

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



MONDAY, JULY 7, 2014

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, July 7, 2014 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Pastor Dustin Reitzel, The Woodlands Church Tomball Campus

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:

- Finance Department New Hire:
 - Candice Joyce - Accounting Assistant
 - Lauren Sykora - Utility Billing Supervisor
- Fire Department Promotions and New Hires:
 - Josh Brookshire to Lieutenant
 - Kye Rymer to Driver/Operator
 - Matt Hughes - Full-time Firefighter
- Police Department Promotion:
 - LaShondrick Davis to Sergeant
- City of Tomball Interns:
 - Public Administration - Amelia Vasquez
 - Community Development - Rachel Lazo
 - Fire Department - Austin Konicki
 - Marketing Department - Michelle Quinn
 - Police Department - Helen Ramirez and Nicolas Lopez
- Proclamation - July 21-25, 2014 is the ***"10th Annual City of Tomball Employee Appreciation Week"***

New Hires: Dispatchers
Jamy Brock
Adam Woodward
Promotion:
LaShondrick Davis - Sergeant
Peter Manickas - Police Corporal

6.0 Reports and Announcements

- ***Tomball City Pool - 2014 Swim Season - Jerry Matheson Park Pool*** opened May 24, 2014 and will close on September 1, 2014. May 24-June 6, 2014, the pool will be open only during weekends. The pool will be closed every Monday during swim season 2014, except Memorial Day and Labor Day. June 6-August 24, 2014 will be regular weekly days and hours. After August 24, 2014, the pool will open weekends only until September 1, 2014.
- June 9-July 28, 2014 - ***TOMBALL KID'S CLUB*** - Every Monday and Thursday, 11:00 a.m.-1:00 p.m., at **MLK Community Park**, 403 W. Chestnut
- July 4, 2014 – **July 4th Celebration and Street Party –5:00 p.m.-10:30 p.m.**
- July 12, 2014 - **2nd Saturday at the Depot - "Disney's Teen Beach Movie" - 6:30 p.m.**
- August 30, 2014 –**Texas Music Festival – 12:00 Noon-6:00 p.m.**
- September 27, 2014 – **4th Annual Bugs, Brew & Barbeque Festival – 12:00 Noon-6:00 p.m.**
- October 25, 2014 – **3rd Annual Tomball Bluegrass Festival – 12:00 Noon-6:00 p.m.**
- ***Walk Tomball!*** – Every Saturday at 8:00 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:
 - Randy Parr – Report regarding the ***July 4th Celebration and Street Party***

7.0 Approve the Minutes of the June 16, 2014 Special City Council Meeting and the June 16, 2014 Regular City Council Meeting

8.0 Old Business:

- 8.1 Adopt on Second Reading, Ordinance No. 2014-15, an Ordinance of the City of Tomball, Texas, Amending the "2009 Major Thoroughfare Plan" for the City of Tomball, Texas; Making Certain Findings; and Providing for Severability
- 8.2 Approve Purchase of Chevrolet Suburban to Replace Chevrolet Tahoe in the Fire Department
- 8.3 Approve Amended Letter of Support on behalf of the Tomball Sister City Organization for Road Closure of South Cherry Street, a County Road, in Connection with the German Christmas Market, December 12-14, 2014 and the German Heritage Festival, March 27-29, 2015 and Authorize Mayor Fagan to Issue Letter of Support to Harris County Commissioners Court.

9.0 New Business:

- 9.1 First Public Hearing to Consider the Annexation of the Following Tract of Land: (Alexander Estates):

A 70.36-acre tract of land situated in the Elizabeth Smith Survey, Abstract Number 70, Harris County, Texas; being a portion of Unrestricted Reserve "C" of Tomball Greens Final Plat as shown on a plat filed for record under Film Code Number 440128 of the Harris County Map Records, being the remainder of a called 78.4754 acre tract conveyed to BCDE, LTD. by Special Warranty Deed With Vendor's Lien dated December 30, 2002 and filed for record under Clerk's File No. W332593 of the Harris County Official Public Records of Real Property and being all of a called 4.882 acres conveyed to Eibsen & Associates, Inc. by Warranty Deed dated March 31, 2014 and filed for record under Clerk's File No. 20140133968 of the Harris County Official Public Records of Real Property; said 70.36 acres being more particularly described as follows with all bearings based on a call of South 59°56'55" West along the southeast line of said Unrestricted Reserve "C"
- 9.2 Discussion and Possible Action regarding the Tax Abatement for Tax Year 2014 under the Existing Agreement between the City of Tomball and American National Carbide
- 9.3 Discussion and Possible Action regarding the Tax Abatement for Tax Year 2014 under the Existing Agreement between the City of Tomball and Baker Hughes Oilfield Operations, Inc.
- 9.4 Acknowledge the Donation of Park Land located at 1414 Hufsmith, by Bruce Broussard, to the City of Tomball and Instruct City Staff to Continue the Legal Process for the Donation, Texas Parks & Wildlife Outdoor Recreation Grant Program, and Submittal of Application to the KaBOOM! Community Partner and Construction Grants Programs
- 9.5 Public Hearing regarding an application for a Texas Parks and Wildlife Local Park Grant Program for the proposed City of Tomball Park located at 1414 E.

Hufsmith; a portion of the proposed site is located within the 1% and 0.2% Annual Chance Floodplain

- 9.6 Approve Resolution No. 2014-15, a Resolution of the City Council of the City of Tomball, Texas Adopting the City of Tomball Master Drainage Plan 2012-2030; and Making Other Findings Related Thereto
- 9.7 Approve **PECK STATION**: A Subdivision of 34.4945 acres of land situated in the Jesse Pruitt Survey, Abstract No. 629, City of Tomball, Harris County, Texas; Being a partial Replat of Lots 296, 297, 298, 302, 303, 308, 309, 310, and 311 of Tomball Townsite, Volume 2, Page 65, M.R.H.C.
- 9.8 Approve the Acquisition of a Low-Power FCC-Issued FM Radio Station License to Create a Local Broadcasting System
- 9.9 Nominate George Shackelford, City Manager, to Place 3 on the Texas Municipal League Intergovernmental Risk Pool Board of Trustees (TML-IRP)

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 3rd day of July 2014 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

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: July 7, 2014

Topic:

- Led by Pastor Dustin Reitzel, The Woodlands Church Tomball Campus

Background:

Origination:

Recommendation:

Funding:

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

City Secretary

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

Regular City Council Agenda Item Data Sheet

Meeting Date: July 7, 2014

Topic:

- Finance Department New Hire:
 - Candice Joyce - Accounting Assistant
 - Lauren Sykora - Utility Billing Supervisor
- Fire Department Promotions and New Hires:
 - Josh Brookshire to Lieutenant
 - Kye Rymer to Driver/Operator
 - Matt Hughes - Full-time Firefighter
- Police Department Promotion:
 - LaShondrick Davis to Sergeant
- City of Tomball Interns:
 - Public Administration - Amelia Vasquez
 - Community Development - Rachel Lazo
 - Fire Department - Austin Konicki
 - Marketing Department - Michelle Quinn
 - Police Department - Helen Ramirez and Nicolas Lopez
- Proclamation - July 21-25, 2014 is the *"10th Annual City of Tomball Employee Appreciation Week"*

Background:

Origination:

Fire Department

Recommendation:

Funding:

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

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

ATTACHMENTS:

Proclamation - "10th Annual City of Tomball Employee Appreciation Week"

Office of the Mayor
Tomball, Texas

Proclamation



- WHEREAS** Tomball's citizens are served every single day by public servants--the "unsung heroes" who do the jobs that keep our city working; and
- WHEREAS** public employees make great contributions to their communities by serving in areas such as crime prevention, fire protection, education, utility service and administration; and
- WHEREAS** the public employees of the City of Tomball are committed to exhibiting the highest standards of excellence, dedication, creativity and skills; and
- WHEREAS** day in and day out, they provide the quality and quantity of diverse services required and expected by the citizens of their local government with efficiency, effectiveness and integrity; and
- WHEREAS** without these public servants at every level, continuity of service would be impossible; and
- WHEREAS** the City of Tomball recognizes the dedication and talents of public employees, as well as the value of the services they render at all levels;

NOW, THEREFORE, I, GRETCHEN FAGAN, Mayor of the City of Tomball, do hereby proclaim July 21-25, 2014 as the:

"10TH ANNUAL CITY OF TOMBALL EMPLOYEE APPRECIATION WEEK"

and I do thereby call upon all citizens to recognize and express their appreciation for the vital contributions made daily by all public employees throughout the City of Tomball.



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

ATTEST:

DATE:

Dani Spurr
July 2, 2014

Regular City Council

Agenda Item

Data Sheet

Meeting Date: July 7, 2014

Topic:

- **Tomball City Pool - 2014 Swim Season - Jerry Matheson Park Pool** opened May 24, 2014 and will close on September 1, 2014. May 24-June 6, 2014, the pool will be open only during weekends. The pool will be closed every Monday during swim season 2014, except Memorial Day and Labor Day. June 6-August 24, 2014 will be regular weekly days and hours. After August 24, 2014, the pool will open weekends only until September 1, 2014.
- June 9-July 28, 2014 - **TOMBALL KID'S CLUB** - Every Monday and Thursday, 11:00 a.m.-1:00 p.m., at **MLK Community Park**, 403 W. Chestnut
- July 4, 2014 – **July 4th Celebration and Street Party –5:00 p.m.-10:30 p.m.**
- July 12, 2014 - **2nd Saturday at the Depot - "Disney's Teen Beach Movie"** - 6:30 p.m.
- August 30, 2014 –**Texas Music Festival** – 12:00 Noon-6:00 p.m.
- September 27, 2014 – **4th Annual Bugs, Brew & Barbeque Festival** – 12:00 Noon-6:00 p.m.
- October 25, 2014 – **3rd Annual Tomball Bluegrass Festival** – 12:00 Noon-6:00 p.m.
- **Walk Tomball!** – Every Saturday at 8:00 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:
 - Randy Parr – Report regarding the **July 4th Celebration and Street Party**

Background:

Origination:

Various

Recommendation:

N/A

Funding:

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

Doris Speer, City Secretary

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

ATTACHMENTS:

Tomball City Pool - 2014 Swim Season

Tomball Kid's Club



TOMBALL CITY POOL—2014 Swim Season

Jerry Matheson Park, 1240 Ulrich St. Tomball, Texas

SWIM LESSONS Summer 2014

YMCA Aquatics is about water safety, skill development and fun for everyone! Our programs are about more than just the techniques and skills; they are about building friendships, developing self-esteem and creating positive experiences that will last a lifetime.

TUESDAY THRU FRIDAY SESSIONS

Session 1: June 10-20
Session 2: June 24– July 4
Session 3: July 8-18
Session 4: July 22-August 1
Session 5: August 5-15

CLASS TIMES:

8:30 am: Preschool, Youth
9:15 am: Preschool, Youth
5:30 pm: Preschool, Youth
6:15 pm: Preschool, Youth

FEES:

\$55 Facility Members / \$80 Program Members

All swim classes are held at the Tomball City Pool, 1240 Ulrich Street

Pool Hours

MANAGED BY THE MAGNOLIA TOMBALL FAMILY YMCA

The pool will open May 24, 2014 and close on September 1, 2014. The pool will be closed every Monday during swim season 2014 except Memorial Day and Labor Day. May 24, 2014 the pool will be open only during weekends until June 6, 2014. June 6—August 24, 2014 will be regular weekly days and hours. After August 24, 2014 the pool will open weekends only until September 1, 2014.

DAILY FEES:

CHILDREN (AGE 12 & UNDER) \$2
ADULTS (AGE 13 & UP) \$4

SUMMER PASSES:

CHILDREN (AGE 12 & UNDER) \$50
ADULTS (AGE 13 & UP) \$100
FAMILY OF 4 OR MORE \$200

City of Tomball residents receive 1/2 off the above prices with a valid City of Tomball water bill. Season passes will be issued once residency is verified.

Questions may be directed to City of Tomball Public Works Department at 281-290-1400. Located at 501 James St., Tomball.

For registration information, please call the Y at 281-356-4077.

For aquatics program information, please email

MAGNOLIA/TOMBALL FAMILY YMCA
36725 FM 1774 Magnolia, TX 77355
281.356.4077



Tomball Kid's Club



Hosted by



Redeemer Church

tomball
BIBLECHURCH

Partnership with

Buffalo Wild Wings, Cisco Salsa Company & Salem Lutheran

June 9th - July 28th

Every Monday & Thursday

11am-1pm

**MLK Community Park, Tomball
(403 S. Chestnut)**

<u>Date</u>	<u>Activity</u>	<u>Presenter</u>
Monday, June 9th Thursday June 12th	HLSR Special Event Team Water fun Park	HEB Cisco's Salsa Company
Monday, June 16th Thursday, June 19 th	Tomball Fire Department Lowes—building kits	HEB Buffalo Wild Wings
Monday, June 23rd Thursday, June 26th	NWEMS Water fun Park	HEB Cisco's Salsa Company
Monday, June 30th Thursday, July 3rd	Mi Pottery Salem Ministries Fun Day	HEB Buffalo Wild Wings
Monday, July 7th Thursday, July 10th	First Aid & Summer Kits Water fun Park	HEB Cisco's Salsa Company
Monday, July 14th Thursday, July 17th	Live Reptiles Tomball Police Dept.	HEB Buffalo Wild Wings
Monday, July 21st Thursday, July 24th	Tomball Soo Bahk Do Water fun Park	HEB Cisco's Salsa company
Monday, July 28th	End of Program Party	HEB, Buffalo Wild Wings & Cisco's Salsa Company

Regular City Council Agenda Item Data Sheet

Meeting Date: July 7, 2014

Topic:

Approve the Minutes of the June 16, 2014 Special City Council Meeting and the June 16, 2014 Regular City Council Meeting

Background:**Origination:**

City Secretary

Recommendation:

N/A

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

Doris Speer, City Secretary

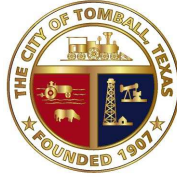
ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Draft Minutes - June 16, 2014 Special City Council Meeting

Draft Minutes - June 16, 2014 Regular City Council Meeting

MINUTES OF SPECIAL CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



MONDAY, JUNE 16, 2014

5:00 P.M.

1.0 Call to Order

The Council meeting was called to order by Mayor Fagan. Other members present were:

Councilman Hudgens
Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – George Shackelford
Assistant City Manager/Police Chief – Robert Hauck
City Secretary – Doris Speer
City Attorney – Scott Bounds
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Director of Public Works – David Kauffman
City Engineer – Lori Lakatos

2.0 The following Public Comments were received:

Mary Harvey - Expressed her support for downtown sidewalks
405 S. Walnut, 77375

Rodney Hutson - Expressed his support for downtown sidewalks.
9431 Rosie Lane, 77354

3.0 New Business:

3.1 The Tomball City Council entered into a Workshop Session regarding Downtown Sidewalks and Enhancements to the Four Corners Intersection.

Information was provided to Council by George Shackelford and Lori Lakatos concerning various options regarding downtown sidewalks and proposed enhancements from the Four Corners intersection to the railroad tracks.

Per Council input and direction, City staff will begin the process of working with H-GAC and TxDot to implement a “portion” of the City’s FM 2920 Access Management Study, which was adopted by Resolution 2009-33 and seek grant funding through H-GAC and TxDOT.

4.0 Motion was made by Councilman Hudgens, second by Councilman Stoll, to adjourn.

Motion carried unanimously.

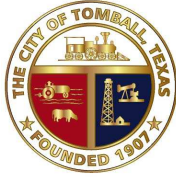
Meeting adjourned.

PASSED AND APPROVED this the 7th day of July 2014.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, JUNE 16, 2014
6:00 P.M.**

1.0 Call to Order

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

Councilman Hudgens
Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – George Shackelford
Assistant City Manager/Police Chief – Robert Hauck
City Secretary – Doris Speer
City Attorney – Scott Bounds
Fire Chief – Randy Parr
Director of Public Works – David Kauffman
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
HR Director – Lisa Coe
City Engineer – Lori Lakatos
City Planner – Rebeca Guerra
Community Events Coordinator – Rosalie Dillon
NWEMS Director – Brian Bayani

2.0 The invocation was led by Pastor Scott Knight, The Pointe Fellowship Church

3.0 The pledges to the U. S. and Texas Flags were led by Robert Hauck.

4.0 The following public comments were received.

Bruce Hillegeist - Expressed his support for the passage of Resolution
20339 Telge Road, 77377 No. 2014-16, Tomball Night

5.0 Reports and Announcements:

- **Tomball City Pool - 2014 Swim Season - Jerry Matheson Park Pool** opened May 24, 2014 and will close on September 1, 2014. May 24-June 6, 2014, the pool will be open only during weekends. The pool will be closed every Monday during swim season 2014, except Memorial Day and Labor Day. June 6-August 24, 2014 will be regular weekly days and hours. After August 24, 2014, the pool will open weekends only until September 1, 2014.
- June 9-July 28, 2014 - **TOMBALL KID'S CLUB** - Every Monday and Thursday, 11:00 a.m.-1:00 p.m., at **MLK Community Park**, 403 W. Chestnut
- June 14, 2014 - **2nd Saturday at the Depot** - 6:30 p.m.
- June 26, 2014 – **6th Annual Economic Outlook Luncheon – “Celebrating 20 Years of Community Development”** – sponsored by the **Tomball Economic Development Corporation** at **Lone Star College-Tomball** – 11:30 a.m.-1:30 p.m.
- July 4, 2014 – **July 4th Celebration and Street Party –5:00 p.m.-10:30 p.m.**
- August 30, 2014 –**Texas Music Festival**
- September 27, 2014 – **4th Annual Bugs, Brew & Barbeque Festival**
- October 25, 2014 – **3rd Annual Tomball Bluegrass Festival**
- **Walk Tomball!** – Every Saturday at 8:00 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 presented an update regarding the Hotel/Motel Audit Process.
 - Rosalie Dillon presented an update regarding the Tomball Kids Club.

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the June 2, 2014 Regular City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

- 7.1 Motion was made by Councilman Degges, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2014-14, an Ordinance of the City of Tomball Texas Renumbering Certain Provisions of the Charter of the City Following Amendments thereto Pursuant to the Authority Contained Therein; Making Certain Findings; and Providing for Severability. Vote was as follows:

Councilman Hudgens Aye

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

Motion carried unanimously.

8.0 New Business:

- 8.1 Motion was made by Councilman Degges, second by Councilman Stoll, to appoint Grant Stevens and Matthew Goehring as Associate Municipal Court Prosecutors for the Tomball Municipal Court, with Terms Beginning July 1, 2014 and Expiring December 31, 2014.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Degges, to approve Request from Tomball Pregnancy Center and Salem Lutheran School for City Support of the 2nd Annual "New Life" 5K and Kid's Walk Fundraiser, to be held on Saturday, September 13, 2014, through In-Kind Services Provided by the City of Tomball.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Request from Woodforest Bank for City Support of the 6th Annual 5K Tomball Dash, a Certified Run, to be held in Tomball on Saturday, November 8, 2014, through In-Kind Services Provided by the City of Tomball.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Hudgens, second by Councilman Stoll, to approve Request from City of Tomball Human Resources Department for City Support of the 2nd Annual "Sherine's Stride" 5K Run and 1-Mile Kids Run for Breast Cancer Awareness, to be held on Saturday, October 11, 2014, through In-Kind Services Provided by the City of Tomball.

Motion carried unanimously.

- 8.5 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Resolution No. 2014-16, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 42nd Annual Tomball Night and Parade, to be held in Tomball on Friday, August 1, 2014.

Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Resolution No. 2014-14, a Resolution Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Dates, Times, and Places for Two Public Hearings at Which All Interested Parties Shall Have an Opportunity to be Heard; Providing for Publication of Notices of Such Public Hearings; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (70.36 Acres of Land Location on FM 2978 [Hufsmith-Kohrville Road], North of Spell Road).

Motion carried unanimously.

- 8.7 Motion was made by Councilman Hudgens, second by Councilman Stoll, to award Contract for Project #2014-05, Purchase of Gasoline and Diesel Fuel, to Sun Coast Resources, Inc.

Motion carried unanimously.

- 8.8 Mayor Fagan opened the Public Hearing at 6:36 p.m. to consider approval of **FIRST PRESBYTERIAN CHURCH OF TOMBALL**; A Subdivision of 2.7578 acres of land situated in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas; Being a Replat of Unrestricted Tract "B" and Lots 13, 14, 15, and 16, Block 3, Replat Revision 1, 9-29-78, Tomball Hills Addition, Volume 279, Page 111, M.R.H.C., 1 Lot, 1 Block.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:36 p.m.

Motion was made by Councilman Klein Quinn, second by Councilman Townsend, to approve **FIRST PRESBYTERIAN CHURCH OF TOMBALL**; A Subdivision of 2.7578 acres of land situated in the Joseph House Survey, Abstract No. 34, City of Tomball, Harris County, Texas; Being a Replat of Unrestricted Tract "B" and Lots 13, 14, 15, and 16, Block 3, Replat Revision 1, 9-29-78, Tomball Hills Addition, Volume 279, Page 111, M.R.H.C., 1 Lot, 1 Block.

Motion carried unanimously.

- 8.9 Motion was made by Councilman Townsend, second by Councilman Degges, to approve Project Utility Adjustment Agreement Addendum with TxDOT and Zachry Odebrecht Parkway Builders, LLC and Authorize City Manager to Execute Agreement.

Motion carried unanimously.

- 8.10 Motion was made by Councilman Townsend, second by Councilman Degges, to read Ordinance No. 2014-15 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Hudgens, second by Councilman Stoll, to adopt on First Reading, Ordinance No. 2014-15, an Ordinance of the City of Tomball, Texas, Amending the "2009 Major Thoroughfare Plan" for the City of Tomball, Texas; Making Certain Findings; and Providing for Severability. 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.

- 8.11 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Proposed Amendments to Administrative Policy No. 32, entitled "Pay and Training Policy for Volunteer Fire Fighters", Revising the Pay and Training Policy for Tomball Volunteer Firefighters

Motion carried unanimously.

- 8.12 Motion was made by Councilman Hudgens, second by Councilman Townsend, to approve Interlocal Agreement between the City of Tomball and the Tomball Independent School District (TISD), affording the Tomball Police Department the Ability to Assign Four (4) Student Resource Officers (SROs) to TISD Campuses

Motion carried unanimously.

- 8.13 Motion was made by Councilman Degges, second by Councilman Hudgens, to approve Interlocal Agreement between the City of Tomball and the Tomball Independent School District, Affording the Tomball Police Department the Ability to Provide Police Services on a Contractual Basis for Specialized Events Occurring Before, During and After the Normal Campus Hours

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 7th day of July 2014.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: July 7, 2014

Topic:

Adopt on Second Reading, Ordinance No. 2014-15, an Ordinance of the City of Tomball, Texas, Amending the "2009 Major Thoroughfare Plan" for the City of Tomball, Texas; Making Certain Findings; and Providing for Severability

Background:

This ordinance is to amend the 2009 Major Thoroughfare Plan by reclassifying Medical Complex Drive Segments 1 and 2, from FM 2920 west to SH 249 Expressway. The reclassification is from a major arterial (100'-120' right-of-way) to a minor arterial (80' right-of-way).

The Major Thoroughfare Plan will need to be further updated in the future to determine if there is another corridor that will be better for a east/west major arterial.

Origination:

Community Development

Recommendation:

Adopt, on Second Reading, Ordinance No. 2014-15

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. 2014-15 - Amending the Major Thoroughfare Plan

ORDINANCE NO. 2014-15

**AN ORDINANCE OF THE CITY OF TOMBALL TEXAS, AMENDING THE
“2009 MAJOR THOROUGHFARE PLAN” FOR THE CITY OF TOMBALL,
TEXAS; MAKING CERTAIN FINDINGS; AND PROVIDING FOR
SEVERABILITY.**

* * * * *

WHEREAS, the City Council of the City of Tomball by Ordinance No. 2009-08 adopted the “2009 Major Thoroughfare Plan”; and

WHEREAS, the City Council finds it in the best interest of the health, safety and welfare of the citizens of Tomball to amend the 2009 Major Thoroughfare Plan; and

WHEREAS, the City Council, desires to amend the 2009 Major Thoroughfare Plan reclassify Medical Complex Drive from FM 2920, West, to S.H. 249 Expressway from a major arterial street to a minor arterial street; 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 are hereby found to be true and correct.

Section 2. The 2009 Major Thoroughfare Plan is here by amended to reclassify Medical Complex Drive from FM 2920, West, to S.H. 249 Expressway from a major arterial street to a minor arterial street.

Section 3. 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 4. This Ordinance shall become effective fourteen days after the final reading and adoption of this Ordinance when the caption hereof is caused to be published once in the official newspaper of the City, by the City Secretary, as required by law. The City Secretary is directed to publish the caption of this Ordinance in the City's official newspaper within 14 days after the passage of the ordinance.

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 16TH DAY OF JUNE 2014.

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>

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 ____ DAY OF _____ 2014.

COUNCILMAN HUDGENS	_____
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: July 7, 2014

Topic:

Approve Purchase of Chevrolet Suburban to Replace Chevrolet Tahoe in the Fire Department

Background:

Council previously approved the Fire Department's request to replace a Chevrolet Tahoe due to mechanical issues that would cost approximately \$4,200. The Fire Department would like to replace the Tahoe with a Suburban in order to gain additional storage and workspace in a command vehicle.

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:

TFD Memorandum

**TOMBALL FIRE DEPARTMENT
1200 RUDEL
TOMBALL, TEXAS 77375**

MEMORANDUM

Date: June 26, 2014
To: George Shackelford
From: Randy Parr
Subject: Replacement of 2008 Tahoe with a Suburban

The Tomball Fire Department has evolved from responding to grass and small structure fires to providing assistance in an “all-hazards” environment. The Department now responds to the above mentioned grass and small structure fires as well as hazardous materials spills and incidents, significant vehicle accidents, vehicle fires with a significant risk of fires in tractor trailer type vehicles, medical first responder assistance, fires in large structures such as Lowe’s, Target, Walmart, Baker Hughes, Tomball Hospital and numerous schools. The amount of information necessary to safely and effectively respond to these incidents has become overwhelming and while, most has been reduced to data on a computer, a significant amount of planning forms and other information is in binders.

The storage area in the rear compartment of a Tahoe is not sufficient to store the equipment and information necessary for a command officer to efficiently carry out his responsibility. Our goal is to incorporate a mini-command center, including an additional incident management computer, into the rear and second row of seats in the suburban to allow for the command officer to more effectively conduct the operation of the incident.

Attached is a schedule showing the cost comparisons between the Suburban and the Tahoe. For the capabilities we will gain, I feel the approximately \$2,500 pricing difference is justified. Additionally, we have been successful in extending the useful lives of these types of chassis from 8 years to 10 years and beyond.

Regular City Council

Agenda Item

Meeting Date: July 7, 2014

Data Sheet

Topic:

Approve Amended Letter of Support on behalf of the Tomball Sister City Organization for Road Closure of South Cherry Street, a County Road, in Connection with the German Christmas Market, December 12-14, 2014 and the German Heritage Festival, March 27-29, 2015 and Authorize Mayor Fagan to Issue Letter of Support to Harris County Commissioners Court.

Background:

On May 19, 2014, Council approved a Letter of Support on behalf of the Tomball Sister City Organization, supporting the closure of South Cherry Street during the Annual German Christmas Market (December 12-14, 2014) and the Annual German Heritage Festival (March 27-29, 2015).

The hours for the closure of Cherry Street were incorrect, beginning at 4:00 p.m. instead of 12:00 Noon for each event; the requested hours for the road closure are:

- South Cherry Street - from 12:00 Noon, Friday, December 12, 2014 until 8:00 p.m., Sunday, December 12, 2014 and from 12:00 Noon, Friday, March 27, 2015 until 8:00 p.m., Sunday, March 29, 2015.

Authorizing the Mayor to issue a letter of support should provide ample time for the TSCO to obtain county approval for the closure of South Cherry. A copy of the revised draft is attached.

Origination:

Tomball Sister City Organization

Recommendation:

N/A

Funding:

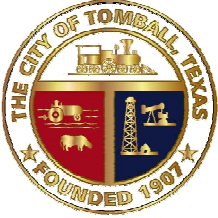
Party(ies) responsible for placing this item on agenda:

City Secretary

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

ATTACHMENTS:

Draft Letter of Support to Harris County Commissioners Court



City of Tomball

Gretchen Fagan
Mayor

George Shackelford
City Manager

July 8, 2014

Harris County Commissioners Court
1001 Preston Avenue – Suite 938
Houston, TX 77002-1817

RE: Tomball Sister City Organization – Request for Road Closure – South Cherry Street
From 12:00 Noon, Friday, December 12, 2014 until 8:00 p.m., Sunday, December 14, 2014 and
From 12:00 Noon, Friday, March 27, 2015 until 8:00 p.m., Sunday, March 29, 2015

Dear Sirs:

The City Council of the City of Tomball Texas met May 19, 2014 and voted to authorize a letter of support for the Tomball Sister City Organization regarding their request to close South Cherry Street, a County road, from 12:00 Noon, Friday, December 12, 2014 until 8:00 p.m., Sunday, December 14, 2014 and from 12:00 Noon, Friday, March 27, 2015 until 8:00 p.m., Sunday, March 29, 2015.

The Tomball Sister City Organization holds two large festivals each year; in December, they hold the German Christmas Market, and in March, they hold the German Heritage Festival. These events draw in excess of 20,000 visitors to the City of Tomball.

Due to the size of these events, the City of Tomball typically authorizes the closure of several roads around the Tomball Depot area and South Cherry Street. We believe the requested closure of South Cherry Street is vital to the safety of the anticipated visitors, in addition to the festival volunteers and City employees.

The City Council of the City of Tomball Texas wishes to provide this letter of support, on behalf of the Tomball Sister City Organization, for the closure of South Cherry Street on the dates requested.

Thank you for your consideration.

Respectfully submitted,

Gretchen Fagan, Mayor
City of Tomball, Texas

Regular City Council Agenda Item Data Sheet

Meeting Date: July 7, 2014

Topic:

First Public Hearing to Consider the Annexation of the Following Tract of Land: (Alexander Estates):

A 70.36-acre tract of land situated in the Elizabeth Smith Survey, Abstract Number 70, Harris County, Texas; being a portion of Unrestricted Reserve "C" of Tomball Greens Final Plat as shown on a plat filed for record under Film Code Number 440128 of the Harris County Map Records, being the remainder of a called 78.4754 acre tract conveyed to BCDE, LTD. by Special Warranty Deed With Vendor's Lien dated December 30, 2002 and filed for record under Clerk's File No. W332593 of the Harris County Official Public Records of Real Property and being all of a called 4.882 acres conveyed to Eibsen & Associates, Inc. by Warranty Deed dated March 31, 2014 and filed for record under Clerk's File No. 20140133968 of the Harris County Official Public Records of Real Property; said 70.36 acres being more particularly described as follows with all bearings based on a call of South 59°56'55" West along the southeast line of said Unrestricted Reserve "C"

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). Because of publication time constraints and our meeting schedule, Council set the hearing dates for the regular Council meeting on July 7 (28 days) at 6:00 p.m. and a special Council Meeting on July 14, 2014 (21 days) at 5:00 p.m.

Water, sewer and gas utilities are located along Hufsmith-Kohrville.

The first reading of the ordinance to annex will be held at the regular Council meeting on August 4 and the second reading will be held at the regular Council meeting on August 18, 2014.

Origination:

Doug Eibsen, Property Owner, and Harold Ellis, Jones & Carter

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 - Alexander Estates

Request for Annexation - Doug Eibsen

Resolution No. 2014-14 - Approved 6/16/2014

Annexation Calendar

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



MONDAY, JULY 7, 2014

6:00 P.M.

AND

MONDAY, JULY 14, 2014

5:00 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, July 7, 2014 at 6:00 p.m., and at a Special Council Meeting on Monday, July 14, 2014 at 5:00 p.m., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following Annexation:

A 70.36-acre tract of land situated in the Elizabeth Smith Survey, Abstract Number 70, Harris County, Texas; being a portion of Unrestricted Reserve "C" of Tomball Greens Final Plat as shown on a plat filed for record under Film Code Number 440128 of the Harris County Map Records, being the remainder of a called 78.4754 acre tract conveyed to BCDE, LTD. by Special Warranty Deed With Vendor's Lien dated December 30, 2002 and filed for record under Clerk's File No. W332593 of the Harris County Official Public Records of Real Property and being all of a called 4.882 acres conveyed to Eibsen & Associates, Inc. by Warranty Deed dated March 31, 2014 and filed for record under Clerk's File No. 20140133968 of the Harris County Official Public Records of Real Property; said 70.36 acres being more particularly described as follows with all bearings based on a call of South 59°56'55" West along the southeast line of said Unrestricted Reserve "C":

BEGINNING at a found 5/8-inch iron rod in the northeast right-of-way of Huffsmith-Kohrville Road (called 60-feet wide), for the south corner of Country Club Greens Partial Replat as shown on a plat filed for record under Film Code No. 519229 of the Harris County Map Records and the northwest corner of said Unrestricted Reserve "C", said 78.4754 acres and the herein described tract;

THENCE, North 45°27'56" East, 399.99 feet, departing said northeast right-of-way of Huffsmith-Kohrville Road, along the southeast line of said Country Club Greens Partial Replat, the northwest line of said Unrestricted Reserve "C" and said 78.4754 acres to an angle point;

Notice of Public Hearings - City of Tomball City Council

Monday, July 7, 2014 and Monday, July 14, 2014

Page 2 of 3

THENCE, North 49°06'40" East, 1333.88 feet, continuing along the southeast line of said Country Club Greens Partial Replat, the southeast line of Country Club Greens Partial Replat – Phase Two as shown on a plat filed for record under Film Code No. 540231 of the Harris County Map Records and the northwest line of said Unrestricted Reserve “C” and said 78.4754 acres to a point for the north corner of said Unrestricted Reserve “C” and said 78.4754 acres, the west corner of Lot 25, Block 3 of said Country Club Greens Partial Replat – Phase Two, same being the north corner of the herein described tract, from which a found 5/8-inch iron rod (with cap stamped “Terra Surveying”) bears North 86°46'38" East 0.32 feet;

THENCE, South 40°44'59" East, 1111.89 feet along a northeast line of said 78.4754 acres, said Unrestricted Reserve “C”, a southwest line of said Country Club Greens Partial Replat – Phase Two, and a southeast line Final Plat Country Club Greens as shown on a plat filed for record under Film Code No. 453082 of the Harris County Map Records to a point in the north line of a called 13.00 acre tract conveyed to J.D. Slaughter by Warranty Deed dated January 28, 2011 and filed for record under Clerk’s File No. 20110042996 of the Harris County Official Public Records of Real Property for an interior corner of said Unrestricted Reserve “C” and said 78.4754 acres and the south corner of said Country Club Greens Partial Replat – Phase Two, same being the east corner of the herein described tract, from which a found 5/8-inch iron rod bears South 62°31'41" East, 0.24 feet;

THENCE, South 45°07'42" West, 813.03 feet along the northeast line of said 13.00 acres to a point for the west corner of said 13.00 acres, same being an interior corner of the herein described tract;

THENCE, South 44°36'57" East, 646.34 feet along the southwest line of said 13.00 acres to a point in the northwest right-of-way of Spell Road (called 60-feet wide) and the southeast line of said Unrestricted Reserve “C” and said 78.4754 acres, for the south corner of said 13.00 acres and the most southeast corner of the herein described tract;

THENCE, South 37°14'37" West, 452.09 feet along said northwest right-of-way of Spell Road and the southeast line of said Unrestricted Reserve “C” to a found 3/4-inch iron rod, beginning a non-tangent curve to the right;

THENCE, in a southwest direction, continuing along said northwest right-of-way of Spell Road and the southeast line of said Unrestricted Reserve “C”, with the arc of said non-tangent curve to the right, passing a found 5/8-inch iron rod (with cap stamped “J.G.T 1494”) at an arc distance of 183.48 feet for the east corner of said 4.822 acres, having a radius of 579.03 feet, a central angle of 37°34'11", an arc length of 379.68 feet, and a chord bearing South 56°12'14" West, 372.91 feet to a found 5/8-inch iron rod (with cap stamped “J.G.T 1494”);

THENCE, South 75°09'52" West, along said northwest right-of-way of Spell Road and the southeast line of said 4.822 acres and said Unrestricted Reserve “C”, passing a found 5/8-inch iron rod (with cap stamped “J.G.T 1494”) continuing for a total distance of 463.49 feet to a found 3/4-inch iron (with cap stamped “Cotton Surveying”) for the south corner of said 4.882 acres and the most southerly southwest corner of the herein described tract;

Notice of Public Hearings - City of Tomball City Council

Monday, July 7, 2014 and Monday, July 14, 2014

Page 3 of 3

THENCE, North 17°58'51" West, 350.00 feet, departing said northwest right-of-way of Spell Road and the southeast line of said 4.822 acres along the southwest line of said 4.822 acres to a found 3/4-inch iron (with cap stamped "Cotton Surveying");

THENCE, South 75°09'52" West, along the northwest line of the remainder of a called 8.000 acres conveyed to Ruth A. Hughes-Deaton by Warranty Deed with Vendor's Lien dated August 31, 2006 and filed for record under Clerk's File No. 20060029232 of the Harris County Official Public Records of Real Property, passing a found 5/8-inch iron rod (with cap stamped "King 4503") at a distance of 4.83 feet, continuing for a total distance of 388.70 feet to a found 5/8-inch iron rod (with cap stamped "King 4503") in the northeast right-of-way of said Huffsmith-Kohrville Road and the southwest line of said Unrestricted Reserve "C", for the northwest corner of said 8.000 acres and the most westerly southwest corner of said 78.4754 acres and the herein described tract;

THENCE, North 17°59'55" West, 1235.43 feet along northeast right-of-way of said Huffsmith-Kohrville Road, the southwest line of said Unrestricted Reserve "C", said 78.4754 acres and the herein described tract to the **POINT OF BEGINNING, CONTAINING 70.36 acres** of land in Harris County, Texas

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 June 2014 by 4:00 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.

June 2, 2014

Ms. Doris Speer
City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

Re: Request for Annexation

Ms. Speer:

This letter serves as a formal request to annex land currently located within the City of Tomball's Extraterritorial Jurisdiction (ETJ) into the corporate limits of the City. This annexation request is also being submitted with an associated zoning request, seeking Single Family 9 District (SF-9) zoning.

The undeveloped property is located at the northeast intersection of Hufsmith-Kohrville Road and Spell Road, and consists of 70.3574 acres. The property is currently platted as Tomball Greens, and the portion proposed for annexation and development is part of Unrestricted Reserve "C". The proposed development, Alexander Estates, consists of 128 single family residential lots, with a typical lot size of 13,500 sq ft. The property that we are requesting be annexed meets the State of Texas annexation size and locational requirements for annexation by a municipality.

Attached to this request for reference is the current recorded plat for the property, as well as a vicinity map and a copy of the proposed plat of Alexander Estates.

Please feel free to contact me if you have any questions or would like any additional information.

Regards,

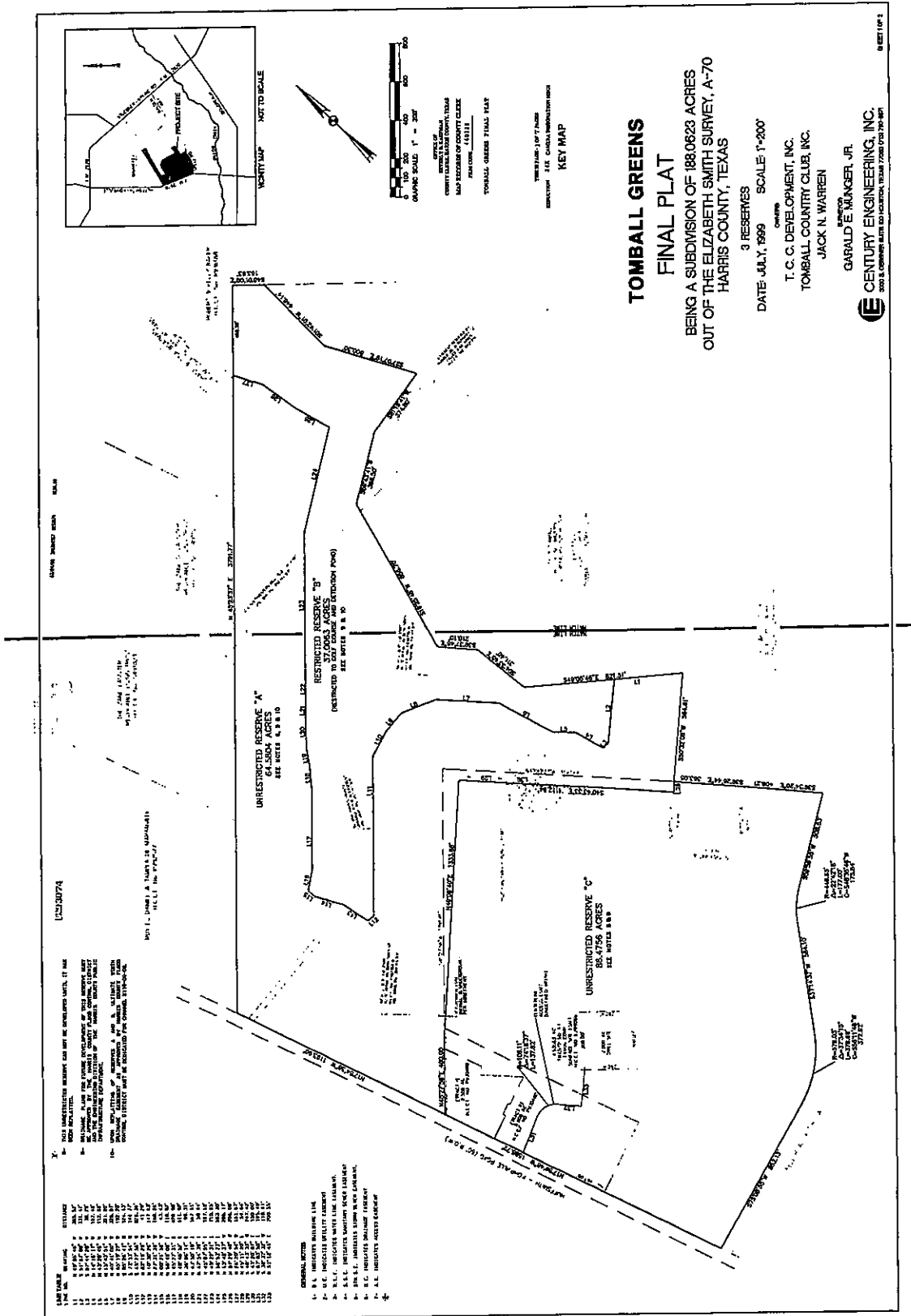


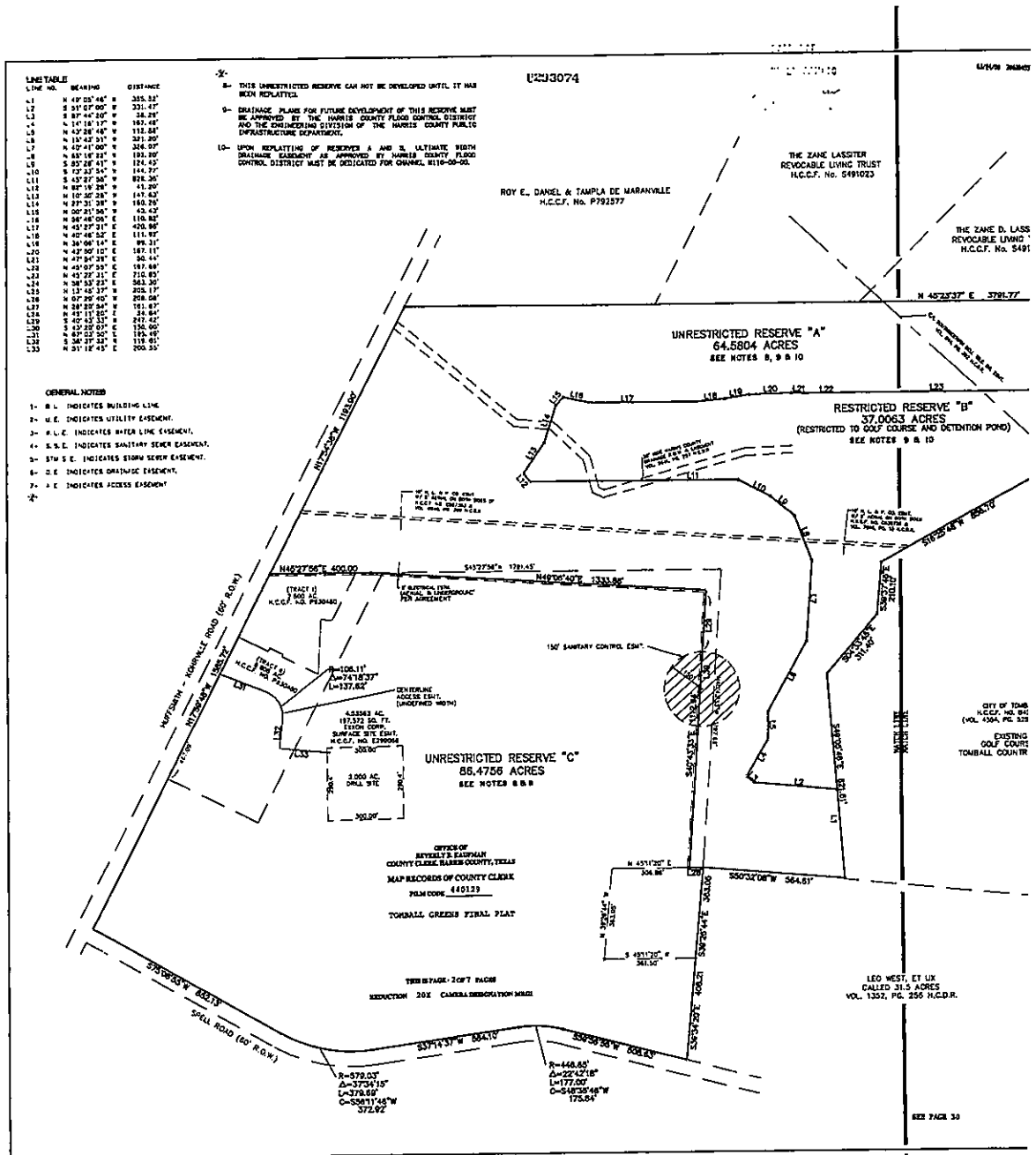
Doug Eibsen

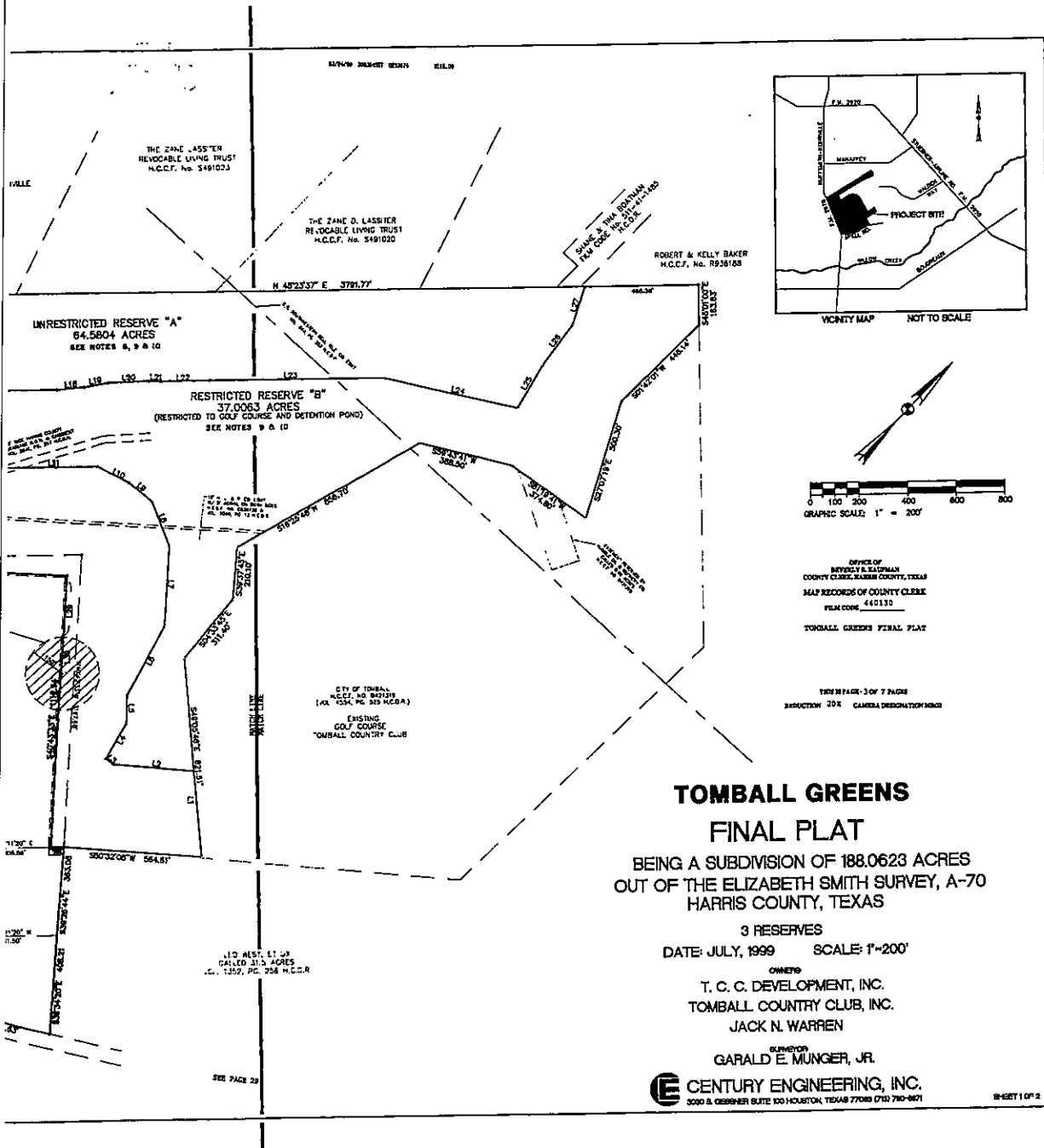
Harold Ellis
Jones & Carter

281-725-4644

hellis@jones
carter.
com







Sept 20, 1931

E CENTURY ENGINEERING, INC.
5000 N. COCKERILL ST. STE. 100, DALLAS, TEXAS 75246-3000
214/343-1100 FAX 214/343-1101

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, T.C.C. DEVELOPMENT, INC., ACTING BY AND THROUGH DEAN L. FENTON, VICE PRESIDENT; TOMBALL COUNTRY CLUB, INC., ACTING BY AND THROUGH JOHN PEMBERTON, PRESIDENT; AND JACK N. WARREN, OWNERS, OF THE PROPERTY SUBDIVIDED IN THE ABOVE AND FOREGOING MAP OF TOMBALL GREENS DO HEREBY MAKE SUBDIVISION FOR SAID PROPERTY FOR AND ON BEHALF OF T.C.C. DEVELOPMENT, INC., TOMBALL COUNTRY CLUB, INC. AND JACK N. WARREN ACCORDING TO THE LINES, STREETS, ALLEYS, PARKS AND EASEMENTS THEREIN SHOWN, AND DESIGNATE SAID SUBDIVISION AS SUBDIVISION OF 188.0623 ACRES IN THE ELIZABETH SMITH SURVEY, A-70, AN ADDITION TO THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; AND ON BEHALF OF SAID T.C.C. DEVELOPMENT, INC., TOMBALL COUNTRY CLUB, INC. AND JACK N. WARREN DEDICATE TO THE PUBLIC USE, AS SUCH THE STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN THEREON FOREVER EXCEPT WHERE NOTED ON THE MAP FOR PRIVATE STREETS; AND WE DO HEREBY WAIVE ANY CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHING OF GRADES AS APPROVED FOR THE STREETS AND ALLEYS DEDICATED, OR OCCASIONED BY THE ALTERNATION OF THE SURFACE OF ANY PORTION OF STREETS OR ALLEYS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER, UNOBSTRUCTED AERIAL EASEMENTS FIVE (5) FEET, SIX (6) INCHES IN WIDTH FOR PERIMETER LOTS, SEVEN (7) FEET FOR BACK-TO-BACK LOTS FROM A PLANE SIXTEEN (16) FEET ABOVE THE GROUND LEVEL, UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

WE DO HEREBY DEDICATE FOREVER TO THE PUBLIC A STRIP OF LAND TWENTY-FIVE (25) FEET WIDE ON EACH SIDE OF THE CENTER LINE OF ANY AND ALL HAYOVS, CREEKS, DITCHES, RIVERS, CANALS, OR OTHER NATURAL DRAINAGE COURSES LOCATED IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF TOMBALL, HARRIS COUNTY OR 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.

* WITNESS OUR HAND IN Harris County, Texas ON THIS THE 12 DAY OF August 1999.

T.C.C. DEVELOPMENT, INC.

TOMBALL COUNTRY CLUB, INC.

BY: Dean L. Fenton
VICE PRESIDENT

BY: John Pemberton
PRESIDENT

WITNESS MY HAND IN Harris County, Texas ON THIS THE 12 DAY OF August 1999.

BY: Jack N. Warren
JACK N. WARREN

STATE OF TEXAS
COUNTY OF HARRIS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 12 DAY OF August 1999, BY DEAN L. FENTON, VICE PRESIDENT OF T.C.C. DEVELOPMENT, INC., AND IN THE CAPACITIES THEREIN STATED.

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: 11/1/02

STATE OF TEXAS
COUNTY OF HARRIS

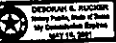
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 12 DAY OF August 1999, BY JOHN PEMBERTON, PRESIDENT OF TOMBALL COUNTRY CLUB, INC. AND IN THE CAPACITIES THEREIN STATED.

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: May 1, 2001

STATE OF TEXAS
COUNTY OF HARRIS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 4 DAY OF August 1999 BY JACK N. WARREN AND IN THE CAPACITIES THEREIN STATED.

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: 06-03-2000



OFFICE OF
DEAN L. FENTON
COUNTY CLERK, HARRIS COUNTY, TEXAS
MAP RECORDS OF COUNTY CLERK
440132
FIRM CODE
73-200

TOMBALL GREENS FINAL PLAT

WE, THE CITY MANAGER AND CITY ENGINEER FOR THE CITY OF TOMBALL, DO HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH THE CITY OF TOMBALL SUBDIVISION ORDINANCE.

BY: Warren E. Driver
HARRIS E. DRIVER
CITY MANAGER

BY: R. L. Johnson, P.E.
R. L. JOHNSON, P.E.
CITY ENGINEER

THIS IS TO CERTIFY THAT THE CITY PLANNING COMMISSION OF THE CITY OF TOMBALL, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF SUBDIVISION OF TOMBALL GREENS 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 12 DAY OF August 1999.

BY: Jeanne English-Janisch
JEANNE ENGLISH-JANISCH
CHAIRMAN

BY: Alan Cor
ALAN COR
VICE CHAIRMAN

APPROVED BY THE COMMISSIONERS' COURT OF HARRIS COUNTY, TEXAS, THIS 12 DAY OF August 2000.

BY: Robert Eckels
ROBERT ECKELS
COMMISSIONER, PRECINCT 1

BY: Jim Fontana
JIM FONTANA
COMMISSIONER, PRECINCT 2

BY: Steve Radack
STEVE RADACK
COMMISSIONER, PRECINCT 3

BY: Jerry Eversole
JERRY EVERSOLE
COMMISSIONER, PRECINCT 4

I, BEVERLY B. KAUFMAN, CLERK OF THE COUNTY COURT OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON August 24, 2000 AT 10:00 O'CLOCK A.M. AND DULY RECORDED ON August 24, 2000 AT 10:00 O'CLOCK A.M. AND IN FILE CODE NO. 1999-011 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.

BY: Beverly B. Kaufman
BEVERLY B. KAUFMAN
CLERK OF THE COUNTY COURT OF HARRIS COUNTY, TEXAS

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, LEASE, OR USE OF THE REAL ESTATE, OR ANY PART THEREOF, SHALL BE VOID AND UNENFORCEABLE UNDER FEDERAL LAW.

BY: Deputy Helen S. Matos
DEPUTY HELEN S. MATOS

THIS CERTIFICATE IS VALID ONLY AS TO THE INSTRUMENT OR INSTRUMENTS ON WHICH THE CREDENTIAL WAS APPLIED AND ONLY FOR THE PERIOD FOR WHICH THE CREDENTIAL WAS ISSUED.

I, ARTHUR L. STOREY, JR., COUNTY ENGINEER OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH ALL OF THE EXISTING RULES AND REGULATIONS OF THIS OFFICE AS ADOPTED BY THE HARRIS COUNTY COMMISSIONERS' COURT; AND FURTHER, THAT IT COMPLIES OR WILL COMPLY WITH ALL OF THE LAWS INVOLVED IN THE HARRIS COUNTY ROAD LAW, ALSO INCLUDING SECTION 31-C AS AMENDED BY CHAPTER 814, ACTS OF 1973, 83rd LEGISLATURE.

BY: Arthur L. Storey, Jr.
ARTHUR L. STOREY, JR.
COUNTY ENGINEER

I, ARTHUR L. STOREY, JR., EXECUTIVE DIRECTOR OF HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH REQUIREMENTS FOR INTERNAL SUBDIVISION DRAINAGE AS ADOPTED BY COMMISSIONERS' COURT; HOWEVER, NO CERTIFICATION IS HEREBY GIVEN AS TO THE EFFECT OF DRAINAGE FROM THIS SUBDIVISION ON THE INTERCEPTING DRAINAGE ARTERY OR PARENT STREAM OR ON ANY OTHER AREA OR SUBDIVISION WITHIN THE WATERSHED.

BY: Arthur L. Storey, Jr.
ARTHUR L. STOREY, JR.
EXECUTIVE DIRECTOR

THIS IS TO CERTIFY THAT I, SURVEYOR OF THE STATE SUBDIVISION FROM AN AC BLOCK CORNERS, ANGLE POINT MARKED WITH IRON RODS 3/4 LENGTH, AND THAT THIS PLAT BY ME.

BY: Donald E. Wacker, Jr.
DONALD E. WACKER, JR., R.L.
TEXAS REGISTRATION NO. 34

WE, FIRST BANK TEXAS, N.A. THE PROPERTY DESCRIBED: 188.0623 ACRES, SAID RECORD IN THE CLERK'S FILE HARRIS COUNTY, TEXAS, DO INTEREST IN SAID PROPERTY PLAT AND WE HEREBY CONFIRM SAID LEASE AND HAVE NOT AS FIRST BANK TEXAS, N.A.

BY: Al Gott
AL GOTT
VICE PRESIDENT

STATE OF TEXAS
COUNTY OF HARRIS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 12 DAY OF August 1999 BY AL GOTT, N.A. AND IN THE CAPACITIES THEREIN STATED.

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: 12/1/01

FURTHER, WE DO HEREBY GOVERN PROPERTY WITHIN THE BOUNDARY DRAINAGE EASEMENT, DITCH, SHALL HEREBY BE RESTRICTED EASEMENTS CLEAR OF FENCE OBSTRUCTIONS TO THE OPEN FACILITY AND THAT SUCH ADD TO DRAIN DIRECTLY INTO THE APPROVED DRAINAGE STRUCTURE.

FURTHER OWNERS CERTIFY AND OR WILL COMPLY WITH THE EDC 31-C AS AMENDED BY CHAPTER 814, ACTS OF 1973, 83rd LEGISLATURE, HARRIS COUNTY, TEXAS.

4. AMEND CITY ENGINEER FOR THE CITY OF HOUSTON, THAT THE SUBDIVISION COMPLIES WITH THE CITY ENGINEER'S REQUIREMENTS.

R. L. Johnson, P.E.
R. L. JOHNSON, P.E.
CITY ENGINEER

HAT THE CITY PLANNING COMMISSION OF THE CITY OF HOUSTON HAS APPROVED THIS PLAT AND SUBDIVISION OF LAND IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF HOUSTON AS AUTHORIZED BY THE RECORDING OF THIS PLAT THIS 1999.

Alan Cox
ALAN COX
VICE CHAIRMAN

COMMISSIONER OF HARRIS COUNTY, TEXAS, 2000.

Jim Fontana
JIM FONTANA
COMMISSIONER, PRECINCT 2

Jerry Eversole
JERRY EVERSOLE
COMMISSIONER, PRECINCT 4

4. CLERK THE COUNTY COURT OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS PLAT AND SUBDIVISION OF LAND IS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF HOUSTON AS AUTHORIZED BY THE RECORDING OF THIS PLAT THIS 1999.

CLERK OF THE COUNTY COURT OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS PLAT AND SUBDIVISION OF LAND IS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF HOUSTON AS AUTHORIZED BY THE RECORDING OF THIS PLAT THIS 1999.

JR. COUNTY ENGINEER OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS PLAT AND SUBDIVISION OF LAND IS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF HOUSTON AS AUTHORIZED BY THE RECORDING OF THIS PLAT THIS 1999.

JR. COUNTY ENGINEER OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS PLAT AND SUBDIVISION OF LAND IS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF HOUSTON AS AUTHORIZED BY THE RECORDING OF THIS PLAT THIS 1999.

THIS IS TO CERTIFY THAT I, GARALD E. MUNGER, JR., A REGISTERED SURVEYOR OF THE STATE OF TEXAS, HAVE PLATTED THE ABOVE SUBDIVISION FROM AN ACTUAL SURVEY ON THE GROUND, AND THAT ALL BLOCK CORNERS, ANGLE POINTS, AND POINTS OF CURVE ARE PROPERLY MARKED WITH IRON RODS 3/4 INCHES IN DIAMETER AND THREE FEET IN LENGTH, AND THAT THIS PLAT CORRECTLY REPRESENTS THAT SURVEY MADE BY ME.

Garald E. Munger, Jr.
GARALD E. MUNGER, JR., R.S., L.S.
TEXAS REGISTRATION NO. 3438



WE, FIRST BANK TEXAS, N.A., OWNERS AND HOLDER OF A LIEN AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS SUBDIVISION OF 188.0623 ACRES, SAID LIEN BEING EVIDENCED BY INSTRUMENT OF RECORD IN THE CLERK'S FILE NO. 75438-23 OF THE O.P.R.D.R.P. OF HARRIS COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID PLAT AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNERS OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

FIRST BANK TEXAS, N.A.

Al Cott
AL COTT
VICE PRESIDENT

STATE OF TEXAS
COUNTY OF HARRIS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 5TH DAY OF August, 1999 BY AL COTT, VICE PRESIDENT OF FIRST BANK TEXAS, N.A. AND IN THE CAPACITIES THEREIN STATED.

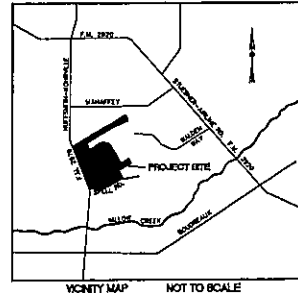
Brenda Jones
BRENDA JONES
NOTARY PUBLIC, STATE OF TEXAS



MY COMMISSION EXPIRES: 12/31/2002

FURTHER, WE 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 WAYS SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING AND OTHER OBSTRUCTIONS TO THE OPERATIONS 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.

FURTHER, OWNERS CERTIFY AND COVENANT THAT THEY HAVE COMPLIED WITH OR WILL COMPLY WITH THE EXISTING HARRIS COUNTY ROAD LAW, SECTION 31-C, AS AMENDED BY CHAPTER 614, ACTS OF 1973, 83RD, LEGISLATURE AND ALL OTHER REGULATIONS HERETOFORE ON FILE WITH THE HARRIS COUNTY ENGINEER AND ADOPTED BY THE COMMISSIONERS' COURT OF HARRIS COUNTY.



VICINITY MAP NOT TO SCALE

OFFICE OF
NOTARY & CLERK
COUNTY CLERK, HARRIS COUNTY, TEXAS
MAP RECORDS OF COUNTY CLERK
FILE CODE 440133
TOMBALL GREENS FINAL PLAT

THIS IS PAGE 6 OF 7 PAGES
REDUCTION 20% CLARIFIED DIMENSIONAL MAP

TOMBALL GREENS FINAL PLAT

BEING A SUBDIVISION OF 188.0623 ACRES
OUT OF THE ELIZABETH SMITH SURVEY, A-70
HARRIS COUNTY, TEXAS

3 RESERVES

DATE: JULY, 1999 SCALE: 1"=200'

OWNERS

T. C. C. DEVELOPMENT, INC.
TOMBALL COUNTRY CLUB, INC.
JACK N. WARREN

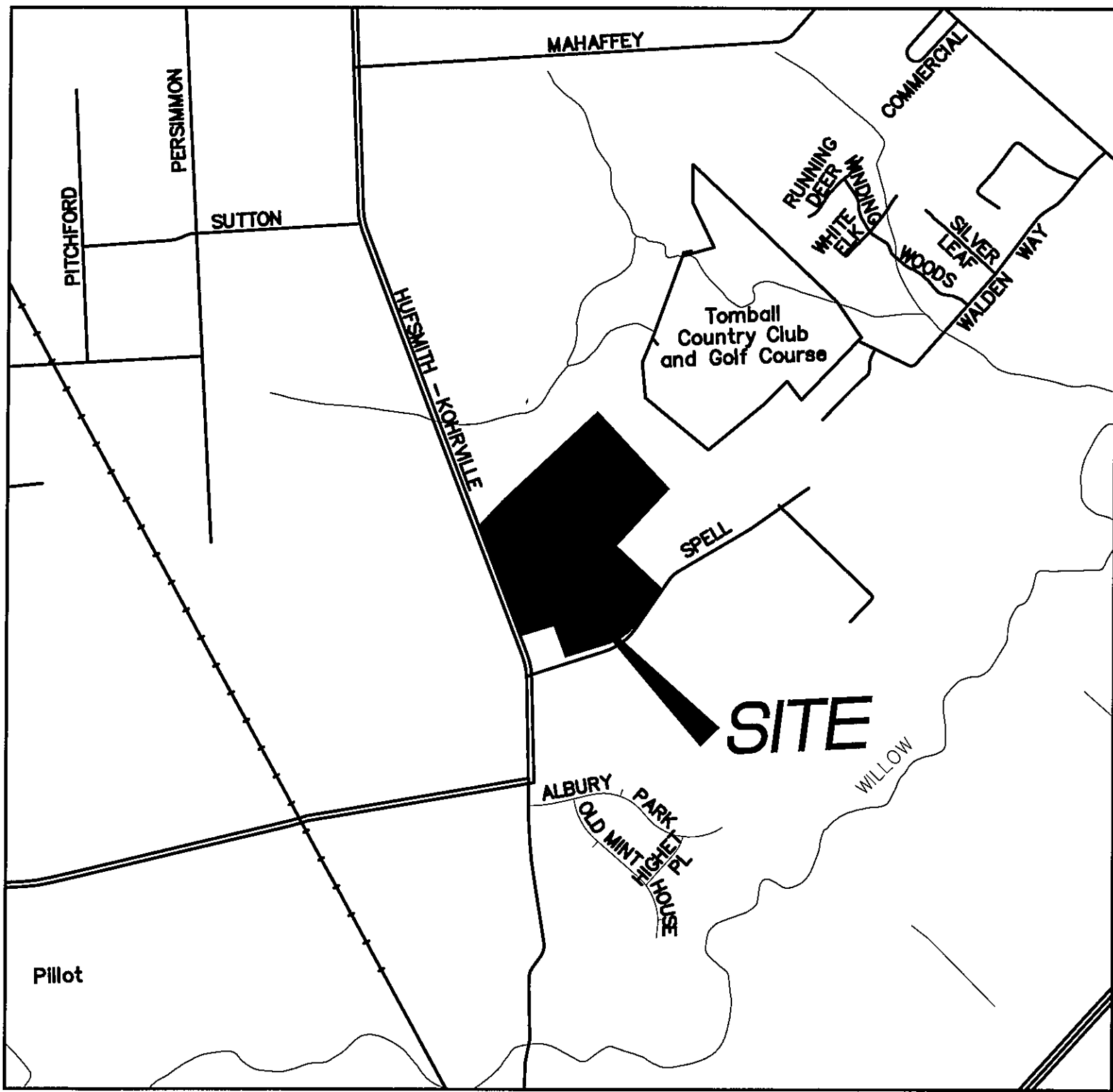
REGISTERED

GARALD E. MUNGER, JR.



CENTURY ENGINEERING, INC.
2000 & GERRARD BLVD. HOUSTON, TEXAS 77058 (713) 790-9671

SHEET 2 OF 2



RESOLUTION NO. 2014-14

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF TOMBALL, TEXAS, TO INSTITUTE PROCEEDINGS TO ANNEX CERTAIN TERRITORY; DESCRIBING SUCH TERRITORY; SETTING THE DATES, TIMES, AND PLACES FOR TWO PUBLIC HEARINGS AT WHICH ALL INTERESTED PARTIES SHALL HAVE AN OPPORTUNITY TO BE HEARD; PROVIDING FOR PUBLICATION OF NOTICES OF SUCH PUBLIC HEARINGS; AND DIRECTING PREPARATION OF A MUNICIPAL SERVICE PLAN FOR THE TERRITORY PROPOSED TO BE ANNEXED (70.36 ACRES OF LAND LOCATED ON FM 2978 [HUFSMITH-KOHRVILLE ROAD], NORTH OF SPELL ROAD)

* * * * *

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

Section 1. The City Council of the City of Tomball hereby declares its intention to institute proceedings to annex to the City the territory described in Exhibit "A" attached hereto and made a part hereof by the passage of an ordinance of annexation extending the general corporate limits of the City of Tomball for all purposes to include such territory.

Section 2. The City Council of the City of Tomball hereby calls two public hearings at which all interested persons shall have the right and opportunity to appear and be heard upon such proposal to annex the territory described above. **No suitable location is available for a public hearing to be held on the property proposed for annexation. The first public hearing shall be held in the City Council Chambers, 401 Market Street, City of Tomball, Texas, during a Regular Council Meeting at 6:00 o'clock (6:00 p.m.), on July 7, 2014.** The second public hearing shall be held in the City Council Chambers, 401 Market Street, City of Tomball, Texas, during a Special Council Meeting at 5:00 o'clock (5:00 p.m.), on July 14, 2014. The annexation proceeding, of which notice of intention to annex is given by this Resolution, shall be instituted not less than twenty (20) days nor more than forty (40) days subsequent to such public hearings.

Section 3. The City Secretary of the City of Tomball is hereby directed to cause notices of such public hearings to be given by publication in a newspaper having general circulation within the City of Tomball and within the territory proposed to be annexed, the publication of notice of each public hearing to be made at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to the day of that public hearing.

Section 4. The City Engineer is hereby directed to cause to be prepared a service plan that provides for the extension of municipal services to the territory that is proposed to be annexed. The proposed service plan shall be made available for public inspection and shall be explained to the inhabitants of the territory at the public hearings called herein. Such service plan shall be prepared in accordance with the provisions of Chapter 43 of the TEXAS LOCAL GOVERNMENT CODE.

PASSED, APPROVED, AND RESOLVED this 16th day of June, 2014.

Gretchen Fagan
GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

Doris Speer
Doris Speer, City Secretary
City of Tomball

Alexander Estates
70.36 Acres

Elizabeth Smith Survey
Abstract Number 70

STATE OF TEXAS §

COUNTY OF HARRIS §

A **METES AND BOUNDS** description of a 70.36 acre tract of land situated in the Elizabeth Smith Survey, Abstract Number 70, Harris County, Texas; being a portion of Unrestricted Reserve "C" of Tomball Greens Final Plat as shown on a plat filed for record under Film Code Number 440128 of the Harris County Map Records, being the remainder of a called 78.4754 acre tract conveyed to BCDE, LTD. by Special Warranty Deed With Vendor's Lien dated December 30, 2002 and filed for record under Clerk's File No. W332593 of the Harris County Official Public Records of Real Property and being all of a called 4.882 acres conveyed to Eibsen & Associates, Inc. by Warranty Deed dated March 31, 2014 and filed for record under Clerk's File No. 20140133968 of the Harris County Official Public Records of Real Property; said 70.36 acres being more particularly described as follows with all bearings based on a call of South 59°56'55" West along the southeast line of said Unrestricted Reserve "C":

BEGINNING at a found 5/8-inch iron rod in the northeast right-of-way of Huffsmith-Kohrville Road (called 60-feet wide), for the south corner of Country Club Greens Partial Replat as shown on a plat filed for record under Film Code No. 519229 of the Harris County Map Records and the northwest corner of said Unrestricted Reserve "C", said 78.4754 acres and the herein described tract;

THENCE, North 45°27'56" East, 399.99 feet, departing said northeast right-of-way of Huffsmith-Kohrville Road, along the southeast line of said Country Club Greens Partial Replat, the northwest line of said Unrestricted Reserve "C" and said 78.4754 acres to an angle point;

THENCE, North 49°06'40" East, 1333.88 feet, continuing along the southeast line of said Country Club Greens Partial Replat, the southeast line of Country Club Greens Partial Replat – Phase Two as shown on a plat filed for record under Film Code No. 540231 of the Harris County Map Records and the northwest line of said Unrestricted Reserve "C" and said 78.4754 acres to a point for the north corner of said Unrestricted Reserve "C" and said 78.4754 acres, the west corner of Lot 25, Block 3 of said Country Club Greens Partial Replat – Phase Two, same being the north corner of the herein described tract, from which a found 5/8-inch iron rod (with cap stamped "Terra Surveying") bears North 86°46'38" East 0.32 feet;

THENCE, South 40°44'59" East, 1111.89 feet along a northeast line of said 78.4754 acres, said Unrestricted Reserve "C", a southwest line of said Country Club Greens Partial Replat – Phase Two, and a southeast line Final Plat Country Club Greens as shown on a plat filed for record under Film Code No. 453082 of the Harris County Map Records to a point in the north line of a called 13.00 acre tract conveyed to J.D. Slaughter by Warranty Deed dated January 28, 2011 and filed for record under Clerk's File No. 20110042996 of the Harris County Official Public Records of Real Property for an interior corner of said Unrestricted Reserve "C" and said 78.4754 acres and the south corner of said Country Club Greens Partial Replat – Phase Two, same being the east corner of the herein described tract, from which a found 5/8-inch iron rod bears South 62°31'41" East, 0.24 feet;

THENCE, South 45°07'42" West, 813.03 feet along the northeast line of said 13.00 acres to a point for the west corner of said 13.00 acres, same being an interior corner of the herein described tract;

THENCE, South 44°36'57" East, 646.34 feet along the southwest line of said 13.00 acres to a point in the northwest right-of-way of Spell Road (called 60-feet wide) and the southeast line of said Unrestricted Reserve "C" and said 78.4754 acres, for the south corner of said 13.00 acres and the most southeast corner of the herein described tract;

THENCE, South $37^{\circ}14'37''$ West, 452.09 feet along said northwest right-of-way of Spell Road and the southeast line of said Unrestricted Reserve "C" to a found 3/4-inch iron rod, beginning a non-tangent curve to the right;

THENCE, in a southwest direction, continuing along said northwest right-of-way of Spell Road and the southeast line of said Unrestricted Reserve "C", with the arc of said non-tangent curve to the right, passing a found 5/8-inch iron rod (with cap stamped "J.G.T 1494") at an arc distance of 183.48 feet for the east corner of said 4.822 acres, having a radius of 579.03 feet, a central angle of $37^{\circ}34'11''$, an arc length of 379.68 feet, and a chord bearing South $56^{\circ}12'14''$ West, 372.91 feet to a found 5/8-inch iron rod (with cap stamped "J.G.T 1494");

THENCE, South $75^{\circ}09'52''$ West, along said northwest right-of-way of Spell Road and the southeast line of said 4.822 acres and said Unrestricted Reserve "C", passing a found 5/8-inch iron rod (with cap stamped "J.G.T 1494") continuing for a total distance of 463.49 feet to a found 3/4-inch iron (with cap stamped "Cotton Surveying") for the south corner of said 4.882 acres and the most southerly southwest corner of the herein described tract;

THENCE, North $17^{\circ}58'51''$ West, 350.00 feet, departing said northwest right-of-way of Spell Road and the southeast line of said 4.822 acres along the southwest line of said 4.822 acres to a found 3/4-inch iron (with cap stamped "Cotton Surveying");

THENCE, South $75^{\circ}09'52''$ West, along the northwest line of the remainder of a called 8.000 acres conveyed to Ruth A. Hughes-Deaton by Warranty Deed with Vendor's Lien dated August 31, 2006 and filed for record under Clerk's File No. 20060029232 of the Harris County Official Public Records of Real Property, passing a found 5/8-inch iron rod (with cap stamped "King 4503") at a distance of 4.83 feet, continuing for a total distance of 388.70 feet to a found 5/8-inch iron rod (with cap stamped "King 4503") in the northeast right-of-way of said Huffsmith-Kohrville Road and the southwest line of said Unrestricted Reserve "C", for the northwest corner of said 8.000 acres and the most westerly southwest corner of said 78.4754 acres and the herein described tract;

THENCE, North $17^{\circ}59'55''$ West, 1235.43 feet along northeast right-of-way of said Huffsmith-Kohrville Road, the southwest line of said Unrestricted Reserve "C", said 78.4754 acres and the herein described tract to the **POINT OF BEGINNING, CONTAINING** 70.36 acres of land in Harris County, Texas

PROPOSED ANNEXATION – ALEXANDER ESTATES

Council approves annexation request on 6/16/14 by adopting Resolution and sets 7/7 and 7/14 as dates for public hearings (regular and Special Council meetings). Send to paper on 6/17 to run in paper on 6/23 (14 days' notice for 7/7 meeting) and again on 6/30 (14 days' notice for 7/14 meeting) – one Special Council meeting required on July 14, 2014, before Planning & Zoning meeting.

Publish Dates & Public Hearing Dates – Complete Annexation on 8/18/14	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 6/16 and sets dates for Public Hearings as 7/7 and 7/14:	Regular Mtg		Special Mtg 5p before P&Z 7/14/2014		
	6/23/2014	7/7/2014	6/30/2014	7/14/2014	8/4/2014	8/18/2014
	14 days' notice		14 days' notice			
1 st public hearing to 1 st reading is 28 days total; 56 days to complete annexation	To paper 6/17 to run on 6/23 and 6/30		Reminder to paper 6/23 to run 6/30			
(42 days total from first publication notice to first reading)	(-42 days)	(-28 days) to 1st reading		(-21 days) to 1st reading	(Day 0)	(+14 days)

Page 47 of 187

Publication date – more than 10 days' notice, less than 20 days' notice for public hearings [LGC, Sec. 43.063(c)] – **14 days' notice for each P.H.**

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, beginning to end (LGC, Sec. 43.064) – from 6/2/14 request to second reading of ordinance. – **56 days**

City must give notice regarding intention to annex area 30 days before first public hearing to public and private entities – county, fire department, emergency services districts, utility companies [LGC, Sec. 43.062(b)] – **This requirement does not apply if we are annexing by petition.**

Resolution No. 2014-14 on the 6/16/14 agenda for Council to approve and to set public hearing and special Council meeting dates.

Regular City Council

Agenda Item

Meeting Date: July 7, 2014

Data Sheet

Topic:

Discussion and Possible Action regarding the Tax Abatement for Tax Year 2014 under the Existing Agreement between the City of Tomball and American National Carbide

Background:

This item relates to the Tax Abatement Agreement between the City of Tomball and American National Carbide Company. ANC has not met the requirements as set forth in the original agreement and we are recommending that the abatement for property tax year 2014 be denied. This needs to be done before the Harris County Appraisal District (HCAD) can issue their (American National Carbide) 2014 value notice.

American National Carbide did not meet the terms of the abatement agreement to qualify for abatement of 2014 taxes, due to delays in the completion of the expansion project. Those requirements are discussed in the attachment. George Shackelford has discussed this issue with American National Carbide and all parties are in agreement regarding the denial of the tax abatement for 2014; this item is presented to Council with the recommendation to deny the tax abatement for 2014.

The Tomball Economic Development Corporation has granted American National Carbide an extension of one year to allow ANC to fulfill the requirements of the TEDC incentive grant to hire 25 new employees as part of the expansion. American National Carbide is requesting a similar extension of an additional 12-months to the Tax Abatement Agreement, Paragraph 6(a)(7), dated June 2012; however, under Section 312.208 of the Tax Code, the "original agreement may not be modified to extend beyond 10 years from the date of the original agreement.

Origination:

Finance

Recommendation:

Staff recommends that the property tax abatement be denied for 2014, the tax abatement agreement be amended to provide additional time to meet the requirements of the tax abatement agreement, and the request for an extension of the term of the Tax Abatement Agreement be denied.

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:

ANC Request Letter

Tax Abatement Agreement



American National Carbide

June 12, 2014

George Shackleford
401 Market Street
Tomball, TX 77375

Dear George:

Please accept this letter as our formal request to extend the term of the Tax Abatement Agreement dated June 2012 related to our expansion project.

We are seeking this extension because of delays in the completion of the expansion project that were out of our control. Although the building addition was completed in February 2013, we did not receive the last major piece of equipment until December 2013, which was six months after the last revised delivery date. In total, the delivery of the equipment made the basis of the expansion was over a year late, and even today, a warranty claim has been filed with the manufacturer to correct latent defects in the equipment. Without both of the major pieces of equipment in operation until now, the expansion has not yet had a chance to take flight - but we have every intention of following through with our plans, and we don't want to lose the opportunity that the City has graciously given us with the tax abatement.

Recently, the TEDC granted an extension of one year for us to fulfill the requirements of a grant they provided us as an incentive to hire twenty-five new employees as part of the expansion. The extension now allows us until August 2015 to obtain these employees. We would respectfully request a similar extension be given on the tax abatement agreement.

Specifically, we would request that an additional twelve (12) months be added to the time frame set forth in Paragraph 6(a)(7) of the agreement to allow us additional time to create the twenty-five (25) new employment positions it requires, so the new deadline would be August 1, 2015, and that another twelve (12) months be added to the term of the agreement set forth in Paragraph 4, so that it would end on May 31, 2023.

If you need further information, please feel free to contact me at the number below.

Very truly yours,

D. Greg Stroud, President

**TAX ABATEMENT AGREEMENT
BETWEEN THE
CITY OF TOMBALL, TEXAS
AND
AMERICAN NATIONAL CARBIDE COMPANY**

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

THIS TAX ABATEMENT AGREEMENT ("Agreement") is made and entered into by and between the CITY OF TOMBALL, TEXAS, a home rule city situated in Harris County, Texas ("City"), and AMERICAN NATIONAL CARBIDE COMPANY ("American National Carbide"), the owner of a tract of land with improvements, and the improvements to be constructed thereon, within Reinvestment Zone No. 3.

WHEREAS, American National Carbide is the owner of a 7.2854-acre tract of land located in Harris County, Texas (the "Property"), as defined in Section 2 of this Agreement; and

WHEREAS, American National Carbide desires to expand its existing facility (the "Improvements") on the Property, as defined in Section 2 of this Agreement; and

WHEREAS, the City and American National Carbide wish to enter into a tax abatement agreement, which will provide for a ten (10) year tax abatement period that will commence on June 1, 2012;

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, American National Carbide and the City hereby agree as follows:

1. **Authorization.** This Agreement is authorized by the Property Redevelopment and Tax Abatement Act, Chapter 312, TEXAS TAX CODE, as amended and the Tax Abatement Policy adopted by the City of Tomball, Texas adopted by the City Council of the City on April 16, 2012. The City Council has determined that the terms of the Agreement and the property subject to this Agreement meet the provisions of the Tax Abatement Policy adopted by the City.

2. **Defined Terms.** As used in this Agreement, the following terms shall have the meanings set forth below:

 "American National Carbide" shall mean American National Carbide Company, the entity that owns the Property on the date taxes are abated under this Agreement or any other person or entity to which this Agreement is assigned, in accordance with this Agreement.

"Certified Appraised Value" shall mean the appraised value of the Property and existing improvements as certified by the Harris County Appraisal District.

"City" shall mean the City of Tomball, Texas.

"City Council" shall mean the governing body of the City.

"Improvements" shall mean the buildings and structures (or portions thereof) and other improvements, including fixed machinery, equipment and process units, used for commercial or industrial purposes, which are erected or expanded by American National Carbide on the Property as contemplated by Section 6 herein, and generally identified and described in Exhibit "A" attached hereto and incorporated herein for all purposes.

"Property" shall mean the 7.2854-acre tract of land described in Exhibit "B" attached hereto and incorporated herein for all purposes, and all Improvements and Tangible Personal Property currently located thereon, which tract of land is located within Reinvestment Zone No. 3 of the City.

"Reinvestment Zone No. 3" shall mean that certain area qualifying for tax abatement pursuant to the Tax Abatement Policy adopted by the City of Tomball, Texas, and City of Tomball Ordinance No. 2012-08, a copy of which is attached hereto as Exhibit "C" and incorporated herein for all purposes.

"Tangible Personal Property" shall mean tangible personal property classified as such under state law, but excluding tangible personal property that was located on the Property at any time prior to the date of execution of this Agreement, and also excluding tangible personal property taxable by the City while owned by American National Carbide any time prior to the date of execution of this Agreement, and excluding inventory and supplies.

3. **Administration of Agreement.** This Agreement shall be administered by the City Manager or designee of the City.

4. **Term.** This Agreement shall be effective as of the date of execution hereof and shall continue through May 31, 2022, unless terminated earlier, as provided elsewhere herein; provided, however, that the ten-year abatement period herein provided for shall not commence until June 1, 2012.

5. **Tax Abatement.** Subject to limitations imposed by law and conditioned on the representations outlined in Section 6 hereinbelow, there shall be granted and allowed hereunder to American National Carbide a property tax abatement equal to one-hundred percent (100%) of the taxable value on the Improvements constructed or expanded hereunder on the Property and the Tangible Personal Property located on the Property; provided, however, if the Certified Appraised Value of the Property is less than the Certified Appraised Value for 2011, for any year during the term of this Agreement, such abatement shall not apply to the Improvements and Tangible Personal Property to the extent of the difference between the Certified Appraised Value of the Property for such year and the Certified Appraised Value of the Property for 2011. The

property tax abatement granted and allowed hereunder shall extend only to all real and personal property ad valorem taxes assessable on the Improvements, as constructed or expanded, and Tangible Personal Property; the Certified Appraised Value of the real property shall be fully taxable.

American National Carbide represents and warrants that it will have invested at least Two Million, Five-Hundred Thousand Dollars (\$2,500,000.00) on the Improvements by January 1 on the year following the completion of construction of the Improvements. Additionally, American National Carbide represents and warrants that it will increase its raw material, work-in-progress, and finished goods inventory at its facility by at least One Million Dollars (\$1,000,000) by January 1, 2013 and by an additional Two Million, Four-Hundred Thousand Dollars (\$2,400,000) for a total of Three Million, Four-Hundred Thousand Dollars (3,400,000) by January 1, 2014.

6. **Representations.**

(a) American National Carbide represents that (1) it has or will have an increased taxable interest with respect to Improvements and Tangible Personal Property placed on the Property; (2) the Improvements and Tangible Personal Property to be constructed and/or placed on the Property pursuant to the Agreement shall be as set forth and described in American National Carbide's letter dated March 30, 2012, attached hereto as Exhibit "A", and incorporated herein for all purposes; (3) all Improvements placed on the Property will be completed in a workmanlike manner and will be completed in accordance with the City building codes in effect at the time such Improvements are erected; (4) the Improvements will be constructed on or before December 31, 2012, having a Certified Appraised Value of not less than \$480,000; (5) it will place on the Property, on or before December 31, 2012, Tangible Personal Property having a Certified Appraised Value of not less than \$1,000,000, and will maintain on the Property said Tangible Personal Property or similar Tangible Personal Property of equal or greater value through May 30, 2022; (6) it will place on the Property, on or before December 31, 2013, Tangible Personal Property having Certified Appraised value of not less than \$4,420,000 which will be in addition to the Tangible Personal Property referred to in item (5) of this paragraph; (7) it shall maintain on the Property an increased employment level of not less than 25 full-time employees related to the expansion on the Property beginning on or before August 1, 2013, and continuing during the remainder of the term of this Agreement; (8) it has, as of the effective date of this Agreement, the financial resources to implement the above respective representations; and (9) it will comply with all applicable laws, rules, regulations, and provisions of the Code of Ordinances of the City.

(b) The City represents that (1) Reinvestment Zone No. 3 has been created in accordance with Chapter 312 of the TEXAS TAX CODE and the Guidelines and Criteria for Granting Tax Abatement in Reinvestment and Enterprise Zones created in the City of Tomball, Texas, as both exist on the effective date of this Agreement; (2) the Property is within such Zone; and (3) the Property is located within the corporate limits of the City.

(c) American National Carbide and the City represent that no member of the City Council or Planning Commission owns or leases the Property, Improvements, or Tangible Personal Property.

7. **Administrative.**

(a) Access to and Inspection of Property by Municipal Employees. American National Carbide shall allow the City's employees and/or designated representatives of the City access to the Improvements for the purpose of inspecting any Improvements erected to ensure that such Improvements are completed and maintained in accordance with the terms of this Agreement and to ensure that all terms and conditions of this Agreement are being met. All such inspections shall be made only after giving American National Carbide twenty-four (24) hours advance notice and shall be conducted in such a manner as to not unreasonably interfere with the construction and/or operation of the Improvements. All such inspections shall be made with one (1) or more representatives of American National Carbide and in accordance with all applicable safety standards. Upon completion of construction, the designated representative of the City shall evaluate annually each facility receiving abatement to ensure compliance with the Agreement, and a formal report shall be made to the City Council.

(b) On January 1st of each year that this Agreement is in effect, American National Carbide shall certify to the City, and to the governing body of each taxing unit, that American National Carbide is in compliance with each applicable term of this Agreement.

(c) The Chief Appraiser of the Harris County Appraisal District shall determine annually (i) the Certified Appraised Value of the Property, Improvements, and Tangible Personal Property and (ii) the taxable value, pursuant to the terms of abatement under this Agreement, of the Property, Improvements, and Tangible Personal Property. The Chief Appraiser shall record both the abated taxable value and the Certified Appraised Value in the appraisal records. The Certified Appraised Value listed in the appraisal records shall be used to compute the amount of abated taxes that are required to be recaptured and paid in the event this Agreement is terminated in a manner that results in recapture. During the term of this Agreement, each year, American National Carbide shall furnish the Chief Appraiser with such information outlined in Chapter 22, TEXAS TAX CODE, as may be necessary for the administration of the abatement specified herein.

8. **Default.**

(a) The City may declare a default hereunder if American National Carbide (1) fails, refuses, or neglects to comply with any of the terms, conditions, or representations of this Agreement and fails to cure during the cure period; or (2) allows ad valorem taxes owed to the City to become delinquent and fails either to cure during the cure period or to timely and properly follow the legal procedures for their protest or contest.

(b) If the City declares a default of this Agreement, this Agreement shall terminate (after notice and opportunity to cure as provided for herein), and the City, in such event, shall be entitled to recapture any and all property taxes which have been abated as a result of this Agreement. The City shall notify American National Carbide of any default in writing in the manner prescribed herein. The notice shall specify the basis for the declaration of default, and American National Carbide shall have sixty (60) days from the date of such notice to cure any default; provided, however, where fulfillment of any obligation requires more than sixty (60)

days, performance shall be commenced within sixty (60) days after the receipt of notice, and such performance shall be diligently continued until the default is cured. If the default cannot be cured, or if American National Carbide fails to cure within the period herein specified, American National Carbide shall be liable for and will pay to the City within sixty (60) days following the termination of this Agreement (1) the amount of all property taxes abated under this Agreement, (2) interest on the abated amount at the rate provided for in the Texas Tax Code for delinquent taxes, and (3) penalties on the amount abated in the year of default at the rate provided for in the Texas Tax Code for delinquent taxes.

(c) Notwithstanding any other provision contained herein to the contrary, in the event of termination of this Agreement due to the default of American National Carbide, American National Carbide's obligation to pay the City any property taxes that have been abated on Improvements and Tangible Personal Property, plus applicable penalty and interest thereon as herein provided, shall not terminate until the abated taxes, plus penalty and interest, are paid..

9. **Changes in Tax Laws.** The tax abatement provided in this Agreement is conditioned upon and subject to any changes in the state tax laws during the term of this Agreement.

10. **Compliance with State and Local Regulations.** Nothing in this Agreement shall be construed to alter or affect the obligations of American National Carbide to comply with any ordinance, rule, or regulation of the City or laws of the State of Texas.

11. **Assignment of Agreement.** This Agreement may not be assigned by American National Carbide without the approval of the City by resolution of the City Council. The approval of any assignment shall be subject to the financial capacity of the assignee and will require that all conditions and obligations in this Agreement shall be assumed by the assignee. No assignment shall be approved if (a) the City has declared a default hereunder that has not been cured, or (b) the assignee is delinquent in the payment of ad valorem taxes owed to the City. Approval by the City shall not be unreasonably withheld.

12. **Conditions Precedent.** This Agreement is conditioned entirely upon (a) the approval of the City Council by the affirmative vote of a majority of the members present at a regularly scheduled meeting of the City Council; (b) the construction of the Improvements and the location of the Tangible Personal Property on the Property on or before December 31, 2012. The abatement granted herein shall not be effective until June 1, 2012.

13. **Notice.** All notices shall be in writing. If mailed, any notice or communication shall be deemed to be received three (3) days after the date of deposit in the United States mail, first-class, postage prepaid. Unless otherwise provided in this Agreement, all notices shall be delivered to the following addresses:

To American National Carbide:	American National Carbide
	915 South Cherry Street
	Tomball, Texas 77375
	Attention: D. Greg Stroud, President

To City:

City of Tomball
401 Market Street
Tomball, Texas 77375
Attn: City Manager

Either party may designate a different address by giving the other party at least ten (10) days written notice in the manner prescribed above.

14. **Entire Agreement.** This Agreement and the Exhibits attached hereto contain the entire tax abatement agreement between the parties and supersedes all other negotiations and agreements between American National Carbide and the City relating to the grant of tax abatement for the Improvements and Tangible Personal Property located on the Property, whether written or oral. In the event that there is a conflict between any of the Exhibits to this Agreement and this Agreement, the provisions of this Agreement shall control over the provisions in the Exhibits.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties as of the 21st day of May, 2012.

AMERICAN NATIONAL CARBIDE COMPANY

By: D. Greg Stroud
Name: D. Greg Stroud, President

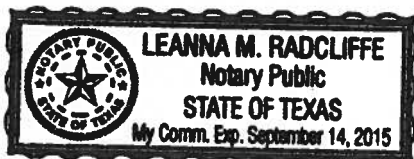
THE STATE OF TEXAS

§
§
§

COUNTY OF HARRIS

This instrument was acknowledged before me on this 18th day of June 2012, by D. Greg Stroud, President, for and on behalf of American National Carbide Company.

(SEAL)



Leanna M. Radcliffe
Notary Public in and for the State of Texas

CITY OF TOMBALL, TEXAS

ATTEST:



Doris Speer, City Secretary



Gretchen Fagan, Mayor

THE STATE OF TEXAS

§

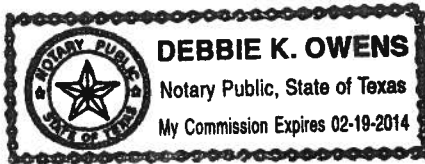
COUNTY OF HARRIS

§

§

This instrument was acknowledged before me on this 7th day of June 2012, by Gretchen Fagan, Mayor of the City of Tomball, Texas, for and on behalf of the City.

(SEAL)



Debbie K. Owens
Notary Public in and for the State of Texas



American National Carbide

Delivering Carbide Value™

March 30, 2012

Mr. George Shackelford
City Manager
City of Tomball
401 Market Street
Tomball, TX 77375

Dear Mr. Shackelford,

Thanks again for speaking with us recently to discuss our expansion project. We would like to let this letter serve as our formal application for tax abatement, pursuant to the City of Tomball Tax Abatement Policy (CTTAP), of 100% of the value of all eligible property purchased as part of our expansion for a term of ten years. As discussed, American National Carbide (ANC) is a manufacturer of tungsten carbide products used primarily in the oil and gas and metalworking industries. ANC is also a recycler of scrap tungsten carbide products.

The expansion made the basis of this request entails the purchase of two furnaces used for the recycling of tungsten carbide scrap, various equipment meant for further processing the material after the furnaces, support equipment, and an extension of our existing building to house the new equipment and to allow for storage of both raw materials for the process and finished product. All such equipment and the building will permanently reside in the City of Tomball at our location at 915 South Cherry Street. A list of the specific equipment being purchased appears below.

Equipment	Approximate Value
Two recycling furnaces	\$1,700,000.00
Material processing equipment	\$150,000.00
Support equipment (e.g., cooling towers, forklifts, electrical boxes, etc.)	\$170,000.00

An extension of our current building will be made to house this equipment. For reference, I have included a map of our property, a drawing showing the proposed building extension, and an aerial view of the existing property. The cost of the building extension itself is estimated at \$400,000.00. There will also be site improvements, including driveways, a truck well/loading dock, installation of a fire hydrant and others, that will cost an additional approximately \$80,000.00. Construction of the building extension is set to begin as soon as the tax abatement is approved and should be completed in time to receive the two furnaces, which are expected in approximately July or August 2012. The total approximate capital investment for this project will be \$2.5 million.

In addition to these purchases, it will be necessary to purchase and maintain raw material, work-in-process, and finished goods inventory at our facility to support both the

Exhibit "A"

expanded operation and growth to our existing operation. We estimate the value of these inventories to be \$3.4 million.

The tax abatement is necessary for the project to be undertaken in Tomball, because we have seriously considered a move to either a school district that offers a freeport exemption for certain inventories or a municipality that offers incentives, such as long-term tax abatements, to companies like ours to move to their area. We pay a substantial amount of property tax each year and we continuously look for opportunities to be a more profitable enterprise, including those related to reducing our tax burden. If the tax abatement from the City of Tomball is approved, we will move forward with the project here. Otherwise, we will have to review opportunities for tax savings elsewhere.

Minimum Standards Met

We believe this project meets the minimum standards for tax abatement, as provided in Section 3 of the CTTAP, for the reasons set forth herein.

1. This project has no negative environmental impact on the community. To the contrary, the project is for the expansion of an existing recycling process and actually has a positive environmental impact in that scrap carbide is recycled and is prevented from entering the waste stream.
2. This project stimulates local employment and commercial activity, benefits existing business, and does not compete with existing business to the extent of being a detriment to the local economy. Our plan is to add approximately 25 jobs by August 2013, and we will hire local residents to fill these jobs. The project benefits not only our business, it benefits other local businesses, such as machine shops, that would otherwise not have an outlet for their scrap carbide. Since there are no other local businesses that perform the type of work performed at our facility, there will be no adverse effect on the local economy.
3. The project will create payroll on a permanent basis in the City of Tomball. We expect to add at least 25 jobs by August 2013 with an overall increase in annual payroll of about \$700,000.00. This will bring our total employment to around 95 people, with an average salary of between \$25,000.00-\$30,000.00.
4. The capital investment of this project is around \$2.5 million, which exceeds the minimum requirement of \$1 million set forth by the CTTAP.
5. We believe this project has high visibility and impact on not only the image of our company but that of the City as well. We are one of a few companies in the world that has the capability of recycling scrap tungsten carbide into usable raw material and our long-term objective is to be the premier supplier of this type of raw material. This project will boost our overall revenue to nearly three times what it is today (none of which is subject to State sales and use tax), and most of the profits will be reinvested in the company to increase capacity for further growth.

6. We believe one result of this project is that other businesses will be attracted to this area. We are heavily involved in the oilfield support industry and Tomball has seen growth in that area over the last several years with the addition of Baker Hughes and other companies. Our location in Tomball allows us to provide these oilfield support companies with quick delivery on their products, and the project at issue will facilitate growth of our finished oilfield products to better serve these companies and attract others.
7. This project conforms to the City's zoning ordinance. We are currently operating similar equipment and this project represents an expansion of that operation.

Required Certifications and Agreements

We hereby certify that we do not employ, nor will employ, any individuals not lawfully admitted for permanent residence to the United States or authorized under law to be employed in that manner in the United States. Further, we agree that if we are convicted of a violation under 8 U.S.C. §1324a(f) after receiving a tax abatement, we will repay the amount of the tax abatement with interest under the terms of the CTTAP.

We also agree to annually submit to the City a January employee count for our facility which corresponds to employment counts reported in our Quarterly Report to the Texas Workforce Commission and a separate notarized letter certifying the number of jobs created or retained as a direct result of the abated improvements.

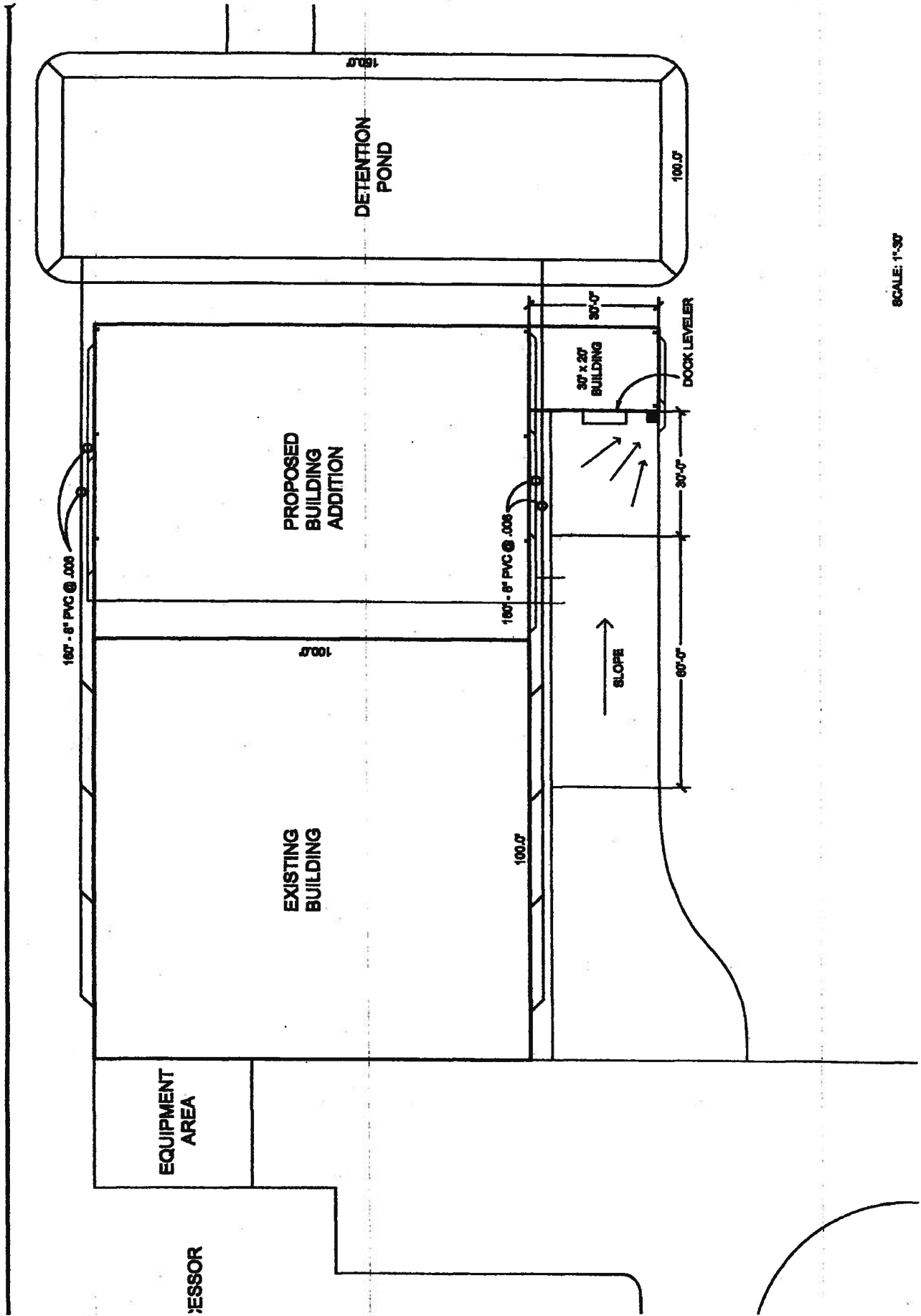
If there is anything else we need to do or information you need to complete this application, please do not hesitate to contact me. We appreciate your assistance in processing this application and hope to have a positive response from you as soon as possible.

Sincerely,



D. Greg Stroud, President

Exhibit "A"



SCALE: 1"=30'

Exhibit "A"

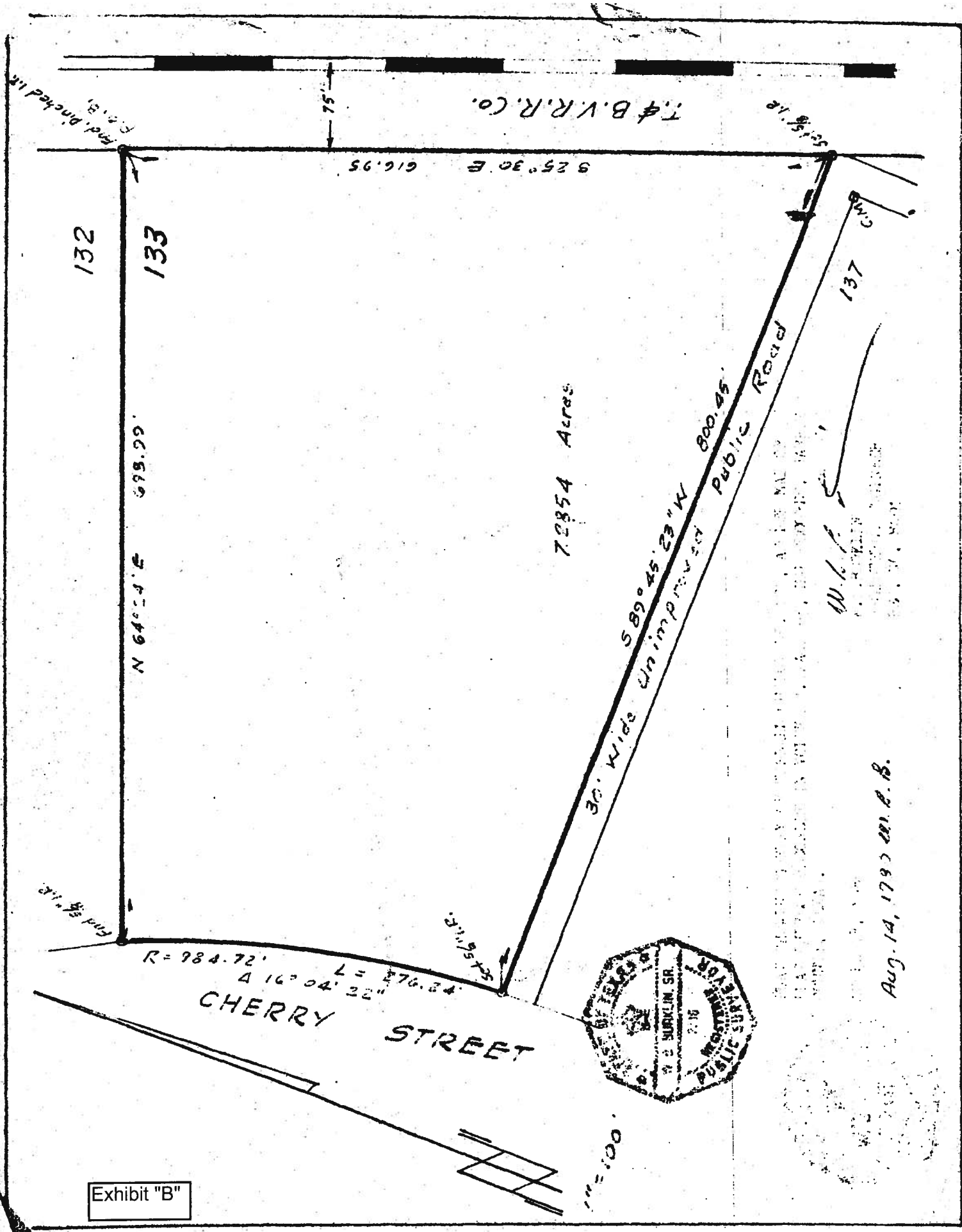


Exhibit "B"

FIELD NOTES

Being the remaining 7.2854 acres out of Tomball Outlot No. 133, as per map or plat thereof recorded in Volume 2, Page 65, Map Records, Harris County, Texas; said 7.2854 acres being more particularly described as follows:

BEGINNING at a pinched iron pipe marking the Northeasterly corner of said Outlot No. 133 and the Southeasterly corner of Outlot No. 132 and in the Westerly Right of Way line of the T. & B.V.R.R.;

THENCE South 25 degrees 30 minutes East 616.95 feet along the Westerly Right of line of said T. & B.V.R.R. to 5/8 inch iron rod for corner;

THENCE North 89 degrees 45 minutes 23 seconds West 800.45 feet along the North line of a 30 foot wide unimproved roadway to 5/8 inch iron rod in a curv in the Easterly Right of Way line of Cherry Street;

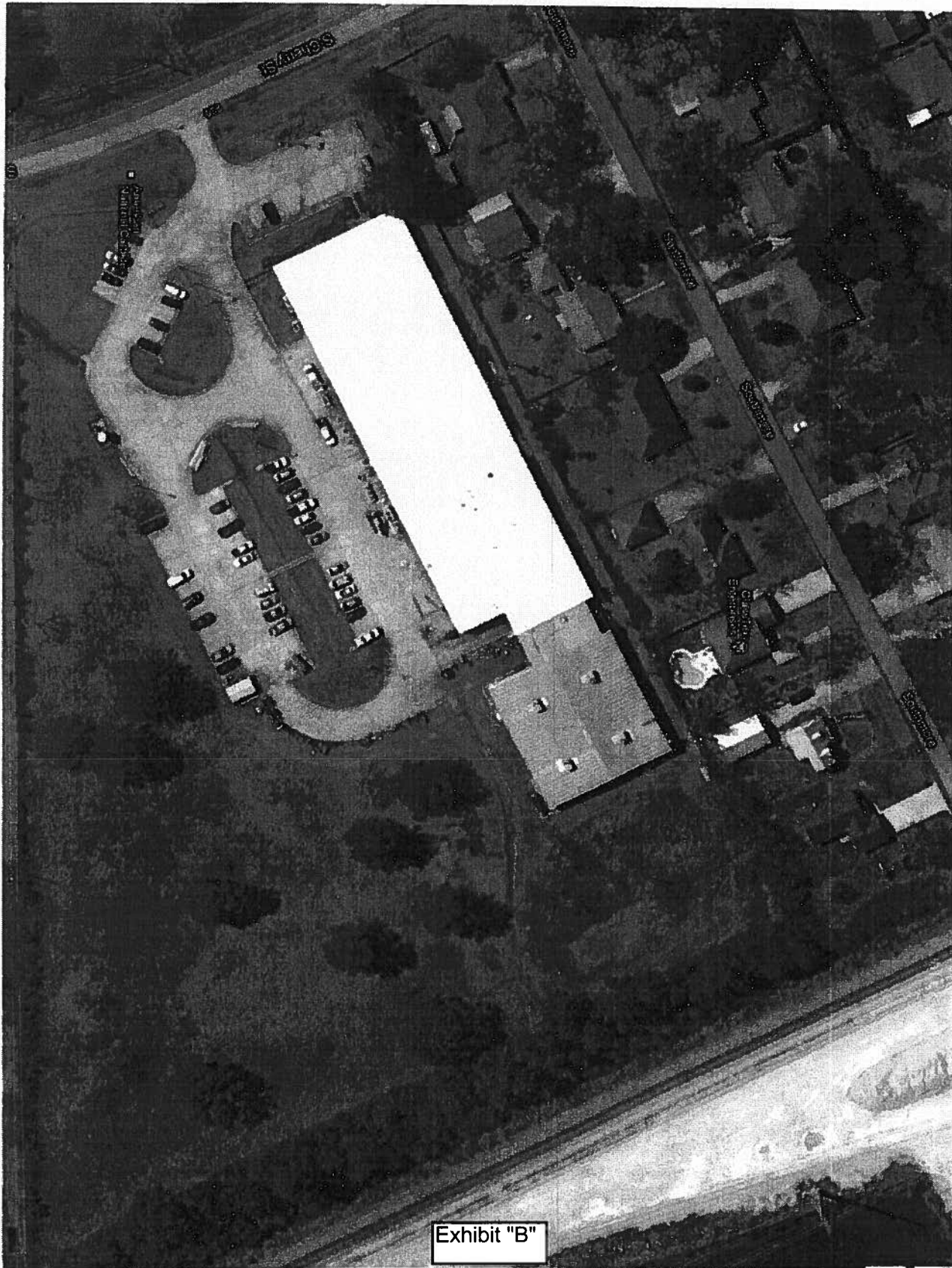
THENCE Northerly 276.24 feet along said curv to the left to 5/8 inch iron rod for corner, radius of curve 984.72 feet, central angle 16 degrees 04 minutes 22 seconds and being in the Northwesterly line of said Outlot No. 133 and the Southeasterly line of said Outlot No. 132;

THENCE North 64 degrees 24 minutes East 698.99 feet to PLACE OF BEGINNING and containing 7.2854 acres of land.



W. B. Burklin
W. B. Burklin
Registered Public Surveyor
Texas Registration No. 2716

Exhibit "B"



ORDINANCE NO. 2012-08

**AN ORDINANCE CREATING CITY OF TOMBALL, TEXAS,
TAX ABATEMENT REINVESTMENT ZONE NO. 3; AN
APPROXIMATELY 7.2854-ACRE TRACT OF LAND,
LOCATED AT 915 CHERRY STREET WITHIN THE CITY
OF TOMBALL, HARRIS COUNTY, TEXAS; MAKING
CERTAIN FINDINGS; REPEALING ORDINANCES
INCONSISTENT OR IN CONFLICT HEREWITH; AND
PROVIDING FOR SEVERABILITY.**

* * * * *

WHEREAS, on April 16, 2012, 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 Reinvestment Zone No. 3; 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 Reinvestment Zone No. 3 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 Reinvestment Zone No. 3 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 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. Reinvestment Zone No. 3 is hereby created for the purpose of encouraging economic development through tax abatement. A metes and bounds description of the property that comprises said Reinvestment Zone No. 3 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 Reinvestment Zone No. 3 as created hereby shall be eligible for commercial-industrial tax abatement.

Section 3. This designation shall be effective for a period of ten (10) 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

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:

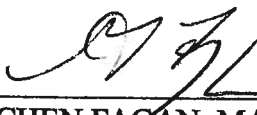
READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 7TH DAY OF MAY 2012.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN BROWN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DODSON	<u>AYE</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 21ST DAY OF MAY 2012.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN BROWN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DODSON	<u>AYE</u>

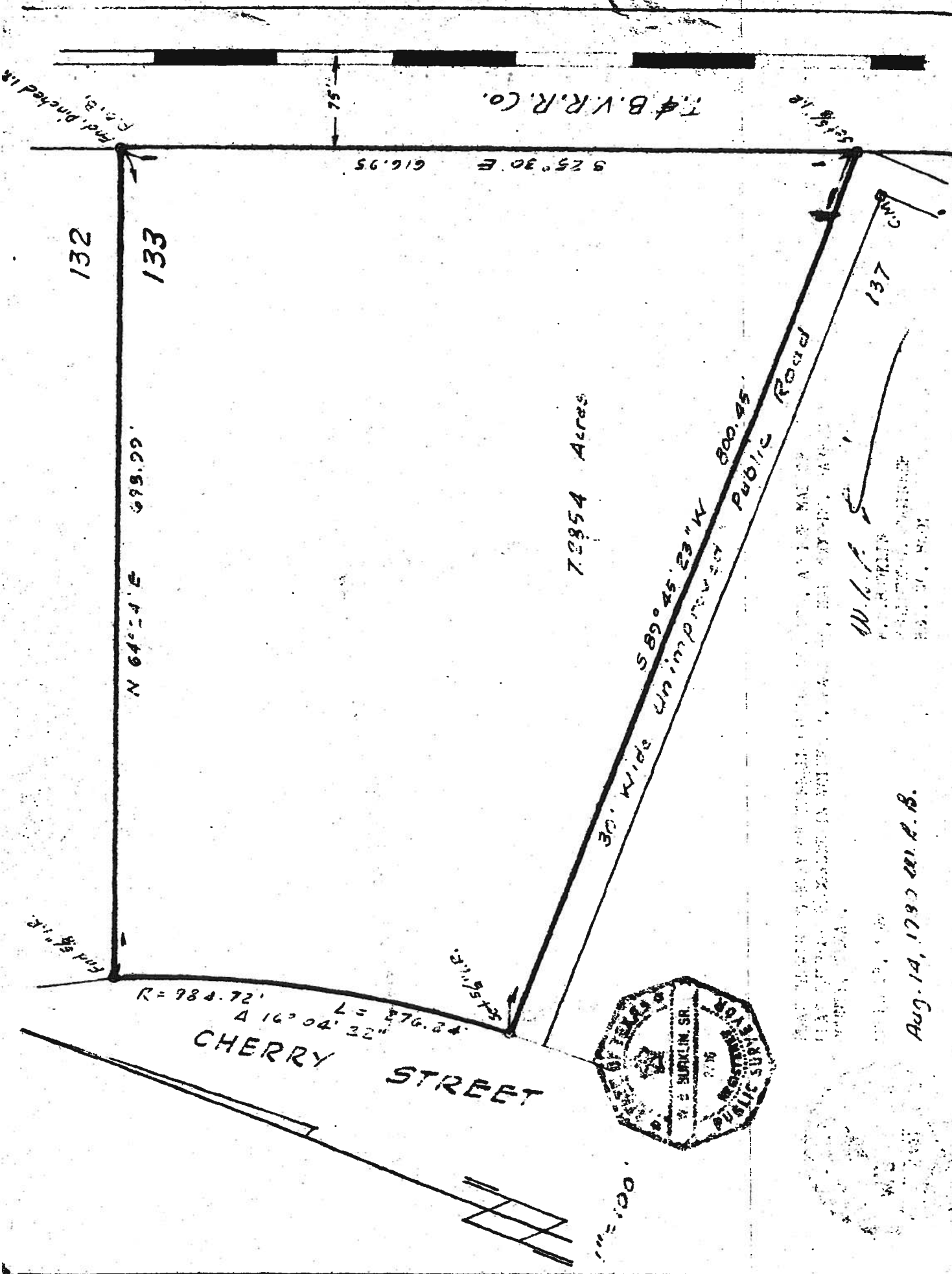


GRETCHEN FAGAN, MAYOR
City of Tomball

ATTEST:



DORIS SPEER, City Secretary
City of Tomball



W. L. S.
 A. H. HARRIS
 AUGUST 14, 1930

Aug. 14, 1930 W. L. S.

FIELD NOTES

Being the remaining 7.2854 acres out of Tomball Outlot No. 133, as per map or plat thereof recorded in Volume 2, Page 65, Map Records, Harris County, Texas; said 7.2854 acres being more particularly described as follows:

BEGINNING at a pinched iron pipe marking the Northeasterly corner of said Outlot No. 133 and the Southeasterly corner of Outlot No. 132 and in the Westerly Right of Way line of the T. & B.V.R.R.;

THENCE South 25 degrees 30 minutes East 616.95 feet along the Westerly Right of line of said T. & B.V.R.R. to 5/8 inch iron rod for corner;

THENCE North 89 degrees 45 minutes 23 seconds West 800.45 feet along the North line of a 30 foot wide unimproved roadway to 5/8 inch iron rod in a curv in the Easterly Right of Way line of Cherry Street;

THENCE Northerly 276.24 feet along said curv to the left to 5/8 inch iron rod for corner, radius of curve 984.72 feet, central angle 16 degrees 04 minutes 22 seconds and being in the Northwesternly line of said Outlot No. 133 and the Southeasterly line of said Outlot No. 132;

THENCE North 64 degrees 24 minutes East 698.99 feet to PLACE OF BEGINNING and containing 7.2854 acres of land.



W. B. Burklin
W. B. Burklin
Registered Public Surveyor
Texas Registration No. 2716

Regular City Council

Agenda Item

Meeting Date: July 7, 2014

Data Sheet

Topic:

Discussion and Possible Action regarding the Tax Abatement for Tax Year 2014 under the Existing Agreement between the City of Tomball and Baker Hughes Oilfield Operations, Inc.

Background:

This item relates to the Tax Abatement Agreement between the City of Tomball and Baker Hughes. Harris County Appraisal District has notified the City that Baker Hughes has not met the requirements as set forth in the tax abatement agreement and that HCAD has denied Baker Hughes the tax abatement for Tax Year 2014.

Baker Hughes has completed the construction of the education center and training wells; the grand opening was held on May 15, 2014; however, the 2014 taxable value provided by Harris County Appraisal District is less than the investment contained in the agreement. Attached is a letter from George Bernhardt, Baker Hughes Incorporated, requesting the City of Tomball to waive the tax abatement for 2014.

This item is presented to Council with the recommendation to deny the tax abatement for 2014, so that Harris County Appraisal District (HCAD) can complete and issue the 2014 value notice to Baker Hughes.

Origination:

Finance

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:

Letter from Baker Hughes regarding 2014 Tax Abatement
Tax Abatement Agreement



Baker Hughes Incorporated

George P. Bernhardt
Managing Counsel – Global Real Estate

July 1, 2014

VIA E-MAIL

George Shackelford
City Manager
City of Tomball, Texas
401 Market Street
Tomball, TX 77375

Re: Tax Abatement 2014 - Baker Hughes Western Hemisphere Education
Center, Tomball, Texas

Dear George:

As you are aware, the City of Tomball granted Baker Hughes Oilfield Operations, Inc. a ten-year property tax abatement starting on completion of our facility pursuant to that certain Tax Abatement Agreement between the City of Tomball, Texas, and Baker Hughes Oilfield Operations, Inc. dated January 9, 2012 (the "Abatement Agreement"). The abatement was scheduled to commence on January 1, 2014. As you know, our facility was not completed until a few months after January 1, 2014, and as a result our 2014 taxable value is quite a bit less than the \$48,600,000 investment discussed in the Abatement Agreement. As a result, our 2014 taxes at the appraised value would actually be lower without the abatement, than if we were taxed at the \$48,600,000 value by the other taxing districts that are not a party to the Abatement Agreement. Accordingly, we would like the City of Tomball to waive our abatement for 2014, but continue the Abatement Agreement in effect for future years.

If you have any further concerns, please contact me at (713) 439-8061.

Baker Hughes Incorporated
2929 Allen Parkway, Suite 2100, Houston, Texas 77019
Telephone 713/439-8061; Facsimile 713/439-8558
Internet: george.bernhardt@bakerhughes.com

George Shackelford
July 1, 2014
Page 2

Very truly yours,



George P. Bernhardt
Managing Counsel – Global Real Estate

cc: Ralph Crabtree
Jeff Glasspool
Shawn Carter

GPB/hgv



Baker Hughes Incorporated

2929 Allen Parkway
Suite 2100
Houston, TX 77019-2182
Direct: 713-439-8600
Fax: 713-439-8699
www.bakerhughes.com

Ellen S. Roth
Real Estate Paralegal
Direct 713-439-8781
Fax 713-439-8558
Ellen.Roth@bakerhughes.com

January 18, 2013

VIA PREPAID U.S. MAIL

Doris Speer
City Secretary
City of Tomball
401 Market Street
Tomball, Texas 77375-4697

Re: Property located at FM 2920 at Huffsmith-Kohrville Road, Tomball, Texas

Dear Ms. Speer:

Enclosed is one (1) fully-executed original of a Tax Abatement Agreement between the City of Tomball and Baker Hughes Oilfield Operations, Inc., in connection with construction of a new training facility at the above-reference location.

If you have any further questions or concerns, please call Real Estate Counsel, George Bernhardt at (713) 439-8061 or me at (713) 439-8781.

Sincerely,

Ellen S. Roth
Sr. Real Estate Paralegal

Enclosure (1)

cc: Tamara McKinzie via email

**TAX ABATEMENT AGREEMENT
BETWEEN THE
CITY OF TOMBALL, TEXAS
AND
BAKER HUGHES OILFIELD OPERATIONS, INC.**

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

THIS TAX ABATEMENT AGREEMENT ("Agreement") is made and entered into by and between the **CITY OF TOMBALL, TEXAS**, a home rule city situated in Harris County, Texas ("City"), and **BAKER HUGHES OILFIELD OPERATIONS, INC.** ("Baker Hughes"), the owner of a tract of land with improvements, and the improvements to be constructed thereon, within Reinvestment Zone No. 4 (hereinafter defined).

WHEREAS, Baker Hughes is the owner of a 96.942-acre tract of land located in Harris County, Texas (the "Property"), as defined in Section 2 of this Agreement; and

WHEREAS, Baker Hughes desires to construct a new facility (the "Improvements" as defined in Section 2 of this Agreement) on the Property; and

WHEREAS, the City and Baker Hughes wish to enter into a tax abatement agreement, which will provide for a ten (10) year tax abatement period that will commence on January 1, 2014;

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, Baker Hughes and the City hereby agree as follows:

1. **Authorization**. This Agreement is authorized by the Property Redevelopment and Tax Abatement Act, Chapter 312, TEXAS TAX CODE, as amended, and the Tax Abatement Policy adopted by the City of Tomball, Texas, adopted by the City Council of the City on April 16, 2012. The City Council has determined that the terms of the Agreement and the property subject to this Agreement meet the provisions of the Tax Abatement Policy adopted by the City.

2. **Defined Terms**. As used in this Agreement, the following terms shall have the meanings set forth below:

"Baker Hughes" shall mean Baker Hughes Oilfield Operations, Inc., the entity that owns the Property on the date taxes are abated under this Agreement or any other person or entity to which this Agreement is assigned, in accordance with this Agreement.

"Certified Appraised Value" shall mean the appraised value of the Property and existing improvements as certified by the Harris County Appraisal District.

"City" shall mean the City of Tomball, Texas.

"City Council" shall mean the governing body of the City.

"Improvements" shall mean the buildings and structures (or portions thereof) and other improvements, including fixed machinery, equipment and process units, used for commercial or industrial purposes, which are erected or expanded by Baker Hughes on the Property as contemplated by Section 6 herein, and generally identified and described in Exhibit "A" attached hereto and incorporated herein for all purposes.

"Property" shall mean the 24.465 acre tract of land described in Exhibit "B" attached hereto and incorporated herein for all purposes, and all Improvements and Tangible Personal Property currently located thereon, which tract of land is located within Reinvestment Zone No. 4 of the City.

"Reinvestment Zone No. 4" shall mean that certain area qualifying for tax abatement pursuant to the Tax Abatement Policy adopted by the City of Tomball, Texas, and City of Tomball Ordinance No. 2012-52, a copy of which is attached hereto as Exhibit "C" and incorporated herein for all purposes.

"Tangible Personal Property" shall mean tangible personal property classified as such under state law, but excluding tangible personal property that was located on the Property at any time prior to the date of execution of this Agreement, and also excluding tangible personal property taxable by the City while owned by Baker Hughes any time prior to the date of execution of this Agreement, and excluding inventory and supplies.

3. **Administration of Agreement.** This Agreement shall be administered by the City Manager or designee of the City.

4. **Term.** This Agreement shall be effective as of the date of execution hereof and shall continue through December 31, 2023, unless terminated earlier, as provided elsewhere herein; provided, however, that the ten-year abatement period herein provided for shall not commence until January 1, 2014. For purposes of clarification, the abatement shall apply to taxes for the 2014 – 2023 tax years.

5. **Tax Abatement.** Subject to limitations imposed by law and conditioned on the representations outlined in Section 6 hereinbelow, there shall be granted and allowed hereunder to Baker Hughes a property tax abatement equal to one-hundred percent (100%) of the taxable value on the Improvements constructed or expanded hereunder on the Property and the Tangible Personal Property located on the Property subsequent to the date hereof; provided, however, if the Certified Appraised Value of the Property is less than the Certified Appraised Value as of January 1, 2013, for any year during the term of this Agreement, such abatement shall not apply to the Improvements and Tangible Personal Property to the extent of the difference between the Certified Appraised Value of the Property for such year and the Certified Appraised Value of the Property as of January 1, 2013. The property tax abatement granted and allowed hereunder shall extend only to all real and personal property ad valorem taxes assessable on the Improvements,

as constructed or expanded, and Tangible Personal Property; the Certified Appraised Value of the real property shall be fully taxable.

Baker Hughes represents and warrants that it will have invested at least Forty-Eight Million, Six-Hundred Thousand Dollars (\$48,600,000.00) on the Improvements by January 1 on the year following the completion of construction of the Improvements. Additionally, Baker Hughes represents and warrants that it will maintain a minimum of Fifteen Million Dollars (\$15,000,000) in equipment beginning no later than January 1, 2014 and continuing for the term of this Agreement.

6. **Representations.**

(a) Baker Hughes represents that (1) it has or will have an increased taxable interest with respect to Improvements and Tangible Personal Property placed on the Property; (2) the Improvements and Tangible Personal Property to be constructed and/or placed on the Property pursuant to the Agreement shall be as set forth and described in Baker Hughes's letter dated August 8, 2012, attached hereto as Exhibit "A", and incorporated herein for all purposes; (3) all Improvements placed on the Property will be completed in a workmanlike manner and will be completed in accordance with the City building codes in effect at the time such Improvements are erected; (4) the Improvements will be constructed on or before December 31, 2014, having a Certified Appraised Value of not less than \$48,600,000.00; (5) it will place on the Property, on or before December 31, 2014, Tangible Personal Property having a Certified Appraised Value of not less than \$15,000,000.00, and will maintain on the Property said Tangible Personal Property or similar Tangible Personal Property of equal or greater value through December 31, 2023; (6) it shall maintain on the Property an increased employment level of not less than 45 full-time employees related to the operations on the Property beginning on or before December 31, 2014, and continuing during the remainder of the term of this Agreement; (7) it has, as of the effective date of this Agreement, the financial resources to implement the above respective representations; and (8) it will comply with all applicable laws, rules, regulations, and provisions of the Code of Ordinances of the City.

(b) The City represents that (1) Reinvestment Zone No. 4 has been created in accordance with Chapter 312 of the TEXAS TAX CODE and the Guidelines and Criteria for Granting Tax Abatement in Reinvestment and Enterprise Zones created in the City of Tomball, Texas, as both exist on the effective date of this Agreement; (2) the Property is within such Zone; and (3) the Property is located within the corporate limits of the City.

(c) Baker Hughes and the City represent that no member of the City Council or Planning Commission owns or leases the Property, Improvements, or Tangible Personal Property.

7. **Administrative.**

(a) Access to and Inspection of Property by Municipal Employees. Baker Hughes shall allow the City's employees and/or designated representatives of the City access to the Improvements for the purpose of inspecting any Improvements erected to ensure that such Improvements are completed and maintained in accordance with the terms of this Agreement and

to ensure that all terms and conditions of this Agreement are being met. All such inspections shall be made only after giving Baker Hughes twenty-four (24) hours advance notice and shall be conducted in such a manner as to not unreasonably interfere with the construction and/or operation of the Improvements. All such inspections shall be made with one (1) or more representatives of Baker Hughes and in accordance with all applicable safety standards. Upon completion of construction, the designated representative of the City shall evaluate annually each facility receiving abatement to ensure compliance with the Agreement, and a formal report shall be made to the City Council.

(b) On January 1st of each year that this Agreement is in effect, Baker Hughes shall certify to the City, and to the governing body of each taxing unit, that Baker Hughes is in compliance with each applicable term of this Agreement.

(c) The Chief Appraiser of the Harris County Appraisal District shall determine annually (i) the Certified Appraised Value of the Property, Improvements, and Tangible Personal Property and (ii) the taxable value, pursuant to the terms of abatement under this Agreement, of the Property, Improvements, and Tangible Personal Property. The Chief Appraiser shall record both the abated taxable value and the Certified Appraised Value in the appraisal records. The Certified Appraised Value listed in the appraisal records shall be used to compute the amount of abated taxes that are required to be recaptured and paid in the event this Agreement is terminated in a manner that results in recapture. During the term of this Agreement, each year, Baker Hughes shall furnish the Chief Appraiser with such information outlined in Chapter 22, TEXAS TAX CODE, as may be necessary for the administration of the abatement specified herein.

8. Default.

(a) The City may declare a default hereunder if Baker Hughes (1) fails, refuses, or neglects to comply with any of the terms, conditions, or representations of this Agreement and fails to cure during the cure period; or (2) allows ad valorem taxes owed to the City to become delinquent and fails either to cure during the cure period or to timely and properly follow the legal procedures for their protest or contest.

(b) If the City declares a default of this Agreement, this Agreement shall terminate (after notice and opportunity to cure as provided for herein), and the City, in such event, shall be entitled to recapture any and all property taxes which have been abated as a result of this Agreement. The City shall notify Baker Hughes of any default in writing in the manner prescribed herein. The notice shall specify the basis for the declaration of default, and Baker Hughes shall have sixty (60) days from the date of such notice to cure any default; provided, however, where fulfillment of any obligation requires more than sixty (60) days, performance shall be commenced within sixty (60) days after the receipt of notice, and such performance shall be diligently continued until the default is cured. If the default cannot be cured, or if Baker Hughes fails to cure within the period herein specified, Baker Hughes shall be liable for and will pay to the City within sixty (60) days following the termination of this Agreement (1) the amount of all property taxes abated under this Agreement, (2) interest on the abated amount at the rate

provided for in the Texas Tax Code for delinquent taxes, and (3) penalties on the amount abated in the year of default at the rate provided for in the Texas Tax Code for delinquent taxes.

(c) Notwithstanding any other provision contained herein to the contrary, in the event of termination of this Agreement due to the default of Baker Hughes, Baker Hughes' obligation to pay the City any property taxes that have been abated on Improvements and Tangible Personal Property, plus applicable penalty and interest thereon as herein provided, shall not terminate until the abated taxes, plus penalty and interest, are paid.

9. **Changes in Tax Laws.** The tax abatement provided in this Agreement is conditioned upon and subject to any changes in the state tax laws during the term of this Agreement.

10. **Compliance with State and Local Regulations.** Nothing in this Agreement shall be construed to alter or affect the obligations of Baker Hughes to comply with any ordinance, rule, or regulation of the City or laws of the State of Texas.

11. **Assignment of Agreement.** This Agreement may not be assigned by Baker Hughes without the approval of the City by resolution of the City Council. The approval of any assignment shall be subject to the financial capacity of the assignee and will require that all conditions and obligations in this Agreement shall be assumed by the assignee. No assignment shall be approved if (a) the City has declared a default hereunder that has not been cured, or (b) the assignee is delinquent in the payment of ad valorem taxes owed to the City. Approval by the City shall not be unreasonably withheld.

12. **Conditions Precedent.** This Agreement is conditioned entirely upon (a) the approval of the City Council by the affirmative vote of a majority of the members present at a regularly scheduled meeting of the City Council; (b) the construction of the Improvements and the location of the Tangible Personal Property on the Property on or before December 31, 2014. The abatement granted herein shall not be effective until the tax year commencing January 1, 2014.

13. **Notice.** All notices shall be in writing. If mailed, any notice or communication shall be deemed to be received three (3) days after the date of deposit in the United States mail, first-class, postage prepaid. Unless otherwise provided in this Agreement, all notices shall be delivered to the following addresses:

To Baker Hughes:

Baker Hughes
2929 Allen Parkway, Suite 2100
Houston, Texas 77019
Attn: Managing Counsel – Global Real Estate

To City:

City of Tomball
401 Market Street
Tomball, Texas 77375
Attn: City Manager

Either party may designate a different address by giving the other party at least ten (10) days written notice in the manner prescribed above.

14. **Entire Agreement.** This Agreement and the Exhibits attached hereto contain the entire tax abatement agreement between the parties and supersedes all other negotiations and agreements between Baker Hughes and the City relating to the grant of tax abatement for the Improvements and Tangible Personal Property located on the Property, whether written or oral. In the event that there is a conflict between any of the Exhibits to this Agreement and this Agreement, the provisions of this Agreement shall control over the provisions in the Exhibits.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties as of the 9th day of Jan., 2012.

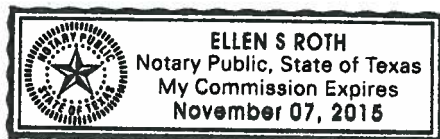
BAKER HUGHES OILFIELD OPERATIONS, INC.

By: 
Name: Alan S. Keifer
Title: VICE PRESIDENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 9th day of JANUARY 2012 by ALAN S. KEIFER, for and on behalf of Baker Hughes Oilfield Operations, Inc..

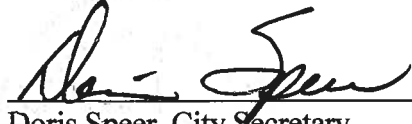
(SEAL)

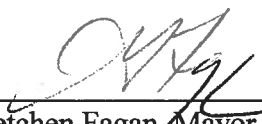



Notary Public in and for the State of Texas

CITY OF TOMBALL, TEXAS

ATTEST:


Doris Speer, City Secretary


Gretchen Fagan, Mayor

THE STATE OF TEXAS

§

COUNTY OF HARRIS

§

§

This instrument was acknowledged before me on this 21 day of December 2012, by Gretchen Fagan, Mayor of the City of Tomball, Texas, for and on behalf of the City.

(SEAL)



Betsy B. Gates
Notary Public in and for the State of Texas

EXHIBIT "A"

Baker Hughes – Western Hemisphere Education Center Preliminary Estimate - Three Story - Split Building

EDUCATION CENTER BUILDING: 2 to 3 stories

Ground Floor	28,350	sf
Second Floor	17,910	sf
Third Floor	26,190	sf
Total Education Center	72,450	sf

ADDITIONAL BUILDINGS

Workshop (1 story)	36,000	sf
Canteen/Classroom/Lab (1 story)	16,730	sf
Total Additional Education Center buildings	52,730	sf

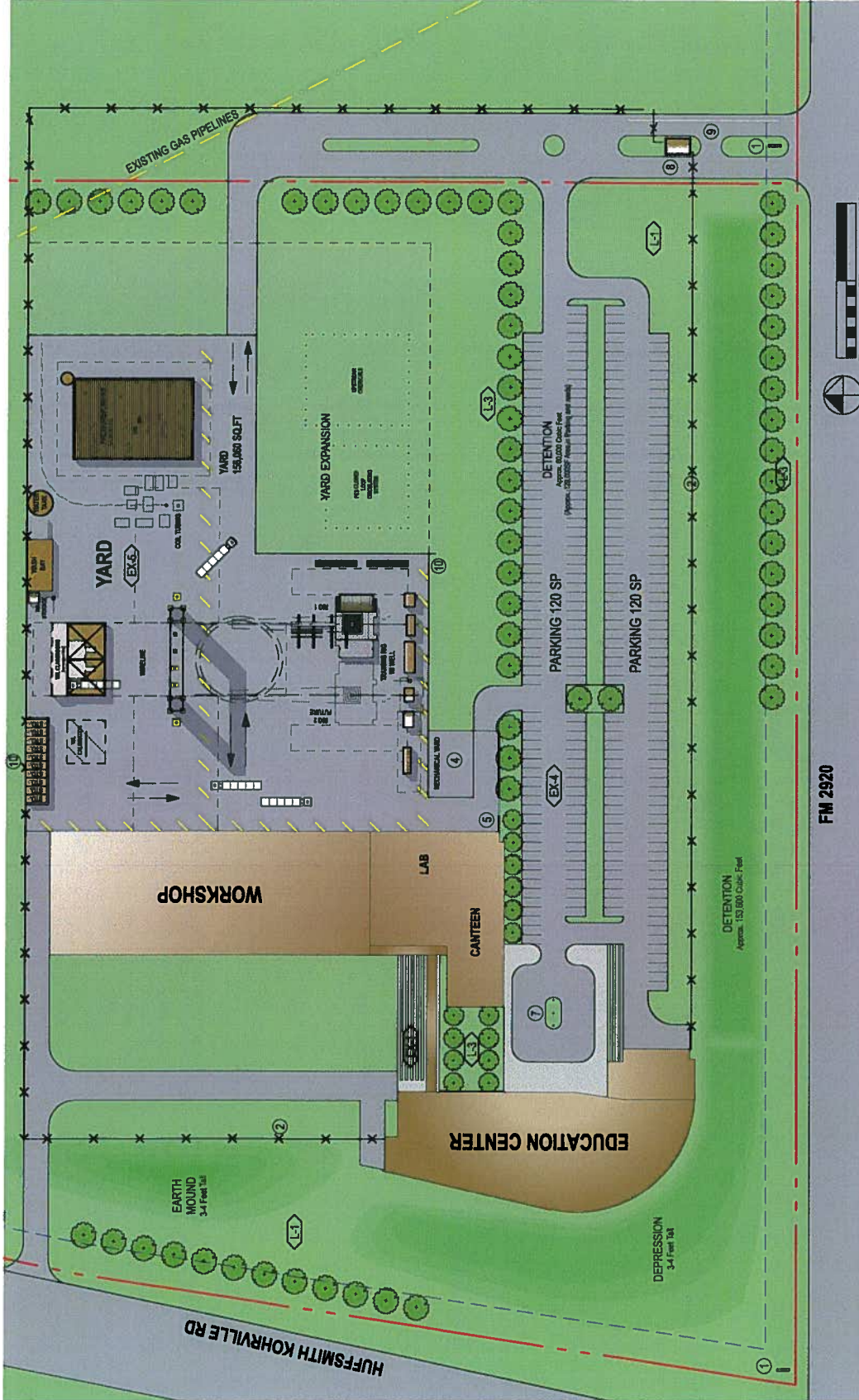
Exterior specialty Walks and Flatwork	17,880	sf
Yard Paving	156,060	sf
Passenger Parking - Front Only	131,060	sf
Total Paving	305,000	sf



2777 Allen Parkway, Suite 460
Houston, Texas 77019
713.487.3400 ph
713.354.3077 fx



Western Hemisphere
Education Center



WHEC Site 1:100
8/6/12
12049

SITE PLAN LEGEND

- LANDSCAPE LEVEL 1
- LANDSCAPE LEVEL 2
- LANDSCAPE LEVEL 3 - TREES
- HARDSCAPE AREA 1
- ATHLETIC COURT
- CONCRETE WALK
- REINFORCED CONCRETE PARKING AREA & DRIVE
- HEAVY DUTY REINFORCED CONCRETE YARD PAVING

SITE PLAN NOTES

1. BHI STANDARD BUILDING SIGNAGE
2. SECURITY FENCING - 50% PTD MTL, 50% CHAIN LINK
3. LOADING / DELIVERY DOCK
4. MECH / ELEC YARD
5. LABORATORY DELIVERIES, BOTTLE STORAGE, AND WASTE TREATMENT
7. SS FLAGPOLES, 40 FT, 3 @ EACH LOCATION
8. GUARD HOUSE - SIMILAR TO BJ SERVICES
9. 2 LANE ENTRY
10. YARD SAFETY FENCING - 50% PTD MTL, 50% CHAIN LINK

PAVING

YARD	150,435 SF
EDUCATION PARKING + ROAD	155,644 SF
EDUCATION WALKS + FLATWORK	16,140 SF
TOTAL:	320,219 SF
EXPANSION	
CLASSROOMS 1 (+16)	21,000 SF
CLASSROOMS 2 (+16)	26,300 SF
APPLIED CLASSROOMS 1 & 2 (+12each)	10,800 SF
WORKSHOP (+1 Bays)	6,000 SF
YARD (CONCRETE)	68,231 SF

PROGRAM AREAS

EDUCATION CENTER	80,762 SF
WORKSHOP	26,907 SF
WORKSHOP CLASSROOMS	9,093 SF
CANTEN + AUDITORIUMS	10,286 SF
TOTAL:	126,728 SF
BUILDING AREAS	
3-STORY CLASSROOM BUILDING	72,445 SF
1-STORY (NEXT TO WORKSHOP)	18,283 SF
TILT-WALL WORKSHOP	36,000 SF
TOTAL:	126,728 SF

EXHIBIT "B"

**JESSE PRUITT SURVEY, ABSTRACT No. 629
HARRIS COUNTY, TEXAS**

PROPERTY DESCRIPTION

Being a 24.465 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 24.465 acre tract of land being a portion of Lots 459, 460, 461, 462, 463, 464, 465, & 466 and the portion of the 30' wide unnamed roadway (0.610 acre) located on the south side of said Lots 459, 460 and 461 and located on the north side of said Lots 463, 464, 465 and 466, all in Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas, said 24.465 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a Texas Department of Transportation (TxDOT) concrete monument found at the intersection of the east right-of-way line of F. M. Highway No. 2978, a/k/a Huffsmith - Kohrville Road (a variable width right-of-way) with the north right-of-way line of F. M. Highway No. 2920 (a 120 foot wide right-of-way), for the beginning of a non-tangent curve to the right, having a radius of 5669.65 feet, a central angle of 07 degrees 05 minutes 30 seconds, and whose chord bears North 06 degrees 03 minutes 35 seconds East, a distance of 701.29 feet;

THENCE, with said curve to the right, and with the east right-of-way line of F. M. Highway No. 2978, passing at an arc length of 568.08 feet, a TxDOT concrete monument with brass disk found, continuing with said curve to the right, and with the east right-of-way line of F. M. Highway No. 2978, in all, an arc length of 701.74 feet to a 5/8 inch iron rod with cap stamped "TERRA" found for the end of the curve;

THENCE North 09 degrees 36 minutes 44 seconds East, continuing with the east right-of-way line of F.M. Highway No. 2978, at a distance of 59.49 feet to a 5/8 inch iron rod with cap stamped "TERRA" found in the north line of said Lot 463 and being in the south line of a 30 foot wide unnamed road as shown on said Tomball Townsite, continuing with said east right-of-way line of F. M. Highway No. 2978, at a distance of 90.18 feet passing a 5/8 inch iron rod with cap stamped "TERRA" being in the south line of Lot 459 and being in the north line of said 30 foot wide unnamed road as shown on said Tomball Townsite, continuing with said east right-of-way line of F. M. Highway No. 2978, in all a distance of 283.75 feet to a point for corner;

THENCE North 87 degrees 22 minutes 55 seconds East, a distance of 1,001.86 feet to point for corner;

THENCE South 02 degrees 31 minutes 00 seconds East, a distance of 972.54 feet to a point for corner in the north right-of-way line of F. M. Highway No. 2920;

THENCE South 87 degrees 22 minutes 55 seconds West, with the north right-of-way line of F. M. Highway No. 2920; a distance of 1166.48 feet to the **POINT OF BEGINNING**, and containing 24.465 acres of land, more or less;

EXHIBIT "C"

ORDINANCE NO. 2012-52

AN ORDINANCE CREATING CITY OF TOMBALL, TEXAS, REINVESTMENT ZONE NO. 4; AN APPROXIMATELY 96.942 ACRE TRACT OF LAND, LOCATED GENERALLY AT THE NORTHEAST CORNER OF THE INTERSECTION OF FM 2920 AND FM 2978, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; MAKING CERTAIN FINDINGS; REPEALING ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, on April 16, 2012, 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 Reinvestment Zone No. 4; 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 Reinvestment Zone No. 4 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 Reinvestment Zone No. 4 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 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. Reinvestment Zone No. 4 is hereby created for the purpose of encouraging economic development through tax abatement. A metes and bounds description of the property that comprises said Reinvestment Zone No. 4 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 Reinvestment Zone No. 4 as created hereby shall be eligible for commercial-industrial tax abatement.

Section 3. This designation shall be effective for a period of ten (10) 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 Tomball, Texas, declares that it would have passed each and every part of the same

EXHIBIT "A"

PROPERTY DESCRIPTION

Being a 96.942 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 96.942 acre tract of land being all of that 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas, said 96.942 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 96.942 acre tract of land being all of that 23.5935 acre tract of land (by deed) deeded to Cypressbook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas, said 96.942 acre tract of land being the remainder of a 23.6963 acre tract of land (by deed) deeded to ABCO Land Corporation as recorded in Document No. 200265255 of the Official Public Records of Real Property of Harris County, Texas, said 96.942 acre tract of land also being all of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 463, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466 and the portion of the 30' wide unnamed roadway (0.610acre) located on the south side of said Lots 459, 460 and 461 and located on the north side of said Lots 463, 464, 465 and 466, all in Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas, said 96.942 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a Texas Department of Transportation (TxDOT) concrete monument found for the southwest corner of said 3.1378 acre tract of land and at the intersection of the east right-of-way line of F. M. Highway No. 2978, a/k/a Huffsmith – Kohrville Road (a variable width right-of-way) with the north right-of-way line of F. M. Highway No. 2920 (a 120 foot wide right-of-way), for the beginning of a non-tangent curve to the right, having a radius of 5669.65 feet, a central angle of 07 degrees 05 minutes 30 seconds, and whose chord bears North 06 degrees 03 minutes 35 seconds East, a distance of 701.29 feet;

THENCE, with said curve to the right, with the west line of said 3.1378 acre tract of land, and with the east right-of-way line of F. M. Highway No. 2978, passing at an arc length of 568.08 feet, a TxDOT concrete monument with brass disk found, continuing with said curve to the right, with the west line of said 3.1378 acre tract of land, and with the east right-of-way line of F. M. Highway No. 2978, in all, an arc length of 701.74 feet to a 5/8 inch iron rod with cap stamped "TERRA" found for the end of the curve;

THENCE North 09 degrees 36 minutes 44 seconds East, continuing with the west line of said 3.1378 acre tract of land and with the east right-of-way line of F. M. Highway No. 2978, at a distance of 59.49 feet to a 5/8 inch iron rod with cap stamped "TERRA" found for the northwest corner of said 3.1378 acre tract of land, said 5/8 inch iron rod with cap stamped "TERRA" also being in the north line of said Lot 463 and being in the south line of a 30 foot wide unnamed road as shown on said Tomball Townsite, continuing with said east right-of-way line of F. M. Highway No. 2978, at a distance of 90.18 feet passing a 5/8 inch iron rod with cap stamped "TERRA" being in the south line of Lot 459 and being in the north line of said 30 foot wide unnamed road as shown on said Tomball

Townsite, continuing with said east right-of-way line of F. M. Highway No. 2978 and with the west line of said 49.547 acre tract of land, in all a distance of 1328.43 feet to a broken Texas Department of Transportation (TxDOT) concrete monument found for the beginning of a curve to the left, having a radius of 3879.77 feet, a central angle of 06 degrees 48 minutes 43 seconds, and whose chord bears North 06 degrees 12 minutes 23 seconds East, a distance of 461.00 feet;

THENCE, continuing with the east right-of-way line of F. M. Highway No. 2978, with the west line of said 49.547 acre tract of land, and with said curve to the left, an arc length of 461.27 feet to a TxDOT concrete monument with brass disk found in the south right-of-way line of Dement Lane (a 30 foot wide right-of-way), said TxDOT concrete monument with brass disk also being the northwest corner of said 49.547 acre tract of land and being in the north line of said Lot 447;

THENCE North 87 degrees 01 minute 05 seconds East, with the south right-of-way line of Dement Lane, with the north line of said 49.547 acre tract of land, with the north line of said Lot 447, with the north line of said Lot 448, and with the north line of said Lot 449, a distance of 722.72 feet to a 5/8 inch iron rod with cap stamped "TERRA" found for the northeast corner of said 49.547 acre tract of land and for the northeast corner of said Lot 449, said 5/8 inch iron rod with cap stamped "TERRA" also being the northwest corner of Lot 450, of said Tomball Townsite;

THENCE South 02 degrees 12 minutes 58 seconds East, with an easterly line of said 49.547 acre tract of land, with the east line of said Lot 449, and with the west line of said Lot 450, a distance of 849.59 feet to a 5/8 inch iron rod with cap stamped "TERRA" found for an exterior ell corner of said 49.547 acre tract of land and for the southeast corner of said Lot 449, said 5/8 inch iron rod with cap stamped "TERRA" being the southwest corner of said Lot 450 and being the southwest corner of a 1.681 acre tract of land (by deed) deeded to Jim K. Seber and Kelli A. Seber, as recorded in Document No. 20080008347 of the Official Public Records of Real Property of Harris County, Texas, said 5/8 inch iron rod with cap stamped "TERRA" also being in the north line of said 23.5935 acre tract of land;

THENCE North 87 degrees 15 minutes 43 seconds East, with the north line of said 23.5935 acre tract of land, with the south line of said 1.681 acre tract of land, and with the south line of said Lot 450, passing at a distance of 208.79 feet, a 1/2 inch iron rod found, continuing with the north line of said 23.5935 acre tract of land, with the south line of said 1.681 acre tract of land, with the south line of said Lot 450, with the south line of Lot 451, of said Tomball Townsite, and with the south line of Lot 452, of said Tomball Townsite, passing at a distance of 634.85 feet, a 5/8 inch iron rod with cap stamped "GORRONDONA" set for the northeast corner of said 23.5935 acre tract of land and for the northwest corner of said 23.6963 acre tract of land, continuing with the north line of said 23.6963 acre tract of land, with the south line of said Lot 452, with the south line of Lot 453, of said Tomball Townsite, and with the south line of Lot 454, of said Tomball Townsite, in all, a distance of 1278.93 feet to a 5/8 inch iron rod found for the northeast corner of said 23.6963 acre tract of land and for the northwest corner of a 10.70836 acre tract of land (by deed) deeded to ABCO Land Corporation, as recorded in Clerk's File No. W000422 of the Official Public Records of Real Property of Harris County, Texas, said 5/8 inch iron rod being the common south

corner of said Lot 454 and Lot 455, of said Tomball Townsite, said 5/8 inch iron rod being in the east line of said Jesse Pruitt Survey and also being in the west line of the John S. Smith Survey, Abstract No. 730 in Harris County, Texas;

THENCE South 02 degrees 37 minutes 44 seconds East, with the east line of said 23.6963 acre tract of land, with the west line of said 10.70836 acre tract of land, with the west line of a 1.31 acre tract of land (by deed) deeded to ABCO Land Corporation, as recorded in Clerk's File No. W409549 of the Official Public Records of Real Property of Harris County, Texas, with the east line of said Jesse Pruitt Survey, and with the west line of John S. Smith Survey, a distance of 1110.53 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" set for corner, from which a mag nail found in the north right-of-way line of F. M. Highway No. 2920, for the southeast corner of said 23.6963 acre tract of land and for the southwest corner of said 1.31 acre tract of land, bears, South 02 degrees 37 minutes 44 seconds East, a distance of 499.35 feet;

THENCE South 87 degrees 22 minutes 16 seconds West, a distance of 324.85 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" set for corner;

THENCE South 02 degrees 37 minutes 44 seconds East, a distance of 494.19 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" set for corner in the north right-of-way line of F. M. Highway No. 2920 and in the south line of said 23.6963 acre tract of land;

THENCE South 87 degrees 22 minutes 55 seconds West, with the north right-of-way line of F. M. Highway No. 2920 and with the south line of said 23.6963 acre tract of land, passing at a distance of 318.60 feet, a 1/2 inch iron rod found for the southwest corner of said 23.6963 acre tract of land and for the southeast corner of said 23.5935 acre tract of land, continuing with the north right-of-way line of F. M. Highway No. 2920 and with the south line of said 23.5935 acre tract of land, passing at a distance of 747.82 feet, a 5/8 inch iron rod found, continuing with the north right-of-way line of F. M. Highway No. 2920 and with the south line of said 23.5935 acre tract of land, passing at a distance of 962.53 feet, a 5/8 inch iron rod found for southwest corner of said 23.5935 acre tract of land and for the southeast corner of said 49.547 acre tract of land, continuing with the north right-of-way line of F. M. Highway No. 2920 and with the south line of said 49.547 acre tract of land, passing at a distance of 1896.23 feet, a 1 inch iron pipe found for the most southerly southwest corner of said 49.547 acre tract of land and for the southeast corner of said 3.1378 acre tract of land, continuing with the north right-of-way line of F. M. Highway No. 2920 and with the south line of said 3.1378 acre tract of land, in all, a distance of 2129.07 feet to the **POINT OF BEGINNING**, and containing 96.942 acres of land, more or less;

This property description is accompanied by a separate plat of even date.

All bearings are referenced to the Texas State Plane Coordinate System, Central Zone, NAD83.

All distances and areas are surface.

10-23-2012 CORRECTED ACREAGE

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 10TH DAY OF DECEMBER 2012.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN BROWN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DODSON	<u>AYE</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 17TH DAY OF DECEMBER 2012.

COUNCILMAN HUDGENS	<u>ABSENT</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN BROWN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DODSON	<u>AYE</u>



GRETCHEN FAGAN, MAYOR
City of Tomball

ATTEST:



DORIS SPEER, City Secretary
City of Tomball

Regular City Council

Agenda Item

Meeting Date: July 7, 2014

Data Sheet

Topic:

Acknowledge the Donation of Park Land located at 1414 Hufsmith, by Bruce Broussard, to the City of Tomball and Instruct City Staff to Continue the Legal Process for the Donation, Texas Parks & Wildlife Outdoor Recreation Grant Program, and Submittal of Application to the KaBOOM! Community Partner and Construction Grants Programs

Background:

Bruce Broussard and the City staff have held discussions regarding Mr. Broussard's proposed donation of park land, located at 1414 Hufsmith, to the City of Tomball.

Development of a park in this area will provide opportunities for children in the northeastern part of Tomball to have access to playground equipment.

City staff presents this item to Council for acknowledgement of Mr. Broussard's donation of park land to the City and for authorization of City staff to proceed with grant applications to the Texas Parks & Wildlife Outdoor Recreation Grant Program in the upcoming grant cycle due August 31, 2014 and grant applications to KaBOOM! Community Partner and Construction Grant Programs for park equipment.

Copies of the KaBOOM! applications are attached.

Origination:

City Manager

Recommendation:

Acknowledge the Donation of Park Land located at 1414 Hufsmith, by Bruce Broussard, to the City of Tomball and Instruct City Staff to Continue the Legal Process for the Donation, Texas Parks & Wildlife Outdoor Recreation Grant Program, and Submittal of Application to the KaBOOM! Community Partner and Construction Grants Programs

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:

Kaboom! Application - Site Information

Kaboom! Application - Community Engagement

Kaboom! Application - Community Involvement



Play activities help children create, explore, solve and imagine - which helps their brain develop, builds important creative thinking and problem-solving skills, and contributes to emotional well-being.

Tell Us About Your Site

Page 1

Address of the Proposed Playground Site

Street Address Line 1

1414 Hufsmith

Street Address Line 2

(No response)

City

Tomball

State or Province

TX

Postal Code

77375

Country

United States

County

Harris

Is this site located within 30 miles of one of the following cities?

Houston, TX

Are you are submitting on behalf of multiple organizations?

If yes, list the partnering organization. Please note that if you are NOT a non-profit organization, you are required to partner with a non-profit partner.

No

Questions About Your Site:

Do you have an existing playground on your property?

No

Select "Save & Continue Editing" below to save your responses while working. Select "Next" to save and move to the next page.

Are there any nearby playgrounds within walking distance (about a half mile) of your proposed site?

If yes, how many?

No

Who will have access to your playground? (Check all that apply)

- Children/families served by your organization
- Children/families NOT directly served by your organization
- This will be part of a public park

How many unduplicated children will be served by the proposed playground?

The same children may be served in one or more programs or time periods, please only count them once.

Per Week	10000
Per Year	120000

Describe how you calculated the number of children served in the question above.

Tomball Elementary School (2) miles--727 children. Tomball Intermediate (2 1/2 miles)--population 723

Do you own the land where you want to build the playground?

If no, who owns the land?

- No: in process of being donated to city

If no, do you have permission from the landowner to build a playground on the proposed site?

Yes

Select "Save & Continue Editing" below to save your responses while working. Select "Next" to save and move to the next page.



Play activities help children create, explore, solve and imagine - which helps their brain develop, builds important creative thinking and problem-solving skills, and contributes to emotional well-being.

Tell Us About Your Site

Page 1

Address of the Proposed Playground Site

Street Address Line 1

1414 Hufsmith

Street Address Line 2

(No response)

City

Tomball

State or Province

TX

Postal Code

77375

Country

United States

County

Harris

Is this site located within 30 miles of one of the following cities?

Houston, TX

Are you are submitting on behalf of multiple organizations?

If yes, list the partnering organization. Please note that if you are NOT a non-profit organization, you are required to partner with a non-profit partner.

No

Questions About Your Site:

Do you have an existing playground on your property?

No

Select "Save & Continue Editing" below to save your responses while working. Select "Next" to save and move to the next page.

Are there any nearby playgrounds within walking distance (about a half mile) of your proposed site?

If yes, how many?

No

Who will have access to your playground? (Check all that apply)

- Children/families served by your organization
- Children/families NOT directly served by your organization
- This will be part of a public park

How many unduplicated children will be served by the proposed playground?

The same children may be served in one or more programs or time periods, please only count them once.

Per Week	10000
Per Year	120000

Describe how you calculated the number of children served in the question above.

Tomball Elementary School (2) miles--727 children. Tomball Intermediate (2 1/2 miles)--population 723

Do you own the land where you want to build the playground?

If no, who owns the land?

- No: in process of being donated to city

If no, do you have permission from the landowner to build a playground on the proposed site?

Yes

Select "Save & Continue Editing" below to save your responses while working. Select "Next" to save and move to the next page.

Is there any major construction scheduled at or surrounding the proposed playground site in the next 12 months?

If yes, please describe

Yes: soccer and football fields, concession stand and fishing pier

What are the dimensions of your proposed playground site?

For example 40 feet X 60 feet

50 feet x 50 feet

Which, if any, of the following features are on your proposed site?

Check all that apply

- ☐ Trees
- ☐ Fences
- ☐ Buildings
- ☐ Playground Equipment
- ☐ In-Ground Drains
- ☐ Water Features
- ☐ Standing Water
- ☐ Concrete/cement
- ☐ Utilities

Select "Save & Continue Editing" below to save your responses while working. Select "Next" to save and move to the next page.

To complete your application, you must submit the following attachments. A Site Map and Photos are important tools to help us assess the eligibility of your proposed playground site. Please carefully follow the instructions for taking required photos

Site Map

For an example see here: http://kaboom.org/docs/images/site_map_example.JPG

[assets/survey-uploads/18693/1098336-PRrePxTkrF/Project Bravo Ver. 4 062314 Latest Map 06.24.14.pdf](#)

Big Picture - Site Photo

Place four markers (cones, children, chairs, etc.) at the four corners of the site, creating an outline of the proposed playground's 2,500 sq. ft. footprint.

Then, while standing outside of the footprint, take a photo to show us the overall site with all four markers visible

[assets/survey-uploads/18693/1098336-QltZdtu0U7/All Four Cones.docx](#)

360° View - Site Photos

Stand in the center of the proposed playground footprint.

Take at least four photos (one facing in each direction), so that we can see what is visible is from your proposed site.

Picture 1

[assets/survey-uploads/18693/1098336-hWmGIQfMbB/Northeast.docx](#)

Picture 2

[assets/survey-uploads/18693/1098336-dretXywuOD/Northwest.docx](#)

Picture 3

[assets/survey-uploads/18693/1098336-F03QxJIK7M/Southeast.docx](#)

Picture 4

[assets/survey-uploads/18693/1098336-IoaNcOiOk9/Southwest.docx](#)

Picture 5

(No response)

Picture 6

(No response)

Select "Save & Continue Editing" below to save your responses while working. Select "Save and Exit" to save and move to the next task.



Page 1

Community Engagement

The KaBOOM! community engagement strategy is based upon building playgrounds using a grassroots, volunteer-led model. In this section of the application, we would like to learn more about how your organization works to engage others.

KaBOOM! builds playspaces through what is called a community-build model. Organizations who are awarded a project are expected to engage parents, children, local businesses and other community volunteers to plan, fundraise for, design and build their playspace. How do you think a community-build process will benefit your organization/community?

Tomball is well known for its ability to rally volunteers. We have numerous organizations that love to work on behalf of the community and we look forward to the Build Day.

To what degree does your organization work to enhance the skills of parents/community members?

A great deal

Please describe:

we have numerous organizations that volunteer to serve on city appointed boards and commissions as well as non-profit organizations, all that enhance the community.

To what degree does your organization collaborate with other organizations to increase your impact?

A great deal

Please describe:

The city could not do all it does without the long list of volunteers that help the city. Volunteer groups that help the city include CERT (Certified Emergency Training), Police VIP's (Senior Groups that help with a wide variety of tasks), local businesses and church youth groups help with Kid's Club, are a few.

To what degree does your organization involve the parents/caregivers of the children you serve into decision making?

Some

Please describe:

The City Council appoints various Boards and Commissions to help address policy issues in the community.

What else would you like to tell us about your organization's efforts to build community engagement?

We have done a previous community build with playground equipment and certainly look forward to this build. Tomball is known for its volunteer efforts and this project will certainly exhibit that.

Select "Save & Continue Editing" below to save your responses while working. Select "Save and Exit" to save and move to the next task.



"...for children play is serious learning. Play is really the work of childhood." - Mr. Rogers

Your Community

Tell Us About Your Community

Tell us a story about a time when you were really proud of your community. Include who was involved and why you were proud.

One of the proudest moments for the Tomball community was during the recent Ride2Recovery event honoring more than 200 wounded and active duty bicyclists making their way to Fort Worth, Texas.

With Police and Fire escorts, the cyclists traveled through Main Street lined in American flags and fire trucks forming a flag arch high above for them to pass under. Local Eagle Scouts presented riders with custom "challenge coins" created for the event featuring the Ride2Recover logo embossed on the face and the City of Tomball seal on the rear. Proclamations were presented on behalf of the City, the County, and the State of Texas.

As the cyclists left the Depot staging area, they were met and cheered-on by hundreds of Tomball residents bundled up from the cold. Signs reading "We 'HEART' You!", "Thank You!", and "Tomball Supports Our Veterans" were held high by supporters lining both sides of the way.

Why is it important for the children your organization serves to have a safe and fun place to play?

The community is centered around its schools. We currently have numerous children's groups come and participate in regular City Council meetings. The inherent family values that so prevalent in Tomball are important to the city and a part of what makes it so family centric and a good place to live and play.

Describe the programs and services offered by your organization.

Please be sure to highlight any offered at the site of the proposed playground.

The City of Tomball is a full service city providing basic public safety and quality of life issues.

What obstacles are currently preventing the children your organization serves from getting the play they deserve?

Locations of city owned parks is one obstacle. With this new facility, we will able to provide play opportunities to a number of children in the northeastern part of the city that currently do not have close access to playground equipment.

Is there a recent event motivating your community to apply for this opportunity?

For example, a natural disaster, or other event that impacted the quality of life for members of your community.

No

Tell us three wishes that you have for your community that would result from having a playspace?

Wish 1	children would have a safe place to play on playground.
Wish 2	the playground equipment would be closer to where they live.
Wish 3	this equipment helps strengthen the family unit in Tomball.

Does your organization currently incorporate play into its programming?

Yes

If yes, please describe.

The people of Tomball enjoy a strong sense of community in a great Houston-area location. Events like 2nd Saturday at the Depot and the 5K Bunny Run are just a few of the ways the city keeps residents engaged and visitors intrigued.

One very popular event just for Tomball's children spans seven weeks during the summer. For three days during each of those weeks, the Tomball Kid's Club brings together local businesses, faith-based organizations, city government and other volunteers to serve meals, as well as introduce children to fun and educational activities.

Select "Save & Continue Editing" below to save your responses while working. Select "Next" to save and move to the next page.

Who You Serve

Who You Serve

What age range(s) does your organization serve? (Check all that apply)

- Under 2
- 2-5
- 5-12
- 12-18
- 18+

What age range(s) will your proposed playground serve? (Check all that apply)

- Under 2
- 2-5
- 5-12
- 12-18

What percentage of children served qualify for Federal Free or Reduced Price Lunch (FRPL)?

U.S. applicants only

23

What is the income level of the population you serve?

Select the Average Annual Household Income

\$50,000 - \$75,000

Ethnicity of the children you serve:

Asian	1
Caucasian	79
African American/Black	1
Hispanic	17
Other	2
Total	100

Select "Save & Continue Editing" below to save your responses while working. Select "Save and Exit" to save and move to the next task.

Playspace Funding Opportunities

Below are the descriptions of the various playground funding opportunities KaBOOM! offers. Please select all of the opportunities your organization would be interested in pursuing. For more detailed information on each program, please visit the KaBOOM! Grants webpage.

Community Partner Program

Through the Community Partner Program, KaBOOM! matches child-serving non-profit organizations with Funding Partners in specified towns or regions. Each Community Partner works with a KaBOOM! Project Manager through a planning process lasting from eight to ten weeks, coordinating all the necessary logistical and community building components for 200 community and corporate volunteers to build a playground in one day.

Is your organization interested in the Community Partner Program?

Yes

Construction Grants Program

Child-serving non-profits, schools, and municipalities receive a \$15,000 grant to be used toward the purchase of playground equipment that will be built using the KaBOOM! community-build model. Grantees have access to various KaBOOM! tools and resources, including the KaBOOM! Grants Manager and Our Dream Playground, to support the planning and execution of their project. Construction grantees are the primary drivers of their playground project from start to finish.

Is your organization interested in the Construction Grants Program?

No

Are you interested in learning about other funding opportunities as they become available? Alternative funding opportunities include Imagination Playground and Rigamajig, and will be available throughout 2014.

• Yes

Select "Save & Continue Editing" below to save your responses while working. Select "Next" to save and move to the next page.

Regular City Council Agenda Item Data Sheet

Meeting Date: July 7, 2014

Topic:

Public Hearing regarding an application for a Texas Parks and Wildlife Local Park Grant Program for the proposed City of Tomball Park located at 1414 E. Hufsmith; a portion of the proposed site is located within the 1% and 0.2% Annual Chance Floodplain

Background:

A portion of the proposed site is located within the 1% and 0.2% Annual Chance Floodplain; therefore, a public hearing is required.

Origination:

City Manager

Recommendation:

N/A

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

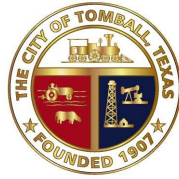
City Secretary

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

ATTACHMENTS:

Notice of Public Hearing - Application for TPW Local Park Grant

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



**MONDAY, JULY 7, 2014
6:00 P.M.**

Notice is Hereby Given that a Public Hearing will be held by the City Council of the City of Tomball on **Monday, July 7, 2014, at 6:00 P.M.** at the Regular Meeting, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. The Tomball City Council will hold a Public Hearing regarding an application for a Texas Parks and Wildlife Local Park Grant Program for the proposed City of Tomball Park located at 1414 E. Hufsmith. A portion of the proposed site is located within the 1% and 0.2% Annual Chance Floodplain.

Persons interested in the above-proposed Grant Application will be given an opportunity to be heard. Maps of said Floodplains 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 20th day of June 2014 by 4:00 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: July 7, 2014

Topic:

Approve Resolution No. 2014-15, a Resolution of the City Council of the City of Tomball, Texas Adopting the City of Tomball Master Drainage Plan 2012-2030; and Making Other Findings Related Thereto

Background:

The Master Drainage Plan (MDP) evaluated the city's existing storm drainage network, assessed existing and proposed future drainage facility needs, and identified needed improvements based on projected future system demands. The plan utilized land use and population projections to determine projected growth.

The MDP was identified as an item to be implemented in the City's Comprehensive Plan (Ordinance No. 2009-33). City Council approved an agreement with Rydan & Associates in May 2011.

As part of the MDP, the Maximum Ponding Depth 1% AEP Storm and Maximum Ponding Depth 0.2% AEP Storm maps were approved by Resolution No. 2013-19 in May 2013. These maps established flood-prone areas for purposes of Chapter 38, Flood Damage Prevention.

As part of the Infrastructure Master Plan, the Land Use Assumptions, Population Projects, and Drainage Areas that are used in the MDP were adopted.

Origination:

Engineering Division

Recommendation:

Engineering recommends approval of Resolution No. 2014-15

Funding:

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

Engineering Division

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

ATTACHMENTS:

Resolution 2014-15 - Master Drainage Plan

Master Drainage Plan

RESOLUTION NO. 2014-15

**A RESOLUTION OF THE CITY OF TOMBALL, TEXAS ADOPTING
THE CITY OF TOMBALL MASTER DRAINAGE PLAN 2012-2030; AND
MAKING OTHER FINDINGS RELATED THERETO.**

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas finds it in the best interest of the health, safety and welfare of its citizens to adopt a master drainage plan to assist the City in preparing for future growth and development; and

WHEREAS, the City Council desires to adopt the City of Tomball Master Drainage Plan 2012-2030; now, therefore,

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

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

Section 2. The City of Tomball Master Drainage Plan 2012-2030, a copy of which is attached hereto as Exhibit “A” and incorporated herein by this reference, is hereby adopted.

Section 6. That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of June, 2014.

Gretchen Fagan, Mayor
City of Tomball, Texas

ATTEST:

Doris Speer
City Secretary

CITY OF TOMBALL MASTER DRAINAGE PLAN
MAY, 2014

RYDAN & ASSOCIATES LLC

May 30, 2014

Ms. Lori Lakatos, P.E., CFM
City Engineer
City of Tomball Community Development Department
501 James Street
Tomball, Texas 77375

Subject: City of Tomball Master Drainage Plan, 2012-2030
E&PD Project No.: 2011-10007

Dear Ms. Lakatos:

It is with great pleasure that I respectfully submit the "City of Tomball Master Drainage Plan, 2012-2030" (MDP) report to you for acceptance by the City of Tomball. Along with the report, the City will be receiving electronic files that were used to create statistical and mapping data presented in the report. Several of these files will be useful for periodically updating data, as discussed further in the report.

Your participation and assistance, along with that of your staff, with the development of this report has been invaluable to me. I have truly enjoyed working with you and Bobby Sanders over the past several years, and would be honored and privileged to work with you and other City staff again in the future.

Please do not hesitate to contact me at either of the phone numbers listed below if I may be of further service with regard to the MDP report or any other matter of interest to you.

Sincerely,



John A. Laser, PE, CFM
12514 Bent Pine Drive
Cypress, Texas 77429
281-970-8085
281-389-6463 (cell)

City of Tomball, Texas



Master Drainage Plan

2012 – 2030



May 2014

**RYDAN & ASSOCIATES LLC
CYPRESS, TEXAS**

Table of Contents

I. Introduction	1
A. Purpose	1
B. Organization	1
C. Task I Products.....	1
D. Task II Products.....	3
II. Population.....	4
A. History and Previous Projections	4
B. 2010 Census & Current Projection	5
III. Land Use	7
A. General.....	7
B. Existing Land Use.....	8
C. Projected Land Use	10
D. Methodology for Non-residential Future Land Development.....	10
IV. Stormwater Drainage System	14
A. Introduction.....	14
B. Floodplain and Drainage Regulation.....	16
C. Planning History.....	18
D. Drainage Basins	20
V. Conclusions and Recommendations:	44
A. Conclusions:	44
B. Recommendations:.....	45
VI. References:.....	50
VII. Appendix: Population & Housing Distribution Methodology	52
VIII.Exhibits	58

I. Introduction

A. Purpose

The 2009 City of Tomball Comprehensive Plan, "Vision 2030", recommends in Chapter 8, Growth Capacity, Action 1.4.1, that the City "Develop and maintain an up-to-date Drainage Master Plan that reflects the Comprehensive Plan."

The 2011 City Capital Improvements Plan (CIP) includes funding for a Master Drainage Plan (MDP) project. The stated objective of the MDP is threefold:

- 1) To evaluate the City's existing storm drainage network;
- 2) To assess existing and proposed future drainage facility needs; and,
- 3) To identify needed improvements based on projected future system demands.

On May 16, 2011, City Council authorized the City to engage Rydan & Associates LLC (Rydan) to prepare the MDP, and on June 14, 2011, the City provided Rydan with the "Notice to Proceed" with this work.

B. Organization

The development of the MDP involved the continuing participation and cooperation of three entities: City Engineering Division staff, Rydan, and AECOM Technical Services, Inc. (AECOM) Houston office. AECOM was retained as a subcontractor to Rydan to provide expert geographic information system (GIS) support and advanced hydrologic and hydraulic computer modeling services and consultation.

C. Task I Products

The effort to produce the MDP was divided into two tasks. Task I focused on the development of a Stormwater Geographic Information System (SWGIS) to provide a platform for maintaining the MDP and the creation of a flood-prone areas map to support the City's current and future efforts to minimize the impacts of flooding events.

1. SWGIS

The Tomball SWGIS contains stormwater drainage-related information obtained from a variety of sources such as the Federal Emergency Management Agency (FEMA) and Harris County (drainage channels, detention basins, watershed and sub-watershed boundaries, structural inundation properties). Demographic information including streets, political jurisdictional boundaries, and property boundaries was obtained from the City of Tomball, the Harris County Appraisal District (HCAD) and the Montgomery County Appraisal District (MCAD).

2. Flood-Prone Areas Map

The Effective FEMA Flood Insurance Rate Map (FIRM), June 18, 2007, for Tomball provides information on the regulatory floodway, 1% (100-year) and 0.2% (500-year) floodplains, but the information presented in these maps is limited to major channels (Spring and Willow Creeks) and a few tributaries to those channels. Typically, FEMA flood studies end when the drainage area upstream is less than one square mile, leaving potentially flood-prone areas unstudied and unidentified on the FIRM (see Exhibit 4.I, "Tomball Area Drainage Map").

Chapter 38, "Flood Damage Prevention", September 20, 2010, of the City's Ordinances provides the City with the means for guiding development in "flood-prone areas" located beyond FEMA's regulatory floodplain in order to reduce the potential for future harm to human life and property caused by flooding. The first step in enabling the City to effectively guide development in these areas is to delineate the boundaries of such areas and to determine the potential depth of flooding within each. While all areas of the City may be at risk of flooding during extreme rainfall events, the flood-prone areas identified as a component of Task I are considered to be areas that may have been identified within the 1% (100-year) and 0.2% (500-year) floodplain had FEMA extended the flood study to encompass the entire watershed. The results of the flood-prone areas mapping effort for the 1% (100-year) events are incorporated into the drainage area map exhibits included with this report. All of the mapping data is a component of the SWGIS. It should be mentioned that areas such as detention ponds and drainage channels are identified as flood-prone since these features would likely be inundated by stormwater in an extreme rainfall event.

Prior to initiating this mapping effort, the objective of the project was shared with planning and technical staff with Harris County Flood Control District (HCFCD) to obtain any advice or suggestions that they might extend. HCFCD staff expressed interest in reviewing the results of the mapping and details of the modeling methodology as such mapping may be applicable and beneficial to other communities within Harris County. Coordination with HCFCD is ongoing.

In addition to providing information on flood-prone areas to be used in support of Chapter 38, the identification of flood-prone areas is central to accomplishing the first and second objectives of the MDP: to evaluate the existing storm drainage network and to assess existing and future storm drainage facility needs. Thus, the results of this mapping effort are referenced in the evaluation of each sub-watershed.

D. Task II Products

Task II addresses the three CIP objectives stated in the “Purpose” for this project.

1. Report

The following report is divided into four major sections: Population, Land Use, Stormwater Drainage System, and Conclusions and Recommendations. The data developed in GIS for the existing and projected conditions for population and land use are being utilized in the City of Tomball 2012-2022 Infrastructure Master Plan (IMP) as well this document.

2. SWGIS Data Files

The data on population and land use was developed for multiple years beginning in 2012 and ending in 2030. All of the data is tied to individual parcels of property identified in the City of Tomball zoning records, Harris County Appraisal District, and Montgomery County Appraisal District. Not all of this data is presented in this report due to the sheer mass of information involved; however, all of the information is being provided to the City and will be accessible using the City’s SWGIS.

Although the information on population, land use, and drainage system characteristics represents a snapshot in time and a hypothetical vision of the future, the data used to develop the GIS should be updated periodically to reflect actual conditions as time progresses. This is discussed further in the final section of this report.

3. Collector Network Assessment Tool

Stormwater collector networks are roadside ditch or curb and gutter systems that receive and route stormwater runoff to drainage channels that ultimately discharge to Spring Creek or Willow Creek. A prototype qualitative assessment tool was developed as a means of evaluating the performance of the existing roadside ditch and curb and gutter collector systems in the city. This tool calculates a numerical grade for a system that reflects existing conditions and historical performance and does not involve complex hydrologic or hydraulic analysis.

Before this tool may be applied, network drainage areas must be delineated. Engineering Division staff reported that the City is in the process of developing an infrastructure GIS that would facilitate the process of delineating the boundaries of these areas. Further discussion of this item is included in Section V., Conclusions and Recommendations.

II. Population

A. History and Previous Projections

Several reports produced for the City of Tomball have included population projections for the City and the Tomball extra-territorial jurisdiction (ETJ):

- 1) The 2002 City of Tomball Infrastructure Master Plan (IMP);
- 2) The 2007 City of Tomball IMP; and,
- 3) The 2009 City of Tomball Comprehensive Plan.

All three of these documents utilized population projections developed by the Houston-Galveston Area Council (H-GAC) and the Texas Water Development Board (TWDB). The 2002 IMP refers to the 2000 Census population of 9,089 for the city of Tomball, but uses H-GAC and TWDB population projections that are based on the 1990 Census when the population was reported to be 6,370. Since this information is dated, population projections from the 2002 IMP will not be discussed further.

Both the 2007 IMP and the Comprehensive Plan include population projections developed by H-GAC using the 2000 Census population of 9,089 as a basis. Projections developed by the TWDB, also using the 2000 data, were included for reference in the 2007 IMP. The methodologies employed by these agencies to develop these projections will not be reviewed, but it should be noted that neither agency utilizes methods that incorporate variables particular to the City in estimating future growth. Populations for the county or region are estimated at a gross level and allocated to smaller jurisdictions on a percentage basis. The projections for the City appear in the following table. The figures for 1990 and 2000 are reported by the U.S. Census Bureau.

Year	H-GAC 2035	TWDB 2006
1990	6,370	6,370
2000	9,089	9,089
2010	12,238	12,059
2020	15,281	15,429
2030	19,541	18,150

The authors of the 2007 IMP developed estimates of the City and ETJ population employing land use density assumptions from the 2002 IMP and population density statistics from the 2000 Census to derive estimates for 2007 and 2017. The combined population estimates for these two data points were used in this report to produce comparable statistics for the years of interest noted in the following section.

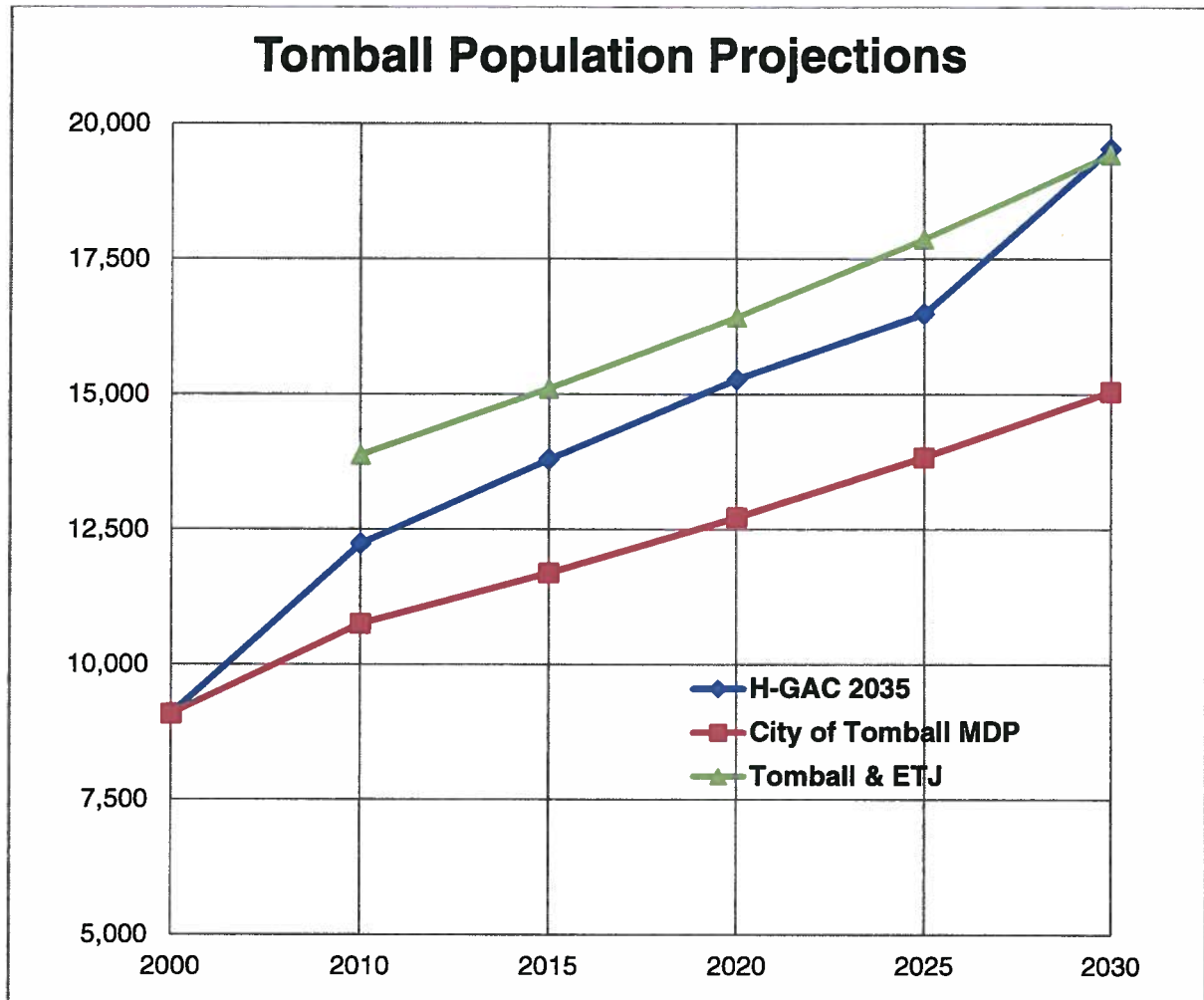
B. 2010 Census & Current Projection

The U.S. Census Bureau has reported a 2010 population of 10,753 for the City of Tomball. This figure represents an absolute growth of 1,664 persons at a compounded annual growth rate of approximately 1.7% from the 2000 Census population of 9,089. The Census count represents a point-in-time estimate of the actual population which is unknown and may vary on a daily, weekly, or monthly basis within the reporting year.

The following table presents the reported 2000 and 2010 US Census population for the City and projections developed for this MDP using the annualized growth rate of approximately 1.7% from 2000 to 2010. An estimate of the population for the ETJ based on 2010 Census Block data was provided by the Greater Houston Partnership in association with the Tomball Economic Development Corporation (TEDC). The estimate of 3,241 for 2012 was discounted by the annualized growth rate of 1.7% to derive a 2010 population estimate of 3,134.

Year	Within City Limits	Tomball ETJ	Combined
2000	9089	n/a	n/a
2010	10,753	3,134	13,887
2012	11,121	3,241	14,362
2015	11,696	3,409	15,105
2020	12,721	3,708	16,429
2022	13,156	3,834	16,990
2025	13,836	4,033	17,869
2030	15,049	4,386	19,435

To appreciate the differences in the projections for the 20-year time horizon (2010-2030), it should be noted that the annualized growth rate for the City of Tomball from 1990 to 2000 was 3.6% or approximately twice the growth rate for the latest 10-year period. The comparison of past and present population projections is not intended to imply that any particular forecasting methodology is superior to another since all forecasting of population is basically a best-guess, formulated primarily on past history. A chart comparing population projections for the City of Tomball from the H-GAC 2035 forecast with the projections developed for this MDP appears at the top of the next page. The combined projection for the City and ETJ developed for this report is also included in the graph.



Two major highway projects begin construction in 2013 could likely impact population growth trends in the Tomball area. First, construction on both Segments F1 and F2 of the Grand Parkway is planned for the summer of 2013 with completion of both segments anticipated by the end of 2015. Segment F1 will connect State Highway (SH) 249 with U.S. Highway (US) 290 while Segment F2 will extend from SH 249 to Interstate Highway (IH) 45. The planned intersection of the Grand Parkway with SH 249 is positioned just south of the current intersection of SH 249 with Boudreaux Road. The second project involves upgrading SH 249 to a six-lane toll road from north of Spring-Cypress Road to Farm-to Market Road (FM) 2920. Eventually, this project will include a second phase to extend the toll road, to be named the “Tomball Tollway”, to FM 1774 in Montgomery County. Long-term, the Texas Department of Transportation (TxDOT) has plans to extend the project to SH 6 at Navasota.

On May 23, 2013, while text of this report was being drafted, the U.S. Census Bureau released estimates of 2012 population for states, cities, and various other political subdivisions. The Bureau estimated a 2012 population of 10,964 for the City of Tomball. The Bureau’s estimated growth in population from 2010 to 2012 is less than 60% of that projected for use in this report, resulting in an annualized growth rate of approximately 1%.

III. Land Use

A. General

The City of Tomball is approximately 12 square miles (7,670 acres) in area with an additional 8.6 square miles (5,515 acres) included in Tomball's ETJ. Of the area within the ETJ, approximately 6.1 square miles (3,936 acres) is located in Harris County while 2.5 square miles (1,579 acres) lies within Montgomery County.

Land use within the City of Tomball and ETJ has been defined and described in several recent documents including the 2007 IMP, the 2009 Comprehensive Plan, and the Tomball Zoning Ordinance (2008-01). The Zoning Ordinance and Comprehensive Plan provide the basis for guiding future land use, and the difference between these two documents should be clarified.

According to the City of Tomball Website:

"The purpose of a Comprehensive Plan is to anticipate growth and to guide that growth in a manner that provides Tomball with a balance of land uses that promote economic growth and improve quality of life."

"The Comprehensive Plan is not a zoning ordinance and it does not affect existing zoning regulations. Instead, it provides the foundation for making changes or developing new regulations that implement identified goals, objectives, and actions."

The Zoning Ordinance provides the legal framework for regulating development within the City. Again, with reference to the City's Website:

"Zoning is a system of land use regulation that controls the development of land in the corporate City limits. It is a legal mechanism by which the City of Tomball is able to regulate land uses so as to protect the public health, safety, and/or general welfare. Land is mapped into different zones with the primary purpose of promoting compatible land uses and to separate incompatible uses."

In addition, while the Comprehensive Plan provides guidance for development within the City limits and ETJ, the Zoning Ordinance only applies within the City. While the City has regulatory authority over certain development activities in the ETJ, those activities that do not fall within the purview of the City are subject to regulation by Harris and Montgomery Counties, and by the requirements of utility districts, utility providers, and homeowner associations.

B. Existing Land Use

At any point in time, the existing land use in Tomball and the ETJ may be established by visual inspection and/or by inspection of the tax records maintained by Harris and Montgomery Counties. Visual inspection of each parcel within Tomball and the ETJ was not feasible, even using aerial photography, due to the large number of parcels within this area. Tax records of both HCAD and MCAD were used for production of this report. Not all areas are included in the tax records. In particular, public roads and right-of-way (ROW) are excluded, and other areas owned by public entities, such as drainage basins and channels, may be excluded as well. However, with the exception of one large tract along the eastern portion of the ETJ in Montgomery County, almost all of the area within Tomball and the ETJ is included in the tax records exclusive of the ROW areas.

Both the HCAD and MCAD records identify land use on a parcel basis using the "Texas Property Tax Assistance Property Classification Guide". The Guide identifies properties by 21 broad categories. The HCAD and MCAD records used the following broad categories for classifying real property:

- 1) Single Family Residential (A)
- 2) Multi-Family Residential (B)
- 3) Vacant Lots and Tracts (C)
- 4) Agricultural and Timber (D)
- 5) Farm and Ranch Improvements (E)
- 6) Commercial and Industrial (F)
- 7) Utilities (J)
- 8) Residential Inventory (O)
- 9) Exempt Property (X)

Most of these categories have sub-divisions which allow further insight into type of property use on a parcel basis. In addition to the Guide classification system, HCAD also identifies parcels by use of its own classifications. This information is accessible in the SWGIS database developed for this report in the event that further analysis is desired.

Table 3.1 displays the existing land use for the City of Tomball and ETJ. To develop statistics for the existing 2012 land use, 4,493 properties from the City Tomball's Zoning records and from HCAD were analyzed by state classification code. An additional 2,028 parcels in the ETJ were also examined. Agricultural land, undeveloped areas, and areas not included in the tax and zoning records are grouped into the "Other" category in this table.

Land use is a dynamic process and the information in Table 3.1 represents a snapshot in time. In addition, the state tax classification may not accurately represent actual land use in all cases.

2012 Land Use, Estimated

Table 3.1

Within City Limits	Area (Acres)	Parcels Developed	Land Use Density (Acres/Parcel)	Estimated Population	Population Density (Persons/Acre)	Population Density (Persons/Parcel)
Residential, Developed	1,578.5	2,442	0.65	11,121	7.05	4.55
Commercial, Developed	1,200.8	547	2.20	n/a	n/a	n/a
Industrial, Developed	3.5	1	3.47	n/a	n/a	n/a
Other	4,887.6	20	n/a	n/a	n/a	n/a
Total City	7,670.4	3,010	n/a	11,121	1.45	n/a
Within ETJ	Area (Acres)	Parcels Developed	Land Use Density (Acres/Parcel)	Population	Population Density (Persons/Acre)	Population Density (Persons/Parcel)
Residential, Developed	1,643.2	1,070	1.54	3,241	1.97	3.03
Commercial, Developed	427.1	84	5.08	n/a	n/a	n/a
Industrial, Developed	8.8	1	8.75	n/a	n/a	n/a
Other	3,436.3	10	n/a	n/a	n/a	n/a
Total ETJ	5,515.4	1,165	n/a	3,241	0.59	n/a
Total City & ETJ	13,186	4,175	n/a	14,362	1.09	n/a

C. Projected Land Use

Regardless of the existing usage, currently developed property was projected for future years under the same state classification as the existing use. When determining future land use for currently undeveloped property, the Zoning description provided guidance for parcels within the City limits and the Comprehensive Plan served as guidance in the ETJ. The methodology employed for projecting residential development is complex and is included as an appendix to this report. The methodology used to project non-residential development is described in the following section. GIS software was employed to execute the analysis. Non-residential land use was forecast for 2022 and 2030, although data for intermittent years may be estimated without a great deal of additional effort using the GIS files and interpolating the acreage to be developed for any selected year.

D. Methodology for Non-residential Future Land Development

Properties currently used for residential purposes or projected for residential development were removed from consideration for non-residential development. Of 4,493 parcels in the City Zoning database, 2,844 were designated for residential use through 2030 leaving 1,649 properties for existing or potential non-residential development. Of the 1,649 non-residential properties, 568 had some type of existing structure listed in the tax records, leaving 1,081 properties determined to be undeveloped. Of the 2,028 properties in the ETJ, 1,450 were designated for residential use through 2030 leaving 578 properties for existing or potential non-residential development. Of those 578 properties, 95 were listed as having an existing structure on site, leaving 483 properties as undeveloped.

Step 1: The acreage associated with existing developed commercial and exempt properties was determined for the area within the City limits and the ETJ. This total area was increased by a factor of 1.7%, compounded annually, which is the same growth factor employed for projecting population growth. The resulting projected growth in non-residential development from 2012 to 2022 was determined to be 302.8 acres. The projected acreage increase in non-residential development was divided between the City (75%) and ETJ (25%).

Step 2: The 2012 undeveloped non-residential acreage was used as the basis for assigning growth for 2022. Within the City limits, the following zoning descriptions associated with the undeveloped parcels provided the categories for growth: General Retail, Commercial, Office, and Old Town/Mixed Use. Within the ETJ, the following Comprehensive Plan land use descriptions served as categories for growth: Commercial, Employment/Office, and Mixed Use. The relative percentage of undeveloped acreage in each category to the total undeveloped acreage was used to allocate the projected growth acreage to those categories. Allocations for the City and ETJ were conducted separately.

Step 3: The SWGIS database of non-residential properties was utilized to select undeveloped parcels that were associated with the categories listed in Step 2.

Priority was given to selecting undeveloped properties along existing or expected major transportation categories: SH 249 and SH 249 Expressway, Hufsmith-Kohrville Road (FM 2978), East and West Main Street (FM 2920), Holderrieth Road, and Cherry Street.

Step 4: The same process was employed for projecting land use by parcel for 2030. The effective percentage increase in developed non-residential land use from 2012 to 2030 was calculated to be 583 acres (35.4%) with 303 acres (18.4%) projected as being developed by 2022 and an additional 280 acres being developed by 2030.

Tables 3.2 and 3.3 display the results of land use projections for 2022 and 2030.

Comments on Methodologies

The methodologies employed to allocate projected population growth and land use to individual parcels within the City limits and ETJ creates a hypothetical version of the future. Although the selection of individual parcels follows certain rules, any number of undeveloped parcels could be eligible for selection and a different scenario could easily result from selecting one parcel rather than another. In that sense, the process is somewhat arbitrary. Since the analyses were developed using GIS tools, and the output files are being provided to the City as products of this project, alternative scenarios may be developed with relative ease.

In addition, the HCAD and MCAD records that serve as the basis for categorizing and selecting properties are not without faults when used for the purposes described in the preceding narrative. The primary use of these records is taxation rather than to serve as a database for land use analysis. However, these records were considered the best available data for the purpose of developing this MDP.

2022 Land Use, Projected

Table 3.2

Within City Limits	Area (Acres)	Parcels Developed	Land Use Density (Acres/Parcel)	Estimated Population	Population Density (Persons/Acre)	Population Density (Persons/Parcel)
Residential, Developed	2,018.1	2,558	0.79	13,156	6.52	5.14
Commercial, Developed	1,427.6	648	2.20	n/a	n/a	n/a
Industrial, Developed	3.5	1	3.47	n/a	n/a	n/a
Other	4,221.2	20	n/a	n/a	n/a	n/a
Total City	7,670.4	3,227	n/a	13,156	1.72	n/a
Within ETJ	Area (Acres)	Parcels Developed	Land Use Density (Acres/Parcel)	Population	Population Density (Persons/Acre)	Population Density (Persons/Parcel)
Residential, Developed	1,691.8	1,267	1.34	3,834	2.27	3.03
Commercial, Developed	503.1	106	4.75	n/a	n/a	n/a
Industrial, Developed	8.8	1	8.75	n/a	n/a	n/a
Other	3,311.8	10	n/a	n/a	n/a	n/a
Total ETJ	5,515.4	1,384	n/a	3,834	0.70	n/a
Total City & ETJ	13,186	4,611	n/a	16,990	1.29	n/a

2030 Land Use, Projected

Table 3.3

Within City Limits	Area (Acres)	Parcels Developed	Land Use Density (Acres/Parcel)	Estimated Population	Population Density (Persons/Acre)	Population Density (Persons/Parcel)
Residential, Developed	2,213.9	2,844	0.78	15,049	6.80	5.29
Commercial, Developed	1,637.8	724	2.26	n/a	n/a	n/a
Industrial, Developed	3.5	1	3.47	n/a	n/a	n/a
Other	3,815.2	20	n/a	n/a	n/a	n/a
Total City	7,670.4	3,589	n/a	15,049	1.96	n/a
Within ETJ	Area (Acres)	Parcels Developed	Land Use Density (Acres/Parcel)	Population	Population Density (Persons/Acre)	Population Density (Persons/Parcel)
Residential, Developed	1,843.5	1,450	1.27	4,386	2.38	3.02
Commercial, Developed	573.1	119	4.82	n/a	n/a	n/a
Industrial, Developed	8.8	1	8.75	n/a	n/a	n/a
Other	3,090.0	10	n/a	n/a	n/a	n/a
Total ETJ	5,515.4	1,580	n/a	3,834	0.70	n/a
Total City & ETJ	13,186	5,169	n/a	18,883	1.43	n/a

IV. Stormwater Drainage System

A. Introduction

The City of Tomball, located in northwest Harris County, lies within the Spring Creek (J100-00-00) and Willow Creek (M100-00-00) watersheds. Rainfall runoff within the City and ETJ may travel overland to drainage channels or be collected by drainage networks and routed to such channels. Local drainage channels may be natural or manmade (engineered). The collector networks are typically roadside ditches with culverts passing stormwater flows beneath paved areas, but also include curb and gutter applications draining to buried storm sewer systems.

Spring Creek serves the majority of the area of Tomball and the ETJ located north and east of SH 249 and FM 2920 while Willow Creek drains almost all of the remaining area. The FEMA Effective FIRM panels reflect significant 1% (100-year) floodplains for both streams, so the risk of flooding is a concern for existing and future development. Both creeks are natural, unimproved channels; and, based on a review of the 2013-2014 HCFCD Capital Improvement Program, which covers planning through 2018, the District has no current plans to improve either of the channels.

A large portion of the land area within the City and ETJ is either undeveloped or lightly developed. Future development in the city will be regulated to prevent structural flooding during extreme rainfall events up to, and in many cases exceeding, the 1% (100-year) storm. Floodplain and drainage regulations in Harris and Montgomery counties also provide protection from structural flooding for new development. Thus, areas of concern for structural flooding tend to be those that were developed prior to the adoption and enforcement of floodplain and drainage regulations. Older residential and commercial buildings constructed in the Old Town area and areas within the regulatory floodplain may be at greater risk of flooding than newer buildings that were constructed after adoption of more protective development regulations.

In terms of identifying areas within the City and ETJ at risk of flooding, Tomball developed and adopted for regulation flood-prone areas maps (Resolution No. 2013-19) in May of 2013 to extend the local floodplain regulations beyond the FEMA 1% (100-year) regulatory floodplain identified on the FEMA FIRM. This progressive action by City Council provides protection for new development while having no impact on the requirements or premium rates established for the purchase of flood insurance under the National Flood Insurance Program (NFIP).

Currently, the City is compiling an infrastructure database using GIS that will enable an assessment of the performance of existing stormwater drainage collector networks. Even if Spring and Willow Creeks had adequate conveyance capacity for the 1% (100-year) storm, or sufficient sub-regional stormwater conveyance and detention was constructed within the

City and ETJ, structural and street flooding could still occur in areas that are being served with inadequate collector networks.

Before embarking on a detailed discussion of the drainage system in the Tomball area, a few issues are worthy of consideration. First, in prior infrastructure planning documents, it has been suggested that the riverine floodplain is problematic and requires mitigation. This is not necessarily true. Floodplains have existed long before development came to this area and are only problematic when development occurs inappropriately within their extents, and then, only during extreme rainfall events. The current floodplain and development criteria for Tomball and the ETJ within Harris County provide reasonable assurance that future development will be conducted in an appropriate manner.

Second, implementation of the Biggert-Waters Flood Insurance Reform Act of 2012 will impact the economics of ownership of non-compliant structures located within the regulatory floodplain. Although the details of this federal legislation are too complex for discussion in this document, the future cost of flood insurance and/or the marketability of such non-compliant structures will likely be severely affected, with mitigation actions, such as elevation or demolition, becoming reasonable alternatives to meeting the increasing cost of flood insurance premiums for such structures.

And third, structural and street flooding may occur in areas not otherwise determined to be flood-prone. This may occur in locations where the drainage infrastructure is inadequate or poorly maintained, or where ponding of overland flows produces localized flooding. Improvements to drainage channels along with construction of regional detention facilities will not alleviate these types of problems. Incidents of localized flooding should be analyzed to determine the cause(s) and corrective actions to address the cause(s) should be pursued. Often, solutions to localized flooding problems may be identified and implemented at relatively low cost.

The City and ETJ within Harris County are primarily drained by six tributary channels to either Spring Creek or Willow Creek as depicted on Exhibit 4.1. The area within the city limits and ETJ in Harris County to the north of FM 2920 and east of SH 249 primarily drains to Spring Creek through J131-00-00 (Boggs Gully).

Almost all of the area in the City and ETJ within Harris County that does not drain to Spring Creek in the north drains to Willow Creek to the south, with the exception of a small area of the southern ETJ which drains to Cypress Creek. The five main tributaries providing drainage to Willow Creek are:

- 1) M116-00-00 serves an eastern area of the City and ETJ and eventually outfalls to Willow Creek in unincorporated Harris County east of the Tomball ETJ.
- 2) M118-00-00 is being developed to serve an area in southeastern Tomball that was previously drained by M116-00-00 or otherwise flowed to Willow Creek.

- 3) M121-00-00 is being extended and improved to serve a large area in the southern portion of the City.
- 4) M125-00-00 serves an area adjacent to SH 249 primarily in the southwestern part of the City.
- 5) M124-00-00 serves a large area in the western portion of the City and ETJ.

The characteristics of each of the watershed basins that drain through one of these six channels will be discussed in detail later in this chapter.

The ETJ within Montgomery County drains to Spring Creek through several intermittent streams and through the Decker Branch to Mill Creek. Drainage in the Montgomery County ETJ is not explored in detail in this MDP except in reference to basin J100E

B. Floodplain and Drainage Regulation

Regulation of development activity within the City of Tomball and ETJ is shared by several entities including the City of Tomball, HCFCD, and Harris and Montgomery counties. HCFCD is authorized by the State of Texas to regulate activity that may impact the waters of rivers and streams and their tributaries within Harris County. The HCFCD "Policy, Criteria and Procedure Manual" identifies both Spring Creek and Willow Creek as Main Stem channels for the purpose of regulation and provides guidance for all issues involving potential impacts for stormwater drainage to those water bodies.

1. Floodplain Regulation

For the purpose of floodplain regulation, the location of the proposed activity will determine the proper authority for establishing development criteria and issuing permits. Regardless of the permitting authority, the requirements of the jurisdiction must meet or exceed the minimum standards expressed in Title 44, Code of Federal Regulations, Section 60.3.

Development within the City limits of Tomball is governed by Chapter 38, "Flood Damage Prevention", of the City of Tomball Code of Ordinances which was last updated in October, 2010. Chapter 38 includes all of the minimum standards mandated by the NFIP (44 CFR § 60.3) plus a number of higher standards such as requiring that the lowest floor elevation of new or substantially-improved buildings be elevated to at least 1.5 feet above the base flood (100-year) elevation if the structure is located in a flood-prone area.

While the federal minimum standards apply to the regulatory floodplain as identified on the FIRM panels issued by FEMA, the City of Tomball has expanded the area regulated under Chapter 38. Concerned that not all flood-prone areas within Tomball were delineated within the regulatory floodplain on the FEMA FIRM panels, the City contracted in 2011 for development of maps that would identify such high-risk areas.

Typically, FEMA limits the extents of flood studies when the basin area upstream on a channel is less than one square mile. Thus, areas at risk of flooding upstream of the study limits do not appear within the regulatory floodplain. Using state-of-the-art hydrologic and hydraulic mapping technology, 1% (100-year) and 0.2% (500-year) flood-prone area maps were developed for all areas within the City limits and most of the ETJ that are not included in the FEMA regulatory floodplain.

In May, 2013, City Council adopted these maps by resolution (2013-19) which has the effect of extending Chapter 38 to apply to areas delineated on these maps within the City limits. Since the floodplain regulations of Harris County apply to unincorporated areas within the county, development within the ETJ in Harris County is not affected by this resolution; however, if any portion of the ETJ in Harris County is annexed by the City, then Chapter 38 would govern future development in those areas. The same policy applies to the ETJ in Montgomery County which is subject to the floodplain regulations for unincorporated areas within that county.

The "Regulations of Harris County, Texas for Floodplain Management" apply to all unincorporated areas within the County. Like the City of Tomball, Harris County requires 1.5 feet of freeboard above the base flood elevation for the lowest floor of new and substantially-improved buildings, and other provisions of the regulations exceed federal minimum standards as well. The Montgomery County floodplain court order requires one foot of freeboard for development within the regulatory floodplain.

The FEMA floodplain data for Harris County used in this report is from the Flood Insurance Study (FIS) and Digital FIRM (DFIRM) effective June 18, 2007. Floodplain data for Montgomery County is from the preliminary FIS and Preliminary DFIRM (PDFIRM) dated September 20, 2008, and is not effective as of this writing.

2. Drainage Regulation

In August, 2012, City Council adopted Ordinance No. 2011-17 which amended Chapter 38 to include Article IV, Drainage Design. Article IV states that the local drainage regulations will be expressed in the "City of Tomball Minimum Standards for Stormwater Drainage System Design" manual (Standards). Prior to amending Chapter 38 to include Article IV., the City informally utilized the drainage criteria issued by Harris County for guiding local development. The drainage policies of Harris County ("Regulations of Harris County, Texas, for the Approval and Acceptance of Infrastructure", amended May 1, 2011) still apply to development in the Tomball ETJ that lies within that county. The drainage policies of Montgomery County apply to the ETJ within that county.

It should be noted that the Standards were largely developed by combining attributes of the drainage regulations for the City of Houston and Harris County and reference the policies of HCFCD for design of open channels and stormwater detention facilities. Therefore, the policies of the City of Tomball, the City of Houston, and Harris County

are very similar in most respects. The requirements and criteria discussed in this section apply specifically to the City of Tomball.

The Standards provide protection from structural flooding for new development by mandating that the minimum lowest floor elevation of a proposed structure be the highest of:

- 1) Eighteen inches (18") above the 1% probability recurrence interval (100-year) flood event; or,
- 2) One foot (1') above the elevation of the center of the road or nearest sanitary or storm sewer manhole, whichever is higher; or,
- 3) One foot (1') above the calculated ponding depth (as discussed in the Standards).

The Standards also provide protection for mobility in the design and construction of roadways that may be designated for emergency evacuation and emergency services.

In general, the Standards specify the use of a 50% (2-year) storm event for the design of storm sewers and roadside ditch collection systems while requiring that the water surface elevation during a 1% (100-year) event not threaten structural flooding. The design of open channel stormwater conveyance is provided by the "HCFCD Policy Criteria and Procedure Manual" (current edition dated December 2010).

The Standards provide the requirements for on-site stormwater detention whenever new development may result in an increase in runoff from the development site. Exceptions to these requirements are noted for specific instances including the availability of regional detention volume. Where regional detention volume is available, the City may assess an impact fee based on the acreage being developed in lieu of requiring on-site detention. In addition, a developer may be responsible for the cost of conveying the increased runoff to the conveying channel and/or funding improvements to the conveying channel in order to accommodate the proposed increased flow volume. Currently, the availability and maximum amount of a stormwater detention impact fee that may be assessed for new development is established by City Ordinance No. 2009-12.

C. Planning History

In order to provide perspective for the MDP, prior drainage planning documents covering a 30-year period were reviewed in preparation of this report.

The "Comprehensive Planning Report" (CPR) was issued for the City of Tomball in 1982 to provide growth objectives for water, sewerage, drainage, and transportation over a 25-year planning horizon. At that time, the incorporated area of the City was reported to be 6,060 acres while that of the ETJ was stated as 4,620 acres. The population within the City limits

was estimated at 4,000, based on the 1980 U.S. Census, with another 600 people residing in the ETJ.

The report noted three primary HCFCD ditches providing drainage for the city: M125-00-00, J131-00-00 and J131-03-00, with a fourth ditch, M116-00-00, providing minor relief for eastern Tomball. A "Master Outfall Drainage Plan" map was prepared using topography from the 1962 USGS Tomball Quadrangle map. The 100-year floodplain boundary was added to this map using a 1973 USGS delineation. Ten drainage ditches, existing and proposed, lettered A through J, were identified for further discussion in the report. The relevance of these ditches is discussed in this MDP within the narrative for individual drainage areas that follows.

The 1982 CPR was followed by publication of the "Comprehensive Plan Update" (CPU) in 1986 which expanded upon the information compiled for the 1982 CPR. The proposed drainage system was expanded to encompass 14 ditches with a total estimated improvement cost of \$21 million for the ultimate development of the City of Tomball.

The 1996 Infrastructure Master Plan (IMP) incorporated updated HCFCD naming terminology for existing channels in the vicinity of Tomball and reflected drainage system improvements that had been constructed since the previous planning reports. The report provides continuity with the 1986 CPU in numbers and general alignment of proposed channels and includes estimated cost for the construction of five proposed detention facilities to be located at channel outfalls along Willow Creek.

The "Willow Creek Mid-Reach Watershed Study Phase 3" (Willow Creek Study) was issued by HCFCD in June 1999. The study examined potential development in the Tomball area and provided basic design and cost information for channel improvements and stormwater detention facilities for four basins: M116, M121, M125, and M124.

The 2002 IMP was prepared to identify capital improvements that would be recommended over the 10-year planning horizon ending in 2012. The 2000 population within the City limits, as reported by the US Census, was 9,089 and the 2001 ETJ population was estimated to be 2,550. Based on the recommendations contained in the report, a total of \$14.0 million in channel improvements and \$24.4 million in detention facility construction were identified for the 10-year planning period.

The 2007 IMP updated the information contained in the 2002 IMP and extended the planning horizon to 2017. The IMP also provided the basis for developing stormwater drainage impact fees for new development in four basins. According to the recommendations contained in the report, a total of \$17.5 million for ten channel improvement projects and \$49.1 million in detention facility construction was identified for the 10-year planning period.

D. Drainage Basins

This section of the Tomball MDP provides drainage and related information for seven primary basins serving the Tomball area. In this document, the term “watershed” is reserved for the area drained by an HCFCD Main Stem channel such as Spring Creek or Willow Creek, while the term “basin” is used to refer to the tributary areas that aggregate to form the larger watershed. The term “catchment” may also be used interchangeably to refer to the same drainage area as “basin”.

The past planning history, current project status, and stormwater management considerations for the following basins are presented in the remainder of this section:

Spring Creek Watershed: J131 and J100E

Willow Creek Watershed: M116, M118, M121, M125, and M124

Several other basins provide drainage for areas of Tomball and the ETJ but are not discussed in detail since their role is relatively minor for the planning area.

M100F2 serves an area within the City limits that lies along both sides of the southern portion of SH 249 which drains by roadside ditches to Willow Creek and an area within the ETJ south of Holderrieth Road and east of SH 249 that is largely within the regulatory floodplain and drains to the creek through overland flow.

An area of the ETJ south of Holderrieth Road and west of SH249 is situated in the M100F1 and M100E basins. M123-00-00 drains a portion of M100F1, but the 1999 Willow Creek Study did not disclose any recommended improvements for this channel or for the basin. None of the area within these two basins includes territory within the City limits.

Areas of the ETJ east of the City are located within basins M112A and M112B-C. The channel serving these two basins, M112-00-00 lies within unincorporated Harris County beyond the Tomball ETJ.

The far northern portion of the ETJ in Montgomery County is located in basin J403E. This area is only sparsely developed and a large portion is within the FEMA preliminary 1% (100-year) floodplain of the Decker Branch to Mill Creek and Mill Creek.

The basin exhibits accompanying this report provide information on locations of HCFCD At-Risk structures. These residential and commercial buildings have been identified by HCFCD as being susceptible to inundation during a 1% (100-year) rainfall event due to the relationship of the estimated first flood elevation of the structure with the anticipated water surface elevation at that location during such an event.

Information on NFIP flood claims and NFIP repetitive loss structures is included in tables appearing in this report, but is not included in the exhibits. FEMA considers information on

these structures, including location, as private and restricted from public disclosure. The NFIP data is provided to the City of Tomball for use in planning.

M116

Description:

The MDP drainage area identified as M116 comprises an area of approximately 1575 acres located in the eastern portion of the City of Tomball and ETJ. M116 is bounded generally by Main Street (FM 2920) along the north and east, a drainage divide with M100G along the south, and Hufsmith-Kohrville Road (FM 2978), and the Burlington Northern and Santa Fe Railroad (BNRR) tracks to the west (see Exhibit 4.2). The drainage area is served by HCFCD channel M116-00-00 which outfalls to Willow Creek in an unincorporated area of Harris County beyond the ETJ. M116 is formed from a portion of TSARP catchment M116A_C by removal of the MDP drainage area identified as M118 and by minor modifications to the northeastern boundary.

A visual inspection of the 2012 aerial photography reveals much of the M116 area to be undeveloped, but both residential and commercial development may be expected as improvements to Hufsmith-Kohrville Road and a potential extension of Medical Complex Drive to the east are completed.

Willow Creek Drainage Sub-basin M116				
Table 4.1				
	City	ETJ	County	Total
Basin Area (Acres)	466	559	550	1,575
FEMA Regulatory 1% (100-Year) Floodplain	0	30	55	85
Tomball 1% (100-Year) Flood-Prone Areas	217	215	0	432
Total Flood-Prone Area (Acres)	217	245	55	517
Percent of Basin in Flood-Prone Area	46.6	43.8	10.1	32.8
HCFCD Structures at Risk	0	36	67	103
NFIP Claims	1	0	1	2
NFIP RL Properties	0	0	0	0

Planning History:

The 1986 CPU proposed improvements to a portion of M116 extending from Hufsmith-Kohrville Road to the ETJ boundary. The improvement, labeled "Ditch B", called for excavation along the existing natural channel and an extension of the channel to the west with an estimated cost of approximately \$0.3 million.

The 1996 IMP expanded on the proposed channel improvement by adding an approximately 4,700 feet extension from Hufsmith-Kohrville Road to South Pitchford Road draining an additional 150 acres. The cost of the revised channel improvements was estimated at \$942,000. Detention storage along the channel within the ETJ was proposed at an estimated cost of \$1,250,000.

The 2002 IMP continued to recommend the proposed channel improvements but revised the proposed detention basin to coincide with the recommendation from the Willow Creek Study adjusting the location to the channel outfall, and revising the proposed capacity and estimated cost to 300 acre-feet and \$3,630,000, respectively.

The 2007 IMP included the proposed channel and detention improvements while revising the estimated costs for the channel and detention to \$1,130,000 and \$4,719,000, respectively. However, based on a comparison of the extents of the proposed channel improvements from exhibits contained in the 2002 and 2007 IMPs, it is not clear whether the same length of channel improvement is being proposed in the 2007 report.

The proposed extent of the channel improvement for M116-00-00 contained in the 2011 CIP Status Report agrees with the configuration contained in the 2002 IMP rather than that included with the 2007 IMP.

Project Progress:

Channel and detention improvements for the M116 drainage area are not included in the FY14-18 CIP. According to City staff, there are no plans to further improvements at this time.

Stormwater Management Considerations:

Due to generally undeveloped nature of the drainage area, channel improvements are considered a lower priority than other drainage areas with more pressing concerns. In addition, the M116-00-00 channel is primarily located in the county and ETJ, and HCFCD has not identified project funding for improvements within the current five-year CIP. Continued coordination between the City and HCFCD on potential improvements to the channel and related detention requirements is advised.

New development resulting in stormwater runoff impacts will require on-site detention as impact fees are not available for this area.

Excavation by others along the alignment of the proposed extension west of South Persimmon is reported to have relieved the potential for structural flooding in the immediate area, but potential for flooding of streets, ROW, and yards remains a concern.

A number of properties along Country Club Green Drive in the vicinity of the Tomball County Club in the ETJ have been identified by HCFCD as structures that are at risk of flooding during an extreme rainfall event.

M118

Description:

The MDP drainage area identified as M118 consists of an area of approximately 732 acres located in the southeastern portion of the City of Tomball and ETJ. M118 is bounded slightly north of a line where Hardin Street might be projected to the east then along Hufsmith-Kohrville Road on the east, Willow Creek to the south and the BNRR tracks along the western perimeter (see Exhibit 4.2). M118 is formed from the southwestern portion of TSARP catchment M116A_C and a northwestern portion of TSARP catchment M100G.

A visual inspection of the 2012 aerial photography reveals much of the M118 area to be rural and undeveloped. Channel and stormwater detention improvements are under development in the area south of Holderrieth Road and north of Willow Creek.

Willow Creek Drainage Sub-basin M118				
Table 4.2				
	City	ETJ	County	Total
Basin Area (Acres)	679	53	0	732
FEMA Regulatory 1% (100-Year) Floodplain	43	9	0	52
Tomball 1% (100-Year) Flood-Prone Areas	295	9	0	304
Total Flood-Prone Area (Acres)	338	18	0	356
Percent of Basin in Flood-Prone Area	49.8	33.9	0.0	48.7
HCFCF Structures at Risk	2	7		9
NFIP Claims	0	0		0
NFIP RL Properties	0	0		0

Planning History:

A drainage channel was proposed in the 1982 CPR for the area currently identified as M118. The manmade improvement was labeled "Ditch C" and would extend for roughly 1,300 feet from outfall at Willow Creek along a northerly alignment similar to the current proposed alignment for M118-00-00.

The 1986 CPU included "Ditch C" with the proposed improvements estimated to cost approximately \$1.1 million for full development of the channel.

The 1996 IMP modified the scope of the previous proposals to include detention near the outfall to Willow Creek and to limit channel improvements to drain a 60-acre industrial area. The cost of the revised channel improvements was estimated at \$860,000. Detention storage for the channel improvement was estimated to cost \$500,000.

The 1999 HCFCD Willow Creek Study did not address M118 as a separate drainage area, nor did the study recommend improvements for "Ditch C".

The 2002 IMP included improvements for the drainage area but revised the scope of the proposed channel and detention basin. The channel improvements were proposed to drain 150 acres at an estimated cost of \$2.0 million, while the expanded detention basin was estimated to cost \$3.7 million.

The 2007 IMP included the proposed channel and detention improvements as noted in the 2002 report with no adjustment in scope or cost.

A preliminary engineering report (PER) for construction of M118-00-00 and the associated detention facility was issued in November, 2009. According to the report, the objective of the proposed improvements is to provide "efficient and economical" drainage and detention for future development within the drainage area while avoiding adverse impacts to Willow Creek during the design (100-year) peak flow event. The PER recommended 226 acre-feet of detention capacity and 9,700 feet of channel improvements to provide sufficient drainage and detention for the ultimate development of the watershed.

Project Progress:

Progress on construction of the channel and detention improvements is based on the June 2013 Engineering Division CIP Report, interviews with Division staff, and inspection of the 2012 aerial photograph. Progress since the photograph was produced will not be evident on the exhibit accompanying this section. Final design of all phases of the project is underway.

Discussion of progress on the proposed improvements is divided into two areas by Holderrieth Road.

For the area south of Holderrieth Road:

- 1) The detention basin is partially excavated.
- 2) 3,300 feet of improved channel is mostly complete. 180 linear feet of 36-inch pipe connecting the channel to the detention pond was completed in January 2009. All ROW south of Holderrieth Road has been obtained.
- 3) FY 2014 budget recommendation of \$3.6 million for completion of the basin and channel.

For the area north of Holderrieth Road:

- 1) Approximately 1,200 linear feet of channel has been excavated (by others) as detention north of Holderrieth Road.

- 2) The Tomball Economic Development Corporation (TEDC) is expected to fund a portion of channel construction which is to be completed by the end of 2014.
- 3) FY 2015 budget recommendation of \$1.1 million for the portion of the channel construction to be funded by the City.
- 4) The expected completion date for all channel improvements is unknown.

Stormwater Management Considerations:

According to Division staff reports there are no current flooding issues of concern for this drainage area. The improvements are being constructed to provide drainage for existing and future development in this area while eliminating the need for on-site stormwater detention. As this watershed is only lightly developed at present, the full capacity of the detention facility and channel improvements are not required to serve existing drainage requirements.

Payment of a drainage impact fee in lieu of on-site detention is currently available for new development in M118 at a maximum rate of \$6,023.90 per acre, as established by the 2007 IMP and City Ordinance No. 2009-12. The IMP is routinely updated every five years, and maximum impact fee rates are calculated as a component of that process. Based on the data contained in the IMP, City Council establishes a maximum rate for the upcoming five year period.

M121

Description:

M121 encompasses an area of approximately 1,790 acres extending from Main Street (FM 2920) to the north, along the Burlington Northern and Santa Fe Railroad tracks to the east, along Willow Creek and Holderrieth Road to the south, and then along a varied boundary intersecting Main near Vernon Avenue (see Exhibit 4.3). For management and analysis purposes, M121 was divided into three basins: M121 East (538 acres), M121 West (993 acres), and M121 Detention (259 acres), with South Cherry Street providing a boundary between M121 East and West, and Holderrieth Road separating the detention area. M121 East and West lie almost entirely within the city limits while the detention area is mainly within the ETJ.

M121 is formed exclusively from TSARP catchment M100F2 with a portion of that original basin along SH 249 and Willow Creek remaining as M100F2. The M121 drainage area is served by HCFCD channel M121-00-00 which outfalls to Willow Creek.

A visual inspection of the 2012 aerial photography reveals much of the M121 East area to be rural and undeveloped and there is little development within the boundaries of the detention area. The northern-most portion of M121 West includes the section of Old Town south of West Main, while the area to the south of Medical Complex Drive is largely rural and undeveloped.

Willow Creek Drainage Sub-basin M121 East				
Table 4.3				
	City	ETJ	County	Total
Basin Area (Acres)	533	5	0	538
FEMA Regulatory 1% (100-Year) Floodplain	17	1	0	18
Tomball 1% (100-Year) Flood-Prone Areas	236	0	0	236
Total Flood-Prone Area (Acres)	253	1	0	254
Percent of Basin in Flood-Prone Area	47.4	22.1	0.0	47.2
HCFCD Structures at Risk	7	0		7
NFIP Claims	4	0		4
NFIP RL Properties	1	0		1

Willow Creek Drainage Sub-basin M121 West				
Table 4.4				
	City	ETJ	County	Total
Basin Area (Acres)	966	27	0	993
FEMA Regulatory 1% (100-Year) Floodplain	96	14	0	110
Tomball 1% (100-Year) Flood-Prone Areas	337	10	0	347
Total Flood-Prone Area (Acres)	433	24	0	457
Percent of Basin in Flood-Prone Area	44.8	88.1	0.0	46.0
HCFCF Structures at Risk	8	1		9
NFIP Claims	52	0		52
NFIP RL Properties	6	0		6

Willow Creek Drainage Sub-basin M121 Detention				
Table 4.5				
	City	ETJ	County	Total
Basin Area (Acres)	12	247	0	259
FEMA Regulatory 1% (100-Year) Floodplain	0	142	0	142
Tomball 1% (100-Year) Flood-Prone Areas	1	31	0	32
Total Flood-Prone Area (Acres)	1	173	0	174
Percent of Basin in Flood-Prone Area	8.6	70.1	0.0	67.1
HCFCF Structures at Risk	2	9		11
NFIP Claims	0	0		0
NFIP RL Properties	0	0		0

Planning History:

The 1982 CPR includes the M121 basin in drainage areas "D" (eastern area) and "E" (western area). This plan proposed drainage ditch improvements of over 10,000 feet for both areas at a cost of \$1.2 million for "Ditch D" and \$1.0 million for "Ditch E" with separate outfalls to Willow Creek from enlarged existing tributaries. Detention is not included in this plan.

The 1986 CPU altered the alignment of ditches "D" and "E" which more closely matches the current project alignment, and renamed segment "E" to "D-1". The drainage area boundaries were also remapped. The length of the channel segment to be improved for "Ditch D" was revised to 4,800 feet with full development estimated to cost \$846,000 while "Ditch D-1" would be improved over 8,800 feet at an estimated cost of \$1,366,000. Detention was not added to the planned project.

The 1996 IMP depicts channel M121-00-00 as existing from Willow Creek north to Holderrieth Road, continues the proposed alignment for ditches "D" and "D-1", and recommends interim channel improvements for "Ditch D-1" along School Road from Hardin Street to M121-00-00 at an estimated cost of \$1.9 million. In addition, this plan includes an estimate of \$2.5 million for construction of a detention facility to be located at the outfall of M121-00-00 at Willow Creek.

The 2002 IMP incorporates a proposed site for detention basin M500-01 along M121-00-00 south of Holderrieth Road as recommended in the HCFCD Willow Creek Study. The IMP identifies "Ditch D" as M121-00-00 and recommends extending the existing channel north of Holderrieth Road to Agg Road at an estimated cost of \$1.9 million to serve M121 East. "Ditch D-1" is identified as M121-01 and excavation of a channel along Cherry Street from Graham Drive south across Holderrieth Road and east to the M500-01 detention facility is recommended at an estimated cost of \$3.0 million to serve M121 West. The report includes a cost estimate of \$4.5 million for the construction of the M500-01 detention facility and an additional \$3.3 million for a City-funded expansion of M500-01 to serve new development.

The 2007 IMP includes the M121-00 and M121-01 channel improvements and adjusts the previous cost estimate to \$6,370,000 for both projects. The estimated cost for the M500-01 detention pond is adjusted to \$5,850,000 while the cost estimate for the expansion pond is increased to \$4,290,000.

M121 PER was published in November 2009 that recommended channel improvements (Option 3) allowing for full development in the M121 basin. As proposed, the M500-01 detention basin would serve 70% of full development with further development being served by the proposed expansion facility. The total project cost was estimated at \$12.9 million including the cost of utility relocations and ROW acquisition. The estimated cost for excavation of the M500-01 detention basin was reduced to \$285,000 due to partial excavation of the proposed facility as a borrow pit for construction projects requiring fill. The report also noted partial excavation of the proposed channels to serve as detention for development in the area.

Project Progress:

Progress on construction of the channel and detention improvements is based on the June 2013 Engineering Division CIP Report, interviews with Division staff, and inspection of the 2012 aerial photograph. Progress since the photograph was produced will not be evident on the exhibit accompanying this section.

M121 West:

- 1) Adequate detention volume is in place to serve this area. On-site detention is not required for new development if the development is hydraulically connected to the channel. On-site detention may be required in certain circumstances.

- 2) Of approximately 10,900 feet of proposed channel improvements, about 3,800 feet has been constructed by private developers excavating for detention.
- 3) FY 2012 budget of \$10.8 million provides funding for engineering, ROW acquisition, and construction.
- 4) Final engineering design was initiated in December 2011.
- 5) ROW north of Holderrieth has been acquired while ROW south of that road must still be obtained.
- 6) Channel expected to be completed by the end of 2015.

M121 East:

- 1) About 2,400 feet of the proposed channel has been constructed by a private developer immediately north of Holderrieth Road. Approximately 3,600 feet of proposed channel remains to be constructed from 2,000 feet north of Holderrieth Road to Agg Road.
- 2) On-site detention is not required for new development if the development is hydraulically connected to the channel. On-site detention may be required in certain circumstances.
- 3) Approximately 2,600 feet of channel improvements are under development from Holderrieth Road to the outfall at Willow Creek.
- 4) Final engineering design will be completed with funding for construction.

M121 Detention:

- 1) A major portion (volume) of M500-01 has been excavated by private parties under the supervision of HCFCD.
- 2) Basin construction is expected to be completed by the end of 2015.

Stormwater Management Considerations:

The proposed improvements are being constructed to alleviate localized flooding and to provide drainage infrastructure for new development in this area while eliminating the need for on-site stormwater detention. Downtown flooding south of FM 2920 is expected to be relieved when the channel M121-01 connection to the Hardin Street drainage ditch is completed.

Payment of a drainage impact fee in lieu of on-site detention is currently available for new development in M121 West and M121 East at maximum rates per acre of

\$4,985.14 and \$6,828.71, respectively, as established by the 2007 IMP and City Ordinance No. 2009-12. The IMP is routinely updated every five years, and maximum impact fee rates are calculated as a component of that process. Based on the data contained in the IMP, City Council establishes a maximum rate for the upcoming five year period.

Localized flooding, particularly in older developed areas such as downtown, may be related to inadequate drainage network infrastructure, poor maintenance of infrastructure, or structures being at risk of inundation during an extreme event due to a lack of elevation above adjacent natural ground. There are several structures located in the older developed area of M121 West that have flood claims filed under the NFIP. Uninsured structures may also have flooded, but the NFIP would have no record of such occurrences. Since basin-wide drainage studies typically do not focus on the adequacy of localized collector networks, an evaluation of such networks is advised where there is a history of flooding.

M125

Description:

M125 is composed of an area of approximately 675 acres extending from Hicks Street, north of Main Street (FM 2920), to Willow Creek along the southern boundary. This basin includes drainage areas to the east and west of SH 249 and the SH 249 Expressway and is bounded primarily by M121 West and M100F2 along the east and M124 along the west (see Exhibit 4.3).

M125 is formed from portions of TSARP catchments M100F1 and M100F2. The drainage area is served by HCFCD channel M125-00-00, a manmade channel, which outfalls to Willow Creek west of SH 249.

A visual inspection of the 2012 aerial photography reveals much of M125 east of the Expressway to be developed while the area to the west is lightly developed or serving as stormwater detention. Due to the location of M125 relative to Main Street and SH 249, continuing development of this area during the planning horizon may be expected.

Willow Creek Drainage Sub-basin M125				
Table 4.6				
	City	ETJ	County	Total
Basin Area (Acres)	496	160	19	675
FEMA Regulatory 1% (100-Year) Floodplain	4	114	12	130
Tomball 1% (100-Year) Flood-Prone Areas	197	15	0	212
Total Flood-Prone Area (Acres)	201	129	12	342
Percent of Basin in Flood-Prone Area	40.5	80.7	62.8	50.6
HCFCD Structures at Risk	1	0	0	1
NFIP Claims	4	0	0	4
NFIP RL Properties	0	0	0	0

Planning History:

The 1982 CPR included the M125 basin in drainage area "F" and proposed improvements for a 10,000-foot channel to be constructed from Willow Creek to north of Graham Drive along an alignment similar to that associated with the current alignment of M125-00-00. The cost of the proposed "Ditch F" was estimated at approximately \$1.5 million for the ultimate development condition. Detention was not addressed in this plan.

The 1986 CPU provided slight changes to the channel alignment for the proposed "Ditch F" and added an extension, "Ditch E", to serve a newly proposed drainage area

to the west of area "F" identified as area "E". "Ditch F" was identified as M125-00-00 and the estimated cost for improvements was revised to \$1,361,000, while the cost for constructing the "Ditch E" L-shaped extension was estimated at about \$541,000. Detention was not included with the planned project.

The 1996 IMP proposed channel improvements for M125-00-00 including the western extension from M125-00-00 to drainage area "F". The drainage area previously identified as "F" was now identified as "E" while the area associated with the proposed extension was identified as "F" rather than "E". The report notes improvements to M125-00-00 including construction of 550 feet of 8' x 8' concrete box sewer beneath a shopping center parking lot east of SH 249 and the enlargement of the ditch upstream of Graham Street to provide detention storage capacity with installation of "a small pump to empty the detention capacity below the flow line of the SH 249 ditch system into the roadside ditch to prevent standing water conditions." The cost of improvements across and south of SH 249 and from Graham Drive to Barbara Street was estimated at \$1.5 million assuming HCFCD provided ROW. The cost of detention storage to be located near the outfall to Willow Creek was estimated to be \$1.65 million, but the report alluded that a joint project with TxDOT and HCFCD might reduce that amount. The cost for constructing the lateral "Ditch F" to Mary Jane Lane was estimated at \$745,000.

The recommendations from the 1990 Willow Creek Study are consistent with those noted in the 1996 IMP with regard to the main channel alignment a lateral extension "Ditch F". The detention storage requirement for ultimate development conditions for a side weir facility along M125-00-00 was calculated to be 375 acre-feet.

The 2002 IMP notes the improvements discussed in the 1996 report and states that the channel improvements to be located north of Graham Drive to Barbara Street will likely "need to be a '6 x 7' concrete box storm sewer due to the lack of easement necessary to enlarge the open ditch. The report further notes that HCFCD has acquired ROW downstream of SH 249 to relocate the channel and that joint Tomball-HCFCD-TxDOT funding of interim drainage improvements along with detention is being considered. A location for detention south of Exxon Road is proposed. By reference to the Willow Creek Study, the estimated cost of channel improvements across SH 249 and interim detention is assumed to be the responsibility of TxDOT and HCFCD while the cost to the City of providing ultimate conditions detention storage is estimated to be \$1.1 million. The estimated cost of improvements from Graham to Barbara was not included. The estimated cost of the "Ditch F" lateral to Mary Jane Lane remained at \$745,000.

The 2007 IMP refers to material contained in the 2002 IMP and revises the cost estimate for ultimate detention capacity to \$1.32 million. The cost estimate for constructing "Ditch F" was adjusted upward to \$894,000.

Project Progress:

The FY 2012-2015 CIP status report dated November 2011 states that an inter-local agreement was signed by the City and HCFCD in February 2008 for channel improvements between Barbara Street and Willow Creek.

The current project status is as follows:

- 1) The detention basin serves drainage from existing development.
- 2) On-site detention is required for new development.
- 3) A drainage impact fee is assessed for completed channel improvements to serve new development.
- 4) Construction of box storm sewer from Graham Street to Barbara Street was completed in 2010.

Stormwater Management Considerations:

The proposed channel and detention improvements to serve existing development have been achieved. The drainage regulations are adequate to assure that increased runoff from future development is managed appropriately.

Payment of a drainage impact fee for completed channel improvements serving new development is currently available in M125 at a maximum rate of \$574.40 per acre, as established by the 2007 IMP and City Ordinance No. 2009-12. The IMP is routinely updated every five years, and maximum impact fee rates are calculated as a component of that process. Based on the data contained in the IMP, City Council establishes a maximum rate for the upcoming five year period.

The stormwater collector networks in older developed areas of this basin should be assessed to determine if they meet the current regulatory standards or require improvements.

The drainage area to be served by the proposed lateral "Ditch F" lies within the Tomball ETJ and the M124 drainage basin. If the drainage area to be served by this lateral is to be drained into M124-00-00, then the requirements for the ultimate channel design of M125-00-00 along with the ultimate detention capacity for M125 should be recalculated. Further comments on the area to be drained by "Ditch F" are included in the section on M124.

M124

Description:

M124 comprises an area of approximately 2,930 acres extending from just south of the Lone Star College – Tomball campus on the north to an outfall to Willow Creek along the southern boundary. This basin includes drainage areas to the east and west of SH 249 and the SH 249 Expressway, and is bounded primarily by J131 and M125 to the east and M100E, M100J and J100E along the west and north (see Exhibit 4.4).

M124 is formed primarily from TSARP catchments M124_A and M124B_C, and also includes areas previously included in M100J and J131. The drainage area is served by HCFCD channel M124-00-00 which outfalls to Willow Creek to the west of SH 249. The basin is the largest of the Tomball area basins draining to Willow Creek and includes a substantial area in the ETJ and unincorporated Harris County.

A visual inspection of the 2012 aerial photography reveals much of M124 to be undeveloped or lightly developed with dense commercial development in the vicinity of the SH 249/West Main Street interchange and the SH 249 Expressway and FM 2920 interchange. Continued commercial development along these traffic arteries may be expected well into the future.

Willow Creek Drainage Sub-basin M124				
Table 4.7				
	City	ETJ	County	Total
Basin Area (Acres)	1,129	924	877	2,930
FEMA Regulatory 1% (100-Year) Floodplain	14	89	384	487
Tomball 1% (100-Year) Flood-Prone Areas	403	270	0	673
Total Flood-Prone Area (Acres)	417	359	384	1,160
Percent of Basin in Flood-Prone Area	36.9	38.8	43.8	39.6
HCFCD Structures at Risk	36	92	36	164
NFIP Claims	4	34	16	54
NFIP RL Properties	1	6	4	11

Planning History:

The 1982 CPR includes a drainage area "G" with boundaries similar to those of the M124 basin. The CPR contained proposed improvements for "Ditch G" of almost 14,000 feet at an estimated cost of approximately \$2.1 million. "Ditch G" was proposed to extend from the area included in northern portion of M124 east of SH 249 with an outfall to the proposed "Ditch F" north of Humble Road. Detention storage was not included in this plan.

The 1986 CPU significantly altered the proposed drainage area and alignment of the 1982 CPR by creating drainage area "E" and eliminating the proposed outfall to "Ditch F". In addition, "Ditch G" was proposed as an extension that would outfall to an unimproved M124-00-00 south of FM 2920. The length of the channel segment to be improved was revised to over 12,000 feet with an estimated to cost approximately \$1.6 million to serve a fully-developed area. No proposal for improvements to M124-00-00 was offered nor was detention included with the project.

The 1996 IMP included proposed improvements similar to those suggested in the 1986 CPU at a revised estimated cost of \$1.52 million. Detention storage cost for the extension was estimated to be \$1.8 million.

The 2002 IMP included improvements for "Ditch G" and "Ditch G-1" based on the Willow Creek Study and previous planning efforts. The cost of the two ditch improvements and detention storage was estimated to be \$3.6 million and \$8.17 million, respectively.

The 2007 IMP revised the estimated cost for the proposed improvements recommended in the 2002 IMP upward to \$4.32 million for the channels and \$10.6 million for detention.

The "Willow Creek Tributary M124-00-00 Feasibility Study for Extension Improvements" was prepared in 2008. According to the report, the preferred plan for improvements would include a channel designed to accommodate flows from the 100-year event and detention storage "to mitigate the channel improvements and future loss of floodplain storage by development." The cost of the project was estimated to be \$20.3 million. Planning and execution of the project would require coordination with Harris County and HCFCD.

The FY 2013-2017 CIP status report states that the proposed project has been divided into two phases: M124 North (from FM 2920 to SH 249) and M124 South (from FM 2920 southward to Willow Creek). Funding for the FY 2014 and FY 2015 budgets is recommended for project design of M124 North.

A draft PER, "Willow Creek Tributary M124-00-00 Preliminary Engineering Report for Extension Improvements", describing proposed channel improvements and detention storage based on the 2008 feasibility study was provided to City staff for review in September 2013. The report notes that channel improvements would "improve the M124-00-00 watershed by providing flood damage reduction benefit through a reduced floodplain and to provide a suitable outfall for State Highway (S.H.) 249 and the surrounding area." Detention storage would mitigate the impacts of the proposed channel improvements. The cost of the proposed project was estimated to be \$48.2 million. The report implies that the project will reduce the floodplain in an unspecified area along the proposed channel from SH 249 to 600 feet south of Triechel Road.

Project Progress:

Proposed improvements are in the planning stage. Construction is not expected within the next ten years due to funding constraints.

Stormwater Management Considerations:

The area that may be served by the proposed "Ditch F" (see M125) is now located within the boundaries of M124. This area, which is in the ETJ, includes several structures having experienced NFIP repetitive flood losses along with many structures deemed to be at risk of flooding by HCFCD (see Exhibit 4.4). Most of these properties are beyond the limits of the 100-year regulatory floodplain. Development of a project serving this area could be incorporated into an improvement proposal for M124 South. Any investigation of this area should consider the adequacy of the existing drainage collector network(s).

The western extents of M124 along and south of FM 2920 is also populated with large numbers of at-risk structures and several repetitive loss properties located within the city limits, ETJ, and unincorporated Harris County. The properties could potentially benefit from the proposed improvements to M124-00-00.

The City of Tomball may seek to establish drainage impact fees for new development in the basin. The draft PER for improvements to M124-00-00 does not provide drainage mitigation for new development; therefore, on-site detention will be required in the basin.

Due to the considerable projected cost of constructing improvements associated with M124 North, the City may wish to consider conducting a benefit-cost analysis for this project.

J131

Description:

J131 encompasses an area of approximately 3,156 acres including a major portion of Old Town north of Main Street. The basin extends from the Spring Creek floodplain in the far northeast, roughly along Hufsmith-Kohrville Road (FM 2978) to the east, Main Street (FM 2920) to the south, shares the basin boundaries of M125 and M124 to the west, and then angles northeastward along the drainage divide with J100E see Exhibit 4.5).

J131 is formed from TSARP catchment J131 with an area of the TSARP basin to the west of Quinn Road transferred to M124. The drainage area is served by HCFCD channel J131-00-00 (Boggs Gully) which outfalls to Spring Creek west of FM 2978. HCFCD tributaries that outfall to J131-00-00 include J131-01-00 in the eastern portion of the basin; J131-03-00, a manmade channel serving an older developed portion of the city east of the BNSF tracks; and, J131-04-00 and J231-00-00, manmade channels that provide relief to smaller, more sparsely developed areas of the central and western basin.

A visual inspection of the 2012 aerial photography reveals that J131 encompasses most of Old Town and other densely developed commercial and residential areas near the central city, more sparsely developed commercial and residential areas apart from the central city, and large areas of undeveloped property, particularly in the far north and eastern regions of the basin. Development and redevelopment along Main Street/FM 2920 to the east and new development along Hufsmith-Kohrville Road may be expected during the planning period.

Spring Creek Drainage Sub-basin J131				
Table 4.8				
	City	ETJ	County	Total
Basin Area (Acres)	2,297	472	387	3,156
FEMA Regulatory 1% (100-Year) Floodplain	111	34	97	242
Tomball 1% (100-Year) Flood-Prone Areas	684	111	0	795
Total Flood-Prone Area (Acres)	795	145	97	1,037
Percent of Basin in Flood-Prone Area	34.6	30.7	24.9	32.9
HCFCD Structures at Risk	493	58	51	602
NFIP Claims	19	6	1	26
NFIP RL Properties	2	1	0	3

Planning History:

The 1982 CPR included a major portion of J131 in drainage areas and "H", "I", and "J". The plan proposed improvements for "Ditch H" (J131-00), "Ditch I" (J131-03), and "Ditch J" at estimated costs of approximately \$1.4 million (11,000 feet), \$127,000 (5000 feet), and \$0.5 million (6,000 feet), respectively. "Ditch J" would serve an area of the eastern basin and improve J131-01, a natural channel, while "Ditch I" would be manmade.

The 1986 CPU added channel improvement projects for "Ditch K" in the far northeast portion of the basin, and "Ditch L", a lateral which would outfall to J131-00 in the vicinity of Ulrich Road, to the three projects noted in the 1982 CPR. The estimated costs of the channel improvements are as follows: "Ditch H" – \$1.8 million; "Ditch I" – \$232,000; "Ditch J" – \$957,000; Ditch K" - \$181,000; and Ditch "L" - \$127,000. Proposed profiles for ditches "K" and "L" were not included with the plan.

The 1996 IMP reflected significant changes from the 1986 CPU. The IMP reported HCFCD construction on J131-00-00 ("Ditch H") from Zion Road to Ulrich Road funded through the District's bond program. Further improvements were proposed for the reach terminating at West Hufsmith Road with existing buried box storm sewer extending from that point to West Main Street. The proposed "Ditch K" was relocated to serve a small area in the western basin and would outfall to J131-00-00 near the limit of the proposed improvements for that channel. The revised cost estimates for channel improvements for three tributary ditches were as follows: J131-03-00 ("I") - \$676,000; "K" - \$175,000; and "L" - \$170,000. The proposed channel improvements for "Ditch J" (J131-01-00) were mapped but the project was not recommended over the 10-year improvement horizon.

The 2002 IMP reported completion of the proposed improvements for J131-00-00 from Ulrich Road to Hufsmith Road and further stated that the channel met City of Tomball and HCFCD criteria so that proposed lateral drainage systems may be constructed to outfall to it. Three proposed projects for improvements to tributaries to J131-00-00 were included in the 10-year plan: J131-03 ("Ditch I") - \$676,000, "Lateral Ditch K" - \$175,000, and J131-04 ("Lateral Ditch L") - \$170,000.

The 2007 IMP revised the estimated cost for the three proposed improvements recommended in the 2002 IMP as follows: J131-03 ("Ditch I") - \$811,000, "Lateral Ditch K" - \$210,000, and J131-04 ("Lateral Ditch L") - \$204,000. The proposed improvement of J131-04 is not depicted as a "Proposed Project" on Exhibit 6-3A of the report, raising the question as to whether this is a simple omission or if the improvements have already been completed.

The "Draft Tomball Downtown Specific Plan" (DSP), August, 2011, recommends storm sewer improvements and sub-regional detention for the downtown area of J131 in order to alleviate existing flooding concerns and reduce the potential for increased

flooding related to expected redevelopment. According to the DSP, the area to be served by the proposed Project 4 ("North Storm Sewer Trunk Line") and Project 5 ("Detention Pond and Outfall Structure") extends from Main Street to roughly Epps Street to the north and from around Magnolia Street to the west to Elm Street to the east. A separate proposed storm sewer trunk line improvement project (Project 3) would provide drainage relief for an area west of Magnolia Street and connect to an existing storm sewer trunk line that discharges to Boggs Gully. The estimated cost for Projects 4 and 5, which must both be completed to provide relief, is estimated to be approximately \$2.2 million; while the estimated cost for Project 3 is \$300,000.

The June 2013 CIP status report does not include discussion any further project planning for proposed drainage channel improvements in J131.

Project Progress:

Proposed improvements for J131-00-00 (Boggs Gully) have been completed. No other drainage channel improvement projects are being pursued at this time.

Stormwater Management Considerations:

There are over 600 structures within J131 determined to be at risk of flooding by HCFCD. Of that number, almost 500 are located within the city limits of Tomball. Within the City, these properties tend to be clustered in three areas:

- 1) A residential neighborhood located south of East Hufsmith Road and west of Snook Lane;
- 2) A mixed use area east of the BNSF tracks, south of East Hufsmith Road, north of East Main Street and west of the J131-03-00 channel, and including a cluster of structures just to the east of North Willow Street; and,
- 3) The Old Town/Mixed Use area bounded by Hufsmith Road on the north, the BNRR tracks to the east, West Main Street on the south, and the J131-00-00 drainage alignment to the west, with an additional cluster located between the alignment and Quinn Road.

In addition, there are several properties located within the Old Town/Mixed Use area that have recorded NFIP flood claims.

Information from the Infrastructure GIS database, along with the expertise of Engineering Division staff, should be utilized to assess the flood risk in these areas in order to determine if the infrastructure meets current performance standards.

Commercial and residential development along the East Main Street and the Hufsmith-Kohrville corridors may be expected during the planning horizon. The proposed improvements for J-131-01-00 ("Ditch J") have not been addressed to date. As

development proceeds, the drainage system demands in the eastern portion of J131 should be evaluated in coordination with Harris County and HCFCD to determine the need and timing for channel improvements.

J100E

Description:

J100E is composed of approximately 6,572 acres along Spring Creek from the northern-most point in the City of Tomball to well west of the City limits and ETJ. The basin encompasses a major portion of the ETJ in Montgomery County extending east from SH 249. Within the City of Tomball, the basin shares boundaries with basins J131 and M124, and includes the Lone Star College – Tomball campus (see Exhibit 4.6). The MDP boundaries of this basin are consistent with the TSARP catchment boundaries.

A visual inspection of the 2012 aerial photography shows a good deal of residential development in the Tomball portion of the basin with commercial development along SH 249. Heavily vegetated areas along both banks of Spring Creek remain undeveloped and are proximate to the 1% (100-year) floodplain of the channel.

Spring Creek Drainage Sub-basin J100E						
Table 4.9						
	City	ETJ (Harris)	Harris County	ETJ (Mont.)	Mont. County	Total
Basin Area (Acres)	1,040	71	1,468	1,099	2,894	6,572
FEMA Regulatory 1% (100-Year) Floodplain	275	11	333	638	854	2,111
Tomball 1% (100-Year) Flood-Prone Areas	61	5	0	71	0	137
Total Flood-Prone Area (Acres)	336	16	333	709	854	2,248
Percent of Basin in Flood-Prone Area	32.4	22.6	22.7	65	29	34.2
HCFC Structures at Risk	n/a	n/a	n/a			n/a
NFIP Claims	2	0	8			10
NFIP RL Properties	0	0	2			2

Planning History:

The 1982 CPR did not propose drainage improvements within the J100E basin.

The 1986 CPU added a channel improvement project for “Ditch M” which would provide a manmade extension of a natural tributary (later identified as J133-00-00) to Spring Creek. The extension would provide drainage for 82 acres at an approximate cost of \$190,000.

The 1996 IMP included the proposed improvement for “Ditch M” and added an improvement for “Ditch N” (J132-00-00) which would be an enlargement of a manmade ditch that runs parallel to the BNSF tracks before turning due north at a point west of Lost Creek Drive to outfall at Spring Creek. The estimated costs for the

two improvements were: "Ditch M" - \$262,500 and "Ditch N" - \$250,000. The proposed service area for "Ditch M" was expanded from 82 to 200 acres.

The 2002 IMP discussed the need for improvements to J132-00-00 (Ditch "N") and included proposed improvements at an estimated cost of \$825,000. The proposed improvement of J133-00-00 (Ditch "M") was not included as a recommended improvement for the planning period.

The 2007 IMP revised the estimated cost for J132-00-00 to \$990,000 and did not reintroduce proposed improvements for J133-00-00.

The June 2013 CIP status report does not reflect any activity on improvements to J132-00-00.

Project Progress:

An examination of the 2012 aerial photograph reveals manmade channel improvements in place along the proposed alignment of J133-00-00 from Zion Road to Spica Street where the improved extension outfalls to the natural channel. Thus, a segment of this project appears to have been constructed at some point prior to completion of the 2002 IMP. Approximately 900 feet of the natural channel lies within the 100-year floodplain of Spring Creek.

Stormwater Management Considerations:

HCFCFCD is responsible for management of Spring Creek. Since the 100-year storm event is not contained within the channel banks, increased drainage outfall volumes to the channel are not permitted by the District. The District has not developed a plan for Spring Creek similar to the Willow Creek Study, but continuing development in north Harris and southern Montgomery counties suggests that such planning would be beneficial. The City of Tomball should seek to continue coordination of stormwater management for basins draining to Spring Creek from within the City and from within the ETJ located in both counties.

V. Conclusions and Recommendations:

A. Conclusions:

Based on past growth history, current economic conditions, and planned major roadway improvements, the City of Tomball and ETJ should experience continuing population growth and land development well into the next decade.

With regard to new development, the City is well-positioned to address stormwater drainage with a combination of regulatory standards that offer protection from flooding for new buildings while offering developers options for addressing mitigation of increased site runoff. Floodplain and drainage regulations mandate that the lowest floor elevation of all new structures within the City limits be elevated to at least 1.5 feet above the water surface elevation associated with a 1% (100-year) storm event. Mitigation of stormwater runoff impacts from new development may be addressed by low-impact development techniques and on-site detention, while the payment of impact fees in lieu of detention is available two drainage basins: M118, and M121. Construction of major drainage channel improvements is well under way in basins M118 and M121 with construction largely complete in M125. Proposed channel improvements, including detention, in the M124 basin appears to be the highest priority for drainage areas without currently active, publicly-funded CIP projects. Since a significant portion of M124 lies beyond the City limits of Tomball, the active participation of Harris County and HCFCD is central to planning, financing, engineering, and construction.

Storm sewer trunk lines and sub-regional detention have been recommended for J131 in order to alleviate existing flooding problems and to reduce the potential for increased flooding from redevelopment activity in the downtown area.

Proposed projects in basins M116 and J100E are not part of the current planning process. Future development in these areas should dictate the necessity of moving forward with project development.

There are 573 structures located within the city limits of Tomball that have been determined by HCFCD to be at risk of flooding during a 100-year storm event. The determination is based on the relationship between the estimated lowest floor elevation of the structure and the elevation of the adjacent ground. These at-risk structures are mainly clustered in an established area of town north of Main Street in drainage area J131. The performance of the stormwater collection networks in this area is a particular concern due to the nature of this flood risk. The analysis by HCFCD did not address structures located in J100E.

B. Recommendations:

1. Stormwater Collector Networks:

As noted in the Introduction to this report, the City is currently developing an infrastructure GIS that will include information on stormwater collector networks. None of the documents reviewed for this report addressed the adequacy of existing collector networks. Lack of maintenance and/or substandard design, as compared to current requirements, could result in structures serviced by particular networks having a greater flood risk than would otherwise be the case. This could certainly be true for older areas of the City. For this reason, and coupled with the information provided by HCFCD on structures at risk of flooding, a systematic review of the city's drainage networks is advised.

City engineering staff would first need to delineate the areas served by individual networks. Priority should be given to older areas of town and to areas known to be flood-prone. The evaluation criteria contained in an assessment tool developed as a component of the MDP may be applied to further target areas in need of study. In many instances, City staff may have knowledge of drainage issues that should be addressed without any further evaluation activity.

Once drainage networks in need of improvement have been identified, the cause(s) of inadequate drainage may be determined and corrective action plans developed. Some corrective action may be accomplished through maintenance activity while other actions may require system modifications involving rehabilitation and/or replacement of infrastructure components (culverts, inlets, storm sewers, etc.).

In summary, improvements to major drainage channels and development of regional detention may be meaningless to older developed areas of the City where the runoff collection system is inadequate. In such locations, street and structural flooding may occur when runoff is not conveyed to drainage channels in an effective manner. Therefore, identification of inadequate collector networks, with mitigation of the conditions related to the inadequacy, should be a high priority for the City within the planning horizon extending to 2030.

2. Capital Watershed Improvements:

Willow Creek Watershed:

M116

The area to be served by proposed channel improvements is mostly undeveloped at this time. The City has no current plans to proceed with improvements. Since a significant portion of the existing channel lies in Harris County beyond the city limits, the City should continue planning and coordination with HCFCD with regard to needed improvements for this drainage basin.

M118

Construction is continuing on the detention pond and channel south of Holderrieth Road and is expected to be completed by the end of 2014. Construction of the TEDC-funded portion of the channel north of Holderrieth is also expected to be completed by the end of 2014. A completion date for the remainder of the channel north of Holderrieth is not scheduled but may be expected by the end of the 2030.

M121

Final design is proceeding for channel improvements in M121 West. Approximately 3,800 feet of the proposed channel has been completed by others. Construction of the remaining 7,100 feet is expected to be completed by the end of 2015.

Final design is on hold for channel improvements in M121 East. Approximately 2,400 feet of the proposed channel has been completed by others. Construction of about 3,600 feet of channel north of Holderrieth Road is not currently scheduled.

Final design is proceeding for the detention basin expansion and a portion of M121-00-00 channel located south of Holderrieth Road. Construction of the expansion to the detention basin for M121 East has not been initiated. Construction of the proposed channel from Holderrieth to the outfall at Willow Creek should be a high priority as it provides connectivity for M121 East and West with the detention facility and with the outfall to Willow Creek.

M125

Construction of improvements for M125-00-00 and related storage capacity requirements have been achieved to meet existing conditions. Stormwater management practices and provisions are in place to address future development in this area.

The drainage area to be served by "Ditch F" has been relocated to M124.

M124

A draft PER has been developed for channel improvements and associated stormwater detention to serve an area designated as M124 North. There are no other active projects identified for this basin.

Spring Creek Watershed:

J100E

The planned extension of J132-00-00 is to be funded by others who may develop the property to the east of the BNSF tracks that would be served by this improvement.

No further improvement to J133-00-00 is recommended unless it is demonstrated that such improvements are necessary to reduce the risk of flooding in developed areas served by this channel.

J131

The area to be served by improvement to J131-01-00 (Ditch J) is largely undeveloped at this time; however, this area may reasonably be expected to experience significant development before 2030. An alternatives analysis may be commissioned for study of this area after higher priority needs have been addressed and funding becomes available to conduct such a study.

The area to be served by the construction of Ditch K appears in the 2012 aerial photograph to be undeveloped. Planning of channel improvements for this area could involve a joint effort by developers and the City. Further consideration of improvements in this area may be deferred until such an opportunity arises.

The need for improvements for J131-04-00 ("Lateral Ditch L") should be reviewed periodically as new development in this drainage area progresses.

3. Benefit-Cost Analysis

Completion of a benefit-cost analysis may be advised for relatively costly capital projects such as that proposed for M124. Such an analysis provides a quantitative comparison of the benefits of the proposed project as compared to the expected cost. The analysis should be completed in conjunction with a PER. The information generated on benefits would be useful in determining cost-sharing for the project among funding entities and could also provide a sound basis for establishing impact fees to fund construction.

In addition, the data derived from a benefit-cost analysis may be used to apply for mitigation grant funding from federal agencies such as FEMA.

4. SWGIS Database:

In order to provide for efficient and effective planning, several data elements utilized for the MDP and incorporated into the Tomball SWGIS should be updated periodically. These data elements and a suggested schedule for updating data files follows:

a) HCAD and MCAD GIS-based property records.

While the City's Zoning GIS database contains parcel-specific information on properties within the city limits and may be updated based on information contained in building permits issued for development by the City, the information in the database could be augmented with data from the tax records to provide a more robust platform for analysis of current land use and future planning. Additionally, information on properties in the ETJ is not available

through the Zoning database. For these reasons, it is recommended that the City update the SWGIS land use files at least once every two years.

- b) **NFIP Flood Insurance Claims and Repetitive Loss Properties**
This information is available in Excel format to the City upon request to the TWDB. It is recommended that the City update this information at least every two years or within six months of a significant rainfall event that produces structural flooding the City and/or the ETJ.
- c) **FEMA Floodplain Data**
FEMA updates the effective FIRM to reflect changes to the regulatory floodplain resulting from the issuance of a Letter of Map Revision (LOMR). The National Flood Hazard Layer (NFHL) is a GIS-based data file that provides updated information to the effective DFIRM. The SWGIS contains NFHL data issued by FEMA for Harris County effective August, 2011. The NFHL data should be updated at least biennially, or whenever FEMA issues a LOMR affecting the floodplain within the City or ETJ.

The PDFIRM data for Montgomery County does not represent the FEMA effective regulatory floodplain but is the best available data depicting the flood risk in the ETJ north of Spring Creek. This information should be replaced with DFIRM data as soon as the preliminary mapping data becomes effective.

- d) **Drainage Basin Boundaries**
The drainage basin boundaries developed for the MDP were based on the best information available on the drainage characteristics of the City and ETJ. These boundaries are no longer consistent with the TSARP catchment boundaries. The MDP basin boundaries should be updated as necessary, and this information should be provided to HCFCD so that the District may incorporate such modifications into their database.
- e) **HCFCD Structural Inundation Properties**
This information was developed by HCFCD in 2009 for TSARP catchments M100, M116, M124, and J131 in addition to other drainage catchments in Harris County. City staff should coordinate with HCFCD to determine if the District intends to augment or modify this data in the future. If so, the City should obtain any information relevant to the City or ETJ.
- f) **Channels and Detention Basins**
Data on the status of drainage channels and major detention basins should be updated as necessary. The mapping information in the SWGIS should differentiate channel and basin projects that are “potential”, “planned”, or “under construction”. “Potential” improvements would include those that are vaguely contemplated for some future period, while “planned” projects would refer to those that have had, or are in the process of having, some specific

engineering evaluation, such as a PER, completed. This information should also be shared with HCFCD whenever changes are adopted.

VI. References:

"Tomball Comprehensive Plan - Vision 2030", Ordinance No. 2009-33, December 7, 2009.

"CIP Report, Project Status, Proposed Projects & On-Going Projects"; City of Tomball Engineering and Planning Department, November 8, 2011.

Chapter 38, "Flood Damage Prevention", City of Tomball Code of Ordinances, Ordinance 2010-16, October 4, 2010.

"City of Tomball Infrastructure Master Plan and Capital Recovery Fee Determination 2002 to 2012", PBS&J, Houston, Texas, May 2002.

"City of Tomball Infrastructure Master Plan and Impact Fee Determination 2007 to 2017", LAN, Houston, Texas, October 2008.

"2035 Regional Growth Forecast", Houston-Galveston Area Council

2010 U.S. Census Report SF-1, City of Tomball, Texas, U.S. Census Bureau and the Texas State Data Center, 2011.

"Local Grand Parkway construction upcoming...", Community Impact Newspaper, Northwest Houston Edition, Volume 4, Issue 5, January 24 – February 20, 2013.

"Expansion of 249 moving plans for Aggie Expressway along", www.yourhoustonnews.com, by Lindsey Vaculin, posted December 19, 2012.

"Work to begin on Hwy. 249 tollway...", Community Impact Newspaper, Northwest Houston Edition, Volume 4, Issue 9, May 16 – June 19, 2013.

"Subcounty Total Resident Population Estimates (Vintage 2012): April 1, 2010 to July 1, 2012", U.S. Census Bureau, released via Internet on May 23, 2013.

"City of Tomball Zoning Ordinance No. 2008-01.

Harris County Appraisal District tax records, June 2012.

Montgomery County Appraisal District tax records, June 2012.

"Texas Property Tax Assistance Property Classification Guide", Texas Comptroller of Public Accounts, March 2011.

City of Tomball Zoning GIS data files, September 30, 2012.

"2013-2014 Capital Improvement Program", Harris County Flood Control District, June 2013.

City of Tomball City Council Resolution No. 2013-19, May 6, 2013.

"Policy, Criteria and Procedures Manual", Harris County Flood Control District, December 2010.

Title 44, Code of Federal Regulations, Section 60.3, October 1, 2012.

"Regulations of Harris County, Texas for Floodplain Management", Harris County Public Infrastructure Department, November 8, 2011.

City of Tomball City Council Resolution No. 2011-17, August 22, 2011.

"Regulations of Harris County, Texas for the Approval and Acceptance of Infrastructure", Harris County Public Infrastructure Department, May 1, 2011.

"City of Tomball Minimum Standards for Stormwater Drainage Design", City of Tomball Engineering Division, September 6, 2011.

"Comprehensive Planning Report, City of Tomball, Texas", Turner, Collie & Braden, Inc., February, 1982.

"City of Tomball Comprehensive Plan Update", Turner, Collie & Braden, Inc., May, 1986.

"City of Tomball Infrastructure Master Plan and Capital Recovery Fee Determination, 1996 to 2005", Espey, Huston & Associates, Inc., February, 1996.

"Willow Creek Mid Reach Watershed Study Final Phase III Report", PBS&J for the Harris County Flood Control District, June, 1999.

"CIP Report, Project Status, Proposed Projects & On-Going Projects"; City of Tomball, Engineering Division, June 10, 2013.

"M118 Preliminary Engineering Report", LJA Engineering & Surveying, Inc., November 6, 2009.

"M121 Preliminary Engineering Report", LJA Engineering & Surveying, Inc., November 6, 2009.

"Willow Creek Tributary M124-00-00 Feasibility Study for Extension Improvements", Lockwood, Andrews & Newnam, Inc., November, 2008.

"Willow Creek Tributary M124-00-00 Preliminary Engineering Report for Extension Improvements" (DRAFT), Lockwood, Andrews & Newnam, Inc., September, 2013.

"Draft Downtown Specific Plan", Kimley-Horn and Associates, Inc., August, 2011.

VII. Appendix: Population & Housing Distribution Methodology

City of Tomball (w/in city limits):

Population Basis – 2010 Census Data – 10,753

Projected Annual Growth Rate – approximately 1.7% (actual annual growth rate from 2000 to 2010 per 2000 and 2010 census data).

Projected 2012 city of Tomball population: 11,121

Step 1: Divide estimated 2012 population by housing type based on 2010 Census ratios.

Population in households:	10,659
Population in group quarters:	462

Step 2: Using data from the Census for the year 2010:

Owner-occupied housing units:	1,915
Est. population growth rate, 2010 to 2012	<u>1.0342</u>
Est. number of owner-occupied housing units in 2012	1,980

Step 3: Using the average household size of owner-occupied housing units from the 2010 Census (2.64), and assuming that there is no vacancy in those units, apply that ratio to the projected number of 2012 owner-occupied housing units to derive the estimated population in such units for 2012:

$$1,980 \times 2.64 = 5,227$$

The balance of the projected 2012 population in households resides in renter-occupied housing units:

$$10,659 - 5,227 = 5,432$$

Step 4: The City of Tomball Zoning GIS parcel records were “joined” with parcel data from the HCAD records such that the Zoning Description, State Classification Code, Building Area, Preferred Future Land Use from the Tomball Comprehensive Plan, and other pertinent data is available in one GIS file for each parcel record. The Zoning GIS file, effective 9/30/12, contains 4,493 individual parcels records. Parcel-specific information on State Classification and Building Area was obtained from the April 2012 HCAD records and matched with the 4,493 parcel records in the Zoning GIS. Of these 4,493 parcels, 2,347 were identified with State Classification designations A1 (single family residence) or A2 (mobile home) and had a building located on the site (Building Area greater than 0).

Assuming a one-to-one ratio of single family residential (SFR) units to these parcels, the gross number of rental units may be derived:

Total SFR housing units	2,347
Owner-occupied SFR units	<u>(1,980)</u>
Rental SFR housing units	367

It should be noted that the utility records maintained by the City of Tomball indicate water meter connections for 2,344 residences for a single month in 2012. The difference between this statistic and the Zoning/HCAD records for a single month is 3, which represents a variance of 0.1% and may be explained by the two statistics potentially representing different points in time during the year.

Step 5: Using the vacancy rate for rental units and the average household size for such units, as reported by the Census, the estimated population in renter-occupied SFR units may be calculated:

$$367 \text{ rental SFR units} \times 84\% \text{ occupancy} \times 2.12 \text{ average occupants} = 654$$

The balance of the renter population is located in multi-family housing (MFH) units

$$5,432 - 654 = 4,778$$

Step 6: From the 2012 Zoning/HCAD records, the number of multi-family housing (MFH) unit parcels with buildings by State Classification type are as follows:

B1 – Multi-Family (>3 families)	51
B2 – Two – Family (duplex)	43
B3 – Three – Family	1

Using the rental occupancy rate and average renter household size, the balance of the renter population may be distributed as follows:

$$\begin{array}{lcl} \text{B2:} & 43 \times 0.84 \times 2.12 \times 2 \text{ families} & = 153 \\ \text{B3:} & 1 \times 0.84 \times 2.12 \times 3 \text{ families} & = \underline{5} \\ & & 158 \end{array}$$

The remaining population is assigned to 51 multi-family (B1) parcels:

$$4,778 - 158 = 4,620$$

Step 7: With the derived housing statistics for 2012, the Tomball estimated population, excluding group quarters, may be distributed to individual parcels as follows:

(1) Population in SFR (5,227 + 654)	5,881	
SFR Parcels w/bldg. (A1, A2)	2,347	
Average population per parcel	2.5058	(reflects weighted-average of owner- and renter-occupied homes)

(2) MFH Parcels (B1, B2, B3) and building area > 0:

B1: Population of 4,620 distributed to 51 parcels based on the relative size of the building area of each parcel to the total bldg. area for all parcels.

B2: $153 / 43 = 3.558$ population per parcel

B3: $5 / 1 = 5$ population per parcel

(3) The estimated population in group quarters, 462, may be assigned to specific parcels based on input from the City of Tomball. This population will not be increased beyond 2012 for this planning exercise and will not be considered further in this discussion.

Based on the State Classification Codes, the average population statistics identified in Step 7 will be assigned to each Zoning Parcel (an average of 2.5/parcel is used for SFR). City-wide totals for each housing group will be balanced and adjustments will be made as necessary to produce the appropriate population totals for 2012.

Step 8: Total population is projected for the following years; although, population may be projected for any year using the annual growth rate of 1.7%: 2015, 2020, 2022, 2025 and 2030.

Step 9: The 2010 Census ratio of single-family and multi-family residential population will be approximately maintained through population projection for future periods. After deducting the group quarters population from the projected total, the population growth from 2012 will be allotted based on 50% living in owner-occupied housing with 50% living in renter-occupied housing. Of those living in renter-occupied housing, the ratios of persons living in single-family and multi-family housing, as identified for 2012, will be maintained.

For owner-occupied single family housing, the projected increase in population is divided by 2.64 persons per residence to determine the number of parcels to be developed. For renter-occupied SFR, the increase in population is divided by 2.12 persons per residence and factored to account for an 85% occupancy rate to determine the housing need. The combined increase in SFR population is then divided by the number of houses required for that population to determine a population rate per parcel or lot.

For the increase in population assigned to multi-family housing, no further population growth is designated for three-family housing. The population growth assigned to duplexes is based

on the 2010 ratio of 3.2% of the total of persons residing in multi-family housing. The number of parcels required for new duplexes is estimated by dividing the duplex population by 2.12 persons per duplex unit and by 2 units per duplex, and then factored with an 85% occupancy rate. The need for multi-family (MF) housing (greater than three units per building) is expressed as square feet of land area per person based on the 2012 ratio of approximately 1,020 square feet per person residing on developed MF housing parcels.

Step 10: The increase in projected SFR population was first assigned to parcels with immediate potential development activity. Such parcels include those zoned for residential development that are identified with State Classification Codes A1, A2, or A3, or with Code O1 (residential inventory) and do not have existing structures (bldg. area = 0) according to HCAD.

Next, population was allocated to residential subdivision projects identified by City staff. For instance, at the time of preparation of this plan, subdivision development was identified for two Zoning GIS parcels: The Reserve at Spring Lakes (Zoning Object ID 4421) and Raleigh Creek (Zoning Object ID 4420). Based on information furnished by the City Engineer, the estimated number of lots and average lot size were derived and a corresponding population allocation was made for each lot.

Step 11: After allocating SFR population growth to parcels indicated in Step 10, the remaining estimated increase was allocated based on the following process:

All remaining undeveloped (HCAD Building Area = 0) parcels zoned SFR were identified. From this group, those parcels indicated as SFR from the 2009 Comprehensive Plan Preferred Land Use (Low or Medium Density or Rural) were selected. From that sub-grouping, parcels that are identified with State Classification Codes C1 (vacant tracts or lots) or C3 (other vacant land) were selected. The allocation of the projected SFR population increase to individual Zoning GIS parcels through 2030 was accomplished in this manner.

For undeveloped land (other than individual, platted lots) to be utilized for single-family residential development, 50% of the acreage will be assumed to be unavailable for lot development. The remaining area will be divided by the assumed lot size given the three residential housing categories used for Zoning and the associated Preferred Land Use:

Single Family – 20/Rural Residential	2 acre
Single Family – 20/Low Density	½ acre
Single Family – 20/Medium Density	½ acre
Single Family - 9/Medium Density	14,500 sq. ft.
Single Family – 6/Medium Density	7,500 sq. ft.
Old Town (single family residential)	5,500 sq. ft

Where the assumptions in the Comprehensive Plan regarding average lot size (see Plan pages 54-55) are inconsistent with the lot sizes stipulated for Zoning categories, the lot sizes

for Zoning prevail. Parcels with conflicting Zoning Descriptions and Preferred Land Use designations were identified and excluded from the allocation process.

The population allocated on a parcel-specific basis was adjusted to balance the total population increase applicable to SFR housing.

Step 12: The increase in multi-family (MF) housing population beyond 2012 was allocated to undeveloped parcels (HCAD Building Area = 0) with the Multi-Family (MF) Zoning designation. Properties that met this condition and are designated in the Comprehensive Plan for High Density Residential Development were populated initially. Properties with State Classification Codes C1, C2 (vacant commercial land), J3 (electric utility) and X3 (religious exemption) were utilized for allotments. As noted in Step 9, a land area per person of 1,020 square feet was employed to allocate population growth for individual parcels.

Similarly, undeveloped properties zoned for duplex development were identified for allotment of population growth for that housing type. Properties that met this condition and are designated in the Comprehensive Plan for Mixed Use or Medium Density were selected for further analysis. Of these properties, those with State Classification Codes C1, C2, C3 or A3 were utilized for allotments of population growth. The duplex population allocation per parcel was generally based on the area of the undeveloped tract.

Step 13: This step applies to future adjustments that will be necessary in order to maintain the Tomball MDP GIS as a useful tool. Periodically, as new development is identified, the projected population growth should be reallocated. The mechanisms to accomplish this task are inherent in this methodology. Additionally, the projected population growth may require adjustment based on actual experience as reflected by changes in utility connections and other information available to City staff.

Tomball Extraterritorial Jurisdiction (ETJ):

The process employed for allocating population growth for the Tomball ETJ is similar to that outlined for the City of Tomball except that properties are identified for population growth based solely on the basis of State Classification Codes and Comprehensive Plan Land Use designations as the City's zoning authority does not extend into the ETJ. GIS techniques were employed to identify the Comprehensive Plan Preferred Future Land Use with individual parcels from HCAD and MCAD, and the records from each county were combined into a single database to facilitate distribution of population.

Step 1: The projected 2012 population in the ETJ (Harris and Montgomery counties) was obtained from the Tomball Economic Development Corporation. This population estimate was then projected based on the same growth factor used for the City of Tomball population.

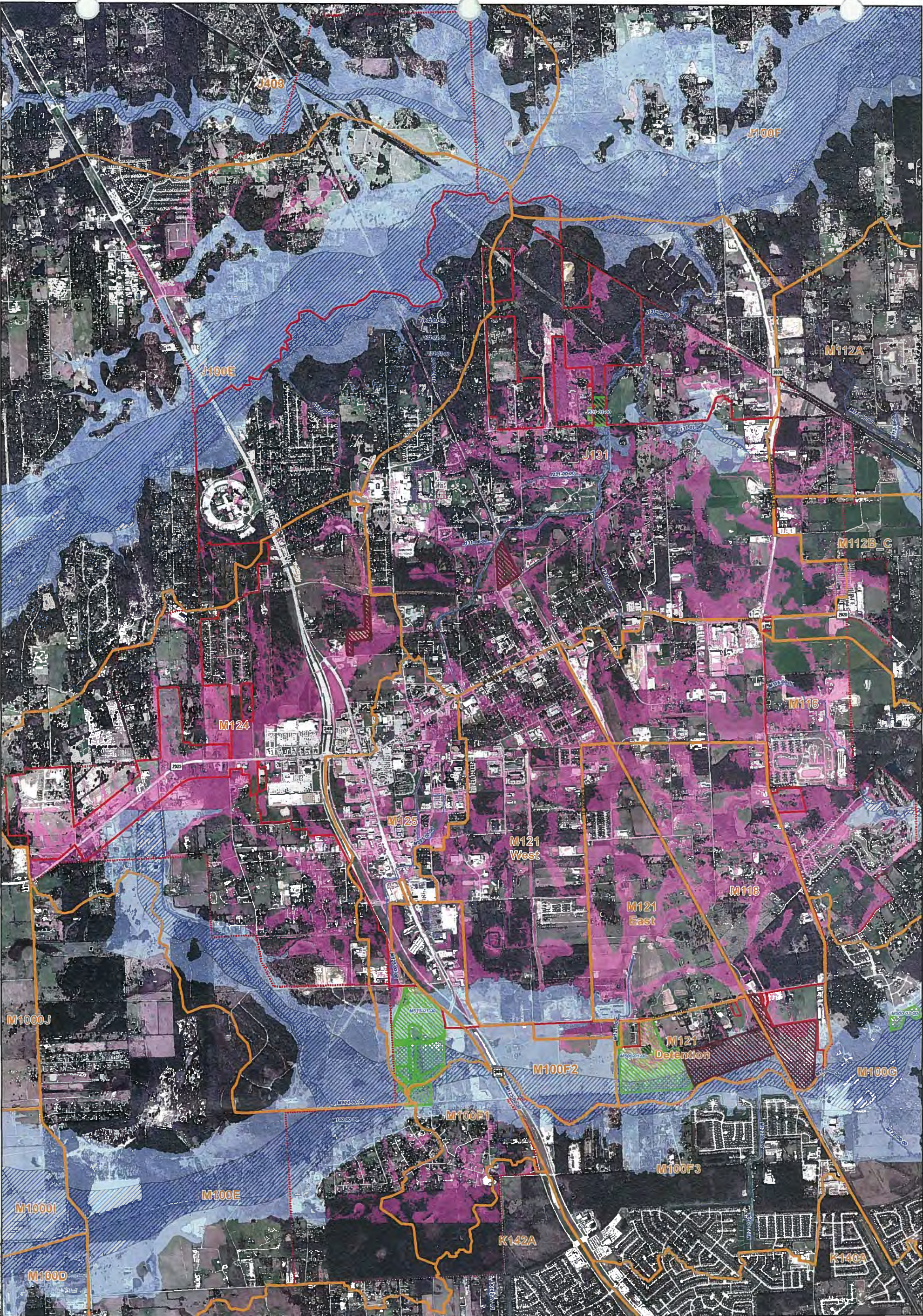
Step 2: For the 2012 SFR population allocation, 1,069 parcels with State Codes A1 or A2 and building areas greater than 0 were selected. An average of three persons per parcel was used to allocate the SFR population. A population of 5 was assigned to one Code B1 (multi-family) parcel that appeared to contain three habitable structures. There were no duplex structures identified and no further population was projected for multi-family housing in the ETJ.

Step 3: All population growth in the ETJ was considered to be SFR and no distinction was made between renters or owners of these properties. Beyond 2012, population allocations were first made to undeveloped parcels with State Code O1. Next, undeveloped parcels with State Codes A1, A2, A3, or C1 were selected for population growth distribution. The Comprehensive Plan Preferred Future Land Use for the selected parcels is compatible with SFR development.

Tables have been included following this narrative that document the allocation of population by housing type by year and the 2012 numbers of parcels by State Classification Code, and by Zoning description for parcels located within the city limits.

VIII. Exhibits

- **Exhibit 4.1 “Tomball Area Drainage Map”**
- **Exhibit 4.2 “Basins M116 & M118”**
- **Exhibit 4.3 “Basins M121 & M125”**
- **Exhibit 4.4 “Basin M124”**
- **Exhibit 4.5 “Basin J131”**
- **Exhibit 4.6 “Basin J100E”**



Legend

- HCFC Channel
- Tomball Detention Basins
- HCFC Detention Basins
- Watershed Sub-basins
- FEMA 1% (100-Year) Floodplain
- FEMA Floodway
- Tomball 1% (100-Year) Flood-Prone Areas
- Tomball City Limits
- Tomball ETJ

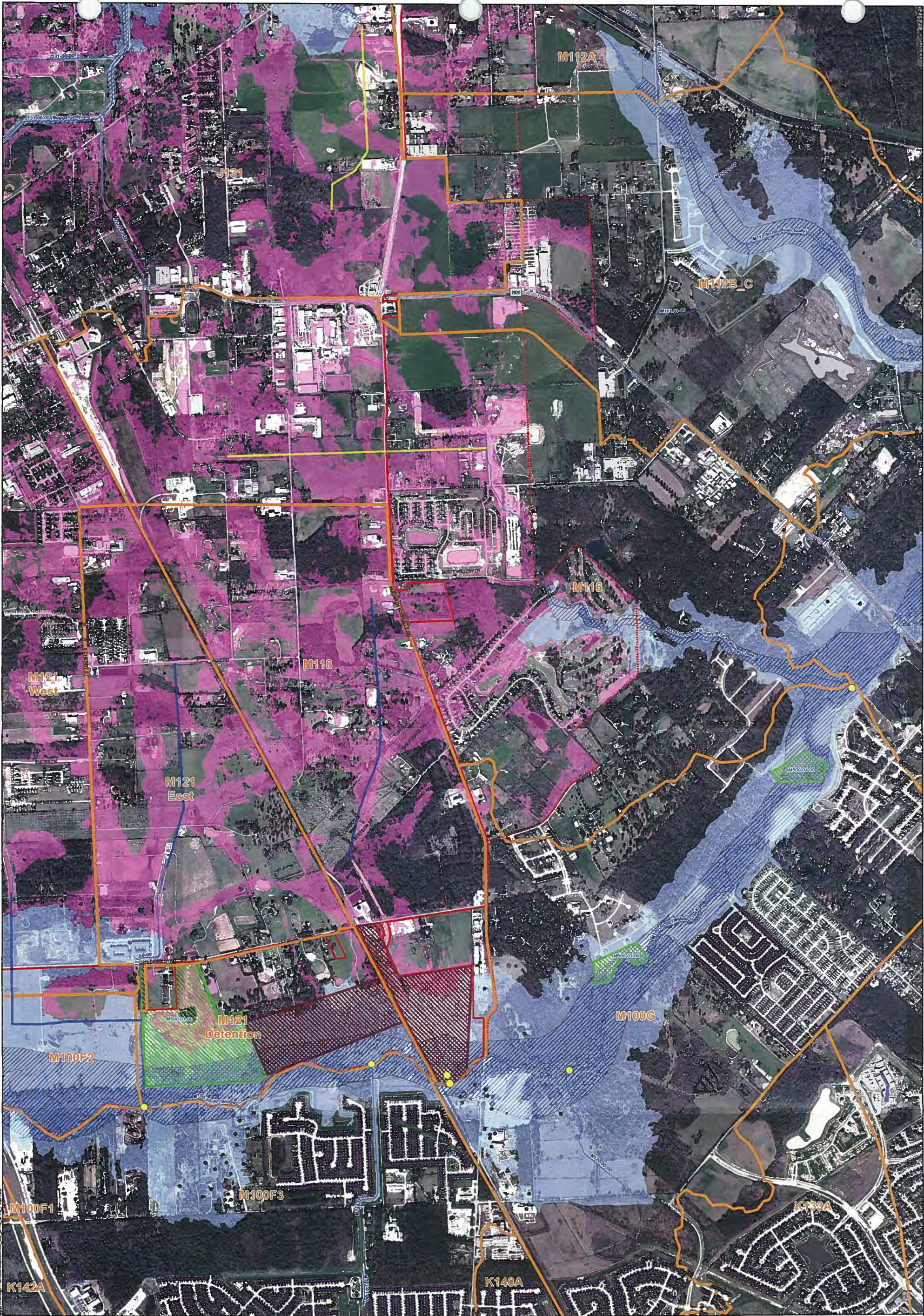
Floodplain Data Note:
The 100-Year Floodplain for Montgomery County is based on the FEMA Preliminary FIRM dated September 23, 2008.
The 100-Year Floodplain for Harris County is based on the FEMA National Flood Hazard Layer, issued August 4, 2011.
This data is an update to the FEMA Effective FIRM dated June 18, 2007.

City of Tomball, Texas
Department of Public Works
Master Drainage Plan

Tomball Area Drainage Map

RYDAN & ASSOCIATES LLC
12514 Bent Pine Drive, Cypress, TX 77429

Date	May, 2014	Exhibit	4.1
------	-----------	---------	-----



Floodplain Data Note:
The 100-Year Floodplain for Montgomery County is based on the FEMA Preliminary FIRM dated September 23, 2003. The 100-Year Floodplain for Harris County is based on the FEMA National Flood Hazard Layer, issued August 4, 2011. This data is an update to the FEMA Effective FIRM dated June 18, 2007.

- Channel Outfalls
- HCFCF At-Risk Structures
- HCFCF Channel
- Tomball Detention Basins
- HCFCF Detention Basins
- Watershed Sub-basins
- FEMA 1% (100-Year) Floodplain
- FEMA Floodway

Legend

- Tomball 1% (100-Year) Flood-Prone Areas
- Tomball City Limits
- Tomball ETJ
- Drainage Projects
- Planned
- Potential

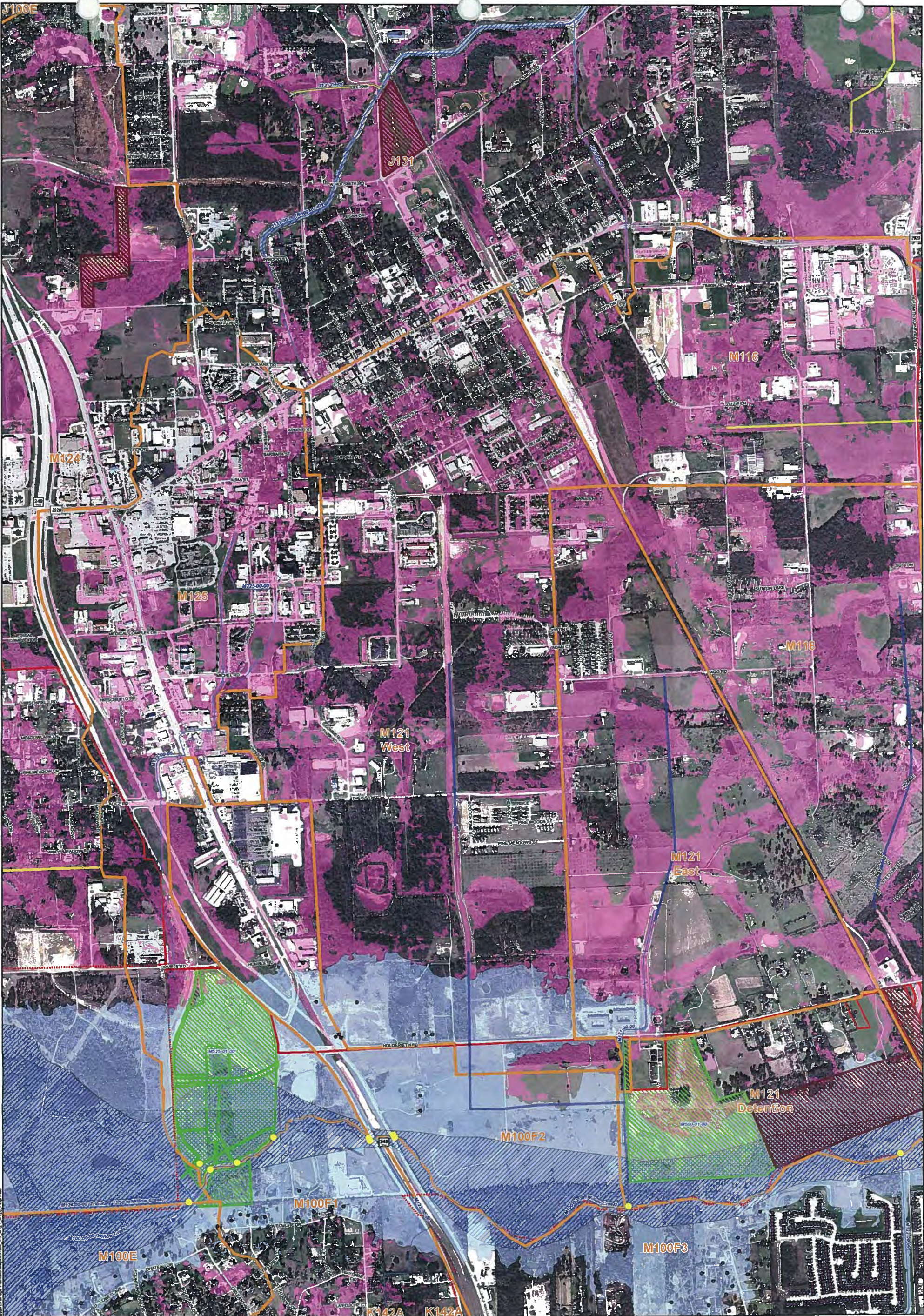


City of Tomball, Texas
Department of Public Works
Master Drainage Plan

Basins M116 & M118

RYDAN & ASSOCIATES LLC
12514 Bent Pine Drive, Cypress, TX 77429

Date May, 2014 Exhibit 4.2



Floodplain Data Note:
The 100-Year Floodplain for Montgomery County is based on the FEMA Preliminary FIRM dated September 23, 2008. The 100-Year Floodplain for Harris County is based on the FEMA National Flood Hazard Layer, issued August 4, 2011. This data is an update to the FEMA Effective FIRM dated June 18, 2007.

0 0.125 0.25 0.5 Miles

Legend

- Channel Outfalls
- HCFCF At-Risk Structures
- HCFCF Channel
- Tomball Detention Basins
- HCFCF Detention Basins
- Watershed Sub-basins
- FEMA 1% (100-Year) Floodplain
- FEMA Floodway

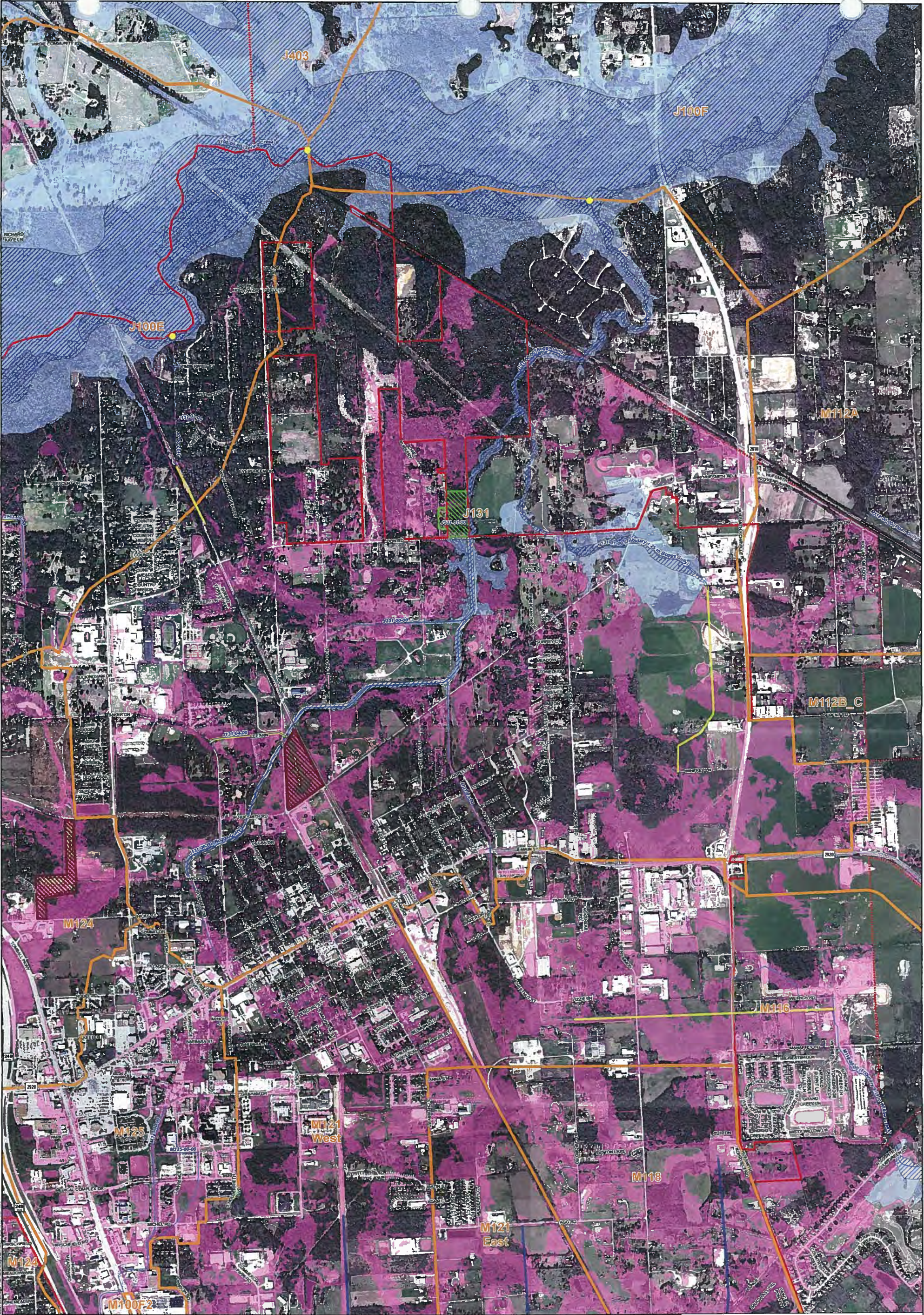
- Tomball 1% (100-Year) Flood-Prone Areas
- Tomball City Limits
- Tomball ETJ
- Drainage Projects
 - Planned
 - Potential

City of Tomball, Texas
Department of Public Works
Master Drainage Plan

Basins M121 & M125

RYDAN & ASSOCIATES LLC
12514 Bent Pine Drive, Cypress, TX 77429

Date May, 2014 Exhibit 4.3





0 0.125 0.25 0.5 Miles

Floodplain Data Note

The 100-Year Floodplain for Montgomery County is based on the FEMA Preliminary FIRM dated September 23, 2008. The 100-Year Floodplain for Harris County is based on the FEMA National Flood Hazard Layer, issued August 4, 2011. This data is an update to the FEMA Effective FIRM dated June 18, 2007.

Channel Outfalls

HCFCDA-Risk Structures

HCFCDA Channel

Tomball Detention Basins

HCFCDA Detention Basins

Watershed Sub-basins

FEMA 1% (100-Year) Floodplain

FEMA Floodway

Legend

Tomball 1% (100-Year) Flood-Prone Areas

Tomball City Limits

Tomball ETJ

Drainage Projects

Planned

Potential

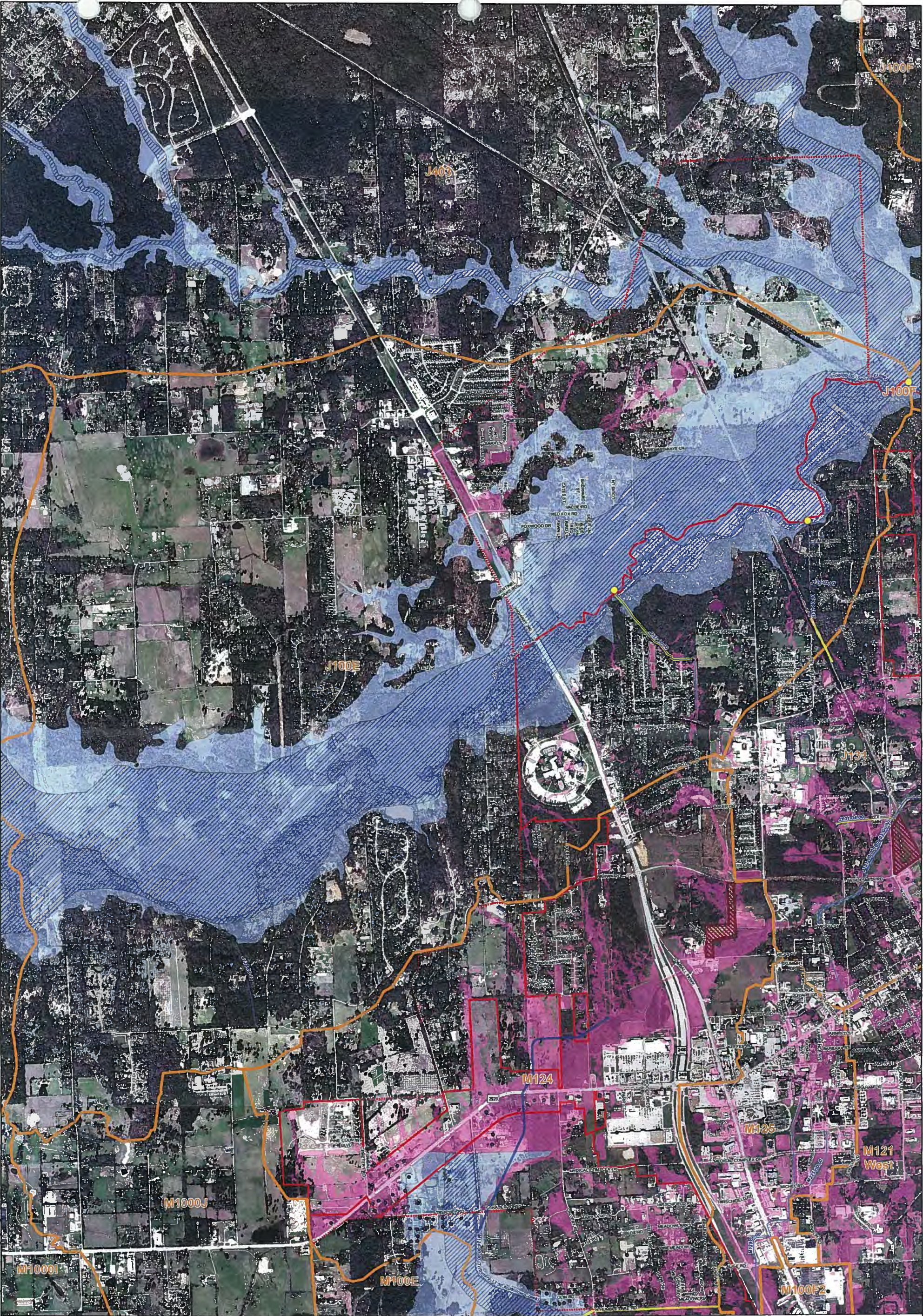


City of Tomball, Texas
Department of Public Works
Master Drainage Plan

Basin J131

RYDAN & ASSOCIATES LLC
12514 Bent Pine Drive, Cypress, TX 77429

Date	May, 2014	Exhibit	4.5
------	-----------	---------	-----



Floodplain Data Note:
The 100-Year Floodplain for Montgomery County is based on the FEMA Preliminary FIRM dated September 23, 2008. The 100-Year Floodplain for Harris County is based on the FEMA National Flood Hazard Layer, issued August 4, 2011. This data is an update to the FEMA Effective FIRM dated June 16, 2007.

- Legend**
- Channel Outfalls
 - HCFCO At-Risk Structures
 - HCFCO Channel
 - Tomball Detention Basins
 - HCFCO Detention Basins
 - Watershed Sub-basins
 - FEMA 1% (100-Year) Floodplain
 - FEMA Floodway
 - Tomball 1% (100-Year) Flood-Prone Areas
 - Tomball City Limits
 - Tomball ETJ
 - Drainage Projects
 - Planned
 - Potential



City of Tomball, Texas
Department of Public Works
Master Drainage Plan

Basin J100E

RYDAN & ASSOCIATES LLC
12514 Bent Pine Drive, Cypress, TX 77429

Date May, 2014 Exhibit 4.6

Regular City Council

Agenda Item

Data Sheet

Meeting Date: July 7, 2014

Topic:

Approve **PECK STATION**: A Subdivision of 34.4945 acres of land situated in the Jesse Pruitt Survey, Abstract No. 629, City of Tomball, Harris County, Texas; Being a partial Replat of Lots 296, 297, 298, 302, 303, 308, 309, 310, and 311 of Tomball Townsite, Volume 2, Page 65, M.R.H.C.

Background:

The Planning and Zoning Commission voted unanimously to approve the Peck Station Final Plat with contingencies on Monday, April 14, 2014. Comments have been addressed and the plat is now being presented to City Council for approval consideration.

Origination:

Recommendation:

Funding:

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

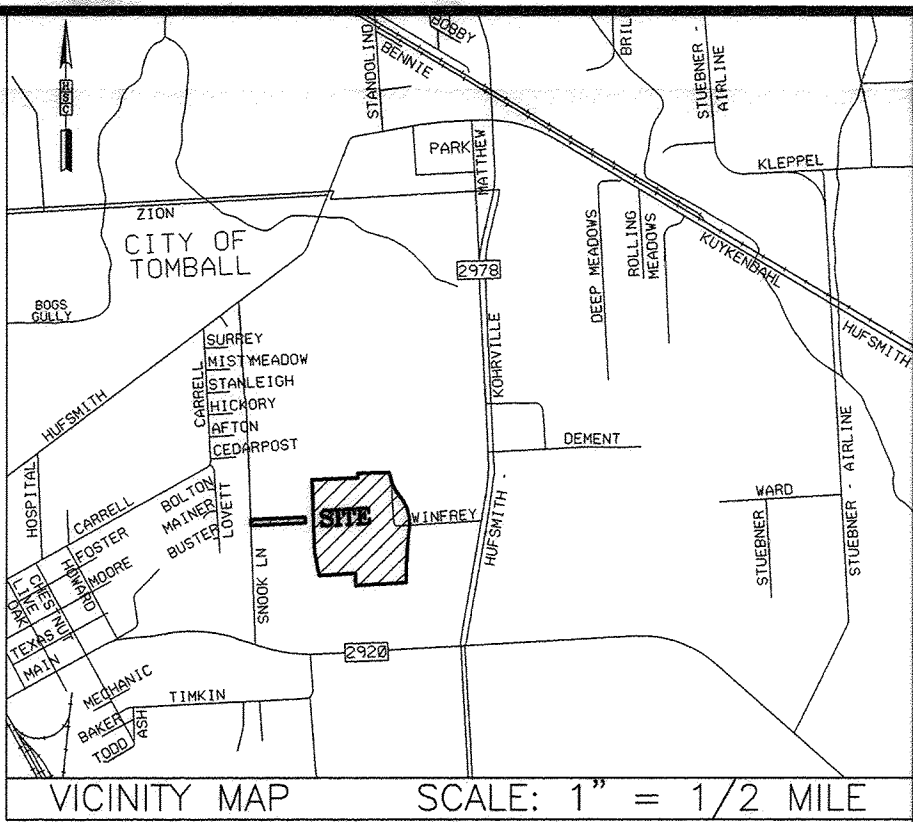
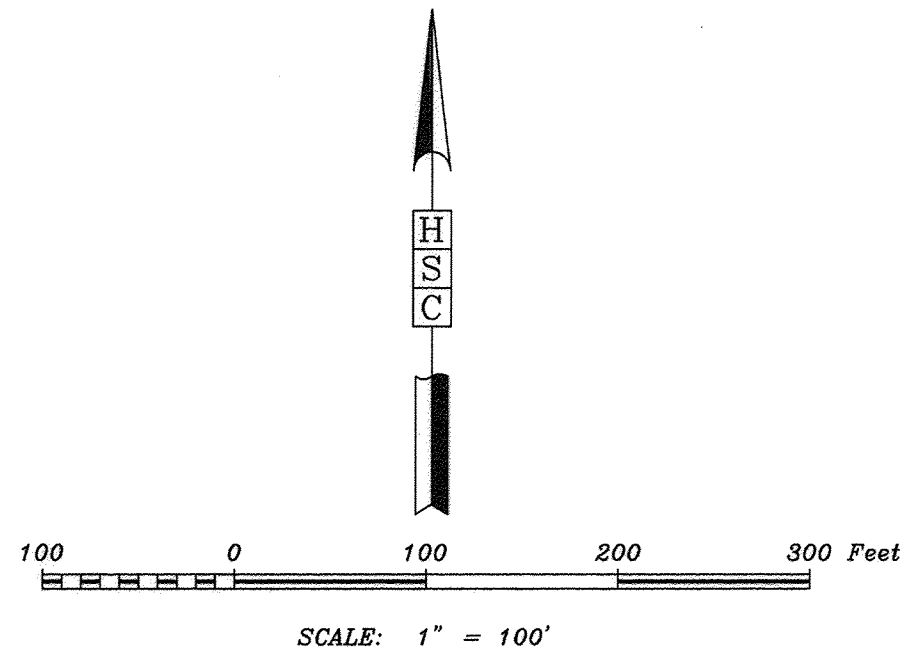
Brandy Harbolt, Engineering and Planning

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

ATTACHMENTS:

Peck Station Plat 1 of 2

Peck Station Plat 2 of 2



STATE OF TEXAS

COUNTY OF HARRIS

We, 2978 PANORMUS, L.P., a Texas limited partnership, acting by and through Jerry A. Hayley, Member of Dark Developments, LLC its Co-General Partner, being an officer of Dark Developments, LLC, Co-General Partner of 2978 PANORMUS, L.P., a Texas limited partnership, Owners, hereinafter referred to as Owners of the 34.4945 acre tract described in the above and foregoing plat of PECK STATION, 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 on the land so dedicated.

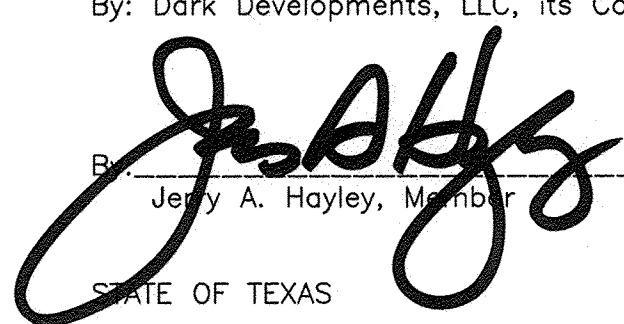
FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen (15) feet wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs or other natural drainage courses located in said plat, as easements for drainage purposes, giving the City of Houston, 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 operations 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, the 2978 PANORMUS, L.P., a Texas limited partnership, has caused these presents to be signed by, Jerry A. Hayley, Member of Dark Developments, LLC, its Co-General Partner, thereunto authorized, this ____ day of _____, 2014.

2978 PANORMUS, L.P., a Texas limited partnership
By: Dark Developments, LLC, its Co-General Partner

By: 
Jerry A. Hayley, Member

STATE OF TEXAS

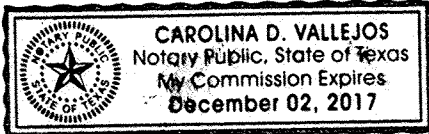
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared, Jerry A. Hayley, Member of Dark Developments, LLC, Co-General Partner of 2978 PANORMUS, L.P., a Texas limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

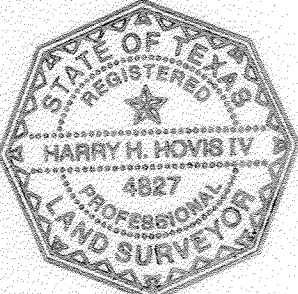
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this
____ day of June, 2014


Notary Public in and for the State of Texas

My Commission expires:



I, Harry H. Hovis IV, am registered under the laws of the State of 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 have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than three-quarter inch (3/4") and a length of not less than three feet (3'), except where corners were found; and that the plat boundary corners have been tied to the Texas Coordinate System of 1983, South Central Zone.




Harry H. Hovis IV
Texas Registration No. 4827

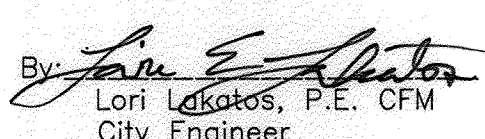
This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of PECK STATION in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this ____ day of _____, 2014.

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 ordinances.

By: _____
George Shackelford
City Manager

By: 
Lori Lakatos, P.E. CFM
City Engineer

This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all of the dedicated public easements 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 _____, 2014.

By: _____
Gretchen Fagan
Mayor

By: _____
Doris Spear
City Secretary

I, Stan Stanart, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 2014, at _____ o'clock ____M., and duly recorded on _____, 2014, at _____ o'clock ____M., and at Film Code Number _____ 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

1. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
2. All oil/gas wells ownership (plugged, abandoned and/or active) through the subdivision have been shown.
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.
4. This plat does not attempt to amend or remove any valid covenants or restrictions.
5. The building lines shown on this plat shall be in addition to and shall not limit or replace any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.
6. 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 of the 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.
7. According to FEMA Firm Map Number 48201C0230L, Panel Number 480315 0230 L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
8. Bearing orientation based on Texas State Plane Coordinate Grid System of 1983 (South Central Zone No. 4204), derived from CORS site R001.
9. The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor: 0.99994870.
10. B.L. indicates Building Line, COT U.E. indicates City of Tomball Utility Easement, F.C. indicates Film Code, U.E. indicates Utility Easement, STM. S.E. indicates Storm Sewer Easement, S.S.E. indicates Sanitary Sewer Easement, W.L.E. indicates Water Line Easement.
11. The square footage shown hereon is based on a mathematically closed figure and does not indicate the accuracy of the survey.

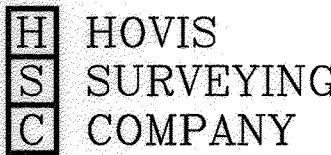
PECK STATION

A SUBDIVISION OF 34.4945 ACRES OF
LAND SITUATED IN THE JESSE PRUITT
SURVEY, ABSTRACT NO. 629, CITY OF
TOMBALL, HARRIS COUNTY, TEXAS
BEING A PARTIAL REPLAT OF LOTS 296,
297, 298, 302, 303, 308, 309, 310 & 311
OF TOMBALL TOWNSITE
VOLUME 2, PAGE 65 M.R.H.C.
4 RESERVES, 2 BLOCKS

REASON FOR REPLAT: TO CREATE 2 RESERVES, TO CREATE
WINFREY LANE & TO ABANDON A PORTION OF A
30' RIGHT-OF-WAY (HUFFSMITH-KOHR)
VOLUME 2, PAGE 65 M.R.H.C.

SHEET 1 OF 2

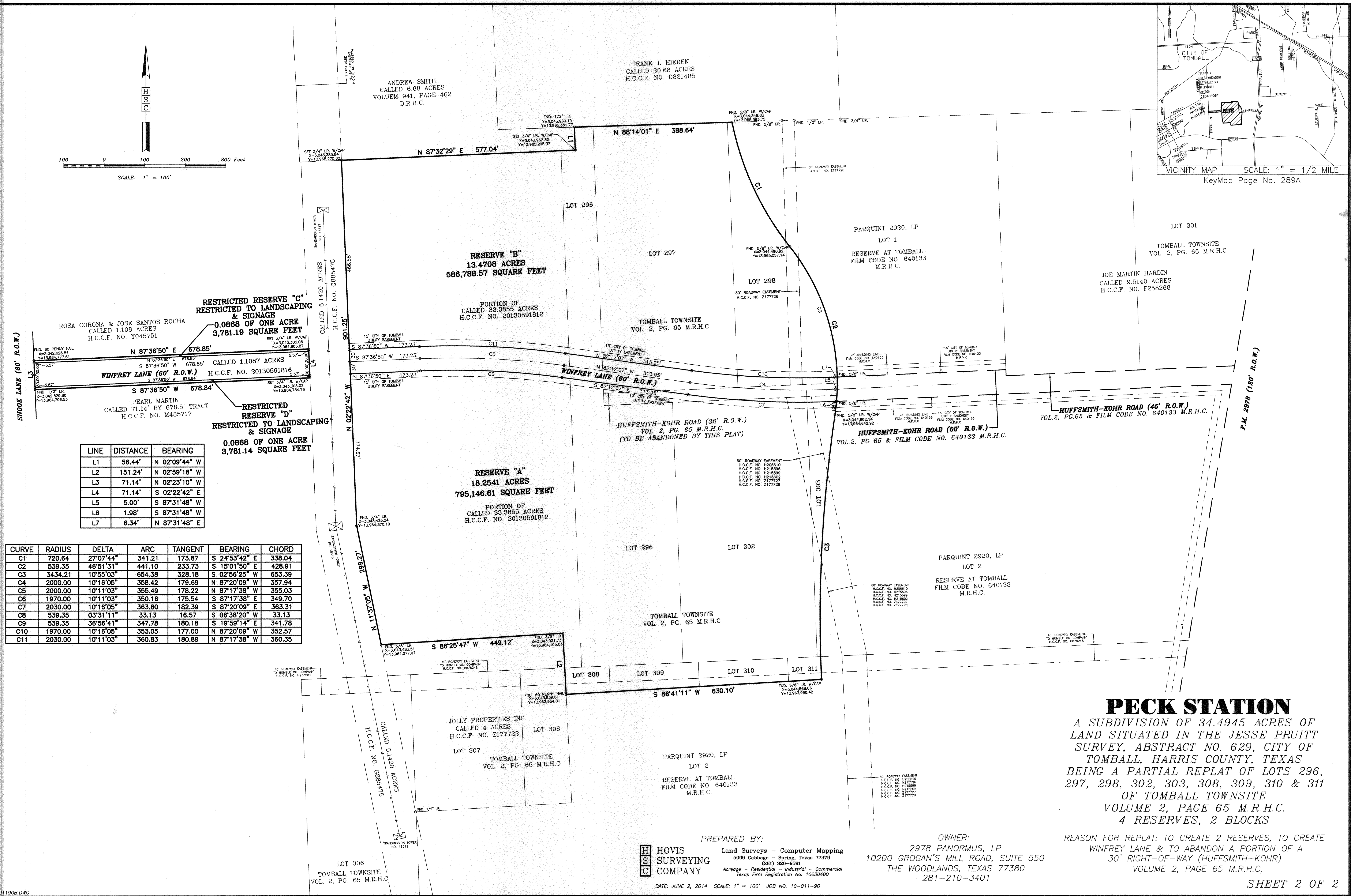
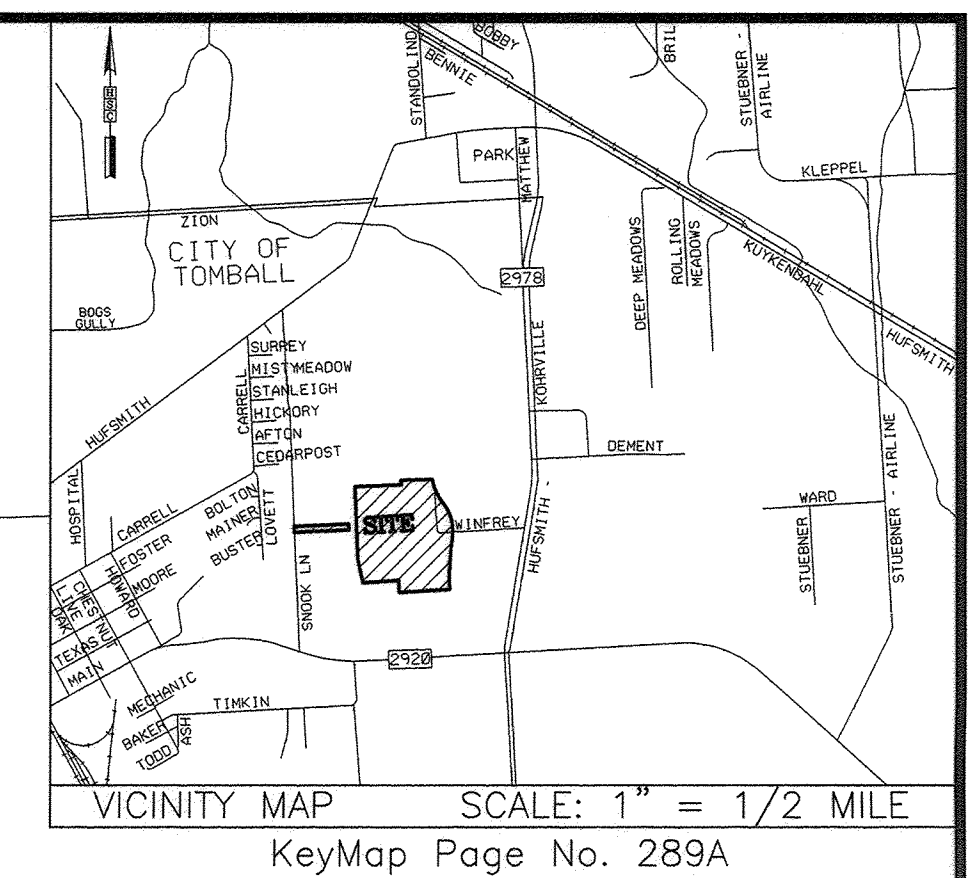
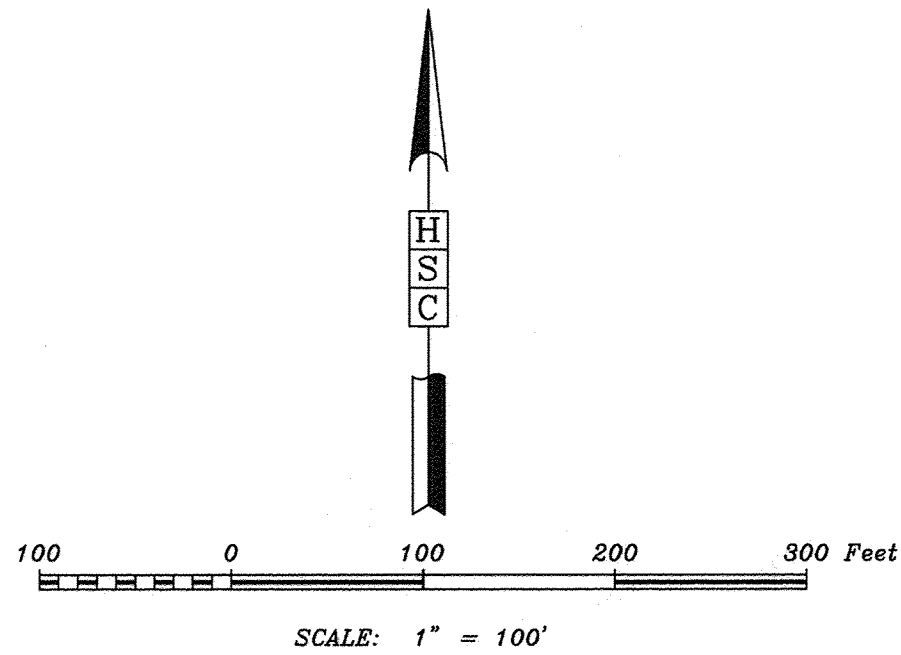
PREPARED BY:



HOVIS
SURVEYING
COMPANY
Land Surveys - Computer Mapping
5000 Cabbage - Spring, Texas 77379
(281) 920-9591
Acreage - Residential - Industrial - Commercial
Texas Firm Registration No. 10030400

DATE: JUNE 2, 2014 SCALE: 1" = 100' JOB NO. 10-011-90

OWNER:
2978 PANORMUS, LP
10200 GROGAN'S MILL ROAD, SUITE 550
THE WOODLANDS, TEXAS 77380
281-210-3401



LINE	DISTANCE	BEARING
L1	56.44'	N 02°09'44" W
L2	151.24'	N 02°59'18" W
L3	71.14'	N 02°23'10" W
L4	71.14'	S 02°22'42" E
L5	5.00'	S 87°31'48" W
L6	1.98'	S 87°31'48" W
L7	6.34'	N 87°31'48" W

CURVE	RADIUS	DELTA	ARC	TANGENT	BEARING	CHORD
C1	720.64	27°07'44"	341.21	173.87	S 24°53'42" E	338.04
C2	539.35	46°51'31"	441.10	233.73	S 15°01'50" E	428.91
C3	3434.21	10°55'03"	654.38	328.18	S 02°56'25" W	653.39
C4	2000.00	10°16'05"	358.42	179.69	N 87°20'09" W	357.94
C5	2000.00	10°11'03"	355.49	178.22	N 87°17'38" W	355.03
C6	1970.00	10°11'03"	350.16	175.54	S 87°17'38" E	349.70
C7	2030.00	10°16'05"	363.80	182.39	S 87°20'09" E	363.31
C8	539.35	03°31'11"	33.13	16.57	S 06°38'20" W	33.13
C9	539.35	36°56'41"	347.78	180.18	S 19°59'14" E	341.78
C10	1970.00	10°16'05"	353.05	177.00	N 87°20'09" W	352.57
C11	2030.00	10°11'03"	360.83	180.89	N 87°17'38" W	360.35

PECK STATION
A SUBDIVISION OF 34.4945 ACRES OF
LAND SITUATED IN THE JESSE PRUITT
SURVEY, ABSTRACT NO. 629, CITY OF
TOMBALL, HARRIS COUNTY, TEXAS
BEING A PARTIAL REPLAT OF LOTS 296,
297, 298, 302, 303, 308, 309, 310 & 311
OF TOMBALL TOWNSITE
VOLUME 2, PAGE 65 M.R.H.C.
4 RESERVES, 2 BLOCKS

REASON FOR REPLAT: TO CREATE 2 RESERVES, TO CREATE
WINFREY LANE & TO ABANDON A PORTION OF A
30' RIGHT-OF-WAY (HUFFSMITH-KOHR)
VOLUME 2, PAGE 65 M.R.H.C.

SHEET 2 OF 2

PREPARED BY:
H S C HOVIS SURVEYING COMPANY
Land Surveys - Computer Mapping
5000 Cabbage - Spring, Texas 77379
(281) 320-9591
Acreage - Residential - Industrial - Commercial
Texas Firm Registration No. 10030409

OWNER:
2978 PANORMUS, LP
10200 GROGAN'S MILL ROAD, SUITE 550
THE WOODLANDS, TEXAS 77380
281-210-3401

DATE: JUNE 2, 2014 SCALE: 1" = 100' JOB NO. 10-011-90

Regular City Council

Agenda Item

Meeting Date: July 7, 2014

Data Sheet

Topic:

Approve the Acquisition of a Low-Power FCC-Issued FM Radio Station License to Create a Local Broadcasting System

Background:

The Tomball Public Safety Team and the Marketing Department have been discussing an opportunity to acquire an FCC issued radio license to create a local broadcasting system. The system would have limited reach that would extend slightly beyond the City Limits. It would be the intent to use this system to broadcast information about local emergencies, festivals and other localized or regional events. This would allow us to broadcast live from the various festivals and events, broadcast the music from the fireworks show, inform citizens of street closures and water flushing activities, etc., and provides another tool for both emergency management and marketing.

From discussions with the consultant, initial equipment costs for the station will be approximately \$7,500. We will be working with Lone Star College-Tomball and Tomball High School to establish some partnerships with both schools to develop additional programming and operational opportunities. We have also discussed the possibility of additional programming with KVST – S-Star Radio in Conroe. According to K-Star, they produce loops of personalized programming for several clients at this time.

We are working to reallocate current budget funds among Fire, Police and Marketing Departments to accommodate the purchase of the necessary equipment.

Origination:

Fire Department

Recommendation:

Staff recommends approval

Funding: No

Funds will be transferred from Account: to Account:

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

Randy Parr

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: July 7, 2014

Topic:

Nominate George Shackelford, City Manager, to Place 3 on the Texas Municipal League Intergovernmental Risk Pool Board of Trustees (TML-IRP)

Background:

The TML Intergovernmental Risk Pool Board of Trustees is accepting nominations for Places 1 through 5, which will expire on October 1, 2014. Place 3 is currently held by Paul Parker, City Manager of Lufkin, Texas. Mr. Parker is retiring the end of 2014 and is not eligible to continue to serve on the Board.

Any Employer Member (city) may submit the name of a qualified individual to be considered for the position of Trustee; the nomination must be received by the TML-IRP Board Secretary no later than August 12, 2014. This item is presented for Council consideration to nominate George Shackelford for Place 3 on the TML-IRP Board of Trustees.

If elected to the TML-IRP Board of Trustees, Mr. Shackelford's term would expire October 1, 2020.

Origination:

TML-IRP

Recommendation:

Nominate George Shackelford, City Manager, for Place 3 on the TML-IRP Board of Trustees

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:

TML-IRP Notice of Nominations



**NOMINATIONS TO THE BOARD OF TRUSTEES OF THE
TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL**

June 25, 2014

TO: All TML Intergovernmental Risk Pool Members
FROM: David Reagan – TMLIRP Board Secretary

The TML Intergovernmental Risk Pool Board of Trustees is comprised of fifteen voting members, twelve of whom are elected by the Pool's membership to serve staggered, six-year terms. Every even-numbered year, the term of office for one-third of the elected trustees expires and an election is held to fill those designated places.

Section 6 of the Pool's Bylaws sets forth the following election procedure:

“ . . . Ninety (90) days prior to the date of the expiration of the term of office of any Board of Trustee member, all Employer Members shall be informed in writing of their opportunity to submit the name of a qualified person for election to that designated place. If an Employer Member wishes to submit the name of a qualified person for election, the name shall be submitted and received by the Board Secretary no less than (50) days prior to the expiration of the term of the office being sought. . . .”

Section 4 of the Pool's Bylaws sets forth the following qualifications for board members:

“Each member of the Board must be either an employee or official of the governing body of an Employer Member of the Fund at the time the Board member is elected or appointed. . . .” (In this context, “the Fund” is synonymous with the Pool.)

Terms for Trustees in Places 1-5 will expire October 1, 2014. Place 5 is an appointed public member and is not elected. Places 1, 2, 3 and 4 are currently being held by the following individuals:

Place 1	Robert T. Herrera, City Manager, Cibolo
Place 2	John W. Fullen, Commissioner, Henderson Housing Authority
Place 3	Paul Parker, City Manager, Lufkin
Place 4	Peter H. Vargas, City Manager, Allen

The composition of the present Board is listed on the back of this notice.

In accordance with Section 6 of the Pool Bylaws, any Employer Member may submit the name of a qualified person to be considered for the position of Trustee. A nomination should be mailed to:

Trustee Nomination
Board Secretary
P. O. Box 149194
Austin, Texas 78714-9194

ALL NOMINATIONS MUST REACH THE BOARD SECRETARY BY MONDAY, AUGUST 12, 2014. EACH BOARD MEMBER IS ELECTED TO A DESIGNATED PLACE ON THE BOARD, AND ALL NOMINATIONS MUST SHOW ONE OF THE PLACES, 1 THROUGH 4, FOR WHICH THE NOMINATION IS MADE. A NOMINATION MAY BE FOR ANY ONE OF THE FOUR POSITIONS. THERE ARE NO RESIDENCY OR OTHER REQUIREMENTS APPLICABLE TO ANY PLACE. PLEASE INCLUDE A SHORT BIOGRAPHICAL SKETCH OF THE NOMINEE. THE BOARD SECRETARY WILL DISTRIBUTE A BALLOT TO EACH MEMBER BY AUGUST 17, 2014.

Current Texas Municipal League Intergovernmental Risk Pool Board of Trustee Members and the date their terms expire include:

Place 13 (Oct. 1, 2018)

Byron Black, Chair
Chairman, CAD of Johnson County

Place 8 (Oct. 1, 2016)

Larry Melton
Commissioner, Odessa Housing Authority

Place 12 (Oct. 1, 2018)

Larry Gilley, Vice Chair
City Manager, City of Abilene

Place 9 (Oct. 1, 2016)

Andres Garza, Jr.
City Manager, City of Wharton

Place 1 (Oct. 1, 2014)

Robert T. Herrera
City Manager, City of Cibolo

Place 10 (Oct. 1, 2016)

Donald S. Henderson
Appointed Public Member

Place 2 (Oct. 1, 2014)

John W. Fullen
Commissioner, Henderson Housing Authority

Place 11 (Oct. 1, 2018)

Greg Ingham
City Manager, City of Plainview

Place 3 (Oct. 1, 2014)

Paul Parker
City Manager, City of Lufkin

Place 14 (Oct. 1, 2018)

Pat Norriss
Executive Board, Nortex Regional Planning
Commission

Place 4 (Oct. 1, 2014)

Peter H. Vargas
City Manager, City of Allen

Place 15 (Oct. 1, 2018)

Rickey Childers
Appointed Public Member

Place 5 (Oct. 1, 2014)

Leo Montalvo
Appointed Public Member

TML Board Representative

John Monaco
Mayor, City of Mesquite

Place 6 (Oct. 1, 2016)

Mary Gauer
Executive Board, Central Texas Council of
Governments

TML Representative

Bennett Sandlin
Executive Director, TML

Place 7 (Oct. 1, 2016)

Charles (C.J.) Wax
Mayor, City of Rockport

TML Intergovernmental Employee

Benefits Pool Representative

Eddie Edwards
City Manager, City of Borger