state law for disaster relief contracts.

**Potential Position**

None suggested.

## TEXAS PARKS AND RECREATION SOCIETY LEGISLATIVE PROGRAM

**ADVOCACY ISSUES and OPPORTUNITIES for**

**Texas Recreation & Park Society & 86th Texas Legislature** (2.27.18)

- ***Protect and enhance our investments in all public parks, and open space*** **(Stewardship)**
  - Sporting Good Sales Tax
    - Support constitutional dedication of full amount
    - Oppose Tax Free weekend on sporting goods
    - Oppose appropriation riders to the TPWD – local park grant programs.
  - Support conservation of open space and making public lands accessible for public use.
  - Support tree preservation.
  - Federal Funding
    - Support the Land Water Conservation Fund
    - Support the Sport Fish Restoration Boat Access program
    - Support the United States Department of Transportation Recreation Trails
  - Water and Natural Resources
    - Support conservation
    - Support rights and access to recreational amenities.
  - Unfunded Mandates
    - Oppose exemptions that substantially erode the tax base.
    - Oppose tax limit on Municipalities.

- ***Increase physical activity and improve health and wellness by utilizing parks and recreation amenities & services*** **(Health & Well-Being)**
  - Support funding for services and programs that ensure access for people with disabilities.
    - Such as, reducing the Medicaid Waiver waitlist.
  - Support legislation in reducing the obesity and diabetes epidemics.
  - Support funding for the connection of communities to nature and the outdoors.

- ***Create livable, safe, and responsible communities.*** **(Connectivity & Safety)**
  - Support safe pathways, trails … create safety zones
  - Transportation
    - Support the United States Department of Transportation Recreation Trails
    - Support accessibility, so long as it does not impose an unfunded mandate.
  - Support the progress of connecting our communities to nature and the outdoors
  - Hand guns/firearms
    - Support the inclusion of Parks & Recreation Community Centers, Recreation Centers, and Sports Complexes within the safe/gun zone classification.
  - Support the findings of the positive economic impact from the Parks & Recreation Industry.
  - Easement & Acquisition
    - Oppose eminent domain limits
    - Support the inclusion of commercial development in Parkland Dedication requirements.

# APPENDICES

# APPENDIX 1

# Texas Municipal League Presentation on Proposed Legislation To Allow Authorities Having Ordinance Making Power to Decide the Issue of Requiring Residential Fire Sprinklers In Newly Constructed Single Family and Duplex Homes

Randall F. Parr, MPA, EFO, CFO, MIFireE

Fire Chief

Tomball Fire Department

1200 Rudel

Tomball, TX 77375

281-290-1063

## Problem

In 2009, the Texas Legislature enacted legislation that, on a statewide basis, prohibited local jurisdictions from enforcing the portion of the International Residential Code (IRC) that requires the installation of fire protection sprinkler systems in newly constructed single family and duplex type homes.

## History

Prior to 2009 the International Residential Code (IRC) included residential sprinkler requirements in the appendices. When the IRC was adopted by a municipality the residential sprinkler component was not automatically included as part the code of ordinances until the municipality specifically amended the IRC to include the residential sprinkler component into the body of the code by ordinance. In 2009 the residential sprinkler component of the IRC was added to the body of the code which required a municipality to specifically remove the residential sprinkler component from the code by ordinance if the municipality chose to not require residential sprinklers in newly constructed homes.

The National Home Builders Association (NHBA), nationwide, objected to moving the residential sprinkler component of the IRC to the body of the code but was unsuccessful in stopping this effort. In turn, the NHBA began an initiative in each state legislature to prevent the IRC from being adopted in its entirety. In some states they were successful while in others they were not. In Texas they were successful by prohibiting municipalities from adopting residential sprinkler ordinances not already in effect prior to January 1, 2009. A few municipalities, including the City of West University Place, actually lost their ordinance because they adopted residential sprinkler ordinances between January 1st and the day the law was physically passed.

During the 2009 Legislative Session, Governor Perry signed into law an amendment to the Occupations Code regulating the plumbing profession in Texas that would allow plumbers to install multipurpose residential sprinklers without having to be regulated by the State Fire Marshal. However, Representative Otto attached an amendment to this bill that prohibited municipalities from enforcing the residential sprinkler component of the IRC. In the 2015 Legislative Session, House Bill 4051 was filed by Representative Fletcher in an attempt to return the decision to local municipalities such as Tomball. This proposal did not make it out of its conference committee. In the 2017 Legislative Session, House Bill 2814 was introduced by District 130 Representative Dr. Tom Oliverson and met the same fate as HB 4051 in the prior session.

This brings us to today. The City of Tomball is again requesting that this law that prohibits municipalities from adopting residential sprinklers be reversed to allow home rule cities the opportunity decide the issue. Below you will find several examples of why the reversal is beneficial.

**Life Safety**

The changes in construction techniques and materials, combined with the increased use of synthetics made from petroleum products, has increased the intensity and fire spread exponentially over the past 20 years. Previously, homes were constructed of dimensional lumber rather than light-weight truss assemblies and laminated beams. Furnishings were made of cotton materials and wood rather than petroleum based synthetic materials. These "improvements" have significantly changed the fire dynamics resulting in heat rates exceeding 1,100 degrees and fire spread to the full room involvement (flashover) occurring within 4 to 6 minutes of ignition. The byproducts of combustion (smoke) generated by burning synthetics produce highly toxic fumes capable of quickly incapacitating an individual. Smoke inhalation and thermal injuries were the primary symptoms leading to civilian fatalities in 90 percent of all residential fire fatalities (U.S. Fire Administration, 2015). Additionally, 50% of the fatalities occurred in bedrooms with 52% of the fatalities occurring between the hours of 11:00 p.m. and 7:00 a.m. In Texas in 2014, 8 of the 92 fatalities occurred in residences in which smoke detectors were present and did operate (Texas Department of Insurance, 2015, pg. 21). In Texas in 2015, 6 (6%) of the 96 residential fire fatalities occurred in homes in which smoke detectors were present and operated and in 2016, 13 (18%) of the 73 residential fire fatalities occurred in homes in which smoke detectors were present and operated (Texas Department of Insurance, 2016, pg. 21 and 2017, pg. 21). This includes fire incidents in which the detectors were not in the room of origin, but did operate. 15 of the 92, 14 of 96 and 12 of 73 Texas fatalities in 2014, 2915 and 2016 respectively occurred in residences where a smoke detector was present and either failed to operate or it was undetermined if the detector operated. 29 of the 92, 33 0f the 96 and 16 of the 73 fatalities in 2014, 2015 and 2016 respectively occurred in homes without smoke detectors and 40 of the 92, 43 of the 96 and 32 of the 73 fatalities in 2014, 2015 and 2016 respectively

occurred where the damage was so severe that it could not be determined if a smoke detector was present (Texas Department of Insurance, 2015, pg. 21, 2016, pg. 21 and 2017, pg. 21). It is undisputed that smoke detectors save lives. Research, however, has also shown that a regular smoke detector's audible alerting sound may not awaken sleeping children or disturb older adults. Research has also shown that most persons may not detect a smoke odor while sleeping. But the research has shown that, when detectors are combined with residential sprinklers, a significant reduction in fatalities and injuries will be achieved. NFPA states a person living in a home protected by residential sprinklers and smoke detectors has an 82% chance to survive a fire in their home versus a 63% chance with only smoke detectors in place. The State of Texas statistics suggest this to be true. Many years ago Texas began requiring fire sprinklers in multifamily buildings. The State Fire Marshal reports that NO fire deaths have occurred in sprinkler protected apartment buildings since the requirement was initiated. However, in existing apartment buildings built prior to the requirement, numerous deaths have occurred, some with multiple fire deaths during the same incident. In 2014, 110 of the 115 civilian deaths and 586 of the 641 civilian injuries occurred in residential structure fires (Texas Department of Insurance, 2015, pg. 10). The 2 fire service fatalities and 254 of the 317 fire service injuries in 2014 occurred in residential structures (Texas Department of Insurance, 2015, pg. 10). This trend continued in 2015 and 2016 with 111 of the 113 fatalities occurring in structure fires were in residential structures in 2015 and 108 of 110 fatalities occurring in structure fires were in residential structures in 2016. There were 542 and 499 civilian fire related injuries which occurred in residential structure fires in 2015 and 2016 respectively. Residential fire sprinklers can significantly reduce civilian injuries and fatalities and virtually eliminate firefighter fatalities in protected homes because fires are either controlled or extinguished before the arrival of fire units thus minimizing the potential for a flashover event. As an example, the six villages that make up the Memorial Village area on the West side of Houston have had residential sprinkler ordinances since 1999. In every fire incident since 1999 in homes protected by residential fire sprinklers, the fires were virtually extinguished before the arrival of the Village Fire Department requiring no hose lines to be deployed. The same cannot be said for those homes not protected.

**Potential Savings of Tax Dollars**

Fire protection is expensive and in municipalities, more so. Engines costs have steadily increased to upwards of $750,000, ladder trucks cost in excess of $1,000,000, and fire stations cost well in excess of $2,000,000. However, the ongoing cost of personnel, personnel benefits, and state mandated training and safety equipment for the three shifts of four full-time firefighters staffing an apparatus on a 24 hour per day basis will approach $1,000,000 annually. These costs could be reduced by safely increasing response times from 5 to 7 or 8 minutes which can be accomplished by increasing the distances between fire stations, thus requiring fewer stations, apparatus and staff. The addition of residential sprinklers could make this possible. Activation of a single sprinkler head can minimize the growth of a fire and allow occupants the extra time to safely evacuate form a home. With the growth of the fire minimized, responding firefighters will be

faced with a significantly less dangerous environment reducing the likelihood of expensive firefighter injuries or fatalities. The Tomball and Texas populations are growing because of the efforts of our State Government in holding the line on taxes and Governors Perry and Abbott's job creation initiatives. The down side is that cities have to carry the burden of providing fire protection. In areas around Houston, Austin, Dallas, and the Rio Grande Valley, municipalities are being faced with the prospect of spending millions to provide fire protection for this growing population or providing less than acceptable service. A requirement to sprinkler homes in new subdivisions in outlying areas will safely allow for an increase in response times to these areas and minimize the budgetary impact of providing fire protection. The creation of a public/private partnership in providing fire protection will assist in minimizing any increase in taxes for fire protection.

The population growth of Tomball impacted the ability of an all-volunteer fire department to keep up with the community's growth and required the City to create a combination agency. As a result, Tomball has seen its budget for fire protection grow from $725,000 in 2004 to $3,400,000 in 2017. Similar to many areas of the state, the City of Tomball now operates a fire department comprised of full-time, part-time paid and volunteer firefighters. This type of agency provides well-trained certified firefighters with reduced impact on the City's budget but with a somewhat less than desirable reliability level for staffing. The Department continues to recruit volunteers but will eventually, as additional stations are required to accommodate the area's growth, be forced to employee additional full-time and part-time firefighters to reliably staff its apparatus. Without legislative relief to allow the City Council to consider the requirement of the installation of residential sprinklers in newly constructed single family and duplex type housing, the budget will be forced to grow to in excess of $5,000,000 to add two additional fire stations. An alternative to expanding the service delivery system is to require residential sprinkler protection for new construction in the growth areas.

**Home Builder Profits**

Home builders object to this proposed legislation strictly on principal and on urging from the National Association of Home Builders (NAHB) alone (National Association of Home Builders, 2016). A component of their objection is based on the economics or cost of the installation of these systems. This argument appears to be invalid in Texas and even more so in Harris County where costs to install systems during new home construction are being quoted at $2.00 per square foot and less (usually less than the cost to upgrade to granite counter tops).

To offset these additional costs, there exist additional methods to increase profits for builders and developers beyond more than just markups. For example, the fire code requires two ingress/egress points for subdivisions containing more than 30 lots if homes do not contain fire sprinklers. A developer can reduce the ingress/egress points to one by requiring homes to be built with sprinklers, thus adding a few more lots to be sold and potentially reducing the cost per lot. The developer can request further concessions such as narrower streets, smaller lot sizes,

reduced distances between houses, increased distances between fire hydrants, deeper cul-de-sacs, flag lots, etc., all translating into higher profits for the developer/builder. With the legislative approval of multipurpose residential sprinkler systems that licensed plumbers can install, a builder does not have to deal with an additional trade to keep construction on schedule.

It was told to me by the Vice President of Regulatory Affairs and General Counsel of the Texas Association of Builders (TAB) that a study had been compiled by the Texas A&M Real Estate Research that indicated that a minimal cost increase of $1,000 in the price of homes in Texas disenfranchised two-hundred thousand potential home buyers. A copy of the study was requested from the TAB and from the Texas A&M Real Estate Research Center but was never received. While I did not obtain the report, I did find a reference to a similar claim by the NAHB on a national scale. Additionally, the arguments offered by the TAB during the 2009 Legislative Session contained a claim that the National Fire Protection Association's report numbers do not show that a problem exists. Attached is a letter from Donald P. Bliss, NFPA Vice President of Field Operations, addressed to Randall F. Parr, along with a copy of the document referenced in his letter. The document referenced is a rebuttal of NAHB claims and distortions.

**System Operation**

A sprinkler head is activated by heat from a fire. The head is activated based on its temperature setting (165 degrees) and water will flow from this fixture at between 13 and 18 gallons. This flow will control a fire, provide additional time for occupants to escape and result in a significantly less dangerous environment for responding firefighters. As the sprinkler will essentially control the fire during the incipient phase, less fire and heat damage will occur. A significant number of people believe that all sprinkler heads in the entire system flow water when the system is activated. This makes good action scenes in the movies but is simply not true. The fact is residential sprinkler system heads activate only when the fixture temperature is reached. Experience has shown that most fires are controlled or extinguished with only one sprinkler head. Most systems are calculated for a 16x16 coverage (living room, family room or master bedroom), resulting in only 13 gallons per minute (GPM) flowing from the head. For larger coverage areas, up to 20x20 coverage, the flow will be 20 GPM per head. There is no greater probability of a sprinkler system flowing water, without the presence of a fire, than a leak in the normal domestic plumbing system.

A system activation will flow sufficient water to control or extinguish a fire with one sprinkler head in most cases flowing between 13 and 20 GPM with minimal fire, smoke and water damage. In comparison, a fire in a home with no fire sprinkler system will suffer significantly more fire and smoke damage as the fire grows unabated for an additional 7 minutes while the fire department responds and then attacks the fire with a fire hose flowing as much as 200 GPM. At this point the water damage is mostly forgotten because the fire has caused significant damage to the point that living conditions after the fire are intolerable and damage is well into the thousands. Studies have shown that the average fire damage for an unsprinklered home is about

$45,000 while a home protected by a fire sprinkler system averaged about $2,200 in fire loss including water damage. It is interesting again to note that NO fire deaths have occurred as a result of a fire in a home protected by fire sprinklers.

**Conclusion**

This proposed legislation in NOT a statewide mandate, but only requests the return of the decision process to a municipality to provide an option on how it provides fire protection. We ask that the TML Legislative Committee support this proposal and allow municipalities to choose residential sprinkler ordinances as an option for providing cost effective and efficient fire protection for our citizens.

Admittedly some of these cost savings mentioned will not have an immediate effect, while others will most assuredly be immediate, but we must begin the process now. We encourage TML to contact their fire service constituents and have a frank discussion about residential sprinklers. Rely on organizations such as NFPA and the Texas Residential Fire Sprinkler Coalition to give you factual information about residential sprinklers, how they work, and their impact on saving lives and property.

**References**

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Press Releases. (n.d.). Retrieved July 05, 2016, from http://www.nahb.org/home/advocate/resolutions/construction codes and standards/nfpa one- and two-family building code.

Press Releases. (n.d.). Retrieved July 05, 2016, from http://www.nahb.org/home/advocate/resolutions/construction codes and standards/low cost fire sprinklers.

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NAHB uses a variety of studies to make the point that the strategy to reduce home fire deaths should be making sure every home has work smoke alarms. *That strategy is flawed because even if every home had working smoke alarms, there are still many fire deaths that would not be prevented. At greatest risk of fire death and greatest benefit of sprinklers are the very young, older adults and people with disabilities.*

NAHB erroneously states that there are no studies that support or dispute the claim that newer homes are less susceptible to fire. *Published studies by NFPA have documented that new homes do not have lower fire or fire death rates than older homes.*

NAHB claims that the lower number of fires, deaths, injuries and property damage associated with hard-wired smoke alarms is direct evident of lower risk in newer homes. *However, the numbers are lower in part because hard-wiring produces better safety but also because most homes still do not have hard-wired smoke alarms. By not separating these two effects, the NAHB appears to claim all of the difference as a measure of the safety benefits of hard-wired smoke alarms, which is misleading.*

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*NAHB misrepresents the published work by their other cited source, NIST. NIST published a very thorough cost-benefit study of home sprinklers a few years ago, that concluded that sprinklers would produce net benefits over costs in a wide range of types of homes. They did not at any point cite a figure of $35 million per life saved nor anything remotely like that but rather used a figure about 1/5 that size as a consensus value from the U.S. Consumer Product Safety Commission for the value per statistical life saved to be used in cost-benefit studies for regulatory questions.*

January 2012

**National Fire Protection Association**

1 Batterymarch Park, Quincy, MA 02169-7471
Phone: 617-770-3000 Fax: 617-770-0700 www.nfpa.org

April 20, 2015

Randall F. Parr, EFO, CFO, MIFireE
Fire Chief
Tomball Fire Department
1200 Rudel
Tomball, TX 77375

Re:

Dear Chief Parr,

I am pleased to provide a copy of the document entitled *NFPA Response to National Association of Home Builders Recommended State & Local Amendments to the 2012 Edition of the International Residential Code (IRC).*

This report was prepared in January 2012 by the NFPA Fire Analysis and Research Division.

Please let me know if you have any questions concerning this document, or feel free to contact Randy Safer, NFPA Regional Director, [redacted].

Sincerely,

Donald P. Bliss
Vice President for Field Operations

# Comparative Fire Statistics
## State of Texas and Harris County, Texas

| Residential Fires | 2017 | 2016 | 2015 | 2014 | 2013 | 2012 |
|---|---|---|---|---|---|---|
| **State of Texas** | | | | | | |
| Number of fires | | 16,288 | 16,325 | 16,561 | 15,822 | 15,258 |
| Fire Service Injuries | | 264 | 319 | 254 | 281 | 282 |
| Fire Service Deaths | | - | 1 | 2 | 4 | - |
| Civilian Injuries | | 499 | 542 | 586 | 493 | 563 |
| Civilian Deaths | | 108 | 111 | 110 | 102 | 117 |
| Dollar Loss | | 365,743,566 | 346,635,021 | 411,928,188 | 315,639,510 | 275,787,569 |
| | | 6 | 1 | 2 | 3 | 4 |
| **Harris County** | | | | | | |
| Number of fires | 2,367 | 2,328 | 2,264 | 2,034 | 1,792 | 1,548 |
| Fire Service Injuries | 35 | 42 | 43 | 38 | 30 | 23 |
| Fire Service Deaths | - | - | 1 | 1 | - | - |
| Civilian Injuries | 28 | 78 | 59 | 92 | 42 | 52 |
| Civilian Deaths | 12 | 12 | 6 | 22 | 9 | 18 |
| Dollar Loss | 42,487,176 | 51,480,549 | 53,221,954 | 47,112,831 | 38,508,893 | 30,398,653 |
| | 7 | 7 | 5 | 5 | 5 | 5 |

| Smoke Detectors in Texas Residential Building Fires - 2016 | All Fires | | Fatal Fires | |
|---|---|---|---|---|
| Present and operated | 2,015 | 24.0% | 13 | 18.0% |
| Present and fire to small | 442 | 5.0% | - | 0.0% |
| Present and operation undetermined | 679 | 8.0% | 8 | 11.0% |
| Present and failed to operate | 376 | 5.0% | 4 | 5.0% |
| None present | 1,989 | 23.0% | 16 | 22.0% |
| Presence undetermined | 2,979 | 35.0% | 32 | 44.0% |
| | 8,480 | 100.0% | 73 | 100.0% |
| | 6 | | 6 | |

1 Fires in Texas, 2015 Annual Fire Statistics Texas Department of Insurance
2 Fires in Texas, 2014 Annual Fire Statistics Texas Department of Insurance
3 Fires in Texas, 2013 Annual Fire Statistics Texas Department of Insurance
4 Fires in Texas, 2012 Annual Fire Statistics Texas Department of Insurance
6 Fires in Texas, 2016 Annual Fire Statistics Texas Department of Insurance
5 Provided by Harris County Fire Marshal's Office, 6-30-16
7 Provided by Harris County Fire Marshal's Office, 4-10-18

## Fire Losses in Harris County

source:
NFIRS

| One and two-family dwellings | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Year | # Fires | Civ Deaths | Civ Injuries | FF Deaths | FF Injuries | Property Loss | | |
| 2012 | 1217 | 17 | 50 | 0 | 25 | 21,851,165 | | |
| 2013 | 1290 | 7 | 32 | 0 | 25 | 23,840,216 | | |
| 2014 | 1387 | 11 | 53 | 1 | 29 | 27,846,958 | | |
| 2015 | 1335 | 5 | 35 | 0 | 26 | 23,580,632 | | |
| 2016 | 1332 | 10 | 54 | 0 | 23 | 27,565,985 | | |
| 2017 | 1326 | 11 | 30 | 0 | 23 | 27,204,524 | | |
| **Multi-family dwellings** | | | | | | | | |
| 2012 | 761 | 2 | 26 | 0 | 6 | 8,329,145 | | |
| 2013 | 791 | 1 | 24 | 0 | 11 | 10,222,744 | | |
| 2014 | 895 | 0 | 21 | 0 | 9 | 67,301,875 | | |
| 2015 | 929 | 1 | 24 | 1 | 17 | 29,641,322 | | |
| 2016 | 996 | 2 | 24 | 0 | 19 | 23,914,564 | | |
| 2015 | 1041 | 1 | 25 | 0 | 12 | 15,282,652 | | |

| One and two-family dwellings | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|---|---|---|---|---|---|---|
| Civ Injuries per 1000 fires | 41.1 | 24.8 | 38.2 | 26.2 | 40.5 | 22.6 |
| Civ deaths per 1000 fires | 14.0 | 5.4 | 7.9 | 3.7 | 7.5 | 8.3 |

| | | | | | | |
|---|---|---|---|---|---|---|
| FF Injuries per 1000 fires | 20.5 | 19.3 | 20.9 | 19.4 | 17.2 | 17.3 |
| FF Deaths per 1000 fires | 0.0 | 0.0 | 0.72 | 0.0 | 0.0 | 0.0 |
| Avg $ loss per fire | $17,954 | $18,481 | $20,077 | $17,663 | $20,770 | $20,516 |
| **Multi-family dwellings** | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
| Civ Injuries per 1000 fires | 34.2 | 30.3 | 33.9 | 23.4 | 24.1 | 24.0 |
| Civ deaths per 1000 fires | 2.6 | 1.2 | 0 | 1.1 | 2.0 | 1.0 |
| FF Injuries per 1000 fires | 7.9 | 13.9 | 10.0 | 18.3 | 19.0 | 11.5 |
| FF Deaths per 1000 fires | 0.0 | 0.0 | 0.0 | 1.1 | 0.0 | 0.0 |
| Avg $ loss per fire | $10,945 | $12,924 | $75,198 | $31,907 | $24,011 | $14,681 |

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| Dollar Loss | | 411,928,188 | 315,639,510 | 275,787,569 |
| | | 1 | 2 | 3 |
| | | | | |
| **Harris County** | | | | |
| Number of fires | 2020 | 2034 | 1792 | 1548 |
| Fire Service Injuries | 33 | 38 | 30 | 23 |
| Fire Service Deaths | 0 | 1 | 0 | 0 |
| Civilian Injuries | 63 | 92 | 42 | 52 |
| Civilian Deaths | 12 | 22 | 9 | 18 |
| Dollar Loss | 48,579,868 | 47,112,831 | 38,508,893 | 30,398,653 |
| | 4 | 4 | 4 | 4 |

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T:\Legislative Committees\2016 legislative committees\general government\packet\topic memos\appendices\Appendix A - Carryover Business - Residential Fire Sprinklers - Data Chart

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**National Fire Protection Association**

1 Batterymarch Park, Quincy, MA 02169-7471
Phone: 617-770-3000 Fax: 617-770-0700 www.nfpa.org

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January 2012

# APPENDIX 2

Glenn Hegar
Texas Comptroller of Public Accounts

Economy

# FiscalNotes

[comptroller.texas.gov/economy/fiscal-notes]

## Texas Road Finance (Part I) Paying for Highways and Byways

by Ginger Lowry and TJ Costello

Texas' highway network, the nation's largest, is the backbone of its economy. Our economic growth depends in large part on the efficiency, reliability and safety of our highways and transportation systems, which support individual mobility needs as well as commerce and industry.

But our roads face challenges from population growth, deteriorating infrastructure and rapidly rising road construction costs.

Texas led the nation in job creation between 2010 and 2015, and projections by the Texas State Data Center

indicate the state's population may increase to more than 45 million by 2040. By then, according to the Texas Department of Transportation (TxDOT), Texas' annual truck freight tonnage is expected to more than double from its 2014 level.

It's clear that maintaining the state's economic momentum will require major improvements in our transportation infrastructure.

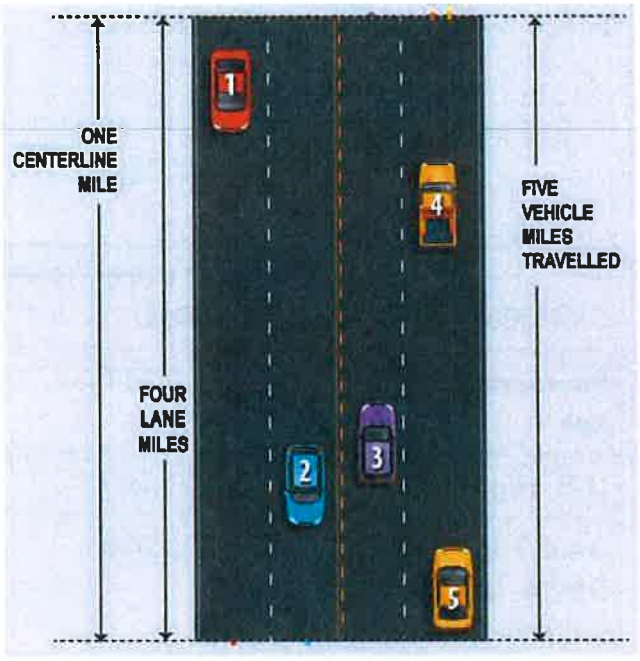
## TxDOT and Texas Roads

The Federal Aid to Roads Act of 1916, the nation's first law providing federal funding for road construction, prompted the states to create agencies to administer these funds. Texas established its Highway Department in 1917. By 1925, the agency had been given full control of the design, engineering, construction and maintenance of the state's highways, including the right to acquire land and rights of way for highway construction through eminent domain.

The agency has undergone various changes to its name and responsibilities over the decades. Its present-day iteration was born in 1991, when the Highway Department became TxDOT, incorporating the previous State Department of

Highways and Public Transportation, Department of Aviation and Texas Motor Vehicle Commission.

## Miles and Miles




The two most common measures of highway *length* are centerline miles and lane miles. Centerline miles comprise the total length of a road or road segment; lane miles are determined by multiplying centerline miles by the road's number of lanes. Another measure, vehicle miles traveled, estimates *road usage*. Vehicle miles traveled are calculated by multiplying the average daily amount of traffic on a road or road segment by its length in centerline miles.

Today's Texas highway network, maintained by TxDOT, includes nearly 73,000 centerline miles and more than 180,100 lane miles of paved interstate highways, U.S. highways, state highways, loops, business routes, farm- or

ranch-to-market roads, spurs and park roads, among others.

By 2040, TxDOT projects that motorists will drive 800 million vehicle miles *daily*, compared to about 455 million miles a day in 2014 (**Exhibit 1**).

EXHIBIT 1: STATE-MAINTAINED ROADS AND HIGHWAYS IN TEXAS, 2014

| Classification | Number of Centerline Miles | Number of Lane Miles | Daily Vehicle Miles Traveled |
|---|---|---|---|
| Interstate Highways | 3,417 | 16,376 | 167,083,705 |
| U.S. Highways | 11,905 | 35,326 | 104,644,771 |
| State Highways, Spurs, Loops, Business Routes | 16,390 | 42,726 | 112,992,589 |
| Farm- or Ranch-to-Market Roads | 40,910 | 84,925 | 69,154,237 |
| Park Roads | 348 | 771 | 706,312 |
| TOTAL | **72,970** | **180,124** | **454,581,615** |

Source: Texas Department of Transportation

## Rough Road Ahead?

Despite its vast extent, Texas' transportation network is struggling to serve the state's growing population and business community.

According to TxDOT, drivers in Texas' largest metropolitan areas averaged about 52 hours stuck in traffic in 2015. Such delays are only expected to increase, threatening economic activity as well as air quality. Today's congestion is likely to become tomorrow's gridlock.

Meanwhile, many Texas bridges, roads and highways are showing their age. Recent studies show our roads need extensive maintenance and enhanced safety features. The American Society of Civil Engineering considers at least 38 percent of Texas' major roads to be in poor or fair condition.

Texas has about 53,000 bridges, more than any other state. Of these, the Federal Highway Administration rated nearly 19 percent as either "structurally deficient" or "functionally obsolete" in 2015. A bridge is considered structurally deficient if any of its major components are significantly deteriorated. Functionally obsolete bridges no longer meet current highway design standards, often because of narrow lanes, inadequate clearances or poor alignment.

Between 2009 and 2013, 15,865 people were killed in traffic crashes in Texas, an average of 3,173 per year. Texas' 2015 traffic fatality rate of 1.39 fatalities per 100 million vehicle miles traveled ranked considerably above the national rate of 1.09. Of course, many of these deaths weren't related, directly or indirectly, to road conditions — driving while intoxicated remains the biggest cause of fatal car accidents by far — but highway improvements do help reduce the incidence of crashes, while improving traffic flow.

## Where the Money Comes From

Most federal and state road funding across the nation comes from taxes on motor fuels as well as general sales taxes and other levies.

Federal taxes go to the federal Highway Trust Fund (HTF), which supports highway and mass transit programs and projects, formula-based state grants and other programs identified by Congress.

Funding for Texas' State Highway Fund (SHF) — almost $21 billion for the state's 2016-2017 biennium — comes from several sources, the largest by far being the federal government, which supplies just under half of Texas

highway revenue (**Exhibit 2**). The state's motor fuels taxes and auto registration fees account for the bulk of state revenue.

EXHIBIT 2: SOURCES OF STATE HIGHWAY FUND REVENUE ESTIMATES FOR FISCAL 2016 AND 2017

| STATE REVENUE | Fiscal 2016 | Fiscal 2017 |
|---|---|---|
| Motor Fuels Taxes Allocations | $2,558,220 | $2,600,847 |
| Motor Vehicle Registration Fees | 1,419,568 | 1,455,057 |
| Severance Taxes Allocations | 1,134,668 | 594,182 |
| Other Revenue* | 202,021 | 193,924 |
| Supplies, Equipment, Services — Federal/Other | 184,434 | 160,000 |
| Special Vehicle Permit Fees | 101,232 | 101,232 |
| Motor Fuel Lubricants Sales Tax | 44,500 | 44,900 |
| Interest on State Deposits and Investments, General Non-Program | 21,946 | 16,048 |
| Sales of Publications and Advertising | 6,600 | 6,600 |

| | | |
|---|---|---|
| **Total State Revenue** | **$5,673,189** | **$5,172,790** |
| **FEDERAL INCOME** | **Fiscal 2016** | **Fiscal 2017** |
| **Federal Receipts Matc hed — Transportation Programs** | $5,206,283 | $4,770,002 |
| **Federal Receipts Not Matched — Other Pro grams** | 21,705 | 21,705 |
| **Total Federal Income** | $5,227,988 | $4,791,707 |
| **Total State Highway F und Revenue** | **$10,901,177** | **$9,964,497** |

*Other revenue includes reimbursements and other miscellaneous fees, charges and revenue.

Source: Texas Comptroller of Public Accounts

Prior to recent actions by the Texas Legislature, however, these traditional funding sources for transportation projects were being strained to the limit, and not only because of population and general economic growth.

The recent oil and gas boom in shale formations, for instance, pushed thousands of heavy trucks on rural Texas roads not designed for such traffic. While the boom has subsided, the damage to overstressed roads remains.

Furthermore, the cost of road construction has risen much faster than the general inflation rate, meaning our transportation dollars simply don't go as far. In 2014,

TxDOT reported that construction costs had risen by 80 percent since 2002, compared to a cumulative general inflation rate of about 32 percent.

Finally, the significant increase in automotive fuel efficiency in recent years, prompted by new technologies and stiffer federal standards, has had positive effects on individual wallets but negative ones on motor fuels taxes. Texas and U.S. motor fuels taxes are based on volume — so many cents per gallon. When fuel efficiency increases, the associated tax revenues decline.

## New Revenue for Roads

Recognizing Texas' chronic need for additional highway funding, recent legislative sessions have added major new funding for transportation projects.

In 2013, for instance, the Legislature appropriated $225 million in extra funding for the repair and maintenance of county roads and bridges affected by the shale energy boom, and another $225 million for other county transportation projects.

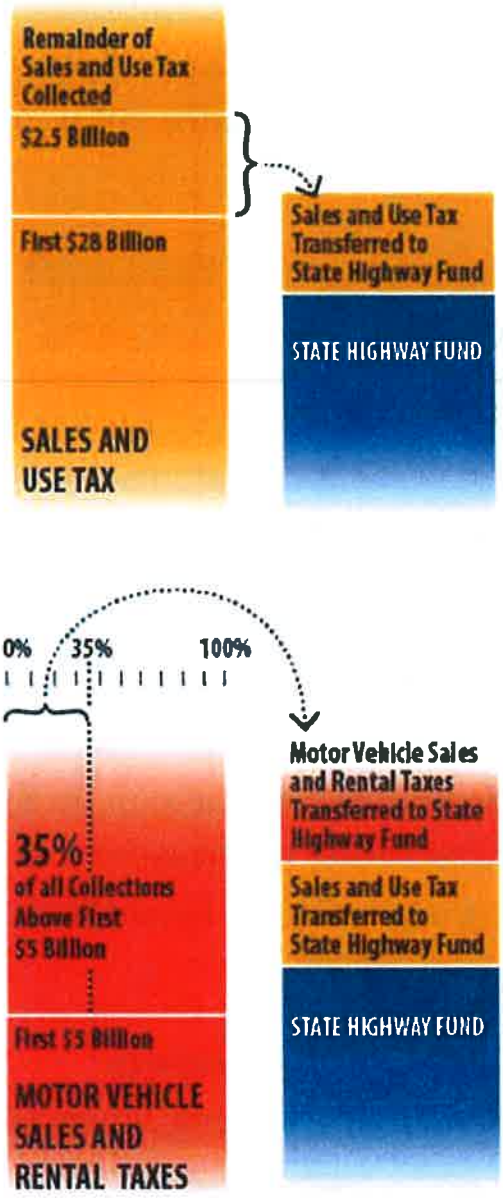
In November 2014, 80 percent of Texas voters approved Proposition 1, an amendment to the Texas Constitution

directing more funds to transportation. The state's Economic Stabilization Fund (its "Rainy Day Fund") receives 75 percent of the state's oil and gas production tax revenue in excess of fiscal 1987 revenues. Proposition 1 now redirects up to half of this amount for highways, based on the decisions of the committee of legislators that guide the ESF.

Under Proposition 1, $1.7 billion was deposited into the SHF in fiscal 2015 for transportation projects. In fiscal 2016, Prop 1 added an additional $1.1 billion.

Another boost for state transportation projects came in November 2015, when voters approved another constitutional amendment, Proposition 7, which could constitute the largest increase in transportation funding in Texas history (**Exhibit 3**).

EXHIBIT 3: PROPOSITION 7, TRANSFERS TO THE STATE HIGHWAY FUND (SHF)




Source: Texas Department of Transportation

**Starting in fiscal 2018**, Prop 7 directs the Comptroller's office to annually deposit to the SHF $2.5 billion of net revenue from the state sales tax, after total sales tax receipts exceed $28 billion.

This annual transfer will expire at the end of fiscal 2032 unless a future Legislature extends it.

**In fiscal 2020**, Prop 7 further directs the Comptroller to annually transfer to the SHF 35 percent of state motor vehicle sales tax revenue above the first $5 billion of such revenue collected.

In recent testimony before the Senate Finance Committee, Comptroller Glenn Hegar indicated that this provision would generate $375 million in highway revenue in its first year. The motor vehicle sales and rental tax transfer will expire at the end of fiscal 2029, again unless lawmakers choose to extend it.

Recently, the federal government also took steps to increase funding for mobility needs. The Fixing America's Surface Transportation Act (FAST), signed into law in December 2015, will provide state and local governments with about $305 billion in additional funding for highway and transit projects. According to the Federal Highway

Administration, FAST could direct up to $18.3 billion to Texas between 2016 and 2020.

## Unmet Needs

In September 2015, TxDOT estimated that about $60 billion is needed in the next five to 10 years for projects to improve connectivity and traffic flow in our urban areas, as well as $20 billion for statewide connections and border-trade projects.

Texas' transportation needs are still mounting. As our roads and highways continue to age, they'll reach a point at which routine paving and maintenance are not enough to keep pavement surfaces in good condition.

In the past, various ideas proposed to increase road funding have included raising the gasoline tax or indexing it for inflation; increasing vehicle registration fees; building more toll roads; seeking local funding through transportation reinvestment zones; and creating public-private sector partnerships for road construction and improvements.

Whatever the method, Texas policymakers will have much to consider as they work to keep our surface transportation

network supporting healthy economic growth.

Next month, in Part 2 of this article, we'll examine the economic impact of road construction on the state and local economies. **FN**

*For more information on Texas roads and transportation projects, visit the Texas Department of Transportation at http://txdot.gov.*

Economy

# FiscalNotes [comptroller.texas.gov/economy/fiscal-notes/]

## Texas Road Finance Part II: Economic Impacts Infrastructure Spending Boosts Economy

by TJ Costello and Ginger Lowry

**As we saw in Part I of this article [comptroller.texas.gov/economy/fiscal-notes/2016/may/road-finance.php], Texas spends a mountain of money on its roadways — and needs to spend more if we want to keep traffic moving across our rapidly growing state.**




Reliable transportation infrastructure is critical to economic development. Industries can thrive or die depending on the reliability and speed of their transportation options. A 2016 survey of corporate executives by *Area Development* magazine, for instance, ranked highway accessibility second among the top 10 site selection factors, just behind the availability of skilled workers. Highway accessibility has ranked first or second in importance in this survey for more than a quarter-century.

Yet in Texas and across America, basic transportation infrastructure is aging and increasingly at risk. According to a 2013 study by the American Society of Engineers, inadequate roads could cost the U.S. economy more than 400,000 jobs by 2040, particularly in high-value and high-paying sectors such as tech and manufacturing.

Efforts to expand and repair our roads also carry an economic impact, however — a large and beneficial one.

## Driving Costs

As noted in Part I, Texas roadways face significant challenges. The state's population is expected to rise to nearly 45 million by 2040, yet traditional transportation funding is based on per-gallon motor fuels tax rates that have not risen since 1991, and ever more fuel-efficient cars have further depressed gas tax revenue. The Texas Department of Transportation (TxDOT) estimates it will require about $60 billion in the next five to 10 years to improve connectivity and traffic flow in Texas' urban areas, as well as an additional $20 billion for statewide connections and border-trade projects.

For Texas motorists, the costs of inadequate roads are cumulative and personal. According to the transportation research organization TRIP, the average American motorist pays an additional $516 each year in added vehicle operating costs due to driving on poorly maintained roads. But many Texas drivers pay more, with additional costs averaging $838 in San Antonio, $815 in El Paso, $772 in Houston, $716 in McAllen and $549 in Corpus Christi.

Investments in new roads, improvements and routine repairs can extend the life of the state's roadway system, preventing or postponing more expensive reconstruction while reducing transportation and commuting costs and improving access to goods and services.

Texas roads are essential to the state's burgeoning tourism industry. Millions of people visit Texas each year, and they're often driving. According to a June 2015 report prepared for the Texas Governor's Office, travel had a $70.6 billion impact on the Texas economy in 2014, directly generating 630,000 jobs and indirectly supporting another 473,800. It also generated $6 billion in state and local tax revenues. Consultation with the Governor's Office indicates that more than half (54 percent) of travel spending in Texas comes from out-of-state travelers, and among domestic visitors, 61 percent travel by auto.

Of course, Texans also travel around our state — a lot. The average one-way distance for a Texan visiting a Texas destination is 161 miles.

## Returns on Investment

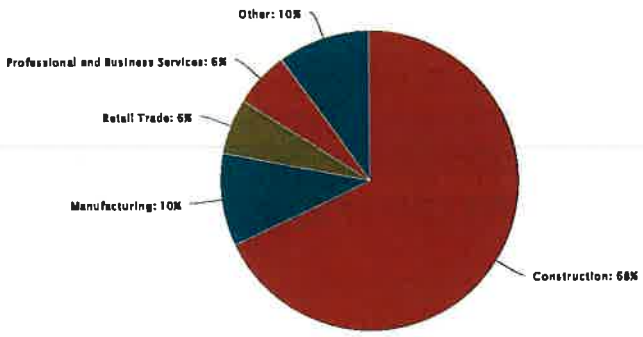
Transportation investment is an effective way to stimulate economic development. IHS Global estimates that every $50 billion invested in federal highways and public transit programs generates an average of $31 billion in personal income tax receipts and $6 billion in federal corporate tax receipts due to increased economic activity.

Transportation spending affects both the level and geographic distribution of economic activity. Such investments yield near-term benefits in employment; a recent White House analysis cited job creation in the construction, manufacturing, retail trade and professional and business service sectors (**Exhibit 1**).

Just as important, however, are long-term economic benefits including greater competitiveness, lower prices, higher productivity and higher incomes.

EXHIBIT 1: JOBS CREATED BY TRANSPORTATION INFRASTRUCTURE SPENDING, BY SECTOR

View Data




Source: U.S. Office of the White House, *An Economic Analysis of Transportation Infrastructure Investment*, July 2014

In general, transportation investment affects the economy in two ways: by increasing the demand for construction services and building materials, and by enhancing the connectivity of businesses and people.

EXHIBIT 2: ESTIMATED ECONOMIC BENEFITS OF $25 MILLION IN TEXAS ROAD SPENDING DUE TO REDUCED COSTS FOR TRANSPORTATION AND ACCESS TO GOODS AND SERVICES

| Panhandle Area (Annual Gains) | Mid-Term (2020) | Long-Term (2040) |
|---|---|---|
| Employment gain (2% reduction in costs) | 224 | 216 |
| Additional gross state product | $16,750,000 | $20,275,000 |
| Employment gain (5% reduction in costs) | 575 | 552 |
| Additional gross state product | $42,990,000 | $52,138,000 |

| Houston Area (Annual Gains) | Mid-Term (2020) | Long-Term (2040) |
|---|---|---|
| Employment gain (2% reduction in costs) | 29,373 | 47,930 |
| Additional gross state product | $6,376,671,000 | $16,722,964,000 |
| Employment gain (5% reduction in costs) | 73,120 | 122,383 |
| Additional gross state product | $16,232,987,000 | $43,356,209,000 |

Sources: Regional Economic Modeling, Inc. (REMI) and Texas Comptroller of Public Accounts

To examine such impacts in Texas, the Comptroller's office worked with Regional Economic Modeling, Inc. (REMI) to estimate the near- and long-term impacts of road spending between 2017 and 2040 in rural and urban Texas areas (**Exhibit 2**). The REMI team used TranSight, a dynamic transportation economic model, to examine the net efficiencies resulting from transportation spending. The exercise was based on four randomly selected counties in the Panhandle (Armstrong, Carson, Donley and Gray counties) and three in the Houston area (Fort Bend, Harris and Montgomery counties).

In the Panhandle area, an additional $25 million for transportation infrastructure construction could create more than 300 jobs in 2017. By 2020, if the investment reduces the cost of transportation (including commuting as well as all other travel) and access to goods and services by just 2 percent, the project would yield 224 additional jobs in that year, lifting real gross state product (GSP) by $16.8 million. By 2040, a continued 2 percent reduction in costs could mean an additional 216 jobs and $20.3 million in GSP in that year.

If the $25 million spending increase resulted in a *5 percent* reduction in costs, the area could see 575 additional jobs in 2020, with an increase to real GSP of $43 million. In 2040, a continuing 5 percent cost reduction could result in another 552 jobs and $52.1 million in GSP.

In the Houston area, by contrast, an additional $25 million for transportation infrastructure could add nearly 400 jobs in 2017. In 2020, again assuming a 2 percent reduction in the cost of transportation and access to goods and services, the area could see 29,400 more jobs and $6.4 billion in additional GSP. By 2040, the 2 percent reduction could mean an additional 48,000 jobs and $16.7 billion in real GSP in that year.

If the additional spending creates additional lanes and other highway construction projects, in 2020 the Houston area might see a 5 percent reduction in costs and a resulting increase of 73,100 jobs plus $16.2 billion in additional GSP. By 2040, the 5 percent cost reduction could result in another 122,400 jobs and $43.4 billion in GSP.

EXHIBIT 3: COMMUTING IN THE 10 MOST POPULOUS STATES, 2014

| State | Share of Workers Who Drive to Work Alone |
|---|---|
| Ohio | 83.6% |
| Michigan | 82.3% |
| North Carolina | 81.4% |
| TEXAS | 80.4% |
| Florida | 79.7% |
| Georgia | 79.6% |
| U.S. Average | 76.5% |
| Pennsylvania | 76.4% |
| California | 73.5% |
| Illinois | 73.4% |
| New York | 53.1% |
| **State** | **Average Commute Time (Minutes)** |
| New York | 31.3 |
| Illinois | 27.4 |
| California | 26.6 |

| | |
|---|---|
| **Georgia** | 26.2 |
| **Pennsylvania** | 25.3 |
| **Florida** | 25.0 |
| **U.S. Average** | 24.9 |
| **Texas** | 24.6 |
| **Michigan** | 23.4 |
| **North Carolina** | 22.7 |
| **Ohio** | 22.4 |

Source: U.S. Census Bureau, 2014 American Community Survey

## Pay Now or Pay Later?

While road construction costs have risen rapidly in recent years, this growth has slowed dramatically since the Great Recession ended, particularly in the all-important category of borrowing costs. As the national economy continues to recover, however, prices will rise. Any further delays in transportation improvements may compromise the state's budget and make future decisions more expensive and more painful.

The Texas economy relies on the speedy, reliable and cost-efficient transport of components, finished goods and raw materials to and from state, national and international markets. Advanced communications and cost-cutting business innovations, such as just-in-time delivery and push-style distribution, demand ever-faster shipments.

Poor roads cost Texans money — and sometimes their lives. Extra fuel, repairs, lost time and reduced productivity all have a negative impact on the economy by affecting the competitiveness of Texas businesses. Transportation infrastructure spending, by contrast, positively affects local and state economies by connecting businesses, customers, goods and services more efficiently, which in turn enhances business expansion as well as safety. **FN**

Selecting, planning and executing a transportation infrastructure project takes time. How much time depends on a number of factors including need, economic conditions, environmental issues and — most importantly — the availability of financing. The time frame from need identification to construction for any project varies but typically takes about four years (**Exhibit 4**).

In addition to individual project planning, road construction in Texas is subject to longer-range planning processes, including the Statewide Long Range Transportation Plan (24 years); the Metropolitan Transportation Plan (20 years); Unified Transportation Plan (10 years); and the Statewide Transportation Improvement Program (four years).

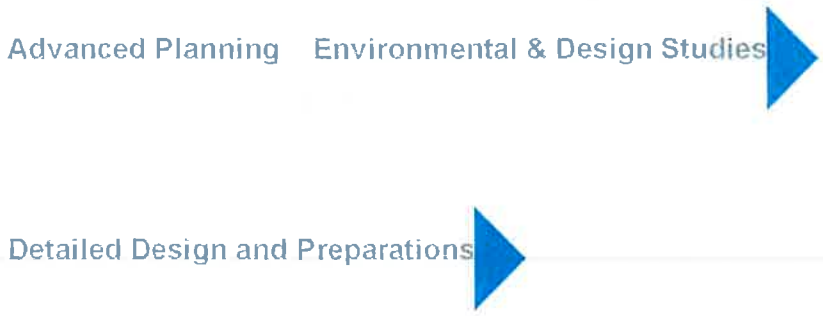
## Need Identification

Needs are identified through a variety of sources at the community, state or federal level. TxDOT also operates a variety of performance monitoring programs to support this process. This step offers the first opportunity for public input into a potential new project.

## Needs Assessment

TxDOT conducts further analyses related to safety, congestion and other needs. A preliminary project concept is developed to identify next steps for project development, including a preliminary funding strategy.

*1 week - 1 year*




## Project Development

Project development may range from a few months for simple projects to several years for more complex projects. During this stage, TxDOT's funding strategy continues to be refined as needed.

### Advanced Planning

For large, complex, and new-location projects, TxDOT conducts additional planning studies. This level of study is necessary to explore a wide variety of alternatives prior to performing more detailed, expensive analysis. Public involvement often plays a key role.

*1 -2 years*

### Environmental & Design Studies

Many types of projects require preliminary design and examination of environmental and community impacts. For many projects, this stage involves a high level of public engagement.

*3 months - 2 years*

**Detailed Design, Right of Way, Utilities and Other Preparations**

At this stage, the project is fairly well defined and details of project construction are being addressed, including acquiring rights of way, moving utilities and other construction preparation.

*6 month - 2 years*

## Construction

To move forward to construction, a project must be fully defined and designed and all funding for construction identified. For most projects, public information about construction activities is critical to ensure public safety and to address construction-related traffic needs.

*6 months - 4 years*

*To learn more about Texas transportation planning and projects, see* TxDOT's Texas Transportation Plan 2040.

# APPENDIX 3

# Protect Transit in Communities Affected by a Natural Disaster

Major natural disaster events such as hurricanes, tornadoes, floods, tsunamis, earthquakes and mudslides occur beyond human control. Local communities who experience these catastrophic events often have little recourse for recovery and often suffer a temporary population drop as a result of the disaster.

Under current law, local communities with a population of 50,000 or more qualify as urbanized areas based on Decennial Census data. Urbanized areas receive a greater share of funding from the Department of Transportation (DOT) for federal transit than areas with less than 50,000 people. Following a natural, disaster, if a local community's population drops below this threshold but grows back within a few years, the community must wait until the next Decennial Census before it can be re-designated as an urbanized area. The City of Galveston, TX experienced this problem in 2008, when the Hurricane Ike storm resulted in a population drop beyond their control, leading to a loss of over $750,000 in federal transit funds, even though population estimates show that the City of Galveston has again the 50,000 person requirement for urbanized area funding.

This is just one of the many examples of how local communities suffer from a loss in transit funds after a drop in population following a natural disaster, even when recent estimates by the Census Bureau show their populations have been restored.

H.R. 3452, sponsored by Representative Randy Weber, and S. 1664 sponsored by Senator John Cornyn would amend current law to allow urbanized areas to retain their designation and preserve access to federal transit funding streams following a presidentially declared major disaster until the next Decennial Census. This bill would ensure that America's communities are not penalized with a loss of federal transit funds due to natural disasters beyond their control.

**Supporting Organizations:**

- U.S. Conference of Mayors
- National League of Cities
- American Public Transportation Association
- Florida League of Cities
- Missouri Municipal League
- Texas Municipal League
- The City of Galveston, TX
- Galveston Regional Chamber of Commerce

**Bill Summary:**

- Clarifies federal Congressional intent of federal transit law to protect cities across the United States from being penalized due a to a population drop suffered as a direct result of a natural disaster, retroactive to 2000;

- Explicitly states that only Presidentially declared major disasters are covered, in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (*P.L. 100-707*);

- Protects federal transit funding streams for urbanized areas until the execution of the next Decennial Census.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

I

115TH CONGRESS
1ST SESSION

# H. R. 3452

To amend section 5307 of title 49, United States Code, with respect to the treatment of a community as an urbanized area following a major disaster.

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IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2017

Mr. WEBER of Texas introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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# A BILL

To amend section 5307 of title 49, United States Code, with respect to the treatment of a community as an urbanized area following a major disaster.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Relief for Recovering Communities Act".

**SEC. 2. AVAILABILITY OF URBANIZED AREA FORMULA GRANTS FOLLOWING A MAJOR DISASTER.**

Section 5307 of title 49, United States Code, is amended by adding at the end the following:

"(i) URBANIZED AREAS FOLLOWING A MAJOR DISASTER.—

"(1) MAJOR DISASTER DEFINED.—In this section, the term 'major disaster' has the meaning given such term in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

"(2) URBANIZED AREA MAJOR DISASTER POPULATION CRITERIA.—Notwithstanding section 5302, the Secretary shall treat an area as an 'urbanized area' for purposes of this section until the second decennial census conducted after a major disaster in such area if—

"(A) the population of the area fell below 50,000 as a result of such major disaster;

"(B) the area was defined and designated as an 'urbanized area' by the Secretary of Commerce in the decennial census immediately preceding such major disaster, beginning with the 2000 decennial census; and

"(C) the area was not so defined and designated in the decennial census immediately following such major disaster.

"(3) POPULATION CALCULATION.—An area treated as an 'urbanized area' under this subsection

shall be assigned the population and square miles of the urban cluster with respect to the area designated by the Secretary of Commerce in the most recent decennial census.

"(4) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect apportionments made under this chapter before the date of the enactment of this subsection.".

O

II

115TH CONGRESS
1ST SESSION

# S. 1664

To amend section 5307 of title 49, United States Code, with respect to the treatment of communities as urbanized areas following a major disaster.

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IN THE SENATE OF THE UNITED STATES

JULY 27, 2017

Mr. CORNYN (for himself and Mr. KAINE) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

---

# A BILL

To amend section 5307 of title 49, United States Code, with respect to the treatment of communities as urbanized areas following a major disaster.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Relief for Recovering Communities Act".

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"(A) the area was defined and designated as an 'urbanized area' by the Secretary of Commerce in the decennial census immediately preceding such major disaster, effective with the 2000 decennial census; and

"(B) the population of the area fell below 50,000 as a result of such major disaster.

"(3) POPULATION CALCULATION.—An area treated as an 'urbanized area' under this subsection shall be assigned the population and square miles of the urban cluster designated by the Secretary of Commerce in the most recent decennial census.

"(4) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect apportionments made under this chapter before the date of the enactment of this subsection.".

○