

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



MONDAY, MAY 4, 2015

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, May 4, 2015 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Ted Ritts, Chaplain, American Legion Post 127

3.0 Pledges to U.S. and Texas Flags

- Led by Members of the Tomball High School Student Council and Members of Concordia Lutheran High School

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 - May 4-10, 2015 is ***“Texas Travel and Tourism Week – Tomball, Texas”***

6.0 Reports and Announcements

- May 9, 2015 – **2nd Saturday at the Depot**
- May 17, 2015 – **Lions Club Car Show** at the Depot
- May 23, 2015 – **4th Annual Memorial Day Weekend Chili Challenge**
- **June 1 through July 30** – Meetings of the **City Council, Planning and Zoning Commission, Board of Adjustments, Tourism Advisory Committee, and Tomball Municipal Court Sessions** will be held at the **Public Works Building, 501 James Street**, due to renovations at City Hall.
- **Walk Tomball!** – Every Saturday at 9:00 a.m. at the Depot
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Glenn Windsor – Quarterly Investment Report for the Quarter ending March 31, 2015. 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, yield information, and weighted average maturities. On March 31, 2015, the City had total cash equivalents and investments totaling \$55,712,077. A copy of the report is attached for review.
 - Mike Baxter – Report on the success of the **Rails and Tails Mudbug Festival**, with **“Roux Run” at Depot Downs**
 - David Esquivel – Report on the success of the **Annual Spring Clean-Up and Chipping Week** and the **Tomball Consolidated Recycling Day**

7.0 Approve the Minutes of the April 20, 2015 Regular City Council Meeting

8.0 Old Business:

- 8.1 Adopt, on Second Reading, Ordinance No. 2015-08, an Ordinance of the City of Tomball, Texas, Authorizing the Redemption Prior to Maturity of Outstanding City of Tomball, Texas Waterworks and Sewer System Revenue Bonds, Series 1999

9.0 New Business:

- 9.1 Conduct Public Hearing Regarding a Proposed STRATEGIC PARTNERSHIP AGREEMENT between the City of Tomball, Texas and Harris County Municipal Utility District No. 273.

- 9.2 Conduct Public Hearing regarding a Proposal to Adopt an Ordinance Creating Reinvestment Zone No. 5; said Reinvestment Zone No. 5 is Proposed to Include a Tract of Land Containing 17.387 Acres, More or Less (Packers Plus)
- 9.3 Approve Resale Deed for Property acquired by Foreclosure Tax Sale in Cause No. 1998-28221, styled *City of Tomball, vs. Hester, Hattie, Miss*, said Property being described as: Lot 50, Block 103, Tomball, Located in Harris County, Texas and being More Particularly Described in Volume 375, Page 72 of the Real Property Records of Harris County, Texas (Account No. 035-281-004-0050)
- 9.4 Approve the Trade of 10-year-old Hydraulic Equipment No Longer Being Used in Front-line Service for a Mid-size New 28-Inch Spreader.
- 9.5 Authorize the Mayor to Sign the Updated Harris County Emergency Managment Plan Basic Plan Document
- 9.6 Approve and Authorize City Manager to Execute Pipeline Relocation/Reimbursement Agreement with Tortuga Operating Company ("Tortuga"), in the Amount of \$313,028.00.
- 9.7 Approve **P D & J Enterprises**: Being a subdivision of 0.3213 acre of land situated in the William Hurd Survey, Abstract Number 371, of Harris County, Texas, and being a replat of Lots 20, 21, 22 and 23, in Block 81 of Revised Map of Tomball, according to the map or plat thereof recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas
- 9.8 Discussion and Possible Action to Approve Additional Services with GMS Home Inspection Service, LLC to Perform On-Call Residential and Commercial Plan Review and Inspection Services for an Amount Not to Exceed \$75,000.

10.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 30th day of April 2015 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

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: May 4, 2015

Topic:

- Led by Ted Ritts, Chaplain, American Legion Post 127

Background:

Origination:

Recommendation:

Funding:

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

ACTION TAKEN		
APPROVAL ☐ YES ☐ NO	READINGS PASSED ☐ 1 ST ☐ 2 ND	OTHER

Regular City Council Agenda Item Data Sheet

Meeting Date: May 4, 2015

Topic:

- Led by Members of the Tomball High School Student Council and Members of Concordia Lutheran High School

Background:

Origination:

Recommendation:

Funding:

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

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 4, 2015

Topic:

- Proclamation - May 4-10, 2015 is “*Texas Travel and Tourism Week – Tomball, Texas*”

Background:

Origination:

Recommendation:

Funding:

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

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 4, 2015

Topic:

- May 9, 2015 – **2nd Saturday at the Depot**
- May 17, 2015 – **Lions Club Car Show** at the Depot
- May 23, 2015 – **4th Annual Memorial Day Weekend Chili Challenge**
- **June 1 through July 30** – Meetings of the **City Council, Planning and Zoning Commission, Board of Adjustments, Tourism Advisory Committee, and Tomball Municipal Court Sessions** will be held at the **Public Works Building, 501 James Street**, due to renovations at City Hall.
- **Walk Tomball!** – Every Saturday at 9:00 a.m. at the Depot
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Glenn Windsor – Quarterly Investment Report for the Quarter ending March 31, 2015. 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, yield information, and weighted average maturities. On March 31, 2015, the City had total cash equivalents and investments totaling \$55,712,077. A copy of the report is attached for review.
 - Mike Baxter – Report on the success of the **Rails and Tails Mudbug Festival**, with **“Roux Run” at Depot Downs**
 - David Esquivel – Report on the success of the **Annual Spring Clean-Up and Chipping Week** and the **Tomball Consolidated Recycling Day**

Background:

Origination:

Various

Recommendation:

N/A

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

4th Annual Memorial Day Weekend Chili Challenge

Quarterly Investment Report - Quarter ending March 31, 2015

MEMORIAL DAY WEEKEND CHILI CHALLENGE

TOMBALL, TEXAS

MAY 23, 2015

DEPOT PLAZA

CASI COOK TEAMS

LOCAL BUSINESS TEAMS

A KIDS' COOK-OFF

MARGARITA POUR-OFF

LIVE MUSIC

KIDS ZONE

FOOD VENDORS

FREE ADMISSION

AND PARKING



**FOR INFORMATION OR TO
REGISTER A COOK TEAM,
E-MAIL KDKONE@AOL.COM
OR CALL 281-351-5484**



**PRESENTED BY CASI
CHILI APPRECIATION
SOCIETY INTERNATIONAL**

***PROCEEDS BENEFIT TOMBALL CHRISTMAS CHARITIES**

CITY OF TOMBALL PORTFOLIO DIVERSIFICATION March 31, 2015

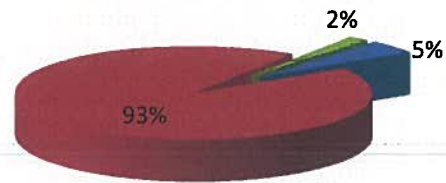
By Type

	Current Market Value	Percent Portfolio
Securities	\$ 2,649,846	4.76%
Investment Pools	52,011,503	93.36%
Checking and Cash on hand	1,050,728	1.89%
Total Portfolio	\$ 55,712,077	

Safety of principal is the first priority of any Public investing portfolio. The City of Tomball invests in Securities of Federal, State and Local Governments, in Texas CLASS and in the state pool, TexPool. These investments are in securities with a rating of A-1/P-1 or higher and pools with Standard & Poor's highest rating of AAAm. Our charter requires that we maintain reserves of no less than 90 days and no more than one year of the current budgeted expenditures. The City currently has reserves in excess of the charter requirement.

Diversification By Type

■ Securities
■ Investment Pools
■ Checking and Cash on hand

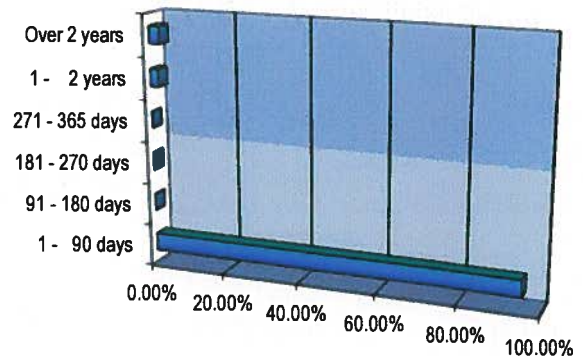


By Maturity

	Current Market Value	Percent Portfolio
1 - 90 days	\$ 53,062,231	95.24%
91 - 180 days	-	-
181 - 270 days	-	-
271 - 365 days	-	-
1 - 2 years	1,149,720	2.06%
Over 2 years	1,500,126	2.69%
Total Portfolio	\$ 55,712,077	

Ensuring adequate liquidity is available to cover all expenditures is the second priority of any public investing program. The City staff forecasts cash flow and ladders the maturity of investments to ensure funds are adequate when needed. A portion of funds are kept in overnight investments as a buffer for any unexpected expenditures. This overnight investment (TexPool) has been performing according to market in the yield category as well as providing liquidity.

Diversification by Maturity



**CITY OF TOMBALL
INVESTMENT PORTFOLIO SUMMARY
ACTIVITY FOR QUARTER ENDING
March 31, 2015**

ALL CITY FUNDS (POOLED)

INVESTMENTS	COST	MARKET	RATIO	YTM at COST	BENCHMARK YTM**
Beginning of period	2,650,000	2,639,903	0.9962	0.840%	0.25%
Purchases	-	-			
Maturities	-	-			
Change in value	-	9,943			
Sales					
End of period	2,650,000	2,649,846	0.9999	0.840%	0.26%

Total Accrued Interest at end of period: \$ 4,326

**Benchmark security is the One-year U. S. Treasury Bill
Weighted average maturity of the portfolio at quarter end is 763 days.

This report is in compliance with the investment strategies as approved
and the Public Funds Investment Act.



Treasurer

Asst. Treasurer

**CITY OF TOMBALL
INVESTMENTS IN SECURITIES
PORTFOLIO AS OF MARCH 31, 2015**

SECURITY DESCRIPTION	CUSIP NUMBER	RATING	MATURITY DATE	INTEREST YIELD	MARKET VALUE	DAYS AFTER 03/31/15	INDIVIDUAL MARKET VALUE/TOTAL	WAM DAYS x PERCENT
1) Federal Home Loan Bank- 1.12%	3130A2UB0	AA+	8/25/2017	1.120%	1,500,126	878	56.612%	497.05
2) Freddie Mac- 0.650%	3134G56W0	AA+	12/23/2016	0.650%	399,748	633	15.086%	95.49
3) Freddie Mac- .750%	3134G5E84	AA+	11/21/2016	0.750%	749,972	601	28.302%	170.10
TOTALS				0.840%	2,649,846	704	100.000%	762.64

CITY OF TOMBALL CASH AND CASH EQUIVALENTS FOR QUARTER ENDING March 31, 2015

FUNDS		CASH AND CASH EQUIVALENTS				INVESTMENTS				TOTAL CASH, CASH EQUIVALENTS AND INVESTMENTS	
MAJOR FUNDS	TEXAS CLASS	TEXPOOL	OPERATING ACCOUNT	CASH ON HAND	TOTAL CASH AND CASH EQUIVALENTS	INVESTMENT SECURITIES	TOTAL INVESTMENTS				
General	\$ 2,525,059	\$ 10,666,863	\$ 58,555	\$ 2,838	\$ 13,253,315	\$ 399,748	\$ 399,748	\$ 13,653,063			
Debt Service	\$ 946,157	\$ 2,374,149	\$ 10,387	-	\$ 3,330,693	-	-	\$ 3,330,693			
Enterprise	\$ 2,690,785	\$ 4,872,179	\$ 250,089	\$ 600	\$ 7,813,653	\$ 2,250,098	\$ 2,250,098	\$ 10,063,751			
OTHER FUNDS											
Special Revenue	\$ 75,752	\$ 61,001	\$ 9,986	-	\$ 146,739	-	-	\$ 146,739			
Municipal Court Building Security	\$ 101,002	\$ 132,591	\$ 1,668	-	\$ 235,261	-	-	\$ 235,261			
Municipal Court Technology	\$ 60,601	\$ 217,827	\$ 2,130	-	\$ 280,558	-	-	\$ 280,558			
Hotel Occupancy Tax	\$ 101,002	\$ 338,597	\$ 57,138	-	\$ 496,737	-	-	\$ 496,737			
Red Light Camera Program	\$ -	\$ 150,018	\$ 168,257	-	\$ 318,275	-	-	\$ 318,275			
PD District Attorney Grant	\$ -	\$ -	\$ -	-	\$ -	-	-	\$ -			
Department of Justice Grant	\$ -	\$ -	\$ -	-	\$ -	-	-	\$ -			
SAFER Grant	\$ -	\$ -	\$ -	-	\$ -	-	-	\$ -			
Tomball "Fun Runs"	\$ -	\$ -	\$ 81,440	-	\$ 81,440	-	-	\$ 81,440			
General Capital Projects	\$ 50,501	\$ 12,900,437	\$ 13,416	-	\$ 13,416	-	-	\$ 13,416			
Business Park	\$ -	\$ 8,196,785	\$ 21,711	-	\$ 12,972,649	-	-	\$ 12,972,649			
Fleet Replacement	\$ 454,511	\$ 1,078,824	\$ 228,185	-	\$ 1,761,520	-	-	\$ 1,761,520			
Water Capital Recovery	\$ 101,002	\$ 1,312,412	\$ 5,757	-	\$ 1,419,171	-	-	\$ 1,419,171			
Sewer Capital Recovery	\$ 151,504	\$ 1,501,796	\$ 5,133	-	\$ 1,658,433	-	-	\$ 1,658,433			
Health Insurance Trust	\$ -	\$ 950,148	\$ 133,438	-	\$ 1,083,586	-	-	\$ 1,083,586			
TOTALS	\$ 7,257,876	\$ 44,753,627	\$ 1,047,290	\$ 3,438	\$ 53,062,231	\$ 2,649,846	\$ 2,649,846	\$ 55,712,077			

Regular City Council Agenda Item Data Sheet

Meeting Date: May 4, 2015

Topic:

Approve the Minutes of the April 20, 2015 Regular City Council Meeting

Background:

Origination:

City Secretary

Recommendation:

N/A

Funding:

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

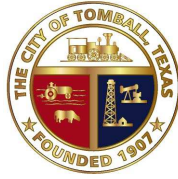
City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Draft Minutes - April 20, 2015 Regular City Council Meeting

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



MONDAY, APRIL 20, 2015

6:00 P.M.

18/20

1.0 Call to Order

The Council meeting was called to order at 6:00 p.m. by Mayor Fagan. Other members present:

Councilman Townsend
Councilman Klein Quinn
Councilman Hudgens
Councilman Degges
Councilman Stoll

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Public Works Director – David Esquivel
Community Planner – Craig Meyers
City Engineer – Lori Lakatos
City Planner - Harold Ellis
Community Center Director – Rosalie Dillon
Fire Marshal – Doug Sanguedolce
Building Official – Ken Cole
TEDC-Executive Director – Kelly Violette
Police Captain – Ricky Doerre
Police Detective – Kenneth Yoho

2.0 The invocation was led by Pastor Bryan Donahoo, Graceview Baptist Church

3.0 The pledges to U. S. and Texas Flags were led by Alan Paul and Gabriel Gach, members of the Tomball High School Student Council.

4.0 The following public comments were received:

Rodney Hutson - Expressed his support for Ordinance No. 2015-07, as
9431 Rosie Lane, 77354 originally presented to Council.

5.0 Presentations:

- Mayor Fagan presented a Letter of Recognition to Eagle Scout **William Hunter Lang**, Troop 471

6.0 Reports and Announcements:

- April 20-24, 2015 – Annual **Spring Clean-Up and Chipping Week**
- April 25, 2015 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- April 25, 2015 – **Tomball Rotary Annual Fish Fry** at the Depot
- May 2 and 3, 2015 – ***Rails and Tails Mudbug Festival***, with ***“Roux Run”*** at Depot **Downs** on Sunday, May 3
- May 9, 2015 – **2nd Saturday at the Depot**
- May 17, 2015 – **Lions Club Car Show** at the Depot
- May 23, 2015 – **4th Annual Memorial Day Weekend Chili Challenge**
- **June 1 through July 30** – Meetings of the **City Council, Planning and Zoning Commission, Board of Adjustments, Tourism Advisory Committee, and Tomball Municipal Court Sessions** will be held at the **Public Works Building, 501 James Street**, due to renovations at City Hall.
- **Walk Tomball!** – Every Saturday at **9:00 a.m.** at the Depot
- Reports by City staff and members of Council about items of community interest on which no action will be taken
 - Mike Baxter/Grady Martin – Report on the success of the **Annual German Heritage Festival**
 - Mike Baxter – Report on the success of the ***“Stroll the Toll”***, the ***“2015 Ride 2 Recovery Texas Challenge” Welcome and Reception, 7th Annual 5K Bunny Run and 1 Mile Kids Walk***, the ***Tomball Honky Tonk Music Festival and “Texas Two-Step” Washers Tournament***, and the ***Antique Auto Show***
 - Randy Parr – Report on the success of the **Shattered Lives Event** at Concordia Lutheran High School

7.0 Motion was made by Councilman Townsend, second by Councilman Degges, to approve the Minutes of the April 6, 2015 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2015-07, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances By Amending Sections 50-2 (“Definitions”) and 50-82 (B) (“Use Charts”) to add a Land Use and Associated Definition for “Brewpub”; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.

Motion to AMEND was made by Councilman Stoll, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2015-07, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances By Amending Sections 50-2 (“Definitions”) and 50-82 (B) (“Use Charts”) to add a Land Use and Associated Definition for “Brewpub”; 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, amending Section 2, definition of Brewpub to read *“Brewpub: An establishment where beer, ale, etc. are brewed in conjunction with a drinking or eating establishment. The maximum brewing production shall not exceed **10,000** barrels per year.”*

Motion to further AMEND was made by Councilman Stoll, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2015-07, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances By Amending Sections 50-2 (“Definitions”) and 50-82 (B) (“Use Charts”) to add a Land Use and Associated Definition for “Brewpub”; 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, amending Section 2, definition of Brewpub to read *“Brewpub: An establishment where beer, ale, etc. are brewed in conjunction with a drinking **and** eating establishment. The maximum brewing production shall not exceed **10,000** barrels per year.”* Vote was as follows:

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

Motion to further AMEND carried, 4 votes Aye, 1 vote Nay.

9.0 New Business:

- 9.1 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Resolution No. 2015-07, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 5th Annual Homecoming Parade and Pep Rally, to be

held at the Tomball Depot, Sponsored by the Tomball Independent School District and the TISD Student Council, on Wednesday, October 7, 2015.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve the Sale of Lot 43, Block 81, located at 0 Chestnut Street, to Adjacent Property Owner, Cecilia Briceno, for \$2,020.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to approve Expansion of the Area for Waiver of Impact Fees to Cover Main Street, West of Pine Street to SH 249 Business and East of Elm Street to Willow Street.

Motion was WITHDRAWN by Councilman Klein Quinn, second by Councilman Stoll, to approve Expansion of the Area for Waiver of Impact Fees to Cover Main Street, West of Pine Street to SH 249 Business and East of Elm Street to Willow Street.

No action taken.

- 9.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to appoint Paige Cassel to the unexpired Position 9 (Hotel Industry) on the Tourism Advisory Committee for Term Expiring December 5, 2016.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Hudgens, second by Councilman Townsend, to appoint Erik P. Berglund as Associate Municipal Court Prosecutor for the Tomball Municipal Court, with Term Beginning April 21, 2015 and Expiring December 31, 2016.

Motion carried unanimously.

- 9.6 Motion was made by Councilman Townsend, second by Councilman Degges, to approve Resolution No. 2015-06, 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.

- 9.7 Motion was made by Councilman Klein Quinn, second by Councilman Townsend, to approve, as a Project of the Tomball Economic Development Corporation, an Agreement with Packers Plus Energy Services (USA) Inc., to Make Direct Incentives to or Expenditures for the Creation or Retention of Primary Jobs Associated with the Development of a Corporate Headquarters Campus Consisting of a Research and

Development Facility, a Manufacturing Facility, and a Corporate Office Facility on Approximately 17.38 Acres of Land, out of Lot 4 of the Recorded Plat of the Tomball Business and Technology Park, Generally Located at the Southwest Corner of Spell Road and Hufsmith-Kohrville Road. The Estimated Amount of Expenditures for such Project is up to \$338,011.00.

Motion carried unanimously.

- 9.8 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2015-05 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on First Reading, Ordinance No. 2015-08, an Ordinance of the City of Tomball, Texas, Authorizing the Redemption Prior to Maturity of Outstanding City of Tomball, Texas Waterworks and Sewer System Revenue Bonds, Series 1999. Vote was as follows:

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

Motion carried unanimously.

- 9.9 Motion was made by Councilman Hudgens, second by Councilman Stoll, to approve Resolution No. 2015-08, a Resolution of the City Council of the City of Tomball, Texas Approving a First Amendment to the Agreement regarding the Payment of Obligations Issued for Authorized Tomball Economic Development Corporation Projects.

Motion carried unanimously.

- 9.10 Laura Lambert, Weaver and Tidwell, and Glenn Windsor presented the Comprehensive Annual Financial Report (CAFR Audit) and the Single Audit Report for the Fiscal Year Ended September 30, 2014.

No action taken.

- 9.11 Loren Smith presented an update regarding possible amendments and changes to the Licensing Requirements for Mobile Vendors; he will work with City staff to bring recommendations to Council.

No action taken.

9.12 Doris Speer presented the proposed renovations to the City Hall Council Chambers.

No action taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 4th day of May 2015.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 4, 2015

Topic:

Adopt, on Second Reading, Ordinance No. 2015-08, an Ordinance of the City of Tomball, Texas, Authorizing the Redemption Prior to Maturity of Outstanding City of Tomball, Texas Waterworks and Sewer System Revenue Bonds, Series 1999

Background:

At our March 16, 2015 regular City Council meeting, we discussed the redemption of the City's Waterworks and Sewer System Revenue Bonds, Series 1999. As part of that discussion, the Council gave staff the authorization to move forward with the redemption. Additionally, as part of the process, there will have to be an amendment to the agreement between the City and the TEDC for the change in the amount of the annual payment that the TEDC pays to the City as its share of the debt service on the 1999 bonds.

The TEDC met Tuesday, April 14, 2015, in a special meeting to approve a payment option which will be formalized in an amendment to the existing agreement. Under the existing agreement the TEDC pays \$300,000 to the City through 1999. The amended amount will be \$188,148 for the next four years. Additionally, due to the requirement to have two readings of the ordinance, the redemption will be scheduled for June 15, 2015 instead of the May 27, 2015 date as discussed at the March 16, 2015 meeting. There is a requirement that the bond holders and paying agent be notified 30 days in advance prior to a redemption. This will reduce the estimated savings of the redemption to \$179,543.33 due to the additional 18 days accrued interest.

Origination:

Finance

Recommendation:

Approval of Ordinance 2015-08 on second reading.

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Ordinance No. 2015-08 - Redemption Prior to Maturity of Series 1999 Revenue Bonds

Series 1999 Cash Flow Analysis

Revised Series 1999 Cash Flow Analysis

ORDINANCE NO. 2015-08

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING THE REDEMPTION PRIOR TO MATURITY OF OUTSTANDING CITY OF TOMBALL, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 1999

THE STATE OF TEXAS

§

§

COUNTY OF HARRIS AND MONTGOMERY §

WHEREAS, the City Council (the “City Council”) of the City of Tomball, Texas (the “City”), has heretofore issued its Waterworks and Sewer System Revenue Bonds, Series 1999 (the “Bonds”) pursuant to an ordinance of the City, approved on second reading on March 1, 1999 (the “Bond Ordinance”); and

WHEREAS, pursuant to the Bond Ordinance, the City has the right to redeem all or a portion of the Bonds in advance of their maturities; and

WHEREAS, the City desires to redeem the outstanding Bonds, as more specifically described in Section 3 herein (the “Redeemed Bonds”) in advance of their maturities on June 15, 2015 (the “Redemption Date”); and

WHEREAS, the Bond Ordinance authorizes the City to accomplish such redemption by depositing directly with The Bank of New York Mellon Trust Company, N.A., successor to Chase Bank of Texas, National Association, the paying agent for the Bonds (the “Paying Agent/Registrar”), available funds of the City, in an amount sufficient to provide for the payment or redemption of the Redeemed Bonds on the Redemption Date; and

WHEREAS, upon the deposit of funds referred to above, the Redeemed Bonds shall no longer be regarded as being outstanding, except for the purpose of being paid pursuant to such deposit, and the pledges, liens, trust and all other covenants, provisions, terms and conditions of the Bond Ordinance shall be discharged, terminated and defeased; **NOW, THEREFORE**

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

1. Recitals. It is hereby found and determined that the matter and facts set out in the recitals to this ordinance are true and correct and incorporated herein for all purposes. All capitalized terms not otherwise defined in the recitals to this ordinance shall have the meaning set forth in the Bond Ordinance.

2. Deposit with Paving Agent/Registrar. Available funds of the City in an amount sufficient to pay all principal of and interest on the Redeemed Bonds due on the Redemption Date and all costs incurred in the redemption of the Redeemed Bonds shall be deposited directly with the Paying Agent/Registrar on or before the Redemption Date. Upon the redemption of the Redeemed Bonds, no Parity Bonds will remain outstanding, and in accordance with the Bond Ordinance the City Council hereby authorizes the use of the amounts on deposit in the Reserve Fund to pay the redemption price of the Redeemed Bonds.

3. Redemption Prior to Maturity of Redeemed Bonds. The City hereby calls the Bonds described below for redemption prior to maturity on the Redemption Date, at a price of par plus accrued interest to the Redemption Date, and authorizes and directs notice of such redemption to be given in accordance with the terms of the Bond Ordinance:

<u>Maturity Date</u>	<u>Principal Amount</u>
2/15/2016	\$470,000
2/15/2017	\$490,000
2/15/2018	\$515,000
2/15/2019	\$535,000

4. Related Matters. To satisfy in a timely manner all of the City's obligations under this ordinance, the Mayor, the Finance Director and all other appropriate officers and agents of the City are hereby authorized and directed to take all actions that are reasonably necessary to provide for the redemption of the Redeemed Bonds, including, without limitation, paying any fees or expenses required in connection with the redemption and executing and delivering on behalf of the City all certificates, notices, consents, receipts, requests, and other documents as may be necessary to direct the application of funds of the City consistent with the provisions of this ordinance.

5. No Personal Liability. No recourse shall be had for payment of principal of or interest on any Bonds or for any claim based thereon against any member of the City Council or employee of the City.

6. Open Meeting. It is hereby officially found and determined that the meeting at which this ordinance was adopted was open to the public, and that public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

7. Effective Date. This Ordinance shall take effect immediately upon its passage.

[Execution Page Follows]

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 APRIL 2015.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF MAY 2015.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

CITY OF TOMBALL, TEXAS

Gretchen Fagan
Mayor

ATTEST:

City Secretary

(SEAL)

[illegible]

1. The City Council of the City of Tomball, Texas, convened at a regular meeting of said City Council at the Tomball City Hall in the City of Tomball, Texas, on the 20th day of April 2015, and the roll was called of the duly constituted officers and members of said City Council, to wit:

and all of said persons were present. Whereupon, among other business, the following was transacted at said meeting: a written

ORDINANCE AUTHORIZING THE REDEMPTION PRIOR TO MATURITY OF
OUTSTANDING CITY OF TOMBALL, TEXAS WATERWORKS AND SEWER
SYSTEM REVENUE BONDS, SERIES 1999

0 members shown present above voted "No".

2. The City Council of the City of Tomball, Texas, convened at a regular meeting of said City Council at the Tomball City Hall in the City of Tomball, Texas, on the 4th day of May 2015, and the roll was called of the duly constituted officers and members of said City Council, to wit:

and all of said persons were present. Whereupon, among other business, the following was transacted at said meeting: a written

ORDINANCE NO. 2015-08

ORDINANCE AUTHORIZING THE REDEMPTION PRIOR TO MATURITY OF
OUTSTANDING CITY OF TOMBALL, TEXAS WATERWORKS AND SEWER
SYSTEM REVENUE BONDS, SERIES 1999

was duly introduced for the consideration of the City Council. It was then duly moved and seconded that said ordinance be approved and adopted on second reading; and, after due discussion, said motion, carrying with it the adoption of said ordinance, prevailed and carried by the following vote:

___ members shown present above voted "Aye".

___ members shown present above voted "No".

3. A true, full and correct copy of the aforesaid ordinance adopted at the meetings described in the above and foregoing paragraphs is attached to and follows this certificate; that said ordinance has been duly recorded in the City Council's minutes of said meetings; that the above and foregoing paragraph is a true, full and correct excerpt from the City Council's minutes of said meetings pertaining to the adoption of said ordinance; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the City Council as indicated therein; that each of the officers and members of the City Council was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and purpose of the aforesaid meetings, and that said ordinance would be introduced and considered for adoption at said meetings, and each of said officers and members consented, in advance, to the holding of said meetings for such purpose; that said meetings were open to the public as required by law; and that public notice of the date, hour, place and subject of said meetings was given as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED this ___ day of May 2015.

City Secretary
City of Tomball, Texas

(SEAL)

City of Tomball, Texas

Cash Call of Waterworks and Sewer System Revenue Bonds, Series 1999

Cash Flow Analysis

Payment Date	Principal	Coupon	Interest	Call Date	Call Price				Gross Savings
					Principal	Interest	Call Date Expenses	Total	
8/15/2015			\$ 40,847.50	5/27/2015	\$ 2,010,000.00	\$ 23,146.92	\$ 2,800.00	\$ 2,035,946.92	\$ 14,900.58
2/15/2016	\$ 470,000.00	4.00%	40,847.50						40,847.50
8/15/2016			31,447.50						31,447.50
2/15/2017	490,000.00	4.05%	31,447.50						31,447.50
8/15/2017			21,525.00						21,525.00
2/15/2018	515,000.00	4.10%	21,525.00						21,525.00
8/15/2018			10,967.50						10,967.50
2/15/2019	535,000.00	4.10%	10,967.50						10,967.50
	<u>\$ 2,010,000.00</u>		<u>\$ 209,575.00</u>						<u>\$ 183,628.08</u>

Call Date Expenses

Bond Counsel - Call Notice	\$ 2,500.00	Confirmed
Bank of New York - Paying Agent Call Fees	300.00	Confirmed
Bank of New York - Paying Agent Escrow Fees if required	500.00	May not be charged
Total	<u>\$ 3,300.00</u>	
	(500.00)	
Net Expense	<u>\$ 2,800.00</u>	

No Escrow will be required if funds are held at paying agent for less than a day.

Sources and Uses of Funds

<u>Source of Funding</u>	
Reserve Fund Balance	\$ 770,000.00
Other Funds Required	1,265,946.92
	<u>\$ 2,035,946.92</u>
<u>Use of Funding</u>	
Call Price on May 27, 2015	\$ 2,035,946.92

City of Tomball, Texas

Cash Call of Waterworks and Sewer System Revenue Bonds, Series 1999

Cash Flow Analysis

Payment Date	Principal	Coupon	Interest	Call Date	Call Price				Gross Savings
					Principal	Interest	Call Date Expenses	Total	
2/15/2015									
8/15/2015			\$ 40,847.50	6/15/2015	\$ 2,010,000.00	\$ 27,231.67	\$ 2,800.00	\$ 2,040,031.67	\$ 10,815.83
2/15/2016	\$ 470,000.00	4.00%	40,847.50						40,847.50
8/15/2016			31,447.50						31,447.50
2/15/2017	490,000.00	4.05%	31,447.50						31,447.50
8/15/2017			21,525.00						21,525.00
2/15/2018	515,000.00	4.10%	21,525.00						21,525.00
8/15/2018			10,967.50						10,967.50
2/15/2019	535,000.00	4.10%	10,967.50						10,967.50
	<u>\$ 2,010,000.00</u>		<u>\$ 209,575.00</u>						<u>\$ 179,543.33</u>

Call Date Expenses

Bond Counsel - Call Notice	\$ 2,500.00	Confirmed
Bank of New York - Paying Agent Call Fees	300.00	Confirmed
Bank of New York - Paying Agent Escrow Fees if required	500.00	May not be charged
Total	<u>\$ 3,300.00</u>	
	<u>(500.00)</u>	
Net Expense	\$ 2,800.00	

No Escrow will be required if funds are held at paying agent for less than a day.

Regular City Council

Agenda Item

Meeting Date: May 4, 2015

Data Sheet

Topic:

Conduct Public Hearing Regarding a Proposed STRATEGIC PARTNERSHIP AGREEMENT between the City of Tomball, Texas and Harris County Municipal Utility District No. 273.

Background:

Harris County Municipal Utility District No. 273 has requested that the City consider a Strategic Partnership Agreement, under the provisions of Texas Local Government Code, Section 43.0751. The District is located within the extraterritorial jurisdiction of Tomball but is not within the corporate city limits. Two public hearings are required before passage of the designation ordinance. This is the first public hearing; the second public hearing will be held on Wednesday, May 6, 2015 at 5:30 p.m.

As required, the notice of the public hearings was published in the Tomball-Magnolia Tribune.

The Strategic Partnership Agreement provides for initial annexation of the limited-purpose tract by the City for limited purposes, provision of potable water service, imposition of the City's 2 percent sales and use tax, and possible full-purpose annexation of the territory. The Development Agreement between A-K Venture, HC MUD 273, and the City regarding this tract of land was approved by Council on November 4, 2014.

Origination:

City Secretary

Recommendation:

N/A

Funding:

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

City Secretary

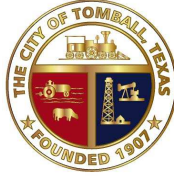
ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Notice of Public Hearings

NOTICE OF PUBLIC HEARINGS

ON STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE CITY OF TOMBALL, TEXAS AND HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 273



**MONDAY, MAY 4, 2015
6:00 P.M.
AND
WEDNESDAY, MAY 6, 2015
5:30 P.M.**

Notice is hereby given that two **PUBLIC HEARINGS** will be held by the Tomball City Council, as the Governing Body of the City of Tomball, Texas. The first public hearing will be held at a Regularly Scheduled Council Meeting on Monday, May 4, 2015 **at 6:00 p.m.**, and the second public hearing will be held at a Special Meeting of City Council on Wednesday, May 6, 2015 at 5:30 p.m., in the Council Chambers, City Hall, 401 Market Street, Tomball, Texas, to Consider the Following:

A proposed **STRATEGIC PARTNERSHIP AGREEMENT** between the City of Tomball, Texas and Harris County Municipal Utility District No. 273.

All persons desiring to address Council regarding the proposed Strategic Partnership Agreement 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 each public hearing. A copy of the Strategic Partnership Agreement is available for inspection at the office of the City Secretary, 401 Market Street, Tomball, Texas.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 22nd day of April 2015 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, CMC

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: May 4, 2015

Topic:

Conduct Public Hearing regarding a Proposal to Adopt an Ordinance Creating Reinvestment Zone No. 5; said Reinvestment Zone No. 5 is Proposed to Include a Tract of Land Containing 17.387 Acres, More or Less (Packers Plus)

Background:

Packers Plus has requested that the City consider a Tax Abatement agreement related to the company's proposed development project. Before Council can approve a Tax Abatement agreement, it must designate a Reinvestment Zone for Tax Abatement - a geographic area in which abatement may be offered. A public hearing is required before passage of the designation ordinance.

As required, the notice of the public hearing was published in the Tomball-Magnolia Tribune and copies of the notice were delivered to all taxing authorities within whose jurisdiction the proposed zone would be located. At the time of posting, no other eligible jurisdiction has indicated intent to offer additional tax abatement within in the zone.

Designation of the zone does not bind Council to approving any particular agreement.

Origination:

Packers Plus

Recommendation:

N/A

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Notice of Public Hearing regarding a Proposal to Adopt an Ordinance creating Reinvestment Zone No. 5

NOTICE OF PUBLIC HEARING
ON PROPOSAL TO CREATE CITY OF TOMBALL, TEXAS,
REINVESTMENT ZONE NO. 5



MONDAY, MAY 4, 2015

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, May 4, 2015 **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. 5.
Said Reinvestment Zone No. 5 is Proposed to Include a Tract of Land
Containing 17.387 Acres, More or Less, more Specifically Described as Follows:

17.387 gross acres of land, out of a 25.1764 acre tract of
land identified as Lot 4 on the Recorded Plat of the Tomball
Business & Technology Park, generally located at the
southwest corner of Spell Road and Hufsmith-Kohrville
Road in the City of Tomball, 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. 5 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. 5 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. 5.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 16th day of April 2015 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, CMC

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: May 4, 2015

Topic:

Approve Resale Deed for Property acquired by Foreclosure Tax Sale in Cause No. 1998-28221, styled *City of Tomball, vs. Hester, Hattie, Miss*, said Property being described as: Lot 50, Block 103, Tomball, Located in Harris County, Texas and being More Particularly Described in Volume 375, Page 72 of the Real Property Records of Harris County, Texas (Account No. 035-281-004-0050)

Background:

When taxes are owed on a property resulting in a foreclosure, those properties may be sold through a bid process with proceeds paid to the taxing entities for back taxes. The subject property is located at 0 Foster Street in Tomball. We request approval of the sale of the property to Hannah's Blessings, LLC for \$2,400.00.

The City of Tomball will receive \$77.27 in back taxes and the property will go back on the tax roles under new ownership.

Origination:

Perdue, Brandon, Fielder, Collins and Mott, LLP, Attorneys at Law

Recommendation:

Staff recommends approval.

Funding:

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

Doris Speer, City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Resale Deed - Lot 50 Block 103 to Hannah's Blessings, LLC

Bid Analysis for Lot 50 Block 103

HCAD Map - Lot 50 Block 103

**Notice of confidentiality rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your social security number or your driver's license number.
(Language pursuant to Section 11.008 of the Texas Property Code)**

THE STATE OF TEXAS

§

RESALE DEED

COUNTY OF HARRIS

§

§

KNOW ALL MEN BY THESE PRESENTS that the CITY OF TOMBALL, FOR ITSELF AND AS TRUSTEE FOR TOMBALL INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY EDUCATION DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, PORT OF HOUSTON OF HARRIS COUNTY AUTHORITY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT AND NORTH HARRIS-MONTGOMERY COMMUNITY COLLEGE DISTRICT, acting by and through its duly elected official ("GRANTOR") as authorized by Section 34.05, Texas Property Tax Code, for and in consideration of the sum of TEN DOLLARS AND 00/100 (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid by HANNAH'S BLESSINGS, L.L.C. ("GRANTEE") the receipt of which is hereby acknowledged and confessed, has conveyed and quitclaimed and by these presents do convey and quitclaim unto said grantees all right, title and interest of the CITY OF TOMBALL, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 1998-28221, in the property herein conveyed, acquired by tax foreclosure sale heretofore held, in Cause No.1998-28221, styled *City of Tomball vs. Hester, Hattie, Miss*, said property being described as:

LOT 50, BLOCK 103, TOMBALL, LOCATED IN HARRIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN VOLUME 375, PAGE 72 OF THE REAL PROPERTY RECORDS OF HARRIS COUNTY, TEXAS. (HCAD ACCT # 035-281-004-0050)

This conveyance is made and accepted subject to the following matters to the extent that the same are in effect at this time: any and all rights of redemption, restrictions, covenants, conditions, easements, encumbrances and outstanding mineral interests, if any, relating to the hereinabove described property, but only to the extent they are still in effect, shown of record in the hereinabove mentioned County and State, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any but only to the extent that they are still in effect, relating to the hereinabove described property.

TO HAVE AND TO HOLD said premises, together with all and singular the rights, privileges and appurtenances thereto in any manner belonging unto the said HANNAH'S BLESSINGS, L.L.C., their heirs and assigns forever, so that neither the CITY OF TOMBALL, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 1998-28221 and any person claiming under it shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

Grantee accepts the property without warranty and in "AS IS, WHERE IS" condition and subject to any environmental conditions that might have or still exist on said property, and subject to the rights of any parties in possession of the property..

Post judgment taxes and taxes for the current year(s) are assumed by Grantees.

IN TESTIMONY WHEREOF, CITY OF TOMBALL, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 1998-28221 have caused these presents to be executed this _____ day of _____ 201__.

CITY OF TOMBALL, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 1998-28221

GRETCHEN FAGAN, MAYOR

THE STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Gretchen Fagan, Mayor, City of Tomball known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____ 201__.

NOTARY PUBLIC, in and for the
STATE OF TEXAS

My Commission Expires: _____

Grantee: HANNAH'S BLESSINGS, L.L.C.
 5315-B CYPRESS CREEK PKWY, PMB 335
 HOUSTON, TX 77069

Return To: Perdue, Brandon, Fielder, Collins & Mott, L.L.P.
1235 North Loop West, Suite 600
Houston, Texas 77008

BID ANALYSIS

Cause #: 1998-28221 HCAD Acct. #: 035-281-004-0050
Bid Amount: \$2,400.00 Property Value: \$2,000.00
Bidders' Name: Hannah's Blessings, LLC Minimum Bid at first sale: \$2,000.00
Strike Off Date: 10/03/2000 Redemption Expired: 4/01/2001
Style: City of Tomball vs. Hester, Hattie, Miss

JUDGMENT INFORMATION

<u>Tax Entity</u>	<u>Tax Years</u>	<u>Amount Due</u>
City of Tomball	1978-1998	\$632.91
Tomball ISD (inc. CED)	1978-1998	\$2,300.49
Harris County	1987-1998	\$899.70
		<u>Total: \$3,833.10</u>

COSTS

Publication Fee (Tax Sale) (Payable to Tomball ISD)	\$175.00
Attorney Ad-Litem (Payable to Tod Collins)	\$900.00
Tax Sale Deed Fee: (Payable to PBFCM)	\$11.00
Resale Deed Fee: (payable to PBFCM)	\$20.00
Court Costs includes Constable Fee: (Payable to Chris Daniel)	\$626.00
Abstract Fee: (Payable to PBFCM)	\$150.00
Tax Master: (payable to Chris Stacey)	\$50.00
<u>Total: \$1,932.00</u>	

PROPOSED DISTRIBUTION

Bid Amount: \$ 2,400.00 Costs: \$ 1,932.00
Net to Distribute: \$ 468.00

*Buyer assumes responsibility for post-judgment tax years 1999-2000 to all entities.

Disburse checks as follows:

City of Tomball	\$77.27	pro-rata amount for judgment years 1978-1998 based on October 2000 P/I
Tomball ISD	\$280.88	pro-rata amount for judgment years 1978-1998 based on October 2000 P/I
Harris County	\$109.85	pro-rata amount for judgment years 1978-1998 based on October 2000 P/I
PBFCM	\$1,932.00	Litigation Fees under suit (including resale deed fee)

4772D12

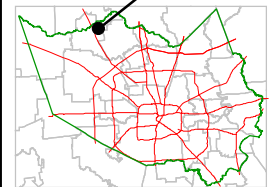
Harris County Appraisal District



0 100 200
PUBLICATION DATE:
1/29/2014

Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

MAP LOCATION



FACET 4771B

1	2	3	4
5	6	7	8
9	10	11	12

4771B8

Regular City Council

Agenda Item

Meeting Date: May 4, 2015

Data Sheet

Topic:

Approve the Trade of 10-year-old Hydraulic Equipment No Longer Being Used in Front-line Service for a Mid-size New 28-Inch Spreader.

Background:

The Fire Department is proposing to trade three small portable pumps, three small combination cutter/spreader tools and a larger pump capable of operating two tools simultaneously, all over 10-years old, that is no longer being used in front-line service for a mid-size new 28 inch spreader. The new spreader has a cost of approximately \$5,700 and the estimated value of the equipment is similar.

The Fire Department acquired a significant cache of TNT brand hydraulic equipment in 2004. The goal, at the time was to ensure that each truck have at least a combination cutter/spreader and a portable pump. As the FD has acquired new apparatus, it has included additional, more powerful hydraulic equipment in the tool complement of each truck resulting in the older, less powerful equipment being moved to reserve status. The FD does maintain all the equipment including the annual preventative maintenance necessary to maintain the life-time warranty.

The trade of the older equipment will reduce the annual preventative maintenance costs by \$1,240.

Origination:

Fire Department

Recommendation:

Staff recommends approval

Funding:

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

Randy Parr

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Calculation

Tomball Fire Department
Hydraulic Tools

Description	Date Acquired	Cost	Estimated Useful Life	Useful Life Remaining	Accumulated Depreciation	Estimated Value
Twin Power Supply	10/19/2004	6500	14	3	5,107	1,393
Bantam Portable Power Supply	10/19/2004	3195	14	3	2,510	685
Bantam Portable Power Supply	10/19/2004	3195	14	3	2,510	685
Bantam Portable Power Supply	10/19/2004	3195	14	3	2,510	685
CC-20 Combi-Tool	10/19/2004	3250	14	3	2,554	696
CC-20 Combi-Tool	10/19/2004	3250	14	3	2,554	696
CC-20 Combi-Tool	10/19/2004	3250	14	3	2,554	<u>696</u>
Estimated total value of tools		25,835			20,299	5,536
New S-200-28 spreader						<u>5,695</u>
Estimated gain on transaction						159

Regular City Council Agenda Item Data Sheet

Meeting Date: May 4, 2015

Topic:

Authorize the Mayor to Sign the Updated Harris County Emergency Managment Plan Basic Plan Document

Background:

The City of Tomball is a signatory to the Harris County Emergency Managment Plan Basic Plan document. This plan integrates the operations of Tomball and the other municipalities in Harris County with the County Emergency Management. This results in significant benefit to Tomball and the other municipalities through a pooling of resources and integrated response to disasters. Tomball has been a signatory to this Plan for over 10 years.

Origination:

Fire Department

Recommendation:

Staff recommends approval

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

Randy Parr

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Signature page

APPROVAL & IMPLEMENTATION

Basic Plan

Integrated Emergency Management Plan

This annex is hereby approved for implementation and supersedes all previous editions.

Approved: _____ Date: _____
Mayor, City of Tomball

Regular City Council Agenda Item Data Sheet

Meeting Date: May 4, 2015

Topic:

Approve and Authorize City Manager to Execute Pipeline Relocation/Reimbursement Agreement with Tortuga Operating Company ("Tortuga"), in the Amount of \$313,028.00.

Background:

Tortuga is the current owner and operator of 2.5-inch, 4-inch, 6-inch, and 8-inch nominal diameter steel pipelines (the "Pipelines") that traverse the ROW pursuant to the rights granted in those multiple pipeline easements conveyed to Tortuga by Jewel M. Faris in the instrument recorded under Harris County Clerk's File Number J708879, effective August 30, 1984, and by Cecil Patrick Harris in the instrument recorded under Harris County Clerk's File Number J999271, effective April 17, 1985

The City has notified Tortuga of its plans to construct M121 Drainage Channel Project that will conflict with Tortuga's use and maintenance of the existing pipeline. The City requested that Tortuga relocate/lower the existing pipeline in order to accommodate the road project.

Tortuga determined that it is agreeable to relocating/lowering a portion of its existing pipelines, subject to the attached Pipeline Relocation/Reimbursement Agreement.

The pipeline relocation is required prior to the performing the excavation of M121 Drainage Channel.

Origination:

Engineering Division of the Community Development Department

Recommendation:

Approval

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

Community Development Department

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Tortuga Relocation/Reimbursement Agreement

REIMBURSEMENT AGREEMENT

STATE OF TEXAS §
COUNTY OF HARRIS §

THIS REIMBURSEMENT AGREEMENT (the “Agreement”) dated effective as of the ____ day of May, 2015, is by and between TORTUGA OPERATING COMPANY, a Texas corporation (“Tortuga”) and THE CITY OF TOMBALL, a home-rule municipal corporation (the “City”).

WHEREAS Tortuga owns and operates 2.5-inch, 4-inch, 6-inch, and 8-inch nominal diameter steel pipelines (the “Pipelines”) that traverse the ROW pursuant to the rights granted in those multiple pipeline easements conveyed to Tortuga by Jewel M. Faris in the instrument recorded under Harris County Clerk’s File Number J708879, effective August 30, 1984, and by Cecil Patrick Harris in the instrument recorded under Harris County Clerk’s File Number J999271, effective April 17, 1985 (the “Easements”);

WHEREAS, in furtherance of its planned development of the ROW the City desires to construct improvements within an existing Public ROW;

WHEREAS, the City has requested and Tortuga has agreed to modify its pipeline system and in particular that Tortuga shall remove its Pipeline that crosses Station 5+20, 16+80, 2+70, and 4+20 on the construction drawings prepared by LJA Engineering & Surveying, Inc. so as to avoid all drainage facilities so that the City can construct and expand the M121-00-00 Drainage Channel Project.

WHEREAS, to prevent damage to Tortuga's pipeline system caused by the Encroachment, Tortuga has agreed to install all new pipelines within the Easement at a depth lower than 3' beneath the M121 Drainage Channel Project.

NOW, THEREFORE, in consideration of the premises recited above and to effect an agreement between the City and Tortuga (collectively, the “Parties”) as to the work described above, the Parties covenant, contract and agree as follows:

1. Tortuga shall modify its pipeline system and in 5+20, 16+80, 2+70, and 4+20 on the construction drawings prepared by LJA Engineering & Surveying, Inc. to avoid all drainage facilities so that the City can construct and expand the M121 West Drainage Channel Project.
2. Tortuga shall have no obligation to perform any work pursuant to this Agreement unless and until all of the following conditions have been performed to Tortuga's satisfaction: (a) this Reimbursement Agreement has been fully executed; (b) the Encroachment Agreement provided herewith has been fully executed; and (c) the payment outlined in Paragraph 3a has been received by Tortuga.
3. The City shall pay \$313,028.00 to Tortuga consistent with the projected costs set forth in Attachment II. To the extent that the costs exceed the estimated costs, Tortuga shall bear such excess costs. To the extent that the costs are less than the estimated costs, the City shall have no right to receive any costs savings that Tortuga may achieve.

4. Within seven days after the City makes the payment of \$313,028.00, Tortuga shall commence and shall diligently and continuously pursue such modifications to its pipeline system. However, this Agreement is null and void if Tortuga has not received the payment of \$313,028 by June ____, 2015. Tortuga shall complete its pipeline modifications within 45 days of receiving payment, subject only to Force Majeure delays.
5. The City shall commence construction work within the Easement only after Tortuga provides written permission to do so and the City shall perform any work with the Easement in accordance with the Encroachment Agreement.
6. TO THE EXTENT PERMITTED BY LAW AND THE TEXAS CONSTITUTION, THE CITY AGREES TO RELEASE, PROTECT, INDEMNIFY, DEFEND AND HOLD TORTUGA, ITS RESPECTIVE AFFILIATES, SHAREHOLDERS, MEMBERS, MANAGERS, OWNERS, DIRECTORS, EMPLOYEES, OFFICERS, AGENTS AND OTHER REPRESENTATIVES, CONSULTANTS AND SERVANTS AND ITS AND THEIR SUCCESSORS AND ASSIGNS (COLLECTIVELY, "COMPANY GROUP") HARMLESS FROM AND AGAINST ALL CLAIMS FOR COMPENSATIONS, CAUSES OF ACTION (INCLUDING DAMAGE TO PROPERTY OR INJURY OR DEATH TO PERSONS, ADMINISTRATIVE OR REGULATORY PROCEEDINGS, DAMAGES, COSTS OR EXPENSES (INCLUDING REASONABLE ATTORNEYS' FEES AND COSTS OF DEFENSE) (COLLECTIVELY "CLAIMS) ASSERTED BY ANY HOLDERS OF INTEREST IN THE REAL PEROPERTY ON WHICH THE EXISTING PIPELINE IS LOCATED IN CONNECTION WITH THE PIPELINE WORK BY COMPANY GROUP.
7. This Agreement shall be binding upon and inure to the benefit of each of the undersigned parties and their respective successors, assigns, and legal representatives.
8. This Agreement shall be interpreted under and construed in accordance with the laws of the State of Texas. The parties covenant and agree that Texas law shall control the validity and enforceability of the obligations created by this Agreement. This Agreement shall be deemed performable in Harris County, Texas. Venue for any litigation filed involving this Agreement shall be in Harris County, Texas. BOTH PARTIES AGREE THAT, TO THE EXTENT ALLOWED BY THE GOVERNING LAW, EACH PARTY HEREBY WAIVES ALL RIGHTS TO A JURY TRIAL WITH RESPECT TO ANY LITIGATION INVOLVING THIS AGREEMENT. Nothing herein shall prohibit a party from availing itself of a court of competent jurisdiction for the purpose of injunctive relief.
9. In the event of any dispute among any of the parties hereto with respect to this Agreement, the prevailing party in any litigation arising therefrom shall be entitled to receive from the losing party its reasonable attorney's fees incurred in connection therewith.
10. Each party hereto hereby represents and warrants that the individual executing this Agreement is a person duly authorized to execute this Agreement and that the execution and delivery of this Agreement results in this Agreement being a valid and binding agreement of the parties, enforceable in accordance with its terms.
11. This Agreement may be executed as one instrument signed by all parties or in separate counterparts hereof, each of which counterparts shall be considered an original and all of which

shall be deemed to be one instrument, and any signed counterpart shall be deemed delivered by the party signing it if sent to any other party hereto by electronic facsimile transmission.

12. Nothing in this Agreement is intended, or shall be deemed to create or constitute a partnership or joint venture between the parties.

Executed this _____ day of May, 2015.

TORTUGA OPERATING COMPANY

By: _____
Name: Peter L. Turbett
Title: President

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this _____ day of May, 2015, by Peter L. Turbett, President of TORTUGA OPERATING COMPANY on behalf of said corporation.

Notary Public in and for the
State of TEXAS

THE CITY OF TOMBALL

By: _____
Name: George Shackelford
Title: City Manager

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this _____ day of May, 2015, by George Shackelford, City Manager of the City of Tomball.

Notary Public in and for the
State of Texas

TORTUGA'S FOUR, SCHEDULE 80 PIPELINES

ATTACHMENT II

Expense Type Description	Cost (\$)
Engineering Services	12,000
Materials, Shipping, and Use Tax (2.5" Pipe)	14,338
Labor (direct/dedicated charges), Expenses, Wages, Benefits, Travel	0
Contractual Services - Construction	30,000
Contractual services, contract labor, professional services, outside services, ext. legal	3,000
Land Acquisition, Damages, Right-of-way, Property Rental (less labor & contract)	1,300
Other (office, telecom, vehicle & other expenses, fees, permits, utilities, rentals)	1,075
Administrative and General Expense	3,486
Allowance for Funds Used During Construction - debt, equity, billed from others	0
Total	65,199

Scope of Work:

Tortuga will modify its pipeline system and in particular shall remove its existing 2.5-inch nominal diameter steel pipeline that approximately crosses Station 5+20 on the construction drawings prepared by LJA Engineering & Surveying, Inc. so that the City of Tomball can construct Drainage Ditch M 121-00-00.

Expense Type Description	Cost (\$)
Engineering Services	12,000
Materials, Shipping, and Use Tax (4" Pipe)	18,438
Labor (direct/dedicated charges), Expenses, Wages, Benefits, Travel	0
Contractual Services - Construction	30,000
Contractual services, contract labor, professional services, outside services, ext. legal	3,000
Land Acquisition, Damages, Right-of-way, Property Rental (less labor & contract)	1,300
Other (office, telecom, vehicle & other expenses, fees, permits, utilities, rentals)	1,075
Administrative and General Expense	3,486
Allowance for Funds Used During Construction - debt, equity, billed from others	0
Total	69,299

Scope of Work:

Tortuga will modify its pipeline system and in particular shall remove its existing 4-inch nominal diameter steel pipeline that approximately crosses Station 16+80 on the construction drawings prepared by LJA Engineering & Surveying, Inc. so that the City of Tomball can construct Drainage Ditch M 121-00-00.

Expense Type Description	Cost (\$)
Engineering Services	12,000
Materials, Shipping, and Use Tax (6" Pipe)	30,540
Labor (direct/dedicated charges), Expenses, Wages, Benefits, Travel	0
Contractual Services - Construction	30,000
Contractual services, contract labor, professional services, outside services, ext. legal	3,000
Land Acquisition, Damages, Right-of-way, Property Rental (less labor & contract)	1,300
Other (office, telecom, vehicle & other expenses, fees, permits, utilities, rentals)	1,075
Administrative and General Expense	3,486
Allowance for Funds Used During Construction - debt, equity, billed from others	0
Total	81,401

Scope of Work:

Tortuga will modify its pipeline system and in particular shall remove its existing 6-inch nominal diameter steel pipeline that approximately crosses Station 2+70 on the construction drawings prepared by LJA Engineering & Surveying, Inc. so that the City of Tomball can construct Drainage Ditch M 121-00-00.

Expense Type Description	Cost (\$)
Engineering Services	12,000
Materials, Shipping, and Use Tax (8" Pipe)	46,268
Labor (direct/dedicated charges), Expenses, Wages, Benefits, Travel	0
Contractual Services - Construction	30,000
Contractual services, contract labor, professional services, outside services, ext. legal	3,000
Land Acquisition, Damages, Right-of-way, Property Rental (less labor & contract)	1,300
Other (office, telecom, vehicle & other expenses, fees, permits, utilities, rentals)	1,075
Administrative and General Expense	3,486
Allowance for Funds Used During Construction - debt, equity, billed from others	0
Total	97,129

Scope of Work:

Tortuga will modify its pipeline system and in particular shall remove its existing 8-inch nominal diameter steel pipeline that approximately crosses Station 4+20 on the construction drawings prepared by LJA Engineering & Surveying, Inc. so that the City of Tomball can construct Drainage Ditch M 121-00-00.

Regular City Council Agenda Item Data Sheet

Meeting Date: May 4, 2015

Topic:

Approve **P D & J Enterprises**: Being a subdivision of 0.3213 acre of land situated in the William Hurd Survey, Abstract Number 371, of Harris County, Texas, and being a replat of Lots 20, 21, 22 and 23, in Block 81 of Revised Map of Tomball, according to the map or plat thereof recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas

Background:

The Planning and Zoning Commission unanimously voted to recommend approval of PD&J Enterprises on Monday, April 13, 2015.

Origination:**Recommendation:**

Approval

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

Community Development

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

PD&J Enterprises Plat

PD & J ENTERPRISES

Being a subdivision of 0.3213 acre of land situated in the William Hurd Survey, Abstract Number 371, of Harris County, Texas, and being a replat of Lots 20, 21, 22 and 23, in Block 81, of REVISED MAP OF TOMBALL, according to the map or plat thereof recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas.

1 LOT, 1 BLOCK

THE STATE OF TEXAS

COUNTY OF HARRIS

We, PD & J Enterprises, LLC, a Texas limited partnership, acting by and through Daniel McLaughlin, its general partner, being officer of PD & J Enterprises, LLC, owners hereinafter referred to as owners of the 0.3213 acre tract described in the above and foregoing plat of PD & J ENTERPRISES, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owners have dedicated and by these presents does dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet (5') in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, owners do hereby dedicate to the public a strip of land fifteen feet (15') wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located and depicted upon in said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting, and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement, except by means of an approved drainage structure.

IN TESTIMONY WHEREOF, PD & J Enterprises, LLC, has caused these presents to be signed by Daniel McLaughlin, its general partner, thereunto authorized, this 27th day of April, 2015.

PD & J Enterprises, LLC

By: Daniel McLaughlin
Daniel McLaughlin, its General Partner

THE STATE OF TEXAS

COUNTY OF HARRIS

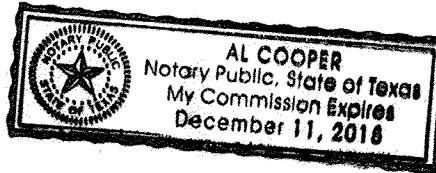
BEFORE ME, the undersigned authority, on this day personally appeared Daniel McLaughlin, General Partner of PD & J Enterprises, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 27th

day of April, 2015.

Notary Public in and for the State of Texas

My Commission Expires: 12/11/18



Harris County Clerk Certificate of Filing:

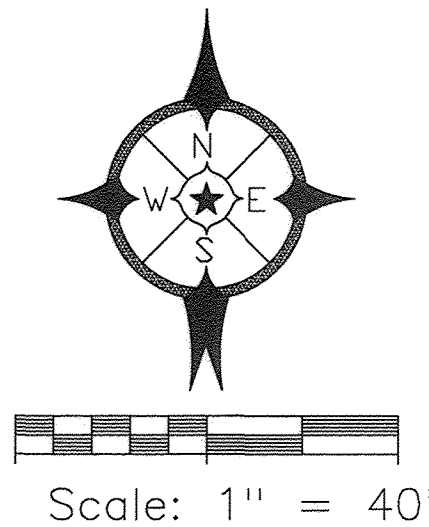
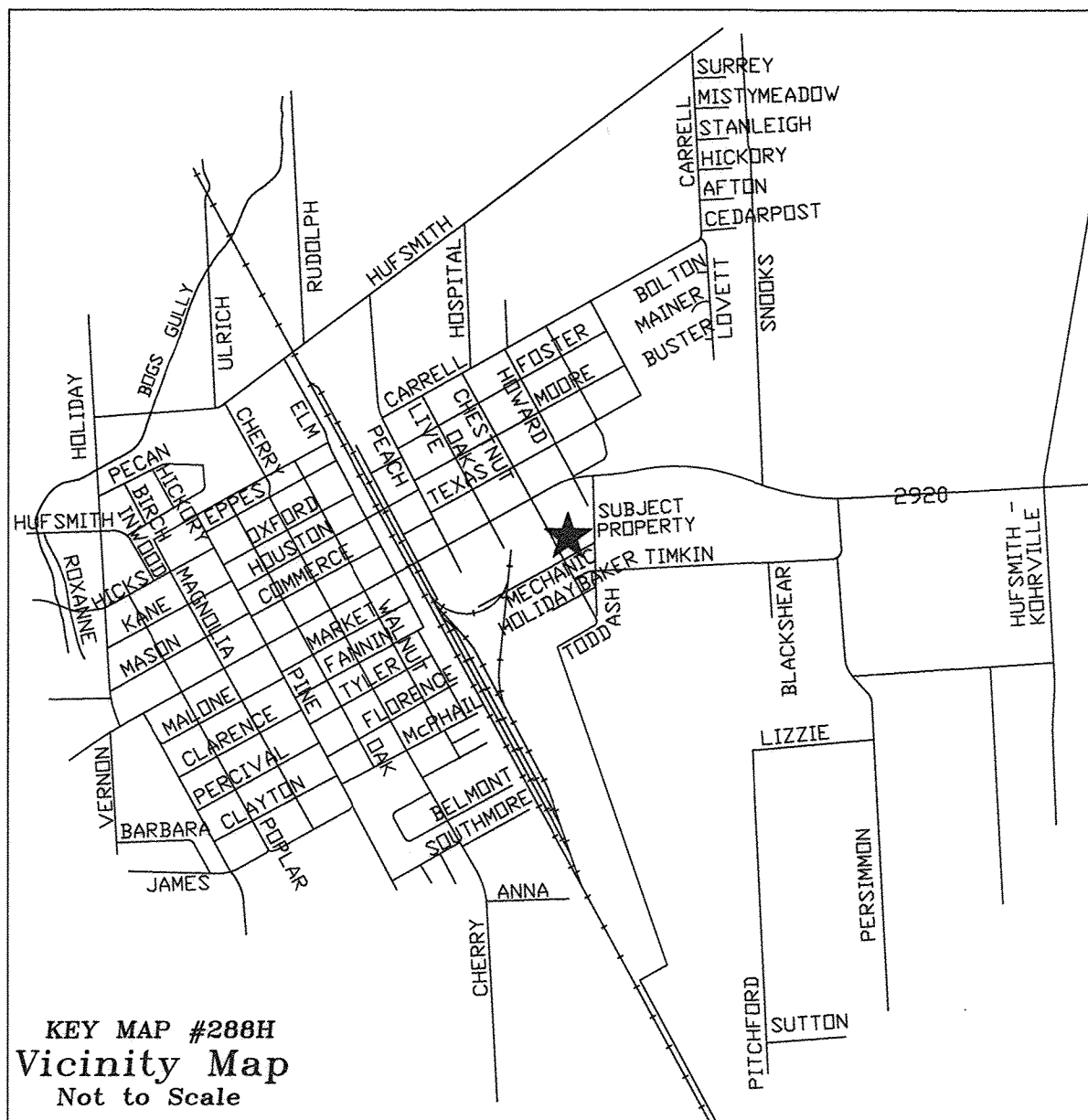
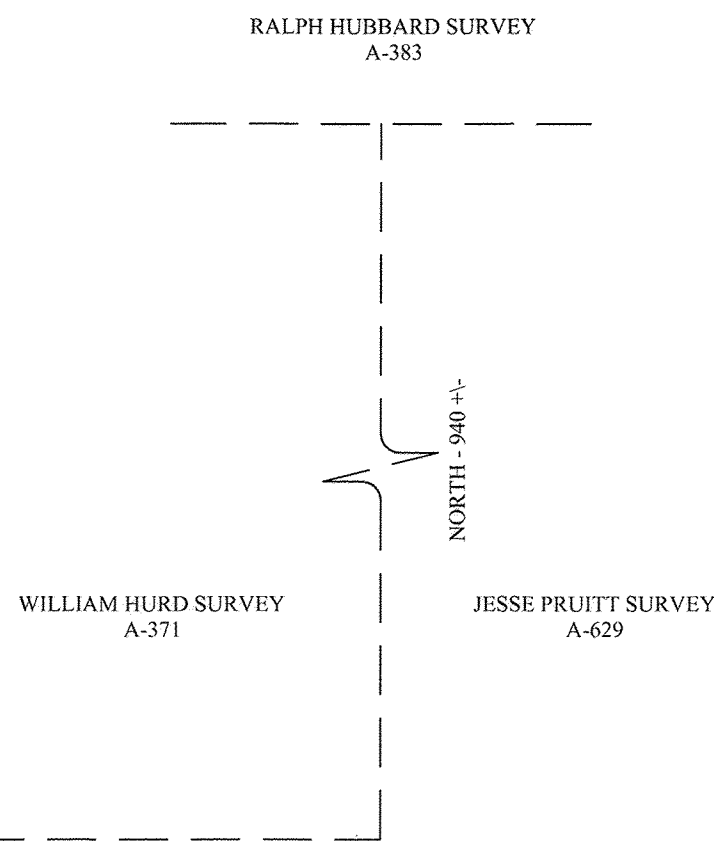
I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 2015, at _____ o'clock __M., and duly recorded on _____, 2015, at _____ o'clock __M., and at Film

Code No. _____ of the Map Records of Harris County for said County.

Witness my hand and seal of office, at Houston, the day and date last above written.

Stan Stanart
County Clerk
of Harris County, Texas

By: _____
Deputy



Notes:
Public Easements:
Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress, to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.

Flood Information:
According to FEMA Firm Panel No. 48201C0230-L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.

Note #1:
All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.

Note #2:
All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.

Note #3:
No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.

Note #4:
This plat does not attempt to amend or remove any valid restrictions or covenants.

Note #5:
The building lines shown on this plat shall be in addition to, and shall not replace, any building lines by the City of Tomball Code of Ordinances at the time of the development of this property.

M.R.H.C.T. = MAP RECORDS OF HARRIS COUNTY TEXAS
C.O.T.U.E. = UTILITY EASEMENT DEDICATED TO THE CITY OF TOMBALL.

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of PD & J ENTERPRISES in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2015.

By: _____
Barbara Tague
Chairman

By: _____
Darrell Roquemore
Vice Chairman

We, the City Manager and the City Engineer for the City of Tomball, do hereby certify that this plat complies with the City of Tomball ordinance.

George Shackelford, City Manager

Lori Lakatos
Lori Lakatos, P.E.,
City Engineer

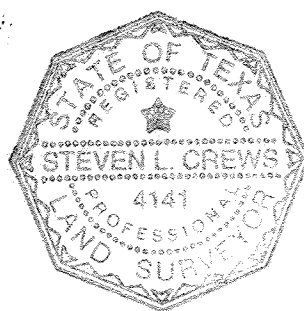
This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all dedicated public easements in conformance with the laws of the State of Texas the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 2015.

By: _____
Gretchen Fagan, Mayor

Doris Speer, City Secretary

I, Steven L. Crews, am authorized under the laws of the State Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference not found have been marked with iron rods having an outside diameter of not less than three-quarter inch (3/4") and a length of not less than three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.

Steven L. Crews
Steven L. Crews
Texas Registration Number 4141



Surveyor:

C & C Surveying Inc.
7424 FM 1488, Suite A Magnolia, Texas 77354
Office: 281-356-5172 Fax: 281-356-1935

Owner:

PD & J Enterprises, LLC
17130 Beaver Springs Drive
Houston, Texas 77090
281-678-1888

April 2015
Sheet 1 of 1

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 4, 2015

Topic:

Discussion and Possible Action to Approve Additional Services with GMS Home Inspection Service, LLC to Perform On-Call Residential and Commercial Plan Review and Inspection Services for an Amount Not to Exceed \$75,000.

Background:

GMS Home Inspection Service, LLC was contracted to provide on-call plan review and inspection services after the departure of the City's Building Official last October. The original contract was executed on October 23, 2014 for the amount of \$40,000.

With the pace of development and inspections, it is necessary to amend the original contract with an additional services request of \$75,000. This revised amount is anticipated to cover the Building Division's on-call services need through the end of this fiscal year. This fiscal year's budget allocated \$22,000 towards on-call plan review and inspection services, however that budget allocation did not factor in the unanticipated retirement of the previous Building Official and departure of a Building Inspector.

This fiscal year's permit revenue is projected to be approximately \$69,000 higher than budgeted and there will be an approximate \$43,000 personnel savings with the recent Building Division vacancies. With the hiring of our new Building Official and two new building inspectors earlier this year, it is anticipated that the City's on-call services need for building plan review and inspections will lessen over time.

Origination:

Community Development Department

Recommendation:

Approval

Funding:

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

Community Development Director

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Letter Request for Authorization of Additional Services

April 14, 2015

Mr. Craig T. Meyers, PE, CFM
Community Development Director
City of Tomball
501 James Street
Tomball, Texas 77375

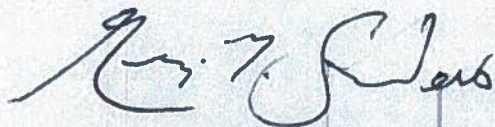
Re: Request for Authorization of Additional Services

Dear Mr. Meyers:

GMS Home Inspection Service, LLC hereby requests additional services authorization for residential and commercial plan review and inspection services for the City of Tomball. The scope of services will continue to be in accordance with the revised proposal dated December 1, 2014 (attached). Additional services will not exceed \$75,000.00 without further authorization.

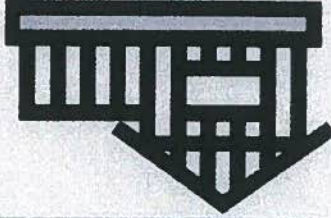
If you have any questions, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "George M. Sanders". The signature is fluid and cursive, with the first name "George" and last name "Sanders" clearly distinguishable.

George M. Sanders
President
GMS Home Inspection Service, LLC

We Turn A Home Upside Down



GMS Home Inspection Service, LLC.

Page 1 of 2

GMS Home Inspection Service, LLC
George M. Sanders
1122 High Meadow Ranch Dr.
Magnolia TX 77355
Phone: 281-413-1511
Email: george.sanders@att.net
Web: gmshomeinspection.com

12/01/14

Proposal for City of Tomball

Attn: Mr. Craig Meyers
Mr. Ken Cole

The following proposed pricing revision/reduction for plan review services:

-This reduction proposal is to include a contract good for a period of 1 year.

-The original contract price for Commercial plan review @ .20 Per Sq. Ft. The following proposal is to include reductions in pricing and clarification as follows.

Commercial plan review services to include code compliance with electrical, plumbing, mechanical, structural and energy as per current City adopted ICC codes and amendments.

- Full plan review, no change, @ .20 Per Sq. Ft.
- **Reduction**, Building shell only @ .10 Per Sq. Ft.
- Build Out, no change, building interior space to include all areas not considered warehouse @ .20 Per Sq. Ft.
- **Reduction**, building space considered warehouse @.10 per Sq. Ft.
- Additional cost TBD for ADA, parking, medical requirements, occupancy and any associated cost with outside consultation if necessary, etc. The TBD cost would be based on a per job basis.

Page 2 of 2

-Additional office consultation, meetings ETC are too be billed at an agreed upon price of **\$75.00. Per Hour.**

-Residential plan review services to include code compliance with electrical, plumbing, mechanical, structural and energy as per current City adopted ICC codes and amendments.

- Full plan review, no change, @ .10 Per Sq. Ft.

-**Reduction**, Full time inspection services to be billed at \$35.00 per inspection.

Part time, back up inspector (periodic fill in), inspections are to be billed at \$45.00 per inspection.

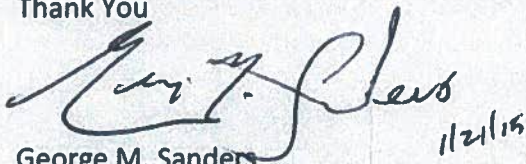
-We will develop a check list which will aid in a consistent review. It is suggested that all plans are to include compliance letters and there backup analysis from licensed (Electrical, Plumbing, Mechanical) trades. All engineering to include current wall bracing plans.

It is our goal to stay within city budgets and set fees. Our pricing will include General liability and Errors and Emissions Insurance.

-Payment Terms: 30 days

-If you any further questions please do not hesitate to call me.

Thank You

Handwritten signature of George M. Sanders in black ink, with the date 11/21/16 written below it.

George M. Sanders

President

GMS Home Inspection Services, LLC

Amendment to Exhibit "A" of Professional Services Agreement Related to Building Permit Review and Inspections

Rob Hauck, Assistant City Manager, City of Tomball

Date