

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



MONDAY, JULY 1, 2013

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, July 1, 2013 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 Rick Brown, Senior Pastor, ChristBridge Fellowship Church

3.0 Pledges to U.S. and Texas Flags

- Led by Chief Roy Reyes, NWEMS

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

5.0 Reports and Announcements

- **June 10 through July 29, 2013 – Tomball Kids Club! – Every Monday, Wednesday and Friday**, from 11:00 a.m. to 1:00 p.m. at **MLK Park**, 403 Chestnut Street – Sponsors: ***H-E-B, Buffalo Wild Wings, Cisco's Salsa Company, Salem Lutheran Ministries and Tomball Bible Church***
- July 4, 2013 – **City of Tomball July 4th Celebration** – 3:00 p.m.-10:00 p.m. (**New Time**). A main parking area will be located on Business SH 249 between Rudel and Hicks; entry will be from the Hicks side of Business SH 249.
- July 13, 2013 – **2nd Saturday at the Depot -- "Go Smurfy"** – 6:30 p.m.
- July 15, 2013 – **Budget Workshop** on FY 2013-2014 Budget – **5:00 p.m.**
- July 19, 2013 – **Friday Night Creature Feature – Invasion of the Body Snatchers**
- August 5, 2013 – **Public Hearing** on FY 2013-2014 Budget – 6:00 p.m.
- August 16, 2013 – **Friday Night Creature Feature – THEM!**
- September 28, 2013 – **Bugs, Brew & Barbecue, VW Show and MusicFest** – 9:00 a.m.-6:00 p.m.
- **Walk Tomball!** – Every Saturday at 8:00 a.m. at the Depot (**New Time**)
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - David Kaufman - Update TxDOT's Engineering Assessment of Existing Traffic Signals on Main Street
 - Glenn Windsor – The City of Tomball has been awarded the **Government Finance Officers Association Distinguished Budget Award** for the City's Budget Document

6.0 Approve the Minutes of the June 17, 2013 Regular Tomball City Council Meeting

7.0 New Business:

- 7.1 Receive Presentation and Possible Action regarding Proposed BMX Park Facility, to be Located in the City of Tomball
- 7.2 Approve Resolution No. 2013-20, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Annual "Dance at the Depot", to be held at the Tomball Depot, Sponsored by the Tomball High School Cheerleader Booster Club, on Saturday, October 5, 2013.
- 7.3 Approve Encroachment Agreement for Unimproved Alley Platted as Lot 1 of Northwest Houston Heart Center and Authorize Mayor to Execute Agreement.

- 7.4 Approve Resale Deed for Property acquired by Foreclosure Tax Sale in Cause No. 2001-40381, styled City of Tomball, et al vs. The Delinquent Taxes of Isebell Cranfill Campbell, said Property being described as: Lots 42 and 60, Block 46 in the Town of Tomball, in Harris County, Texas, and being more particularly described in map of said addition recorded in Volume 983, Page 182, of the Map of Records of Harris County, Texas (Account Nos. 035-267-046-0042 and 035-267-046-0060) and Authorize the Mayor to Execute the Resale Deed.
- 7.5 Award Contract Bid for Project No. 2013-02, the Construction of the Public Works Building Generator to C.F. McDonald Electric, in the Amount of \$129,369.00
- 7.6 Award Contract for Project No. 2013-05 (Annual Asphalt Improvements), in the Amount of \$128,400.00, to Low Bidder, Forde Construction Company, Inc.
- 7.7 Council Consideration to Set August 5, 2013 at 6:00 p.m. as the Date for the Public Hearing on the FY 2013-2014 Budget, as presented to Council by the City Manager
- 7.8 Receive Weingarten Realty's Request to Appeal to City Council the Calculations and Resulting First Payment in Connection with 380 Agreement between the City of Tomball and Weingarten Realty
- 7.9 Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose:
- Sec. 551.071 - Private Consultation with Attorney in Closed Meeting Regarding a Matter that the Duty of the Attorney Requires be Held in Closed Session.
- 7.10 Possible Action regarding Weingarten Realty's Appeal to City Council regarding the Calculations and Resulting First Payment in Connection with 380 Agreement between the City of Tomball and Weingarten Realty
- 7.11 The Tomball City Council may continue with the Workshop Session regarding the Fiscal Year 2013-2014 Budget

8.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 28th day of June 2013 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 1, 2013

Topic:

- Led by Rick Brown, Senior Pastor, ChristBridge Fellowship Church

Background:

Origination:

Recommendation:

Funding:

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 1, 2013

Topic:

- Led by Chief Roy Reyes, NWEMS

Background:

Origination:

Recommendation:

Funding:

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

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: July 1, 2013

Topic:

- **June 10 through July 29, 2013 – Tomball Kids Club!** – Every Monday, Wednesday and Friday, from 11:00 a.m. to 1:00 p.m. at **MLK Park**, 403 Chestnut Street – Sponsors: ***H-E-B, Buffalo Wild Wings, Cisco's Salsa Company, Salem Lutheran Ministries and Tomball Bible Church***
- July 4, 2013 – **City of Tomball July 4th Celebration** – 3:00 p.m.-10:00 p.m. (**New Time**). A main parking area will be located on Business SH 249 between Rudel and Hicks; entry will be from the Hicks side of Business SH 249.
- July 13, 2013 – **2nd Saturday at the Depot -- "Go Smurfy"** – 6:30 p.m.
- July 15, 2013 – **Budget Workshop** on FY 2013-2014 Budget – **5:00 p.m.**
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- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - David Kaufman - Update TxDOT's Engineering Assessment of Existing Traffic Signals on Main Street
 - Glenn Windsor – The City of Tomball has been awarded the **Government Finance Officers Association Distinguished Budget Award** for the City's Budget Document

Background:

Origination:

Various

Recommendation:

N/A

Funding:

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

City Secretary

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

ATTACHMENTS:

Tomball Kids Club

City of Tomball July 4th Celebration

2nd Saturday at the Depot - July 13, 2013

July 15, 2013 Budget Workshop

Friday Night Creature Feature

Glenn Windsor - Government Finance Officers Association Distinguished Budget Award



Tomball Kid's Club



Hosted by



Partnership with

Buffalo Wild Wings, Cisco Salsa Company & Salem Lutheran

June 10th - July 29th

Every Monday, Wednesday & Friday

11am-1pm

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

<u>Date</u>	<u>Activity</u>	<u>Presenter</u>
Monday, June 10th Wednesday June 12th Friday, June 14 th	Lowe's Wiffleball Waterpark Fun	HEB Buffalo Wild Wings Cisco's Salsa Company
Monday, June 17th Wednesday, June 19 th Friday, June 21st	Pet's a Plenty Kickball Parachute Fun	HEB Buffalo Wild Wings Salem Lutheran
Monday, June 24 th Wednesday, June 26th Friday, June 28th	HEB Hut, Hut, Hike Waterpark Fun	HEB Buffalo Wild Wings Cisco's Salsa Company
Monday, July 1st Wednesday, July 3rd Friday, July 5th	YMCA Magnolia/Tomball 3 rd of July Fun Day Trash Can Derby	HEB Buffalo Wild Wings Salem Lutheran
Monday, July 8th Wednesday, July 10th Friday, July 12th	Tomball Police Department Wiffleball Tourney Waterpark Fun	HEB Buffalo Wild Wings Cisco's Salsa Company
Monday, July 15th Wednesday, July 17th Friday July 19th	Centerpoint Energy Kickball Tourney Frisbee Breakout	HEB Buffalo Wild Wings Salem Lutheran
Monday, July 22nd Wednesday, July 24th Friday, July 26th	Lone Star College-Tomball End of Summer BLOWOUT Waterpark Fun	HEB Buffalo Wild Wings Cisco's Salsa company
Monday, August 13 th	End of Program Party	HEB, Buffalo Wild Wings, Cisco's Salsa Company and Salem Lutheran

THE CITY OF TOMBALL
JULY 4TH STREET PARTY
AND FIREWORKS!

3 – 10 PM
ON BUSINESS
HWY 249

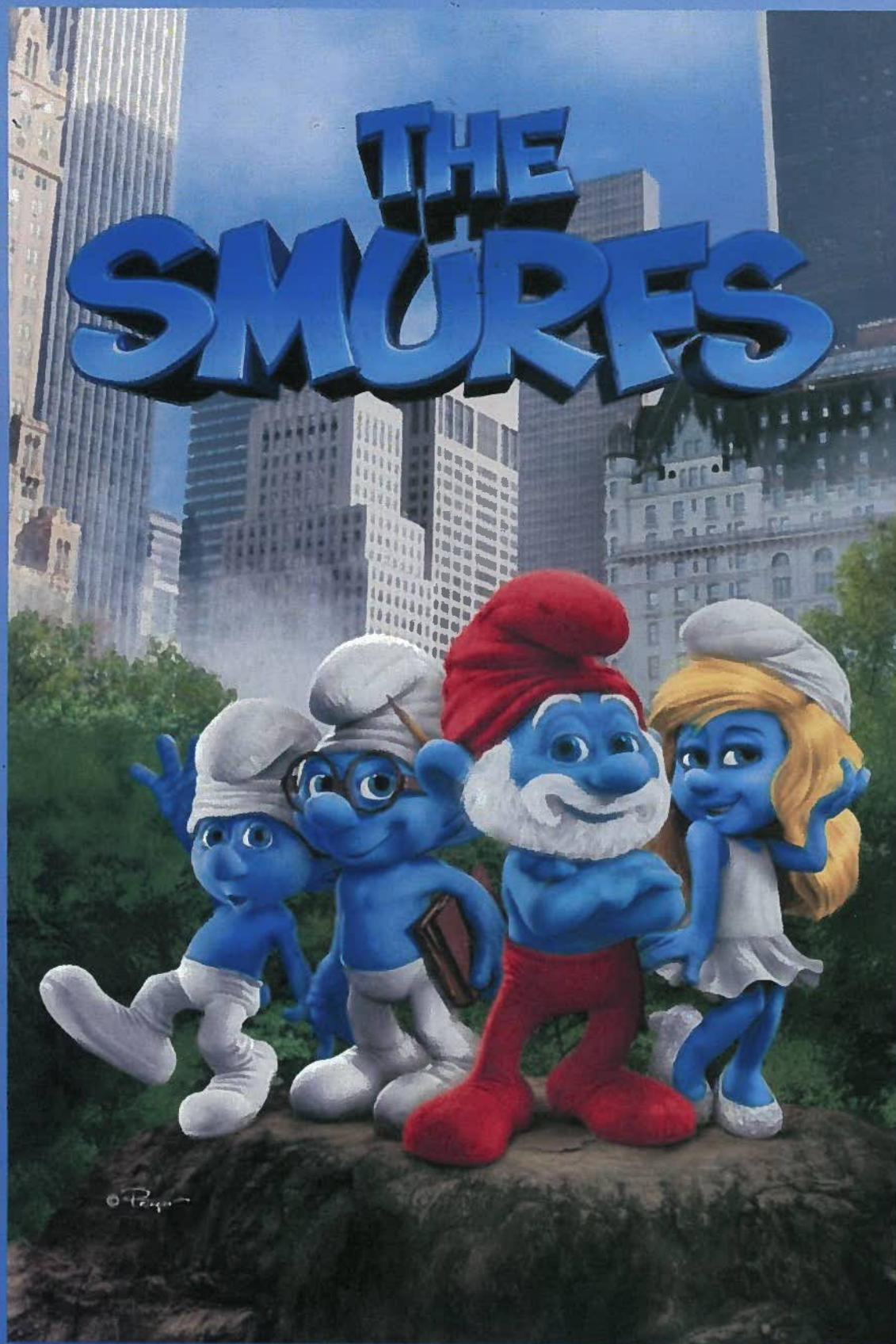
- LIVE MUSIC FROM BAYOU ROUX AND UNFORTUNATE SONS
- EATS BY PECOS GRILL AND THE ORIGINAL RIB TICKLER
- KIDS' ZONE WITH PONY RIDES, PETTING ZOO AND MORE . . .

- HAY RIDES
- VENDORS
- FREE ADMISSION AND PARKING

PRESENTED BY



2ND SATURDAY AT THE DEPOT



SATURDAY, JULY 13TH
STARTING AT 6:30 PM

SMURFTASTIC MUSIC FROM
TORI MCCLURE

SMURFALICIOUS FOOD FROM
SNOOKIE'S AND FROZEN
BLISS

SMURFY GAMES, FACE
PAINTING, AND MORE...

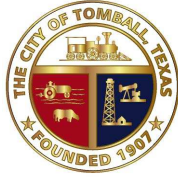
THE *SMURFY* FUN FILM
"THE SMURFS" ON THE
GIANT INFLATABLE SCREEN
STARTING AT DARK!

GO SMURFY ON JULY 13TH!

CALL 281-351-5484 OR
VISIT TOMBALLTX.GOV.

"LIKE" US AT
[FACEBOOK.COM/
TOMBALLTEXANFORFUN](https://www.facebook.com/TOMBALLTEXANFORFUN)

NOTICE OF SPECIAL CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



MONDAY, JULY 15, 2013

5:00 P.M.

Notice is hereby given of a Special meeting of the Tomball City Council, to be held on Monday, July 15, 2013 at 5:00 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 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.)*
- 3.0 Workshop Session:
 - 3.1 The Tomball City Council will enter into a Workshop Session regarding the Fiscal Year 2013-2014 Budget
- 4.0 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 11th day of June 2013 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer
Doris Speer
City Secretary, TRMC

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

THE CITY OF TOMBALL PRESENTS
**FRIDAY NIGHT
CREATURE FEATURES
AT THE DEPOT**



**Creature From The
Black Lagoon
June 21, 2013**



**Invasion Of The
Body Snatchers
July 19, 2013**



**THEM!
August 16, 2013**

FREE ADMISSION * FREE PARKING * BRING YOUR LAWN CHAIR * STARTS AT DARK



Government Finance Officers Association

203 North LaSalle Street, Suite 2700

Chicago, Illinois 60601-1210

312.977.9700 fax: 312.977.4806

April 14, 2013

Mr. Glenn Windsor
Finance Director
City of Tomball
501 James Street
Tomball, TX 77375

Dear Mr. Windsor:

I am pleased to notify you that City of Tomball, Texas has received the Distinguished Budget Presentation Award for the current budget from the Government Finance Officers Association (GFOA). This award is the highest form of recognition in governmental budgeting and represents a significant achievement by your organization.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual or department designated as being primarily responsible for its having achieved the award. This has been presented to:

Finance Department

We hope you will arrange for a formal public presentation of the award, and that appropriate publicity will be given to this notable achievement. A press release is enclosed for your use.

We appreciate your participation in GFOA's Budget Awards Program. Through your example, we hope that other entities will be encouraged to achieve excellence in budgeting.

Sincerely,

Stephen J. Gauthier, Director
Technical Services Center

Enclosure



Government Finance Officers Association

203 North LaSalle Street, Suite 2700

Chicago, Illinois 60601-1210

312.977.9700 fax: 312.977.4806

April 14, 2013

PRESS RELEASE

For Further Information Contact

Stephen J. Gauthier (312) 977-9700

Chicago--The Government Finance Officers Association of the United States and Canada (GFOA) is pleased to announce that **City of Tomball, Texas** has received the GFOA's Distinguished Budget Presentation Award for its budget.

The award represents a significant achievement by the entity. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the entity had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as:

- a policy document
- a financial plan
- an operations guide
- a communications device

Budget documents must be rated "proficient" in all four categories, and the fourteen mandatory criteria within those categories, to receive the award.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual or department designated as being primarily responsible for its having achieved the award. This has been presented to **Finance Department**.

For budgets including fiscal period 2011, 1,328 entities received the Award. Award recipients have pioneered efforts to improve the quality of budgeting and provide an excellent example for other governments throughout North America.

The Government Finance Officers Association is a nonprofit professional association serving over 17,500 government finance professionals throughout North America. The GFOA's Distinguished Budget Presentation Awards Program is the only national awards program in governmental budgeting.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 1, 2013

Topic:

Approve the Minutes of the June 17, 2013 Regular Tomball City Council Meeting

Background:

Origination:

Recommendation:

Funding:

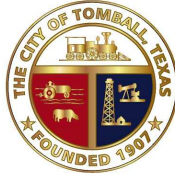
Party(ies) responsible for placing this item on agenda:

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

ATTACHMENTS:

Draft Minutes - June 17, 2013 Regular Tomball City Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, JUNE 17, 2013
6:00 P.M.**

1.0 Call to Order

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

Councilman Hudgens
Councilman Stoll
Councilman Brown
Councilman Dodson

Councilmembers Absent:

Councilman Townsend

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Robert Hauck
Director of Public Works – David Kauffman
Fire Chief – Randy Parr
Community Development Director – Craig Meyers
Marketing Director – Mike Baxter
City Planner – Rebeca Guerra
City Engineer – Lori Lakatos
Chief-NWEMS – Raul Reyes
Senator Dan Patrick
Commissioner Jack Cagle

2.0 Invocation

- Led by Chaplain Arthur Torres, American Legion Post 127

3.0 Pledges to U. S. and Texas Flags

- Led by Eric Dunbar and Austin Gryder, Tomball Cougars Baseball Team

4.0 The following public comment was received:

David and Amanda White, Ron's Chili and Burgers, 77375 - Congratulations to the 2013 Tomball Cougar Team (email read into the record)

Rob Green Pinehurst, 77362 - Expressed his support for Item 9.2, 41st Annual Tomball Night and Parade, August 2, 2013

5.0 Presentation:

- Senator Patrick, Commissioner Cagle, and Mayor Fagan presented the Proclamation declaring June 17, 2013 as ***"Tomball High School Cougars Baseball Team, 2013 UIL Class 4A Baseball State Champions" Day*** to the team members and coaches. Mayor Fagan presented the Key to the City to Coach Rush.

6.0 Reports and Announcements:

- **June 10 thru July 29, 2013 – Tomball Kids Club! Every Monday, Wednesday and Friday**, from 11:00 a.m. to 1:00 p.m. at **MLK Park**, 403 Chestnut Street – Sponsors: ***H-E-B, Buffalo Wild Wings, Cisco's Salsa Company, Salem Lutheran Ministries and Tomball Bible Church***
- June 21, 2013 – **Friday Night Creature Feature – *Creature from the Black Lagoon***
- June 27, 2013 - **5th Annual Economic Development Breakfast**, hosted by the Tomball Economic Development Corporation, 8:00 - 10:30 a.m., Lone Star College-Tomball, Beckendorf Conference Center
Speakers: Commissioner Jack Cagle, Harris County Precinct 4
Precinct 4 Economic Growth
Mayor Gretchen Fagan, City of Tomball
Dr. Jim Gaines, Research Economist, Real Estate Center
at Texas A&M - Economic Outlook 2013
Kelly Violette, Executive Director, Tomball Economic Development Corp. - New and Planned Development in the Tomball Area

- July 1, 2013 – **Budget Workshop** on FY 2013-2014 Budget – **5:00 p.m.**
- July 4, 2013 – **City of Tomball July 4th Celebration** – 2:00 p.m.-10:30 p.m.
- July 13, 2013 – **2nd Saturday at the Depot** – 6:30 p.m.
- July 15, 2013 – **Budget Workshop** on FY 2013-2014 Budget – **5:00 p.m.**
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- August 5, 2013 – **Public Hearing** on FY 2013-2014 Budget – 6:00 p.m.
- August 16, 2013 – **Friday Night Creature Feature – *THEM!***
- ***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
 - Reports by David Kaufman regarding updates for TxDOT's Engineering Assessment of Existing Traffic Signals on Main Street and Baker Street Water Well Rehabilitation will be rescheduled for the July 1, 2013 Council meeting.

7.0 Motion was made by Councilman Brown, second by Councilman Stoll, to approve the Minutes of the June 3, 2013 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

8.1 Motion was made by Councilman Dodson, second by Councilman Brown, to approve the request from LS Development for City Assistance to acquire Rights-of-Way and Easements for Utility Extensions to the Raleigh Creek Subdivision and to authorize providing City water to the Talbot Tract, Located Outside the City of Tomball, Without Requiring Annexation. Motion was amended by Councilman Dodson, second by Councilman Brown, to approve the request from LS Development for City Assistance to acquire Rights-of-Way and Easements for Utility Extensions to the Raleigh Creek Subdivision and to authorize providing only City water to the Talbot Tract, Located Outside the City of Tomball, Without Requiring Annexation.

Motion, as amended, carried unanimously.

9.0 New Business:

9.1 Motion was made by Councilman Stoll, second by Councilman Dodson, to award the Contract for Project No. 2013-03, Community Center Section "A" and Public Works Entry Canopy Roof Replacement, in the Total Amount of \$57,122.00, to Diversified Roofing.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Dodson, second by Councilman Stoll, to approve Resolution No. 2013-22, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 41st Annual Tomball Night and Parade, to be held in Tomball on Friday, August 2, 2013.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Brown, second by Councilman Stoll, to approve the request from the Tomball Sister City Organization for City Support/Co-Sponsorship of the Annual Tomball German Christmas Market, to be held Friday, December 13, 2013 through Sunday, December 15, 2013, and the Annual German Heritage Festival, to be held Friday, March 28, 2014 through Sunday, March 30, 2014 and to Authorize the Mayor to Issue a Letter of Support to Harris County Commissioners Court.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Brown, second by Councilman Stoll, to approve Resolution No. 2013-21, Adopting the City of Tomball's Fund Balance Policy, as set forth in the City's Administrative Policy No. 25, entitled "Fund Balance Policy".

Motion carried unanimously.

- 9.5 Motion was made by Councilman Stoll, second by Councilman Dodson, to approve **GRASSI ACRES FINAL PLAT**: Being a subdivision of 3.0822 acres of land situated in the Ralph Hubbard Survey, Abstract Number 383, of Harris County, Texas, and being all of a called 3.082 acres as described in deed recorded in Clerk's File Number 20120042624 of the Real Property Records of Harris County, Texas.

Motion carried unanimously.

- 9.6 Motion was made by Councilman Dodson, second by Councilman Brown, to approve Issuance of Notice to Waste Corporation of America (WCA), for the Final One-Year Extension of the Solid Waste Services Contract Between the City of Tomball and WCA.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the _____ day of _____ 2013.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: July 1, 2013

Data Sheet

Topic:

Receive Presentation and Possible Action regarding Proposed BMX Park Facility, to be Located in the City of Tomball

Background:

The last several months, City staff has been visiting with local resident, John Purse, Mike McIntyre with Stantec Inc. in Boston, MA, and Nick Adams with the USABMX regarding a possible BMX Park in Tomball.

They have requested an opportunity to come to the City Council to make a formal presentation on their ideas and proposal for the facility.

Mr. Purse and McIntyre will be present Monday evening to provide information and answer any questions the Council might have.

Origination:

John Purse, Mike McIntyre-Stantec, Inc., and Nick Adams-USABMX

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
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ATTACHMENTS:

PowerPoint - BMX Track - Tomball

City of Tomball, TX

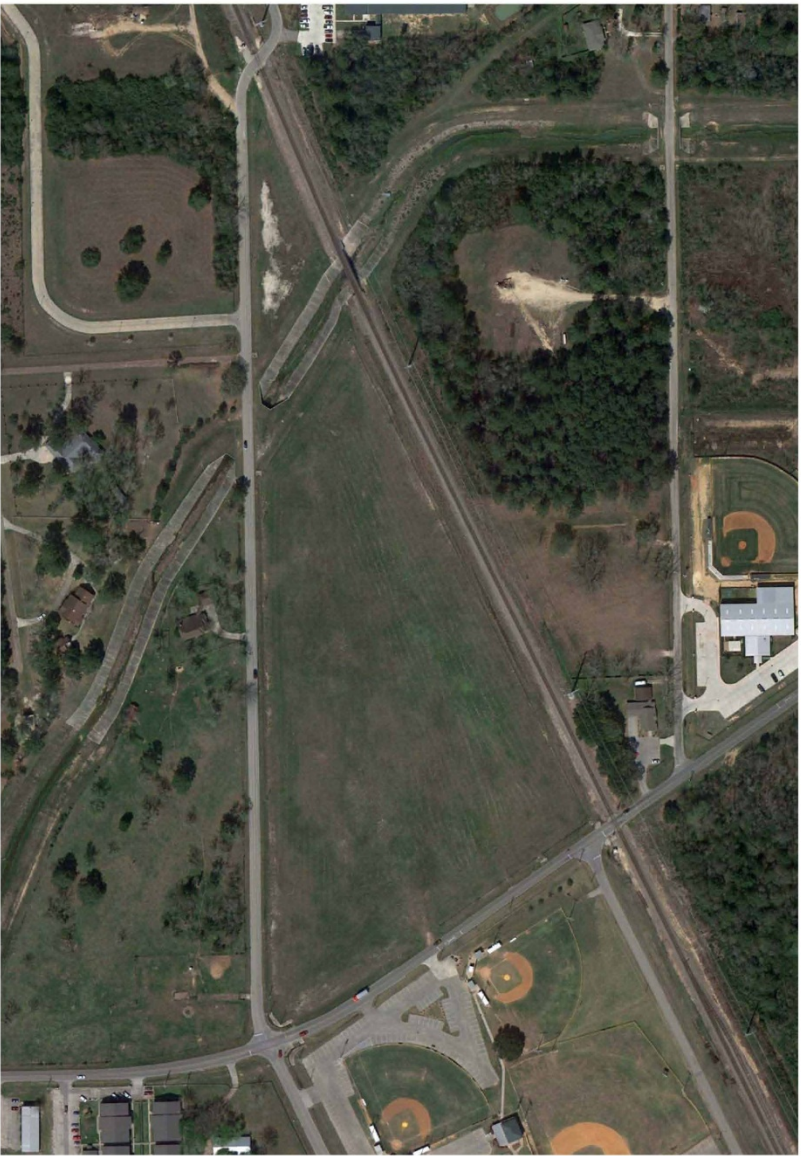
Potential BMX & Fitness Facility



PRESENTATION OVERVIEW

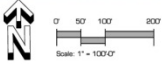
- **Use of Tomball City land for future BMX & Fitness Park**
- **Overview of identified land/ location**
- **Potential layouts for use of land**
- **About BMX Racing**
- **Economic Impact**
- **Fundraising and Grant Application with land authorization**

Potential BMX & Fitness Facility

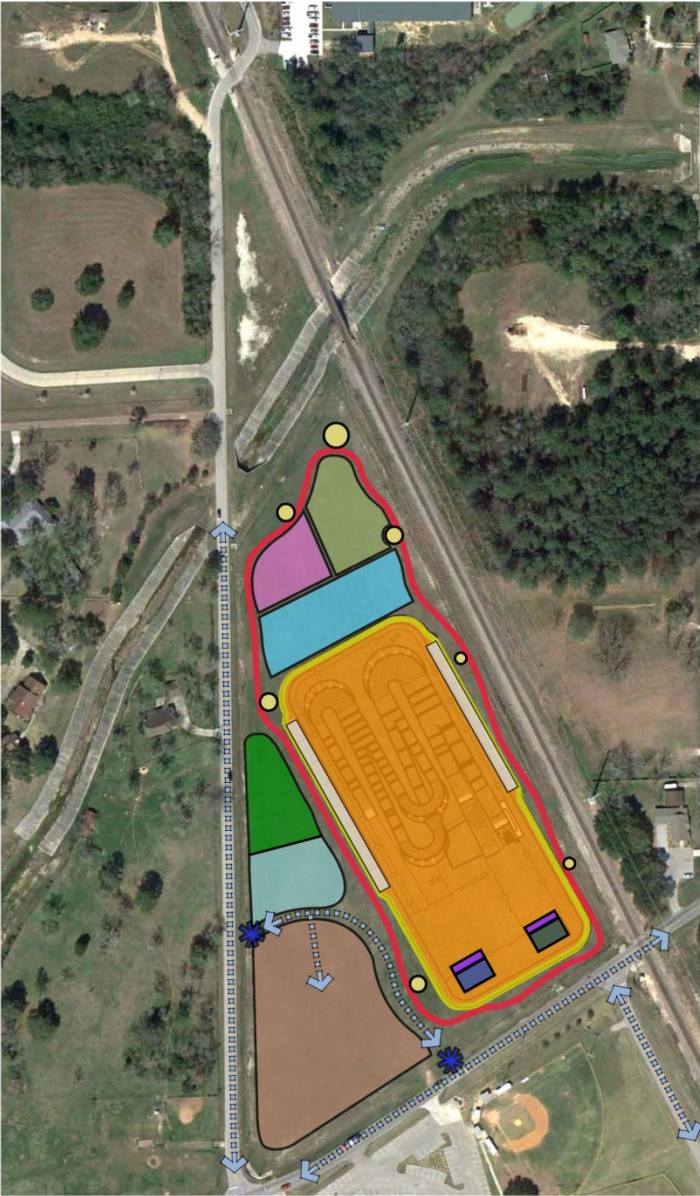


LEGEND

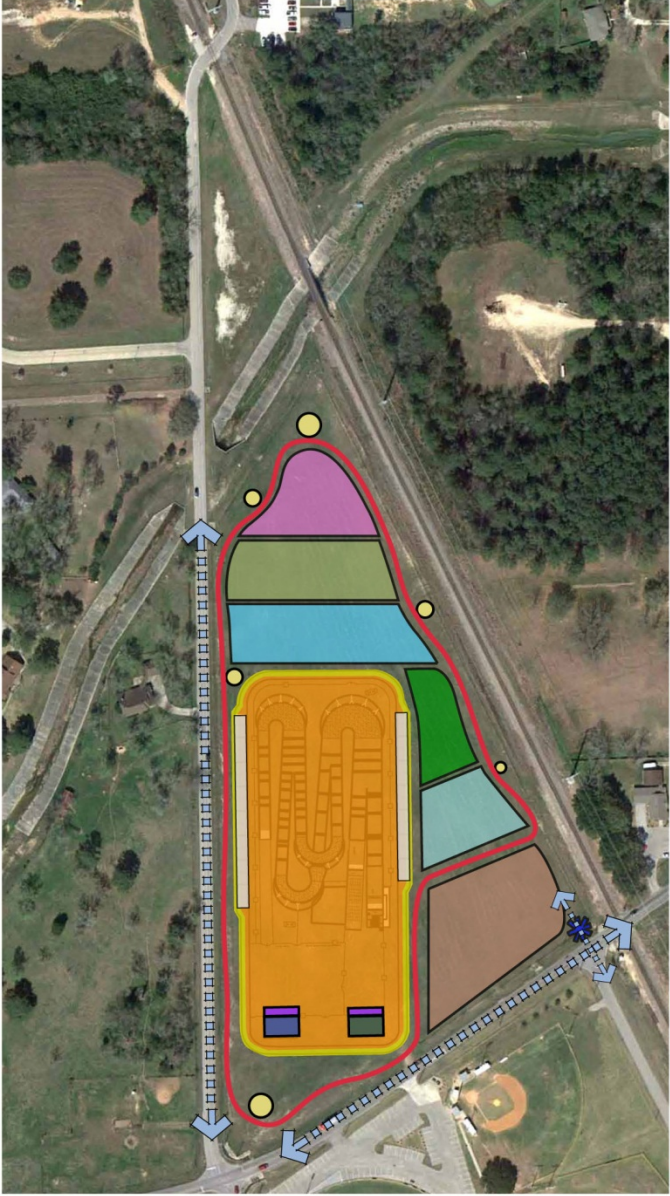
	BMX SUPER TRACK
	BICYCLE TRAILS COURSE
	BICYCLE SKILLS COURSE
	SKATEPARK
	WALKING/ BIKE TRAIL
	FITNESS STATIONS
	FAMILY PICNIC AREAS
	ADMINISTRATIVE BUILDINGS
	CLUB HOUSE
	PARKING LOT
	PUBLIC RESTROOMS
	PERIMETER FENCING
	BLEACHERS/ SEATING
	PLAYGROUND
	DOG PARK



Potential BMX & Fitness Facility



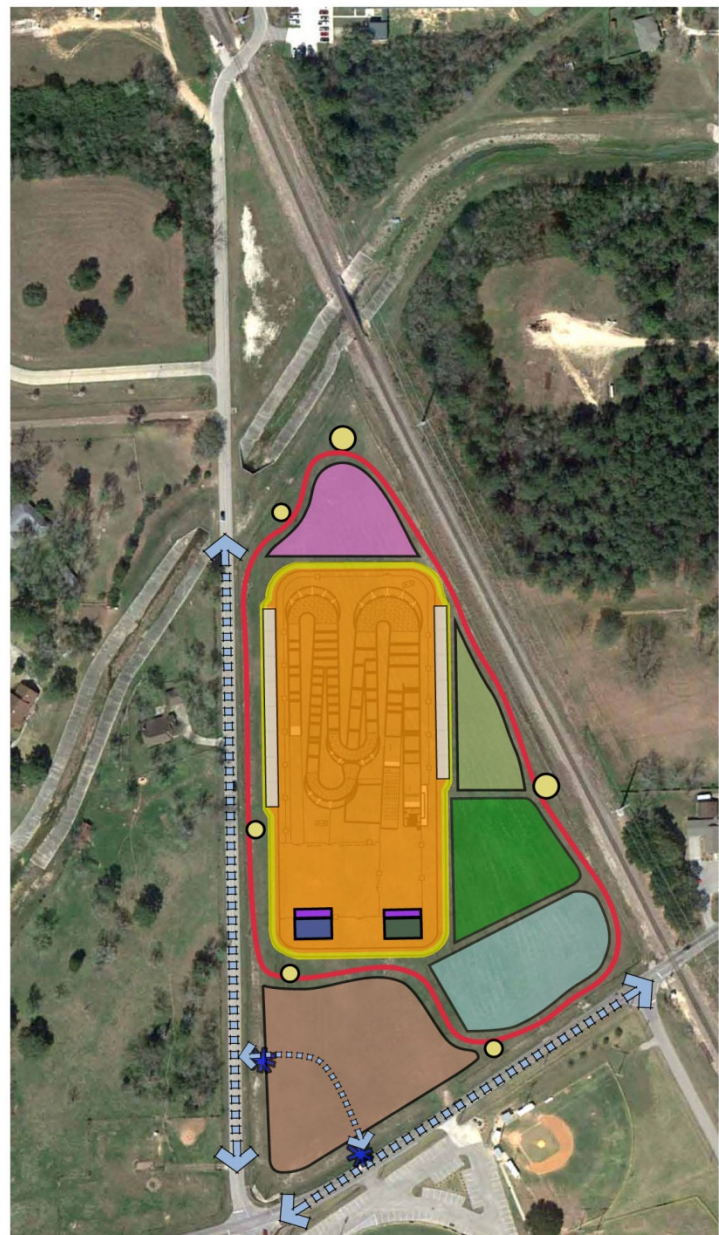
CONCEPTUAL LAYOUT 1



CONCEPTUAL LAYOUT 2



Potential BMX & Fitness Facility



LEGEND	
	BMX SUPER TRACK
	BICYCLE TRAILS COURSE
	BICYCLE SKILLS COURSE
	SKATEPARK
	WALKING/ BIKE TRAIL
	FITNESS STATIONS
	FAMILY PICNIC AREAS
	ADMINISTRATIVE BUILDINGS
	CLUB HOUSE
	PARKING LOT
	PUBLIC RESTROOMS
	PERIMETER FENCING
	BLEACHERS/ SEATING
	PLAYGROUND
	DOG PARK
	PARK ENTRANCES
	VEHICULAR CIRCULATION

CONCEPTUAL LAYOUT 3

American Bicycle Association

- ☐ The world's largest BMX sanctioning body
- ☐ Over 12,000 events in the U.S.
- ☐ 348 local BMX racing facilities
- ☐ 29 National events
- ☐ 62 Regional Series BMX events
- ☐ 60,000 brand loyal members
- ☐ Web site with over 60,000 unique visitors per month
- ☐ National monthly print publication. "PULL Magazine"
- ☐ 35% of our members have an annual household income of over \$70,000
- ☐ 87% of our membership is male
- ☐ Average age of participants is 12
- ☐ BMX racers are trend setters
- ☐ BMX racers are loyal to the sport and loyal to the sponsors that support their sport
- ☐ BMX racing is a family sport that demands participation from the entire family



**BMX RACING MADE ITS OLYMPIC SPORT
DEBUT IN BEIJING, CHINA IN 2008!**

BY THE #'s:

Average Age

13

Male Participants

87%

Core Participants

66%
6-16

Brand Loyal Participants

60,000
+

Participants HHI 75k+

33
%

Spectators Age 30-49

62%

Spectator to Participant

3.2

Average Age Spectator

34

Yearly Events

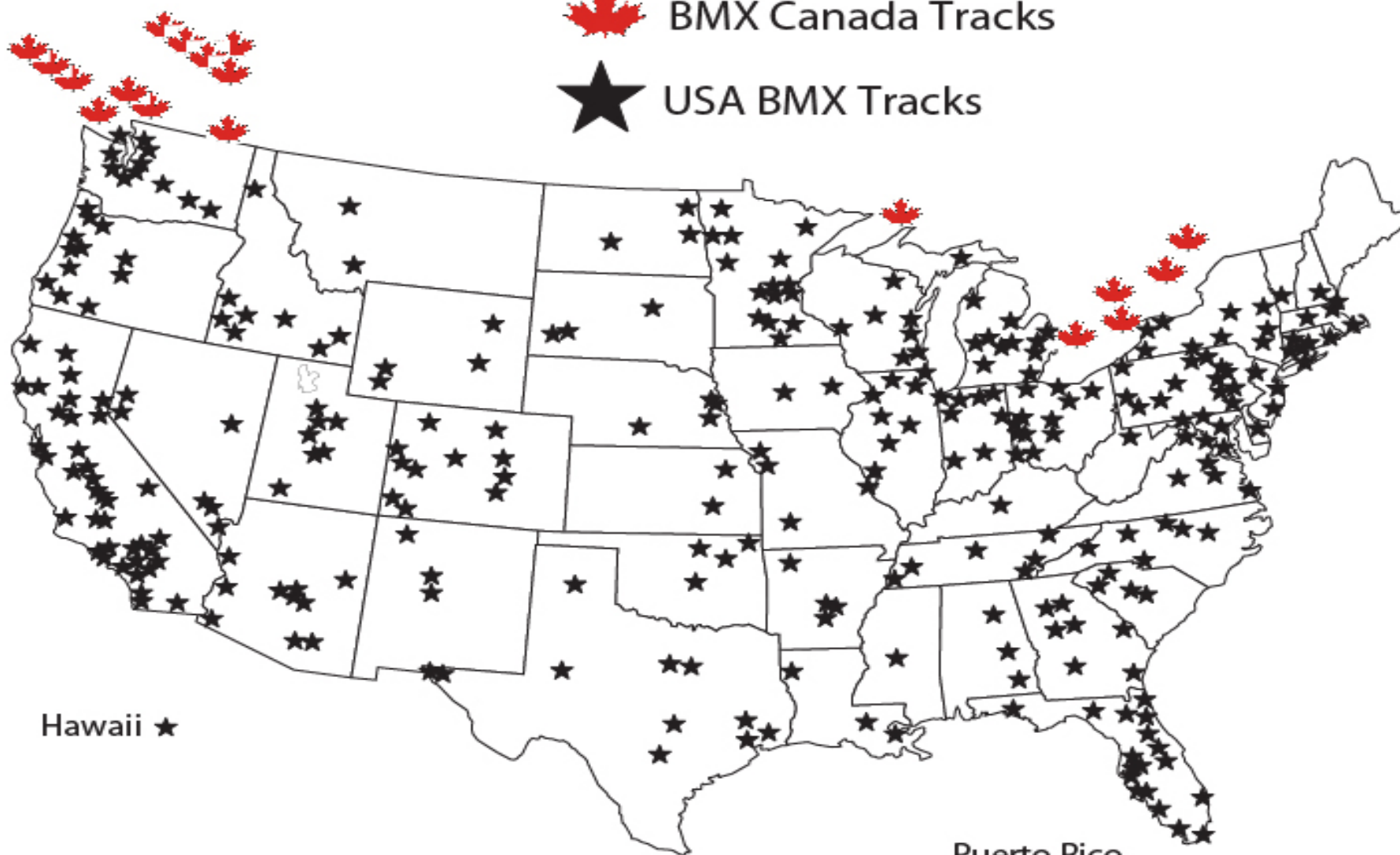
13,000
+



Alaska ★

🍁 BMX Canada Tracks

★ USA BMX Tracks



Hawaii ★

Puerto Rico
★★★★

BMX Track Economic Impact

**Estimated community benefits in first year from local racing program
(not including participant user fee's)**

Participants (80 racer avg. for 72 race dates)	5,760
Spectators	15,840
Total spectators and participants	21,600

Expenditures while attending races: per race day for each person	
Food and drinks	\$6.00
Total dollars spent on food by spectators and participants during the local race season	
\$129,600.00	

Expected value to the community
(does not include misc. expenses) **\$129,600.00**

The above information does not include misc. expenses such as gasoline, entertainment, souvenirs, shopping, etc.

BMX Track Economic Impact

Estimated community benefits from state-wide series races held each year—3 weekends.

Races include: State Championship Race, Race for Life, Double point event.

Participants	900
Spectators	2880
Total spectators and participants	3780
Expenditures while attending races: per day for each person	
Food and beverage	\$31
Total dollars spent on food by spectators and participants during the two day weekend	\$234,360.00
Hotel or motel expense while attending races: per room night	
Average room cost	\$68
Number of rooms used for two nights	945
Total number of room nights	1890
Total dollars spent on lodging by spectators and participants	\$128,520.00
<u>Expected value to the community</u>	<u>\$362,880.00</u>

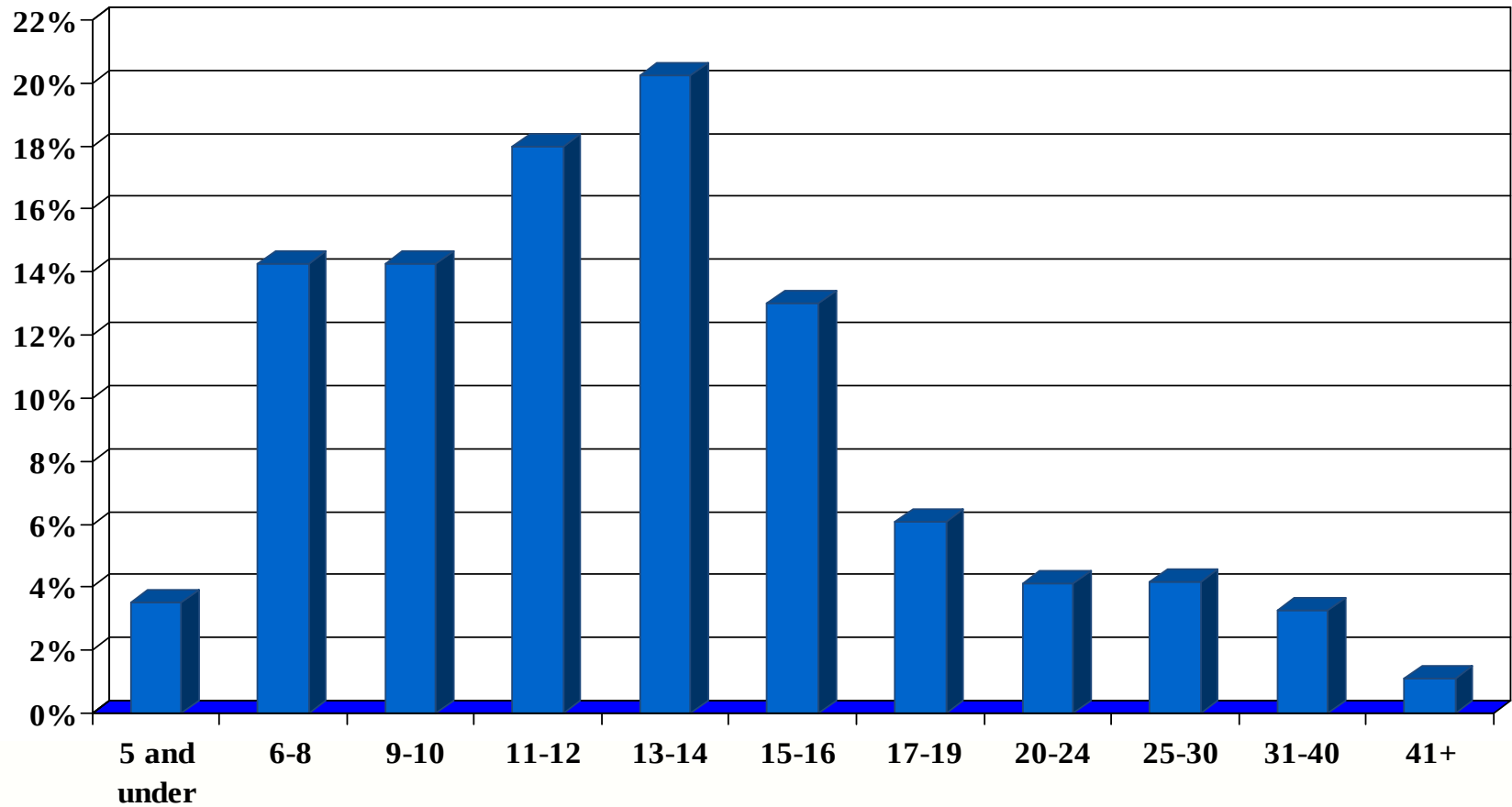
The above information does not include misc. expenses such as gasoline, entertainment, souvenirs, shopping, etc.

BMX Track Revenue Generation

Type of Event	# Events	Entry fee	# of Entries	Total income
Practices (50 riders per practice)	36	\$5	1,800	\$ 9,000
Single points races (March - November)	72	\$10	5,760	\$ 57,600
State Championship Qualifier (double points)	1	\$20	120	\$2,400
Race For Life (double points) Charity event	1	\$10	100	\$1,000
Earned double points race	1	\$20	100	\$2,000
Gross Revenue from Entry Fees				\$ 72,000
Gross Revenue from Concessions				\$ 72,000
Total Revenue				\$144,000

Model for BMX track hosting 1 practice event and 2 race events per week averaging 80 rider per single points race for one year.

National Event Participation by Age



UCI BMX INTERNATIONAL SERIES



International BMX events are registered on the international calendar in accordance with the following classification:

- Olympic Games
- World Championships (class 1 event)
- BMX Supercross World Cup (class 2 event)
- Continental Series Race (class 3 event)
- National Championships (class 4 event)
- International Race (class 5 event)

Only the World Championships and Supercross World Cup events offer more international ranking points to competitors than a BMX Supercross World Cup event.

Over 70 international BMX events are present on the UCI International BMX Calendar, held on four continents (European, Latin America, North America, Oceania)



Metroplex BMX Desoto, Texas



The World's first covered facility designed and built exclusively for BMX racing!

Vital Statistics-

- Building Size 200 x 300 feet
- Track area 125 x 270 feet (Rectangular Shape)
- 2,500 bleacher seating capacity



Outdoor BMX Track



Dallas Morning News Article

08:18 AM CDT on Thursday, April 20, 2006

DeSoto is home to bicycle heaven

Avid racers come to motocross facility from near and far

By KENDALL ANDERSON / Special Contributor to The Dallas Morning News

When riders hit the packed earth at Metroplex BMX, the world's only covered, year-round bicycle motocross track, DeSoto strikes pay dirt.

Metroplex BMX in DeSoto is the only covered, year-round track in the world.

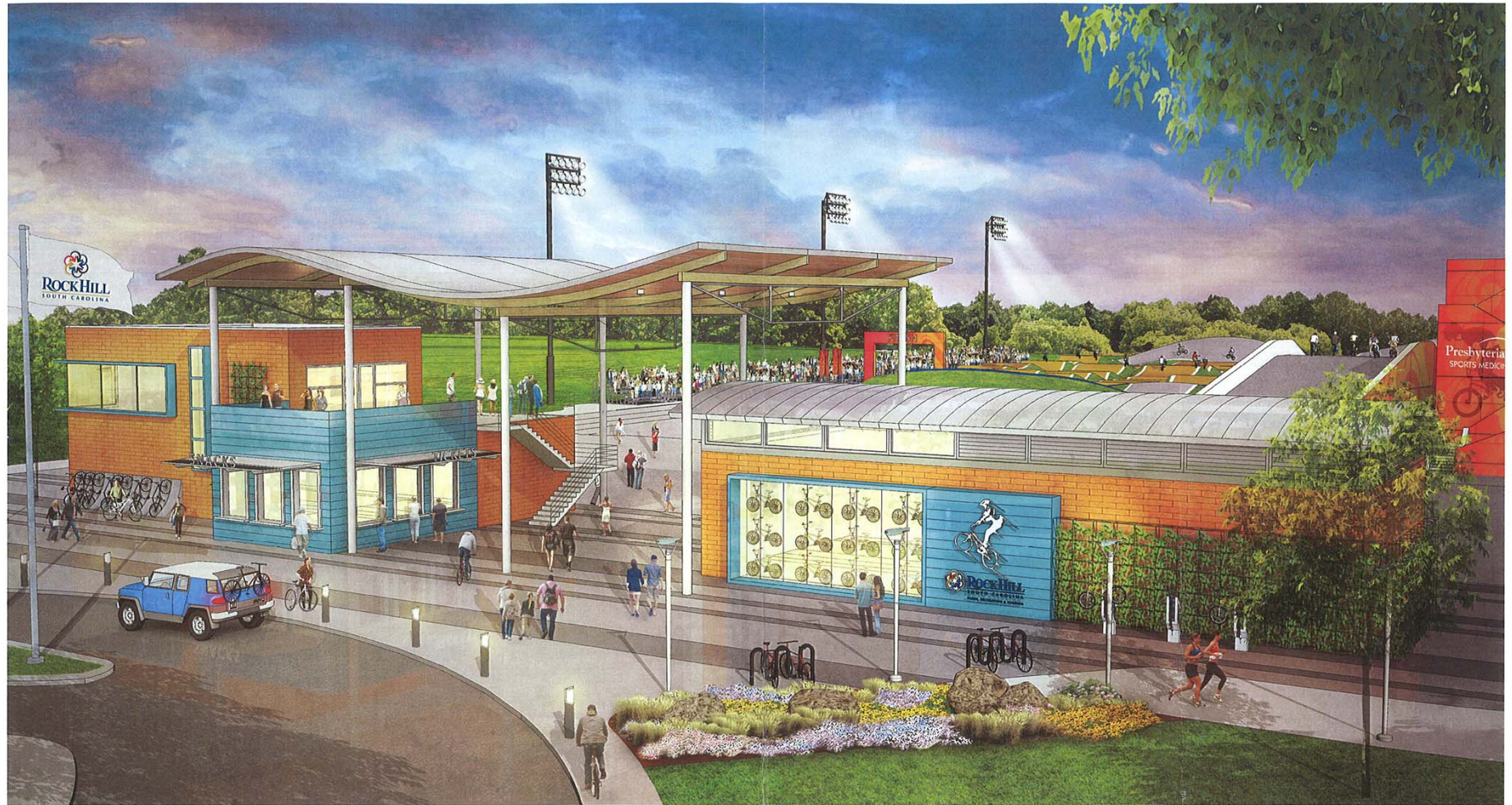
Inspired by the growing popularity of BMX racing, which will be included in the 2008 Olympics, the city spent close to \$1 million on the trend-setting track at Grimes Park. At least 85,000 visitors come to the track annually, track officials estimate. Officials say the facility grosses \$1.5 million per year for DeSoto and surrounding cities.

"The BMX track is a destination for DeSoto. It is a great family venue," Mayor Michael Hurtt said. "It really helps the city and the region." Built in 1999, Metroplex BMX features a 1,000-foot track of hard-packed dirt. When the starting gate drops, riders bolt through an array of curves, berms and jumps.

It's pretty close to heaven for 15-year-old Denzel Stein, who is ranked fifth nationally among amateur riders under age 18. "It's my future - I'm going pro when I turn 17," said Denzel, a DeSoto High School ninth-grader who started racing in 2002, in part because of the fancy track the city built. "As a kid, I rode my bike around, doing wheelies and learning from my dad," he said. "It just looked interesting to me." "Pro" in BMX talk can mean anything from the few who support themselves through sponsor endorsements to those who take home a \$500 to \$1,000 purse.



Proposed Entrance— Rock Hill, SC



Proposed Super-Track – Rock Hill, SC



Facility Component #2- BMX Supercross Track

The BMX Supercross Track would be an Olympic regulation BMX track designed to attract the most elite international events available. It will feature a 26' starting hill, high banked turns and obstacles which will launch professional riders high into the air.

Currently there are only two Supercross Tracks in North America. The first track was constructed in January of 2008 prior to the Olympic Games to serve as a training facility for U.S. athletes. This facility is located at the US Olympic Training Center in Chula Vista, California. The second facility is on the east coast in Rock Hill, South Carolina.



Insurance Provided

The American Bicycle Association provides all sanctioned tracks liability insurance upon approval of sanctioning. The insurance coverage includes \$5 million dollar spectator and participant liability, as well as public liability. The land owner and whoever else is involved with the property can also be listed as an additional insured on the certificate of insurance. Coverage is provided 24 hours a day, 365 days a year. This means coverage exists for those times when the track is not being used for a race. Organized practice sessions are included in the 24-hour coverage and require a \$20 insurance fee. The insurance fee for race events equals \$1 per rider with a minimum of \$30 and a maximum of \$60 per day. In conjunction with this coverage, each participant is covered with secondary medical insurance. All riders on the track, whether racing or just practicing, MUST be members of the American Bicycle Association for insurance purposes.

PART 1 LIABILITY

This portion of the policy covers the ABA track owners, operators, staff and additional insured during race activities, practices and during times that the insured may be held responsible for the premises. It is liability coverage, not medical coverage. Any accidents or injuries that might result in a lawsuit, or where the insured might be held liable, should be reported. The coverage includes injury to spectators and participants.

LIABILITY COVERAGE

\$5,000,000 per occurrence limit covering premises - No deductible. Spectator and participant coverage for losses where insured is legally liable.

PART 2 MEDICAL INSURANCE

This portion of the policy is only for members that are participating in races or official practice activities on the track premises. The coverage is secondary and should only be utilized when the member either has no other medical coverage or the injury is severe enough that their primary medical coverage won't cover the medical bills. For coverage to be valid, a notification of accident must be sent to the offices within 48 hours after the accident. This insurance comes with the Full & Temporary memberships alike

ACCIDENT COVERAGE

\$3,000 Limit Secondary coverage only.

\$1,000 cash deductible Applies to members only



Where we are in the process

- ✓ Set up your company (Profit or Non-profit Corp.)
- ✓ Start looking for land (Secure with lease or land usage agreement approved by the American Bicycle Association)
- ✓ Develop a Business Plan
- ✓ Apply for Sanctioning
- ✓ Acquire dirt and equipment for the building of the track*
- ✓ Construct BMX Track
- ✓ Procure starting gate system (We have construction plans.)*
- ✓ Install utilities, fencing and PA system.*
- ✓ Attend New Track Operator Seminar

*Many of these items can be obtained through donations from local community businesses.

Regular City Council Agenda Item Data Sheet

Meeting Date: July 1, 2013

Topic:

Approve Resolution No. 2013-20, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Annual "Dance at the Depot", to be held at the Tomball Depot, Sponsored by the Tomball High School Cheerleader Booster Club, on Saturday, October 5, 2013.

Background:

The Tomball High School Cheerleader Booster Club requests Council's support for its second Annual "Dance at the Depot", to be held on Saturday, October 5, 2013 from 6:30 p.m. until 8:00 p.m.

Current plans, pending City approval, are that the dance will begin at 7:00 p.m. and the entire event should conclude by 8:00 p.m.; the event is open to all and there is no charge to the public.

Council is asked to approve the use of the Depot and authorize the support of the City, as a co-sponsor of the event, in supplying City support services (Police, Fire, Public Works) as needed, and in waiving the deposit/rental fee for the use of the Depot.

Origination:

Tomball High School Cheerleader Booster Club

Recommendation:

Approval of Resolution No. 2013-20

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:

Resolution No. 2013-20

THS Cheerleader Booster Club Request

RESOLUTION NO. 2013-20

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TOMBALL, TEXAS, SUPPORTING THE ANNUAL “DANCE
AT THE DEPOT”, TO BE HELD AT THE TOMBALL DEPOT,
SPONSORED BY THE TOMBALL HIGH SCHOOL
CHEERLEADER BOOSTER CLUB, ON SATURDAY,
OCTOBER 5, 2013.**

* * * * *

WHEREAS the Tomball High School Cheerleader Booster Club will undertake the Second Annual ***“Dance at the Depot”***, to be held in the City of Tomball on Saturday, October 5, 2013 from 7:00 p.m. until 11:00 p.m.; and

WHEREAS this community-wide event is a simple “down home”, country-style dance on the depot floor, with music provided by a DJ, food provided by vendors, and carnival-type games played on the lawn, creating a home-town event for people of all ages, and will be open at no charge to the public; and

WHEREAS the funds raised will be used for cheerleading competition expenses and uniforms;

NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body endorses and supports the efforts of the Tomball Cheerleader Booster Club in promoting and undertaking the Second Annual ***“Dance at the Depot”*** and pledge to encourage this effort.

PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 17TH DAY OF JUNE 2013.

GRETCHEN FAGAN, Mayor

ATTEST:

DORIS SPEER, City Secretary

TOMBALL HIGH SCHOOL CHEERLEADER BOOSTER CLUB

Rosalie Dillon
City of Tomball
Community Events Coordinator

Ms. Dillon,

The Tomball Cheerleader Booster Club is excited to once again host the "Dance at the Depot" this year on October 5th, 2013. This is a fundraiser for the cheerleaders and we are grateful for the City of Tomball's support.

Last year the event attracted quite a few in attendance and we anticipate more for this year. The comments we received from participants and the community were very positive and most are looking forward to the event being held again this year.

The event is a simple "down home" country style dance on the depot floor. Music is provided by a DJ, food is provided for sale by one or two vendors, and carnival type games are played on the lawn. The event is a good clean fun time for people of all ages and open at no charge to the public.

We are requesting the same in-kind services from the City of Tomball as we received last year. They are:

Tomball Police Dept. – Security

Tomball Fire Dept. – Safety

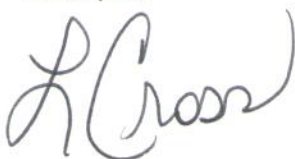
NW EMS

Tomball Public Works

We would also like to request the deposit be waived as this is only one of two fundraisers the cheerleaders are allowed to conduct and the money raised is needed for competition expenses and uniforms.

Last year the support from the City of Tomball was exemplary! It made all of us within the booster club proud of our town and blessed to live in such a great place!

Thank you,



Lori Cross
THS Cheerleader Booster Club President

Regular City Council

Agenda Item

Meeting Date: July 1, 2013

Data Sheet

Topic:

Approve Encroachment Agreement for Unimproved Alley Platted as Lot 1 of Northwest Houston Heart Center and Authorize Mayor to Execute Agreement.

Background:

Northwest Houston Heart Center is expanding their existing parking facility and would like to pave within the limits of an existing 20-foot unimproved alley crossing the property. The encroachment would include concrete pavement and curb for driveway and parking access. Should the City have any public improvements along the unimproved alley, the City will not be required to replace any improvement that encroaches within the 20-foot alley.

The request letter from Northwest Houston Heart Center is attached along with the encroachment agreement.

Origination:

A. Adnan Aslam, MD, Joint Manager, Northwest Houston Heart Center

Recommendation:

Funding:

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

Lori Lakatos, Engineering

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

ATTACHMENTS:

Northwest Houston Heart Center Request Letter for Encroachment
Encroachment Agreement



June 24, 2013

City of Tomball
501 James Street
Tomball, Texas 77375
Attention: Ms. Lori Lakatos, PE, CFM/City Engineer

RE: Northwest Houston Heart Center – Parking Lot Expansion

Dear Ms. Lakatos,

The attached Consent to Encroachment is being submitted on behalf of Northwest Houston Heart Center, relative to their proposed parking lot expansion for the facility.

As previously discussed, the parking expansion will include construction of concrete pavement and curb as well as, daytime parking within the limits of an existing 20-foot unimproved alley crossing the property. The existing alley does not contain any surface improvements nor does it function as any classification of thoroughfare. However, the alley does contain City sanitary sewer and gas facilities that will need to remain accessible for maintenance and/or repair.

Therefore the attached Consent to Encroachment is intended to provide both parties use and access without adversely impacting either party or the public.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

Kyle A. Bertrand

Kyle A. Bertrand, PE
CLR, Inc.

Cc: Dr. A. Adnan Aslam, MD

ENGINEERS • SURVEYORS • GIS

P.O. Box 450, Waller, Texas 77484
Phone 713-462-0993 • Fax 713-462-2732 • Toll Free 800-694-8241 • www.clri.com

CONSENT TO ENCROACHMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This Agreement is made and entered into by and between the City of Tomball, Texas, a municipal corporation situated in Harris County, Texas ("City"), and Northwest Houston Heart Center (NWHHC).

WHEREAS, NWHHC owns land and proposes improvements located within an existing unimproved alley platted as Lot 1 of Northwest Houston Heart Center, City of Tomball, Harris County, Texas, and more particularly described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, some of the proposed improvements to be located on such property encroach into the 20-foot wide Alley, herein called the "ALLEY," more particularly illustrated on Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the City Council of City has determined that such encroachment does not adversely affect the ALLEY or create any hazardous condition thereon; and

WHEREAS, the City Council of City desires to authorize the encroachment; now, therefore, for and in consideration of the premises and the mutual covenants and promises herein contained, City and NWHHC agree as follows:

1. Subject to the terms and conditions of this Agreement, City consents to the encroachment into the ALLEY by NWHHC's operation for parking and surface improvements within the unimproved 20-foot ALLEY for parking lot expansion to include: concrete pavement, concrete curb, wooden fence, and landscaping, as more specifically illustrated on and attached hereto as Exhibit "B" and made a part hereof.

2. NWHHC, and their successors and assigns agree to defend, indemnify, and hold harmless City and its officers, agents, and employees from any and all claims and liabilities for injury to or death of any person or for damages to property arising out of the execution of this

Agreement or the use of the ALLEY encroached upon.

3. Based upon the recommendations of a Civil Engineer, licensed by the State of Texas and acting as a consultant to the City, the City may, at the sole discretion of its City Council, require that any encroachment allowed by this Agreement be removed or altered. NWHHC or their successors and assigns, shall, at their sole expense, cause the removal or alteration of such encroachment within ninety (90) days following demand to do so. Should NWHHC, or their successors or assigns, fail or refuse to remove or alter such encroachment within the prescribed period following demand, City may cause such removal or alteration and NWHHC, or their successors and assigns, shall be liable for all costs and expenses incurred by City. NWHHC for themselves and their successors and assigns, hereby releases City from and against any and all liability for damage or loss caused to its property by any such removal or alteration regardless of whether City's negligence may contribute to such damage or loss.

4. NWHHC, and their successors and assigns agree to allow ingress/egress to the ALLEY via improved driveways and drive lanes on the NWHHC property for purposes of maintenance, repair, and/or replacement of public facilities contain within the ALLEY.

5. NWHHC, and their successors and assigns agree to restrict vehicular parking within the ALLEY area to normal daytime business hours only. And, to remove parked vehicles and/or restrict vehicular parking, on a temporary basis, during normal business hours if requested by the City of Tomball for purposes of maintenance, repair, and/or replacement of public facilities contain within the Alley.

EXECUTED this ____ day of _____, 2013.

NORTHWEST HOUSTON HEART CENTER

By: _____
Name: A. Adnan Aslam, MD
Title: Joint Manager
Address: 308 Holderrieth Boulevard
Tomball, TX, 77375

ATTEST:

By: _____
Name: Qasim Ahmad
Title: Office Manager

CITY OF TOMBALL, TEXAS

Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the ____ day of _____, 2013, by _____, _____ of _____.

Notary Public In and For the State of Texas

My Commission Expires: _____

(SEAL)

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

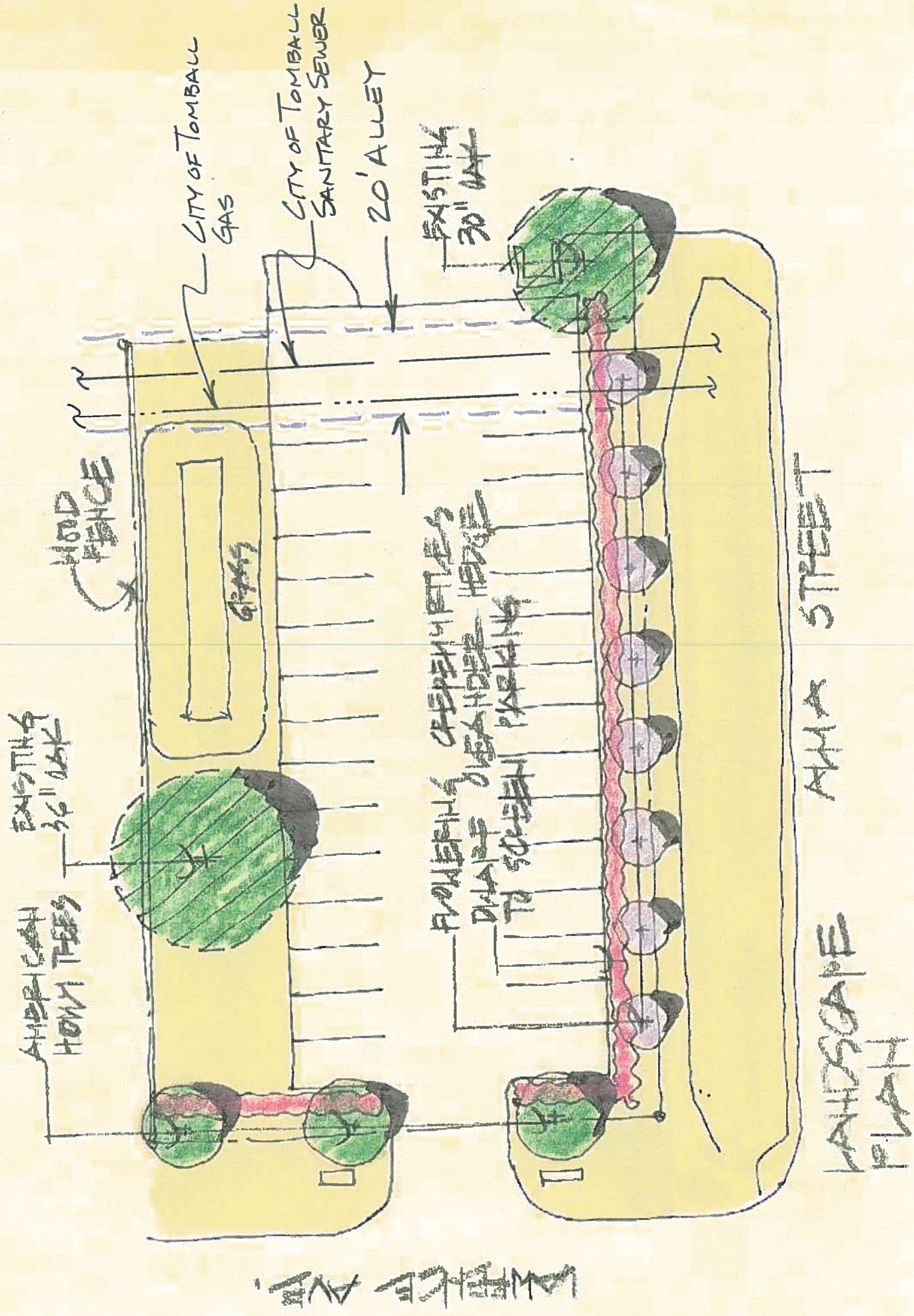
This instrument was acknowledged before me on the _____ day of _____, 2013, by Gretchen Fagan, Mayor of the City of Tomball, Texas.

Notary Public In and For the State of Texas

My Commission Expires: _____

(SEAL)

EXHIBIT "B"



Page 57 of 75

Regular City Council Agenda Item Data Sheet

Meeting Date: July 1, 2013

Topic:

Approve Resale Deed for Property acquired by Foreclosure Tax Sale in Cause No. 2001-40381, styled City of Tomball, et al vs. The Delinquent Taxes of Isebell Cranfill Campbell, said Property being described as: Lots 42 and 60, Block 46 in the Town of Tomball, in Harris County, Texas, and being more particularly described in map of said addition recorded in Volume 983, Page 182, of the Map of Records of Harris County, Texas (Account Nos. 035-267-046-0042 and 035-267-046-0060) and Authorize the Mayor to Execute the Resale Deed.

Background:

When taxes are owed on a property resulting in a foreclosure, those properties may be sold through a bid process with proceeds paid to the taxing entities for back taxes. The subject property is located at 0 Hicks Street in Tomball. We request approval of the sale of the property to Christopher and Cathy McCall for \$11,274.07. City of Tomball will receive \$419.24 in back taxes and the property will go back on the tax rolls under new ownership. Use of the lots is currently restricted to SF-6 Single-Family Residential.

Origination:

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

Recommendation:

Staff recommends approval of the resale

Funding:

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

Jan Belcher, City Manager

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

ATTACHMENTS:

Lot 33 Block 69 HCAD Map

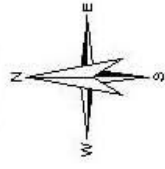
Resale Deed - Lots 42 and 60, Block 46

Bid Analysis - Lots 42 and 60, Block 46

Harris County Appraisal District



PUBLICATION DATE:
8/24/2009



MAP LOCATION



FACET 4771B

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

NORTH HARRIS COUNTY
CONCORDIA LUTHERAN HIGH SCHOOL

J. PRITCHETT
A-629

TIMKIN ROAD

CHESTNUT BUSINESS PARK

131-527

131-527-001-0004
1.0507 AC

131-527-001-0003
1.2825 AC

131-527-003-0001
2.0811 AC

ROSE 35

131-490

131-490-003-0001

131-490-003-0002

131-490-003-0003

131-490-003-0004

131-490-003-0005

131-490-003-0006

131-490-003-0007

131-490-003-0008

131-490-003-0009

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131-490-003-0032

131-490-003-0033

131-490-003-0034

131-490-003-0035

W. HURD
A-371

RES A

4771B11

4771D4

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

THE STATE OF TEXAS

§

§

RESALE DEED

COUNTY OF HARRIS

§

KNOW ALL MEN BY THESE PRESENTS that the CITY OF TOMBALL, FOR ITSELF AND AS TRUSTEE FOR TOMBALL INDEPENDENT SCHOOL DISTRICT AND HARRIS COUNTY EDUCATION DISTRICT, acting by and through its duly elected official ("GRANTOR") as authorized by Section 34.05, Texas Property Tax Code, for and in consideration of the sum of TEN DOLLARS AND 00/100 (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid by CHRISTOPHER G. MCCALL AND CATHY MCCALL ("GRANTEES") the receipt of which is hereby acknowledged and confessed, has conveyed and quitclaimed and by these presents do convey and quitclaim unto said grantees all right, title and interest of the CITY OF TOMBALL, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 2001-40381, in the property herein conveyed, acquired by tax foreclosure sale heretofore held, in Cause No.2001-40381, styled In Re: The Delinquent Taxes of Isebell Cranfill Campbell, said properties being described as:

TRACT 1: A 50% UNDIVIDED INTEREST IN LOT 42, BLOCK 46, TOMBALL, LOCATED IN HARRIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN VOLUME 983, PAGE 182 OF THE REAL PROPERTY RECORDS OF HARRIS COUNTY, TEXAS. (HCAD ACCT # 035-267-046-0042)

TRACT 2: A 50% UNDIVIDED INTEREST IN LOT 60, BLOCK 46, TOMBALL, LOCATED IN HARRIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN VOLUME 983, PAGE 182 OF THE REAL PROPERTY RECORDS OF HARRIS COUNTY, TEXAS. (HCAD ACCT # 035-267-046-0060)

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

TO HAVE AND TO HOLD said premises, together with all and singular the rights, privileges and appurtenances thereto in any manner belonging unto the said CHRISTOPHER G. MCCALL AND CATHY MCCALL, their heirs and assigns forever, so that neither the CITY OF TOMBALL, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 2001-40381, and any person claiming under it shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

BID ANALYSIS

Cause #: 2001-40381

HCAD Acct. #: 035-267-046-0042; 035-267-046-0060

Bid Amount: \$2,304.71

Property Value: \$

Bidders' Name: Christopher G. McCall & Cathy McCall

Minimum Bid at first sale: \$11,274.07

Strike Off Date: 11/2/2001

Redemption Expired: 09/29/2002

Style: In re: Isebell Cranfill Campbell

Amount Accompanying Offer: \$230.50

JUDGMENT INFORMATION

Tax Entity

City of Tomball
Tomball ISD

Tax Years

1990-2000
1980-2000

Amount Due

\$419.24
\$1,214.47

Total: \$1,633.71

COSTS

Publication Fee (Tax Sale) (Payable to Tomball ISD)	\$175.00
Deed Fee: (Payable to PBFCM)	\$11.00
Court Costs includes Constable Fee: (Payable to Chris Daniel)	\$175.00
Abstract Fee: (Payable to PBFCM)	\$200.00
Tax Master: (payable to Chris Stacey)	\$50.00
Constable Posting Fee: (Payable to Ron Hickman)	\$60.00

Total: \$671.00

OTHER COSTS

Resale Dee Fee: (payable to PBFCM)	\$20.00
------------------------------------	---------

Total: \$20.00

PROPOSED DISTRIBUTION

Bid Amount:	<u>\$ 2,304.71</u>	Costs: <u>\$ 671.00</u>
Net to Distribute:	<u>\$ 1,633.71</u>	Post Judgment: <u>\$ ----</u>

Disburse checks as follows:

City of Tomball	\$419.24	Judgment amount for years 1990-2000 based on November 2001 P/I
Tomball ISD	\$1,214.47	Judgment amount for years 1980-2000 based on November 2001 P/I
PBFCM	\$691	Litigation Fees under suit (including resale deed fee)

Regular City Council

Agenda Item

Data Sheet

Meeting Date: July 1, 2013

Topic:

Award Contract Bid for Project No. 2013-02, the Construction of the Public Works Building Generator to C.F. McDonald Electric, in the Amount of \$129,369.00

Background:

This project is to provide the Public Works Building with a 150KW permanent emergency generator with a sound-attenuated enclosure and automatic transfer switch to provide emergency power for the public works building during a power outage. The City's ability to provide this building with emergency power capabilities will expand and improve the City's quality infrastructure, facilities, and public services, and to meet current and future needs during an emergency.

A copy of the project bid tabulation and recommendation to award are attached for your review.

As indicated in the attached recommendation letter, two (2) bids were received, and the recommended bidder has performed work for the City in the past with no issues.

Origination:

Public Works

Recommendation:

Public Works recommends Award of contract bid for Project No 2013-02, the construction of the Public Works Building Generator to C.F. McDonald Electric, in the Amount of \$129,369.00.

Funding: Yes

Account Number: 100-157-6206

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

Director of Public Works

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

ATTACHMENTS:

Recommendation Letter and Bid Tab

June 19, 2013

Texas Board of Professional Engineers Registration No. F-439

Mr. David Kauffman
City of Tomball
501 James Street
Tomball, Texas 77375

Re: Construction of Public Works Building Generator
City of Tomball, Texas
Operating Funds

Dear Mr. Kauffman

We received bids for the referenced contract at the City of Tomball Public Works Building on June 11, 2013 at 2:00 PM. Bids were publicly opened and read at that time.

Two (2) contractors submitted proposals for this work. A summary tabulation of the bids is enclosed for your review. C.F. McDonald Electric, Inc. submitted the lowest Base Bid Plus Alternate No. 1 proposal in the amount of \$129,369.00.

We have worked with C.F. McDonald Electric, Inc. in the past and find them to be an acceptable contractor. We recommend the referenced contract be awarded to C.F. McDonald Electric, Inc. on the basis of their proposal in the amount of \$129,369.00.

If you agree with this award, please execute all copies of this letter and return them to our office for further processing.

Sincerely,



Gregory S. Baird, P.E.

Approved by:



Date:

6/25/13

GSB:tmm

P:\PROJECTS\W5422\102-00 \Construction\Contract Docs\ROA

Enclosure

cc: C.F. McDonald Electric, Inc.



BIDS WERE RECEIVED IN THE OFFICE OF

ENGINEERS • PLANNERS • SURVEYORS

City of Tomball

Jones & Carter, Inc.

Public Works Building Generator

Time: 2:00PM

Job No. W5422-102

Date: 6/11/2013

BIDDERS

[illegible]

Regular City Council

Agenda Item

Meeting Date: July 1, 2013

Data Sheet

Topic:

Award Contract for Project No. 2013-05 (Annual Asphalt Improvements), in the Amount of \$128,400.00, to Low Bidder, Forde Construction Company, Inc.

Background:

The City initiated its Asphalt Pavement Management Program (PMP) in 2009. The initial goal for this program was to achieve a Pavement Condition Index (PCI) of 70 or above, which is the industry standard for any pavement management program. In 2009, the City's asphalt program was targeting streets with a PCI in the low 60's.

In 2010, the program was addressing streets with PCI ratings in the 70's, which included a number of streets needing extensive base repairs. By 2011, the program was addressing streets with a PCI of 77 and higher, and streets included much fewer base repairs. By 2012, the program was targeting streets from the high 70's (77) to mid 80's, with much fewer base repairs.

The program goal for 2013 and 2014 is to complete all inventoried streets with a PCI below 80 and to complete and overall street assessment in 2014.

While the City's PMP has made tremendous progress since 2009, and is currently maintaining asphalt streets well above a PCI of 70, the recent 2-year drought conditions have caused significant surface cracking and has warranted a reassessment of the program's budget to ensure its continued and effective progress.

The City's asphalt PMP serves two purposes. In addition to improving the quality and driving safety of the paved street surfaces, this also serves to minimize damage to the underlying base material. When cracks in asphalt surfaces become apparent, surface water can penetrate through to the underlying base material causing extensive damage and costly repairs or creating the necessity for complete reconstruction of asphalt streets. The goal for any asphalt street program should be to address all maintenance needs by treating the pavement surface, and avoiding the need to address the street's subgrade. The asphalt Pavement Management Program serves to prolong the life of asphalt streets while improving the overall surface quality.

The recommended contractor is an approved TxDOT paving contractor, and has performed quality asphalt work for the City of Tomball in the past, without issues.

A copy of the project bid tabulation is attached for your review.

Origination:

Public Works

Recommendation:

Public Works staff recommends award of Project No. 2013-05 (Asphalt Overlay Improvements) to Forde Construction Company, Inc., in the amount of \$128,400.00.

Funding: Yes

Account Number: 100-154-6207

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

Director of Public Works

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

ATTACHMENTS:

Bid Tab

CITY OF TOMBALL

REPORT OF OPENING AND TABULATION OF BIDS

DATE: 6-11-13

TIME: 3:00 p.m.

PROJECT NUMBER: 2013-05

PROJECT: ASPHALT OVERLAY IMPROVEMENTS

- 1) Forde Construction Company, Inc. 6842 Calle Lozano, Houston, TX 77041
\$128,400.00 – Bid Bond included
- 2) Craig & Heidt, Inc., 1970 Knoll, Houston, TX 77080
\$131,550.00 – Bid Bond included
- 3) Hubco, Inc., 11714 Charles Rd., Houston, TX 77041
\$135,076.28 – Bid Bond included
- 4) Enterprise Commercial Paving, 10 Stokes St., Houston, TX 77022
\$141,593.32 – Bid Bond Included
- 5) AAA Asphalt Paving, Inc., 10526 Tanner Rd., Houston, TX 77041
\$147,027.77 – Bid Bond included
- 6) Hayden Paving, Inc., 4710 Windsong Trial, Houston, TX 77084
\$163,820.55 – Bid Bond included

RECOMMENDATION: _____

FUND: GENERAL

DEPARTMENT: STREETS (154)

BUDGETED ACCOUNT: 6207

WITHIN BUDGET: Yes

(Above information forwarded to Steve Purvis, Jeremy Waterman, & David Kauffman for planning council agenda to award contract.)

Department Head Signature: _____

Regular City Council Agenda Item Data Sheet

Meeting Date: July 1, 2013

Topic:

Council Consideration to Set August 5, 2013 at 6:00 p.m. as the Date for the Public Hearing on the FY 2013-2014 Budget, as presented to Council by the City Manager

Background:

The City's Home Rule Charter, Section 8.03, requires the City Manager to present the proposed budget to City Council between 60 and 120 days prior to the beginning of the new fiscal year. The proposed budget for Fiscal Year 2013-2014 will be presented to City Council at the July 1, 2013 Regular Council meeting, 92 days before the beginning of the new fiscal year.

According to the City's Charter and State Law, a public hearing must be held prior to the adoption of the City's annual budget. The public hearing notice will be posted in the City's official newspaper and on the City's web site. August 5, 2013 is the date suggested by City Staff for the public hearing.

Origination:

Doris Speer, City Secretary

Recommendation:

Staff recommends August 5, 2013 as the date for the public hearing.

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	

Regular City Council Agenda Item Data Sheet

Meeting Date: July 1, 2013

Topic:

Receive Weingarten Realty's Request to Appeal to City Council the Calculations and Resulting First Payment in Connection with 380 Agreement between the City of Tomball and Weingarten Realty

Background:

Origination:

Weingarten Realty

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	

Regular City Council Agenda Item Data Sheet

Meeting Date: July 1, 2013

Topic:

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

- Sec. 551.071 - Private Consultation with Attorney in Closed Meeting Regarding a Matter that the Duty of the Attorney Requires be Held in Closed Session.

Background:**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	

Regular City Council Agenda Item Data Sheet

Meeting Date: July 1, 2013

Topic:

Possible Action regarding Weingarten Realty's Appeal to City Council regarding the Calculations and Resulting First Payment in Connection with 380 Agreement between the City of Tomball and Weingarten Realty

Background:**Origination:**

Weingarten Realty

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	

Regular City Council Agenda Item Data Sheet

Meeting Date: July 1, 2013

Topic:

The Tomball City Council may continue with the Workshop Session regarding the Fiscal Year 2013-2014 Budget

Background:

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	