

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



**MONDAY, JUNE 17, 2013**

**6:00 P.M.**

**Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, June 17, 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 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 Members

4.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to*

*speaking on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*

5.0 Presentations:

- Proclamation – June 17, 2013 is ***“Tomball High School Cougars Baseball Team, 2013 UIL Class 4A Baseball State Champions” Day***

6.0 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***
- 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** – 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** – 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!***
- **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:
  - David Kaufman - Updates for TxDOT’s Engineering Assessment of Existing Traffic Signals on Main Street and Baker Street Water Well Rehabilitation

7.0 Approve the Minutes of the June 3, 2013 Regular Tomball City Council Meeting

8.0 Old Business:

- 8.1 Consideration and Possible Action Regarding a Request from LS Development for City Assistance to Acquire Rights-of-Way and Easements for Utility Extensions to the Raleigh Creek Subdivision and for Council Authorization to Provide City Water to the Talbott Tract, Located Outside the City of Tomball, Without Requiring Annexation

9.0 New Business:

- 9.1 Award 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.
- 9.2 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
- 9.3 Approve 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.
- 9.4 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"
- 9.5 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.
- 9.6 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.

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 13th 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](http://www.ci.tomball.tx.us).

# Regular City Council Agenda Item Data Sheet

Meeting Date: June 17, 2013

**Topic:**

- Led by Chaplain Arthur Torres, American Legion Post 127

**Background:**

**Origination:**

**Recommendation:**

**Funding:**

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

City Secretary

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

Regular City Council  
Agenda Item  
Data Sheet

Meeting Date: June 17, 2013

**Topic:**

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

**Background:**

**Origination:**

**Recommendation:**

**Funding:**

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

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

Regular City Council  
Agenda Item  
Data Sheet

Meeting Date: June 17, 2013

**Topic:**

- Proclamation – June 17, 2013 is “*Tomball High School Cougars Baseball Team, 2013 UIL Class 4A Baseball State Champions*” Day

**Background:**

**Origination:**

Mayor

**Recommendation:**

N/A

**Funding:**

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

City Secretary

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

**ATTACHMENTS:**

Proclamation – June 17, 2013 is “Tomball High School Cougars Baseball Team, 2013 UIL Class 4A Baseball State Champions” Day

Office of the Mayor  
Tomball, Texas

# Proclamation



- WHEREAS,** on May 30, 2013, the *Tomball Cougars* baseball team defeated Richmond Foster 10-0 in the Region III-4A Final, winning the regional title to advance to the University Interscholastic League (UIL) Class 4A Baseball State Championship playoffs; and
- WHEREAS,** the 2013 baseball season will be remembered as the year that the *Tomball High School Cougars* went all the way to the finals of the UIL Class 4A Baseball State Tournament Championship at Dell Diamond in Round Rock, Texas, the highest level the *Tomball Cougars* have ever reached in the 4A State playoffs; and
- WHEREAS,** the *Tomball Cougars* team met the challenge at Dell Diamond in Round Rock on Thursday, June 6, 2013, defeating the *Wichita Falls Riders* team in the Region I playoff on June 6 (5-2) and defeating *Corpus Christi Moody Trojans* (6-1) to become the 2013 Texas UIL Class 4A Baseball State Tournament Champions on Friday, June 7, 2013; and
- WHEREAS,** the members of the *Tomball Cougars* baseball team have provided a memorable experience for their fans, with their outstanding performance on the field, expressing the heart and character of Tomball High School baseball and advancing further than any other *Cougar* baseball team in history and securing Tomball High School's first-ever State Championship in any team sport for Tomball; and
- WHEREAS,** Tomball Independent School District, the City of Tomball, and the Tomball Community wish to honor the role that the *Tomball High School Cougars* baseball team has played in student and community life, inspiring fellow students with their sportsmanship, their spirit of competition, and their community involvement, under the guidance of responsible parents, coaches and teachers; and
- WHEREAS,** the City of Tomball and the Tomball Independent School District wish to congratulate the members of the *Tomball High School Cougars* baseball team, along with the managers, coaches, trainers, officials, parents, referees, and countless others who have worked together to make this the best-ever baseball season in Tomball;

NOW, THEREFORE, I, GRETCHEN FAGAN, Mayor of the City of Tomball, do hereby proclaim Monday, June 17, 2013 as:

**"TOMBALL HIGH SCHOOL COUGARS BASEBALL TEAM,  
2013 UIL CLASS 4A BASEBALL STATE CHAMPIONS" DAY**



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

ATTEST:

DATE:

*[Signature]*  
*Doni Spier*  
June 10, 2013

# Regular City Council

## Agenda Item

Meeting Date: June 17, 2013

## Data Sheet

### 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*
- 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.**
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- 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:
  - David Kaufman - Updates for TxDOT's Engineering Assessment of Existing Traffic Signals on Main Street and Baker Street Water Well Rehabilitation

### Background:

### Origination:

Various

### Recommendation:

N/A

### Funding:

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

City Secretary

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

**ATTACHMENTS:**

Tomball Kids Club

Friday Night Creature Feature

June 27, 2013 - 5th Annual Economic Development Breakfast

July 1, 2013 Budget Workshop

City of Tomball July 4th Celebration

July 15, 2013 Budget Workshop

Baker Street Water Well Rehabilitation Summary



# Tomball Kid's Club



*Hosted by*



*Partnership with*

***Buffalo Wild Wings, Cisco Salsa Company & Salem Lutheran***

**June 10<sup>th</sup> - July 29<sup>th</sup>**

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

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**

# 5th Annual Economic Development Breakfast

★ ★ ★ ★ ★  
**JUNE 27, 2013**

**8:00 — 10:30 A.M.**

Lone Star College – Tomball  
Beckendorf Conference Center

★ ★ ★ ★ ★  
RSVP BY:  
**JUNE 12, 2013**

[twooten@tomballtxedc.org](mailto:twooten@tomballtxedc.org)

**281.401.4086**

BAKER  
HUGHES

11211 PM 2020

ANCHOR

SPECIAL EVENT

## SPEAKERS:

Mayor Gretchen Fagan  
City of Tomball

Welcome

★ ★ ★ ★ ★  
Commissioner Jack Cagle  
Harris County Precinct 4

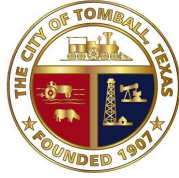
Precinct 4 Economic Growth

★ ★ ★ ★ ★  
Dr. Jim Gaines,  
Research Economist  
Real Estate Center at Texas A&M

Economic Outlook 2013

TOMBALL  
ECONOMIC DEVELOPMENT CORPORATION

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



**MONDAY, JULY 1, 2013**

**5:00 P.M.**

Notice is hereby given of a Special meeting of the Tomball City Council, to be held on Monday, July 1, 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](http://www.ci.tomball.tx.us).

THE CITY OF TOMBALL  
JULY 4<sup>TH</sup> STREET PARTY  
AND FIREWORKS!

3 – 10 PM  
ON BUSINESS  
HWY 249

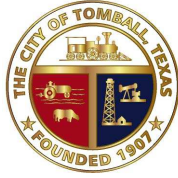
- LIVE MUSIC FROM BAYOU ROUX AND UNFORTUNATE SONS
- EATS BY PECOS GRILL AND THE ORIGINAL RIB TICKLER
- KIDS' ZONE WITH PONY RIDES, PETTING ZOO AND MORE . . .

- HAY RIDES
- VENDORS
- FREE ADMISSION AND PARKING

PRESENTED BY



# 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

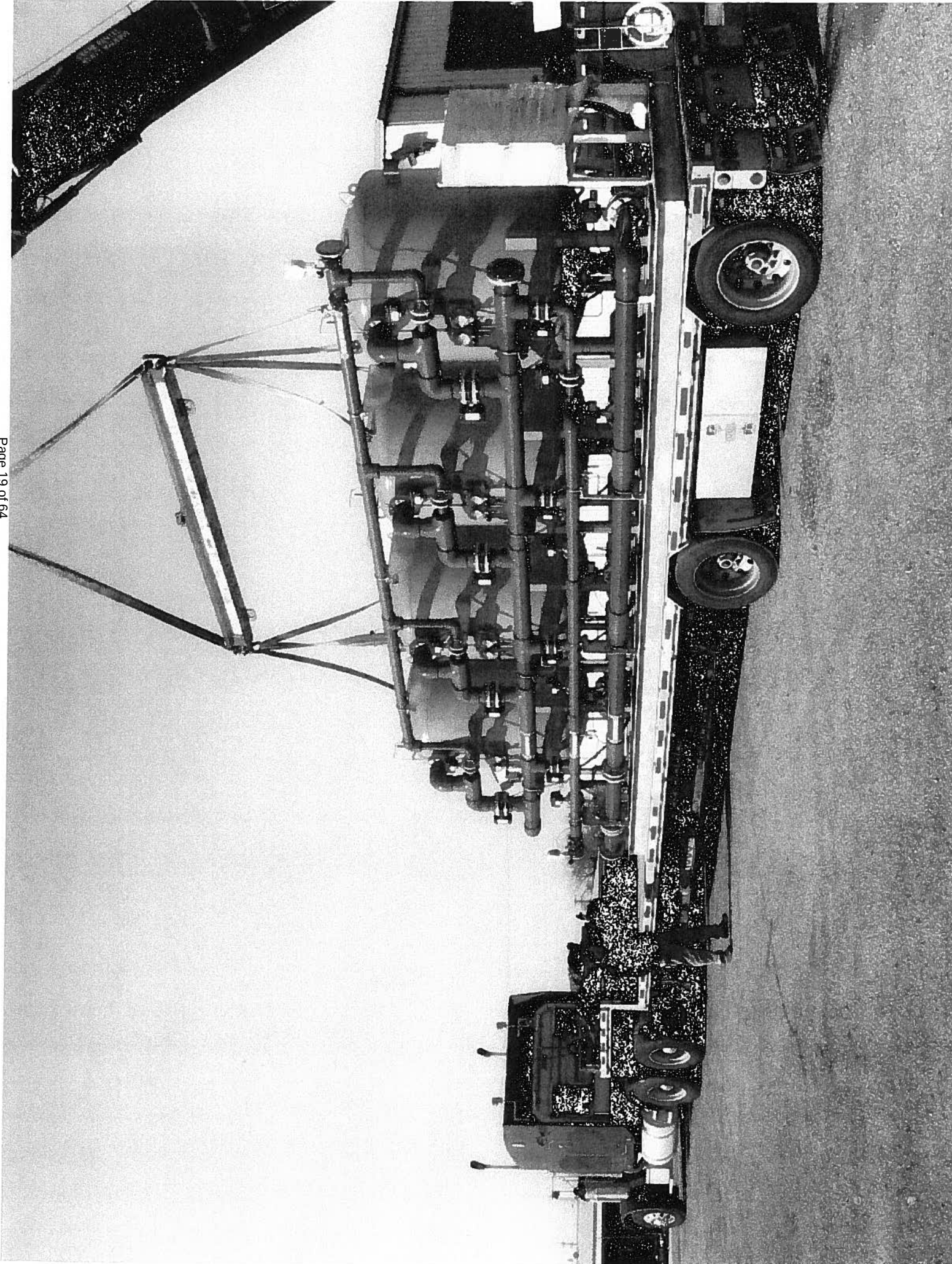
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 11th day of June 2013 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled 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](http://www.ci.tomball.tx.us).

Baker St. Water Well Rehabilitation - Expense Summary  
Budget = \$120,000.00

|                               |                                                                                                     |              |
|-------------------------------|-----------------------------------------------------------------------------------------------------|--------------|
| Expenses to date              | Pull and inspect piping and pump, water quality analysis, brush casing and screens, chem. treatment | \$77,390.00  |
| Mechanical Rehab Options      |                                                                                                     |              |
| Option I                      | new pump and 560' of pump shaft                                                                     | \$97,717.50  |
| Option II                     | new submersible pump - lowering 60'                                                                 | \$69,260.00  |
| Additional Chemical Treatment | Chlorine washing and flushing                                                                       | \$10,000.00  |
| Total - Option I              | Mechanical rehab only                                                                               | \$185,107.50 |
| Total - Option II             | Mechanical rehab only                                                                               | \$156,650.00 |
|                               |                                                                                                     |              |
| H2S Treatment System          | Removes H2S and Manganese                                                                           | \$386,000.00 |
| Pilot Study                   | Required by TCEQ - to determine actual treatment flows per cell and develop final scope             | \$25,000.00  |
| Engineering                   | 20%                                                                                                 | \$82,200.00  |
| Total Costs                   | Total mechanical rehab and H2S treatment system - using Option II                                   | \$649,850.00 |



# Regular City Council Agenda Item Data Sheet

Meeting Date: June 17, 2013

**Topic:**

Approve the Minutes of the June 3, 2013 Regular Tomball City Council Meeting

**Background:****Origination:**

City Secretary

**Recommendation:**

N/A

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

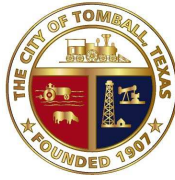
City Secretary

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

**ATTACHMENTS:**

Draft Minutes - June 3, 2013 Regular Tomball City Council Meeting

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



**MONDAY, JUNE 3, 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 Townsend

Councilmembers absent:

Councilman Brown – Excused  
Councilman Dodson - Excused

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  
Community Events Coordinator – Rosalie Dillon  
Executive Director-TEDC – Kelly Violette  
Chief-NWEMS – Raul Reyes

## **2.0 Invocation**

- Led by Pastor Howard Bass, Tomball Free Will Baptist Church

3.0 Pledges to U. S. and Texas Flags

- Led by Members of the Tomball High School Student Council.

4.0 No public comments were received:

5.0 Reports and Announcements:

- Glenn Windsor presented the Quarterly Investment Report for the 3 months ending 3/31/2013 - The Public Funds Investment Act requires that a report of the City's investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values, yield information, and weighted average maturities. At March 31, 2013, the City had total cash equivalents and investments totaling \$42,294,372. A copy of the report was provided for review.
- June 8, 2013 – **2nd Saturday at the Depot** – 6:30 p.m.
- 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 and July 15, 2013 – **Budget Workshops** 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 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!***
- ***Tomball Kids Club is Coming!*** – TBA
- ***Walk Tomball!*** – Every Saturday at 9:00 a.m. at the Depot
- Reports by City staff and members of council about items of community interest on which no action will be taken
  - o Mike Baxter presented reports on the success of the ***Memorial Day Weekend Chili Challenge at the Depot*** and the ***"Oiltown USA Jamboree...80 Years in the Making"***.

- o Mayor Fagan announced that the *Tomball Cougars* will be playing in their first 2013 Baseball State Championship at Dell Diamond in Round Rock, on Thursday, June 6, 2013.

- 6.0 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Minutes of the May 20, 2013 Regular City Council Meeting, with correction to Item 4.3.

Motion carried unanimously.

- 7.0 Old Business:

- 7.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2013-09, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance, by Approving a Planned Development District (“PDD”) of Approximately 10.95 Acres of Land, Legally Described as Reserve E, Block 1, Leslie Park, Within the City of Tomball, Harris County, Texas; Amending the Official Zoning Map of the City to Reflect the PD to be known as Planned Development District #4 (PD-4); Adopting a Land Use Plan and Regulations Applicable to PD-4; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 For Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

|                     |               |
|---------------------|---------------|
| Councilman Hudgens  | <u>Aye</u>    |
| Councilman Stoll    | <u>Aye</u>    |
| Councilman Brown    | <u>Absent</u> |
| Councilman Townsend | <u>Aye</u>    |
| Councilman Dodson   | <u>Absent</u> |

Motion carried unanimously.

- 8.0 New Business:

- 8.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve, as a Project of the Corporation, an Agreement with Quick Turn Machining Inc. to Make Direct Incentives to, or Expenditures for the Promotion of New or Expanded Business Development, to wit: Quick Turn Machining Inc. Relocation and Development of Its Corporate Headquarters, to be Located at 428 South Persimmon within the City of Tomball. The Estimated Amount of Expenditures for such Project is \$13,500.00.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Tomball Economic Development Corporation (TEDC) 2013-2014 Strategic Work Plan.

Motion carried unanimously.

- 8.3 Kelly Violette presented the Tomball Economic Development Corporation (TEDC) 2012-2013 Annual Report. No action necessary.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve the 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.

- 8.5 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Interlocal Agreement between the City of Tomball and the Tomball Independent School District for Use of Contraband Detection Canine within TISD Campuses.

Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the 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 Townsend, second by Councilman Stoll, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 17th day of June 2013.

---

Doris Speer, TRMC, CMC  
City Secretary

---

Gretchen Fagan  
Mayor

# Regular City Council

## Agenda Item

Meeting Date: June 17, 2013

## Data Sheet

### Topic:

Consideration and Possible Action Regarding a Request from LS Development for City Assistance to Acquire Rights-of-Way and Easements for Utility Extensions to the Raleigh Creek Subdivision and for Council Authorization to Provide City Water to the Talbott Tract, Located Outside the City of Tomball, Without Requiring Annexation

### Background:

Raleigh Creek is a proposed 142.8-acre subdivision located on the north side of Zion Road between J131 (Boggs Gully) and the Reserve at Spring Lake. Section One is proposed to have 94 single-family residential lots. LS Development is required to extend utilities to and through the development, per Chapter 70, Plats and the Subdivision of Land, since they are located within 1,000 feet of the City's distribution system. The utility extensions require acquisition of easements and rights-of-way from four property owners.

LS Development is requesting assistance, including possible condemnation, by the City to acquire the easements and right-of-way in the Radcliffe Tract, which is in foreclosure.

LS Development is also seeking approval from the City to allow the Talbott Tract, which is outside the city limits, to connect to City water without requiring its annexation.

### Origination:

LS Development

### Recommendation:

None

### Funding:

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

Community Development Department

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

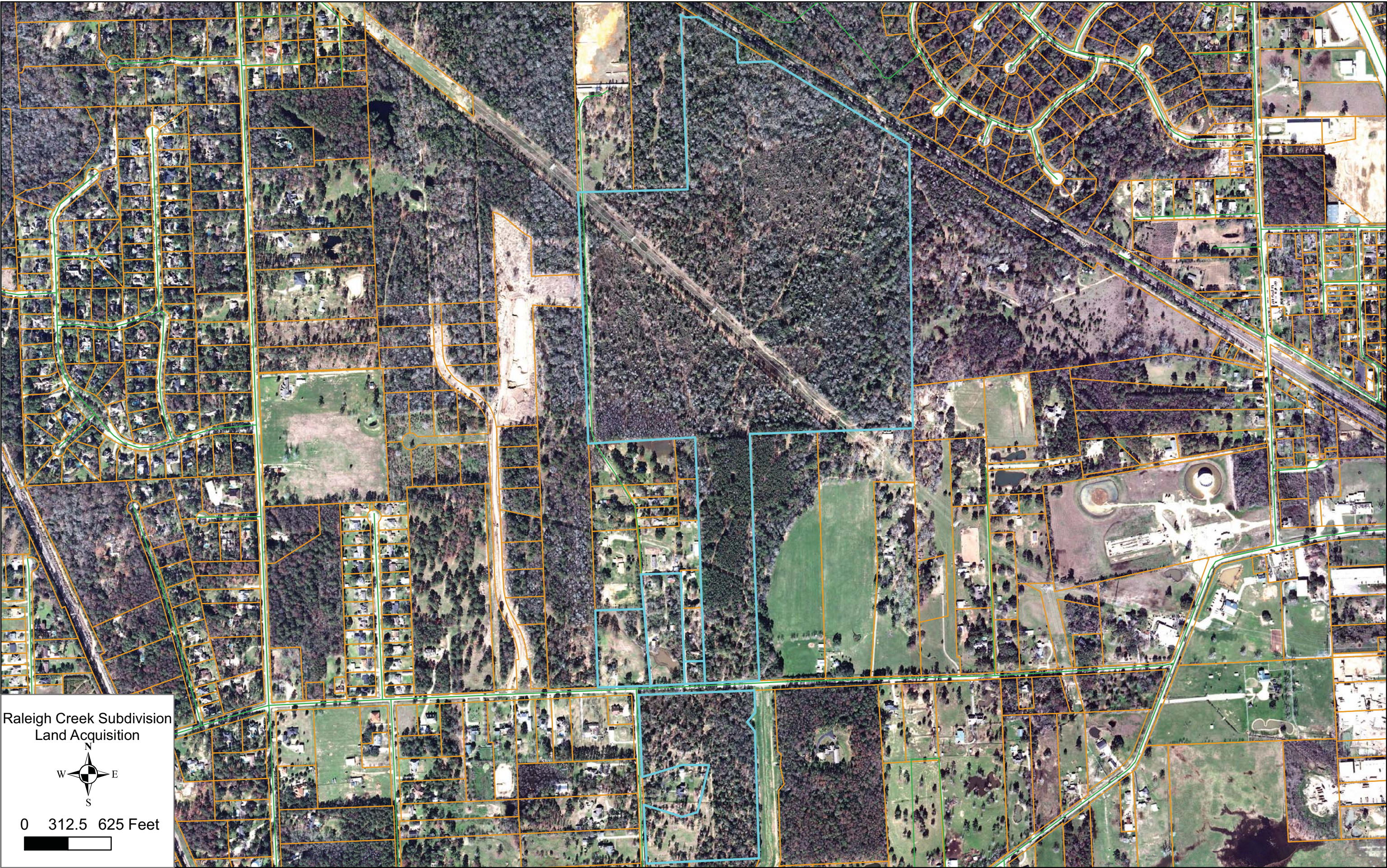
### ATTACHMENTS:

Raleigh Creek Vicinity Map

Easement and Right-of-Way Exhibits

Email from LS Development to the City Manager requesting to be placed on the June 17th City Council Agenda

LS Development's drafted letter of approval for the Talbott Tract's connection to City water





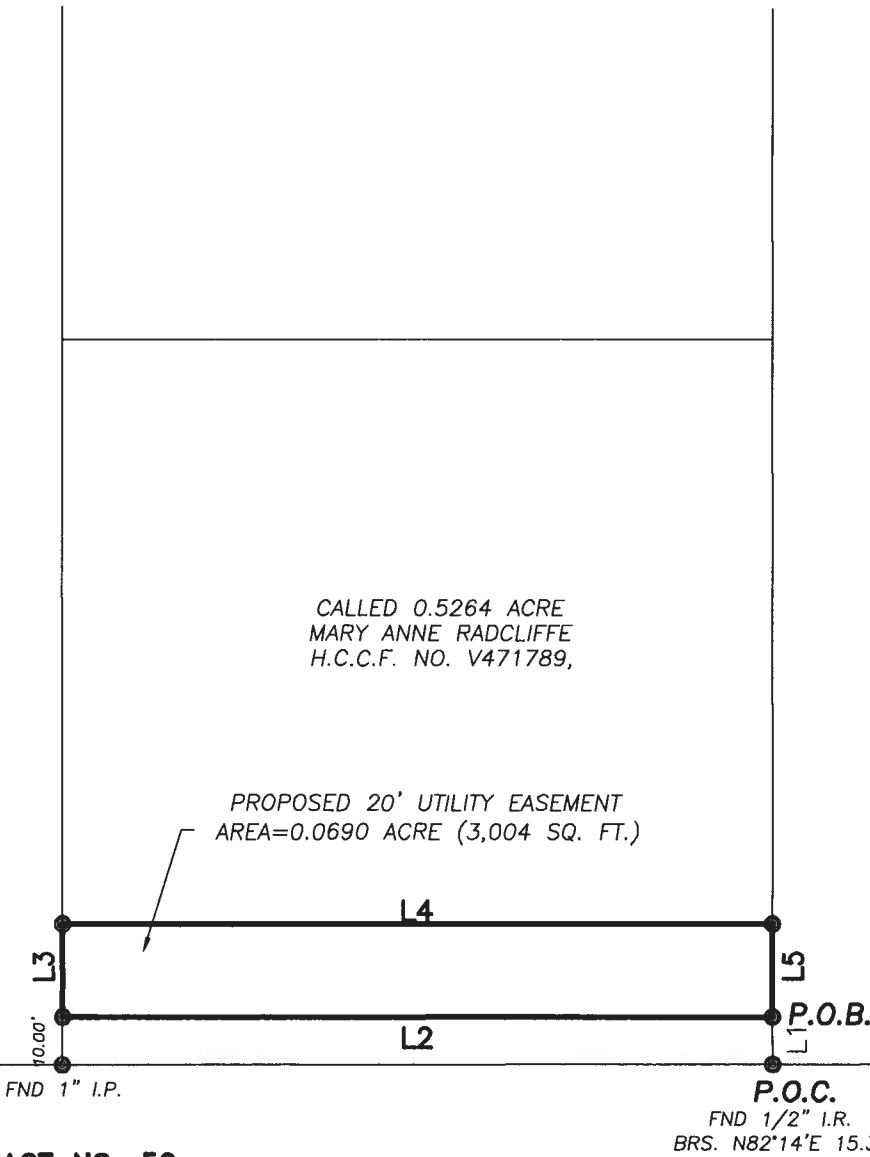
SCALE: 1" = 40'

CALLLED 4.550 ACRES  
WILLIAM E SCHIEL & ALICE FAYE SCHIEL  
H.C.C.F. NO. G743427,

CALLLED 0.5264 ACRE  
MARY ANNE RADCLIFFE  
H.C.C.F. NO. V471789,

CALLLED 142.770 ACRES  
LS DEVELOPMENT, LLC  
H.C.C.F. NO. 20060238824,

PROPOSED 20' UTILITY EASEMENT  
AREA=0.0690 ACRE (3,004 SQ. FT.)



JOSEPH MILLER SURVEY ABSTRACT NO. 50

RALPH HUBBARD SURVEY ABSTRACT NO. 383

ZION ROAD (60' R.O.W.)

| LINE TABLE |        |             |
|------------|--------|-------------|
| LINE       | LENGTH | BEARING     |
| L1         | 10.00  | N00°04'13"W |
| L2         | 150.20 | S89°57'13"W |
| L3         | 20.00  | N00°02'47"W |
| L4         | 150.19 | N89°57'13"E |
| L5         | 20.00  | S00°04'13"E |

- NOTES:
1. BEARINGS BASED ON REPLAT CROFOOT FARMS FILM CODE NO. 630283, H.C.M.R..
  2. SURVEYOR HAS NOT ABSTRACTED SUBJECT PROPERTY. THERE MAY BE EASEMENTS, BUILDING LINES AND OTHER MATTERS OF RECORD NOT SHOWN HEREON.

THIS SURVEY IS BEING PROVIDED SOLELY FOR THE USE OF THE CURRENT PARTIES AND THAT NO LICENSE HAS BEEN CREATED, EXPRESS OR IMPLIED, TO COPY THE SURVEY EXCEPT AS IS NECESSARY IN CONJUNCTION WITH THE ORIGINAL TRANSACTION.

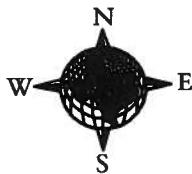
CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY SHOWING ANY IMPROVEMENTS, FROM LEGAL DESCRIPTIONS SUPPLIED BY CLIENT. THIS SURVEY IS ONLY CERTIFIED FOR BOUNDARY AND THIS TRANSACTION ONLY. SURVEYOR DID NOT ABSTRACT PROPERTY.



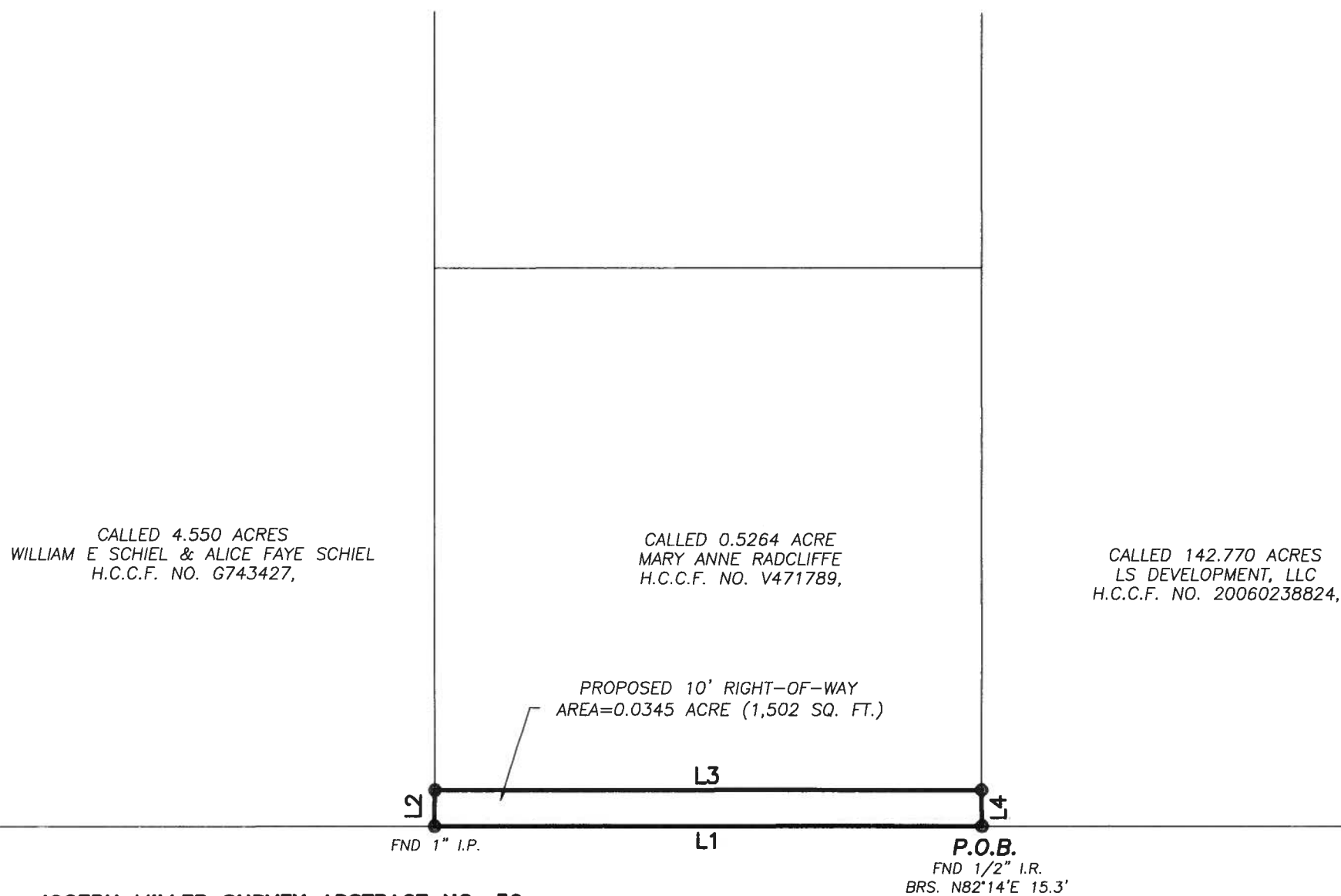
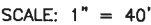
GEORG R. LARDIZABAL, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6051

EXHIBIT OF  
PROPOSED 20' UTILITY EASEMENT  
JOSEPH MILLER SURVEY  
ABSTRACT NO. 50 HARRIS COUNTY, TX



GGC SURVEY, PLLC

TEL. (832)729-7256  
4419 Zimmerly Court  
Sugar Land, Texas 77479 D.D.



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| L3         | 150.20 | N89°57'13"E |
| L4         | 10.00  | S00°04'13"E |

NOTES:

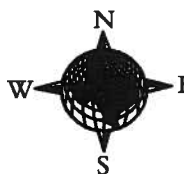
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Sugar Land, Texas 77479 D.D.

CALLED 4.878 ACRES  
 BOBBY D TALBOTT & LORRAINE J. TALBOTT  
 H.C.C.F. NO. U362072,

CALLED 4.550 ACRES  
 WILLIAM E SCHIEL & ALICE FAYE SCHIEL  
 H.C.C.F. NO. G743427,

CALLED 0.5264 ACRE  
 MARY ANNE RADCLIFFE  
 H.C.C.F. NO. V471789,

CALLED 142.770 ACRES  
 LS DEVELOPMENT, LLC  
 H.C.C.F. NO. 20060238824,

PROPOSED 20' UTILITY EASEMENT  
 AREA=0.1075 ACRE (4,682 SQ. FT.)

L5

L3

L4

L6

P.O.B.

L1

FND 1" I.P.

P.O.C.

FND 1/2" I.R.  
 BRS. N82°14'E 15.3'

JOSEPH MILLER SURVEY ABSTRACT NO. 50

RALPH HUBBARD SURVEY ABSTRACT NO. 383

ZION ROAD (60' R.O.W.)

NEAL ROAD (30' R.O.W.)  
 VOL. 2, PG. 65, H.C.M.R.

| LINE TABLE |        |             |
|------------|--------|-------------|
| LINE       | LENGTH | BEARING     |
| L1         | 150.20 | S89°57'13"W |
| L2         | 10.00  | N00°02'47"W |
| L3         | 233.54 | S89°57'13"W |
| L4         | 20.03  | N03°08'47"W |
| L5         | 234.62 | N89°57'13"E |
| L6         | 20.00  | S00°02'47"E |

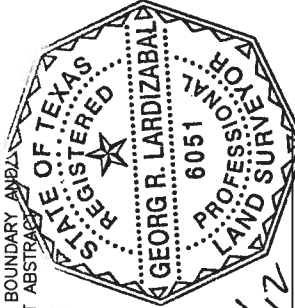
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08/20/12  
 GEORG R. LARDIZABAL, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6051

EXHIBIT OF  
 PROPOSED 20' UTILITY EASEMENT  
 JOSEPH MILLER SURVEY  
 ABSTRACT NO. 50 HARRIS COUNTY, TX

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 TEL. (832)729-7256  
 4419 Zimmerly Court  
 Sugar Land, Texas 77479 D.D.

BOBBY D TALBOTT & LORRAINE J. TALBOTT  
H.C.C.F. NO. U362072,

WILLIAM E SCHIEL & ALICE FAYE SCHIEL  
H.C.C.F. NO. G743427,

CALLLED 0.5264 ACRE  
MARY ANNE RADCLIFFE  
H.C.C.F. NO. V471789,

CALLLED 142.770 ACRES  
LS DEVELOPMENT, LLC  
H.C.C.F. NO. 20060238824,

PROPOSED 10' RIGHT-OF-WAY  
AREA=0.0536 ACRE (2,333 SQ. FT.)



P.O.B.  
FND 1" I.P.

P.O.C.  
FND 1/2" I.R.  
BRS. N82°14'E 15.3'

JOSEPH MILLER SURVEY ABSTRACT NO. 50

RALPH HUBBARD SURVEY ABSTRACT NO. 383

ZION ROAD (60' R.O.W.)

NEAL ROAD (30' R.O.W.)  
VOL. 2, PG. 65, H.C.M.R.

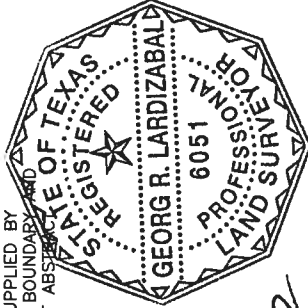
| LINE TABLE |        |             |
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| LINE       | LENGTH | BEARING     |
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| L2         | 233.00 | S89°57'13"W |
| L3         | 10.01  | N03°08'47"W |
| L4         | 233.54 | N89°57'13"E |
| L5         | 10.00  | S00°02'47"E |

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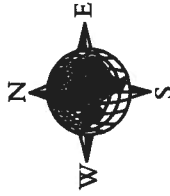
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Georg R. Lardizabal, Registered Professional Land Surveyor No. 6051  
08/20/12



GGC SURVEY, PLLC

Tel. (832) 729-7256  
4419 Zimmerly Court  
Sugar Land, Texas 77479 D.D.

EXHIBIT OF  
PROPOSED 10' RIGHT-OF-WAY  
JOSEPH MILLER SURVEY  
ABSTRACT NO. 50 HARRIS COUNTY, TX



SCALE: 1" = 40'



SCALE: 1" = 40'

CALLLED 4.878 ACRES  
D TALBOTT & LORRAINE J. TALBOTT  
H.C.C.F. NO. U362072,

PROPOSED 10' RIGHT-OF-WAY  
AREA=0.0905 ACRE (3,943 SQ. FT.)

CALLLED 4.550 ACRES  
LIAM E SCHIEL & ALICE FAYE SCHIEL  
H.C.C.F. NO. G743427,

CALLLED 0.5264 ACRE  
MARY ANNE RADCLIFFE  
H.C.C.F. NO. V471789,

CALLLED 142.770 ACRES  
LS DEVELOPMENT, LLC  
H.C.C.F. NO. 20060238824,

P.O.C.  
FND 1/2" I.R.  
BRS. N82°14'E 15.3'

FND 1" I.P.

JOSEPH MILLER SURVEY ABSTRACT NO. 50

RALPH HUBBARD SURVEY ABSTRACT NO. 383

ZION ROAD (60' R.O.W.)

| LINE | LENGTH | BEARING     |
|------|--------|-------------|
| L1   | 150.20 | S89°57'13"W |
| L2   | 233.00 | S89°57'13"W |
| L3   | 394.68 | S89°57'13"W |
| L4   | 10.00  | N00°24'48"W |
| L5   | 394.06 | N89°57'13"E |
| L6   | 10.01  | S03°08'47"E |

NEAL ROAD (30' R.O.W.)  
VOL. 2, PG. 65, H.C.M.R.

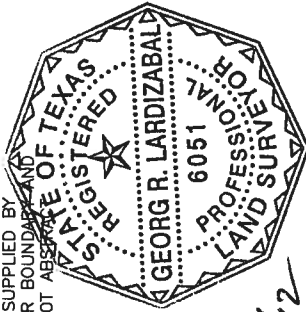
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CERTIFICATION

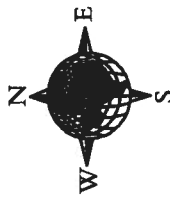
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GROUND AND THAT THIS PLAT CORRECTLY REPRESENTS THE  
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PROPERTY.



*George R. Lardizabal* 08/20/12

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EXHIBIT OF  
PROPOSED 10' RIGHT-OF-WAY  
JOSEPH MILLER SURVEY  
ABSTRACT NO. 50 HARRIS COUNTY, TX



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SCALE: 1" = 40'

CALLLED 4.878 ACRES  
BOBBY D TALBOTT & LORRAINE J. TALBOTT  
H.C.C.F. NO. U362072,

PROPOSED 20' UTILITY EASEMENT  
AREA=0.1806 ACRE (7,869 SQ. FT.)

CALLLED 4.550 ACRES  
WILLIAM E SCHIEL & ALICE FAYE SCHIEL  
H.C.C.F. NO. G743427,

CALLLED 142.770 ACRES  
LS DEVELOPMENT, LLC  
H.C.C.F. NO. 20060238824,

CALLLED 0.5264 ACRE  
MARY ANNE RADCLIFFE  
H.C.C.F. NO. V471789,

L5

L6

L4

L7

P.O.B.

L2

L1

P.O.C.  
FND 1/2" I.R.  
BRS. N82°14'E 15.3'

FND 1" I.P.

JOSEPH MILLER SURVEY ABSTRACT NO. 50

ZION ROAD (60' R.O.W.)

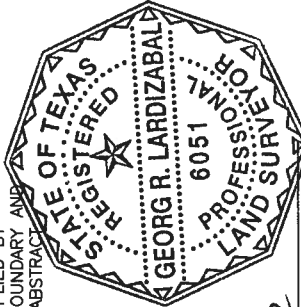
RALPH HUBBARD SURVEY ABSTRACT NO. 383

NEAL ROAD (30' R.O.W.)  
VOL. 2, PG. 65, H.C.M.R.

| LINE TABLE |        |             |
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| L2         | 233.00 | S89°57'13"W |
| L3         | 10.01  | N03°08'47"W |
| L4         | 394.06 | S89°57'13"W |
| L5         | 20.00  | N00°24'48"E |
| L6         | 392.81 | N89°57'13"E |
| L7         | 20.03  | S03°08'47"E |

CERTIFICATION

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*Georg R. Lardizabal* 08/20/12

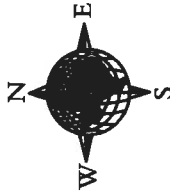
GEORG R. LARDIZABAL, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6051

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JOSEPH MILLER SURVEY  
ABSTRACT NO. 50 HARRIS COUNTY, TX



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RALPH HUBBARD SURVEY ABSTRACT NO. 383

ZION ROAD (60' R.O.W.)

P.O.C.  
L1  
P.O.B.

PROPOSED 20' UTILITY EASEMENT  
AREA=0.9248 ACRE (40,285 SQ. FT.)

CALLED 27.3005 ACRES  
THOMAS G. CROFOOT &  
JANICE CROFOOT  
H.C.C.F. NO. S141971,

HARRIS COUNTY FLOOD CONTROL  
DISTRICT EASEMENT UNIT J131-00-00  
H.C.C.F. NO. L670726,

NEAL ROAD (30' R.O.W.) VOL. 2, PG. 65, H.C.M.R.

FND 3/8" I.R.

LOT 2

LOT 1

LOT 15

LOT 21

TOMBALL OUTLOTS  
VOL. 2, PG. 65, H.C.M.R.

LOT 27

LOT 33

L6  
L4

L5

FND 3/8" I.R.  
142.10'  
60.04'  
50.00'

FND 3/8" I.R.  
15.00' FND 3/8" I.R.

REPLAT CROFOOT FARMS  
FILM CODE NO. 630283, H.C.M.R.

LOT 1

LOT 2

| LINE TABLE |         |             |
|------------|---------|-------------|
| LINE       | LENGTH  | BEARING     |
| L1         | 10.02   | S03°06'49"W |
| L2         | 20.03   | S03°06'49"W |
| L3         | 793.59  | S89°58'32"W |
| L4         | 1200.08 | S00°08'06"E |
| L5         | 20.00   | S89°51'54"W |
| L6         | 1220.12 | N00°08'06"W |
| L7         | 814.72  | N89°58'32"E |

SCALE: 1" = 100'

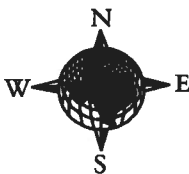
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08/20/12  
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RALPH HUBBARD SURVEY  
ABSTRACT NO. 383 HARRIS COUNTY, TX



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Sugar Land, Texas 77479 D.D.

JOSEPH MILLER SURVEY ABSTRACT NO. 50

ZION ROAD (60' R.O.W.)

RALPH HUBBARD SURVEY ABSTRACT NO. 383

P.O.B.

FND 3/8" I.R.

LOT 2

LOT 1

LOT 15

LOT 21

TOMBALL OUTLOTS  
VOL. 2, PG. 65, H.C.M.R.

LOT 27

NEAL ROAD (30' R.O.W.) VOL. 2, PG. 65, H.C.M.R.

PROPOSED 15' RIGHT-OF-WAY

PROPOSED 10' & 15' RIGHT-OF-WAY  
AREA=0.6107 ACRE (26,602 SQ. FT.)

PROPOSED 10' RIGHT-OF-WAY

CALLED 27.3005 ACRES  
THOMAS G. CROFOOT &  
JANICE CROFOOT  
H.C.C.F. NO. S141971,

HARRIS COUNTY FLOOD CONTROL  
DISTRICT EASEMENT UNIT J131-00-00  
H.C.C.F. NO. L670726,

| LINE TABLE |         |             |
|------------|---------|-------------|
| LINE       | LENGTH  | BEARING     |
| L1         | 10.02   | S03°06'49"W |
| L2         | 814.72  | S89°58'32"W |
| L3         | 1220.12 | S00°08'06"E |
| L4         | 15.00   | S89°51'54"W |
| L5         | 1230.15 | N00°08'06"W |
| L6         | 830.29  | N89°58'32"E |



SCALE: 1" = 100'

NOTES:  
1. BEARINGS BASED ON REPLAT CROFOOT FARMS FILM CODE NO. 630283, H.C.M.R..  
2. SURVEYOR HAS NOT ABSTRACTED SUBJECT PROPERTY. THERE MAY BE EASEMENTS, BUILDING LINES AND OTHER MATTERS OF RECORD NOT SHOWN HEREON.  
THIS SURVEY IS BEING PROVIDED SOLELY FOR THE USE OF THE CURRENT PARTIES AND THAT NO LICENSE HAS BEEN CREATED, EXPRESS OR IMPLIED, TO COPY THE SURVEY EXCEPT AS IS NECESSARY IN CONJUNCTION WITH THE ORIGINAL TRANSACTION.

CERTIFICATION  
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY SHOWING ANY IMPROVEMENTS, FROM LEGAL DESCRIPTIONS SUPPLIED BY CLIENT. THIS SURVEY IS ONLY CERTIFIED FOR BOUNDARY AND THIS TRANSACTION ONLY. SURVEYOR DID NOT ABSTRACT PROPERTY.



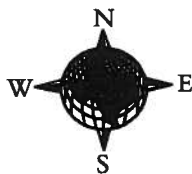
*Georg R. Lardizabal* 08/20/12  
GEORG R. LARDIZABAL, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6051

LOT 1  
REPLAT CROFOOT FARMS  
FILM CODE NO. 630283, H.C.M.R.

LOT 2

FND 3/8" I.R.  
142.10'  
60.04'  
50.00'  
15.00' FND 3/8" I.R.

EXHIBIT OF  
PROPOSED 10' & 15' RIGHT-OF-WAY  
RALPH HUBBARD SURVEY  
ABSTRACT NO. 383 HARRIS COUNTY, TX



GGC SURVEY, PLLC

TEL. (832)729-7256  
4419 Zimmerly Court  
Sugar Land, Texas 77479 D.D.

## George Shackelford

---

**From:** George Shackelford  
**Sent:** Thursday, June 06, 2013 11:31 AM  
**To:** parke patterson; George Shackelford  
**Cc:** Loren Smith; Doris Speer  
**Subject:** Re: Raleigh Creek

Will do .

Sent from my Samsung smartphone on AT&T

parke patterson wrote:

George, per my conversation with Loren yesterday evening, please put us on the June 17 CC agenda to discuss possible condemnation.

Of the 4 properties, we have closed one (Crofoot) and it appears we have willing sellers on two more. The last property (Radcliffe) is in foreclosure and it may take pressure from the City to get the bank to respond.

We want to discuss this with the Council so that we can move forward.

Thank You,  
Parke Patterson

Parke Patterson Land Development  
832-541-7275

June 11, 2013

Talbot

Tomball, TX 77375

Re: Water Service on Zion Road

Dear Mr. and Mrs. Talbot:

This is to confirm that, per your request, the City of Tomball will provide you with water service from a to-be-constructed water line on Zion Road. The water line will be located on a portion of your front property. You will be subject to the typical and appropriate fees/costs for the water service.

Should the water line not be constructed, no water service will be made available.

We are pleased to be working with you.

Please

Sincerely,

# Regular City Council Agenda Item Data Sheet

Meeting Date: June 17, 2013

**Topic:**

Award 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.

**Background:**

Replacement of the Community Center Section "A" roof will eliminate future leaks and will enable Public Works to proceed with budgeted interior maintenance, which includes flooring and painting. Replacement of the Public Works entry canopy roof will correct a long-standing design deficiency, which ultimately allows infiltration of water during extreme rain events.

Copies of the bid recommendation letter, bid tabulation, and bid evaluations are attached for your review.

The City's architect for this project, Bill Hutz, AIA will be present to answer any questions.

**Origination:**

Public Works

**Recommendation:**

Public Works staff recommends award of 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.

**Funding: Yes**

Account Number: 100-157-6206

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

David Kauffman, Director of Public Works

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

**ATTACHMENTS:**

Bid Recommendation Letter

Bid Tab

Bid Tab with Breakdown

Bid Evaluations

June 6, 2013

Mr. David B. Kauffman  
Director of Public Works, City of Tomball  
501 James Street  
Tomball, Texas 77375

**Subject: City of Tomball – Roof Replacement for Community Center Section A  
and Public Works Canopy - Project Number 2013-03  
Proposal Review and Recommendation**

Dear Mr. Kauffman:

I have reviewed the four (4) Proposals received on May 29, 2013 in response to the City of Tomball Request for Proposal based on the Proposal Documents prepared by Amtech Building Sciences, Inc. for this Project. I prepared the attached Proposal Tabulation based on information included in all submitted Proposals. I also prepared the attached Evaluation Criteria Summary for the three responsive Proposals and graded each Proposer according to the Evaluation Criteria established in the Proposal Documents. James Kidd Enterprises Inc. was considered non-responsive because they did not complete the Proposal Form and did not include a Bid Bond as required.

Based on the Evaluation Criteria Summary, Diversified Roofing scored the highest point total. I do not have personal experience with this company, although I do have experience with Mr. Tim Cerminar, listed in their Proposal as the Project Manager, when he was working for other roofing contractors. I have examined Contractor Qualification documents and contacted references for Houston area projects they have completed.

Diversified Roofing is a Phoenix, AZ based company that has expanded to other parts of the US, including Houston and Dallas. It appears they have done work in Houston for a year or two, but have not established a reputation with other Architects or roofing consultants. Recommendations from my reference check were mixed from "not happy with them" to "we would definitely use them again." Considering the almost \$15,000 difference between Diversified and the next lowest Proposal Amount, it would be difficult to recommend going with the higher Proposal Amount, therefore Diversified Roofing is the Contractor to which I recommend the City of Tomball award this Project. I have prepared and attached a DRAFT "AIA A101 – 2007 Standard Form of Agreement Between Owner and Contractor" for your consideration. Once this is accepted, I will prepare a Final AIA A101 for signature by both parties.

Please contact me with any questions on this or any other roofing concerns you may have.

Sincerely,

**AMTECH BUILDING SCIENCES, INC.**



William G. Hutz, AIA  
Architect

**Attachments:**

Tomball CC & PW Proposal Evaluation Scores & Summary (6-6-13) – 4 pages

Tomball Police-Jail Proposal Tabulation (5-29-13) – 4 pages

AIA A101 – 2007 Standard Form of Agreement Between Owner and Contractor  
(DRAFT) - 9 pages

# City of Tomball

## PROPOSAL RESULTS

**AMTECH BUILDING SCIENCES, INC.**  
 10520 Meadowglen Lane  
 Houston, TX 77042  
 713-266-4829 Phone  
 713-266-4799 FAX

### CC & PW - PROPOSALS

| Ranking - Low to High | Bidder                            | Base Proposal (\$)                                                          | P&P Bonds   | Base less P&P Bonds | Contract Days | Proposed Mfr.  |                | Variance from Low Base Proposal |
|-----------------------|-----------------------------------|-----------------------------------------------------------------------------|-------------|---------------------|---------------|----------------|----------------|---------------------------------|
|                       |                                   |                                                                             |             |                     |               | SBS Modified   | PVC            |                                 |
|                       |                                   | 1.1                                                                         | 7.2         |                     | 2.2           | 12.5           | 12.6           |                                 |
| 1                     | James Kidd Enterpriss             | \$ 46,875.00                                                                | \$ 1,365.00 | \$ 45,510.00        | 30            | CertainTeed    | Mule Hide      | 0%                              |
| 2                     | Diversified Roofing               | \$ 57,122.00                                                                | \$ 1,601.00 | \$ 55,521.00        | 30            | Johns Manville | Johns Manville | 22%                             |
| 3                     | Sea Breeze Roofing                | \$ 72,000.00                                                                | \$ 1,500.00 | \$ 70,500.00        | 60            | Johns Manville | Johns Manville | 54%                             |
| 4                     | Reliable Commercial Roofing, Inc. | \$ 78,885.00                                                                | \$ 1,166.00 | \$ 77,719.00        | 45            | GAF            | GAF            | 68%                             |
| 5                     | Four Star Builders, LP            | No Bid                                                                      |             |                     |               |                |                |                                 |
| 6                     | Hallmark-Farrell Roofing          | No Bid                                                                      |             |                     |               |                |                |                                 |
| 7                     | JJ Red Commercial Roofing, LLC    | No Bid                                                                      |             |                     |               |                |                |                                 |
| 8                     | Lone Star Roof Systems            | No Bid                                                                      |             |                     |               |                |                |                                 |
| 9                     | Restoration Services, Inc.        | No Bid                                                                      |             |                     |               |                |                |                                 |
| 10                    |                                   |                                                                             |             |                     |               |                |                |                                 |
| 11                    |                                   |                                                                             |             |                     |               |                |                |                                 |
|                       | Low Price in Category             | \$ 46,875.00                                                                | \$ 1,166.00 | \$ 45,510.00        | 30            |                |                |                                 |
|                       | High Price in Category            | \$ 78,885.00                                                                | \$ 1,601.00 | \$ 77,719.00        | 60            |                |                |                                 |
|                       | Average Price                     | \$ 63,720.50                                                                | \$ 1,408.00 | \$ 62,312.50        | 41.3          |                |                |                                 |
|                       |                                   | Listed in Order of Proposal Cost Ranking                                    |             |                     |               |                |                |                                 |
|                       | \$ ###                            | Bold type indicates best Price in category                                  |             |                     |               |                |                |                                 |
|                       | \$ or ????                        | Red Bold type indicates missing required information                        |             |                     |               |                |                |                                 |
|                       | *                                 | Indicates Revised Proposal Form Submitted after 10 AM Proposal Receipt Time |             |                     |               |                |                |                                 |

**AMTECH BUILDING SCIENCES, INC.**  
10520 Meadowglen Lane  
Houston, TX 77042  
713-266-4829 Phone  
713-266-4799 FAX

wgh: D:/Active Projects/Client Name/Project Name/Tomball CC & PW Proposal Tabulation (5-29-13).xls

# City of Tomball

## PROPOSAL RESULTS

**AMTECH BUILDING SCIENCES, INC.**  
 10520 Meadowglen Lane  
 Houston, TX 77042  
 713-266-4829 Phone  
 713-266-4799 FAX

### CC & PW - BREAKDOWN

| Ranking - Low to High | Bidder                            | Roof Area and Price |  | Proposed Contract Time (days) | Community Center A Roof Area 12.2 |                     | Public Works Canopy Roof Area 12.3 |  | Price                                      | \$ per SF | Variance from Low Bid |
|-----------------------|-----------------------------------|---------------------|--|-------------------------------|-----------------------------------|---------------------|------------------------------------|--|--------------------------------------------|-----------|-----------------------|
|                       |                                   |                     |  |                               |                                   |                     |                                    |  |                                            |           |                       |
| 1                     | James Kidd Enterpriss             |                     |  | 30                            | <b>Not Provided</b>               | <b>Not Provided</b> |                                    |  | \$ 46,875                                  | #VALUE!   | \$ -                  |
| 2                     | Diversified Roofing               |                     |  | 30                            | 2,200                             |                     | 600                                |  | \$ 57,122                                  | \$ 98.87  | \$ 10,247.00          |
| 3                     | Sea Breeze Roofing                |                     |  | 60                            | 2,400                             |                     | 600                                |  | \$ 72,000                                  | \$ 120.00 | \$ 25,125.00          |
| 4                     | Reliable Commercial Roofing, Inc. |                     |  | 45                            | 2,100                             |                     | 600                                |  | \$ 78,885                                  | \$ 131.48 | \$ 32,010.00          |
| 5                     | Four Star Builders, LP            |                     |  |                               |                                   |                     |                                    |  | No Bid                                     |           |                       |
| 6                     | Hallmark-Farrell Roofing          |                     |  |                               |                                   |                     |                                    |  | No Bid                                     |           |                       |
| 7                     | JJ Red Commercial Roofing, LLC    |                     |  |                               |                                   |                     |                                    |  | No Bid                                     |           |                       |
| 8                     | Lone Star Roof Systems            |                     |  |                               |                                   |                     |                                    |  | No Bid                                     |           |                       |
| 9                     | Restoration Services, Inc.        |                     |  |                               |                                   |                     |                                    |  | \$ -                                       |           |                       |
| 10                    | 0                                 |                     |  |                               |                                   |                     |                                    |  | \$ -                                       |           |                       |
| 11                    | 0                                 |                     |  |                               |                                   |                     |                                    |  | \$ -                                       |           |                       |
|                       | Low Price in Category             |                     |  |                               |                                   |                     | 600                                |  | \$ -                                       | #VALUE!   |                       |
|                       | High Price in Category            |                     |  |                               |                                   |                     | 600                                |  | \$ 78,885                                  | #VALUE!   |                       |
|                       | Average                           |                     |  |                               |                                   |                     | 600                                |  | \$ 36,412                                  | #VALUE!   |                       |
|                       |                                   |                     |  |                               |                                   |                     |                                    |  |                                            |           |                       |
|                       |                                   |                     |  | \$ ###                        |                                   |                     |                                    |  | Bold type indicates best Price in category |           |                       |
|                       |                                   |                     |  | ###                           |                                   |                     |                                    |  | Red Bold type indicates apparent error     |           |                       |

# City of Tomball

2012-05

**AMTECH BUILDING SCIENCES, INC.**  
10520 Meadowglen Lane  
Houston, TX 77042  
713-266-4829 Phone  
713-266-4799 FAX

## SUMMARY

### Evaluation Criteria Summary

|                                                   | Relative Weight | Score (1-5) | Reliable                          |                          |                     |
|---------------------------------------------------|-----------------|-------------|-----------------------------------|--------------------------|---------------------|
|                                                   |                 |             | Commercial Roofing Services, Inc. | Sea-Breeze Roofing, Inc. | Diversified Roofing |
|                                                   |                 |             | Weighted Score                    | Weighted Score           | Weighted Score      |
| <b>Quantitative Criteria</b>                      |                 |             |                                   |                          |                     |
| 1. Contract Amount (60%)                          | 60%             | 5           | 12                                | 36                       | 60                  |
| 2. Proposed Duration (days) (2%)                  | 2%              | 5           | 1.2                               | 0.4                      | 1.6                 |
| <b>Qualitative Criteria</b>                       |                 |             |                                   |                          |                     |
| 3. Contractor Qualifications (3%)                 | 3%              | 1           | 3                                 | 1.8                      | 0.6                 |
| 4. Sub-Contractor Qualifications (3%)             | 3%              | 1           | 2.4                               | 1.8                      | 1.8                 |
| 5. Contractor's Relevant Experience (3%)          | 3%              | 1           | 3                                 | 1.8                      | 1.2                 |
| 6. Contractor's Safety Record (3%)                | 3%              | 1           | 3                                 | 2.4                      | 1.8                 |
| 7. MWBE Plan / Compliance (10%)                   | 10%             | 1           | 6                                 | 6                        | 6                   |
| 8. Cost Savings / Methodology (3%)                | 3%              | 5           | 1.8                               | 1.8                      | 1.8                 |
| 9. Contractor's Proposed Personnel (10%)          | 10%             | 1           | 10                                | 6                        | 8                   |
| 10. Contractor's Bonding and Stability (3%)       | 3%              | 1           | 3                                 | 2.4                      | 1.8                 |
| <b>Total of All Criteria (100 points maximum)</b> |                 |             | <b>45.4</b>                       | <b>60.4</b>              | <b>84.6</b>         |

##.#

Indicates Highest Weighted Score

*City of Tomball*  
2012-05

## Diversified Roofing

**AMTECH BUILDING SCIENCES, INC.**  
10520 Meadowglen Lane  
Houston, TX 77042  
713-266-4829 Phone  
713-266-4799 FAX

### Evaluation Criteria

|                                                   | Relative Weight | Score (1-5) | Weighted Score |
|---------------------------------------------------|-----------------|-------------|----------------|
| <b>Quantitative Criteria</b>                      |                 |             |                |
| 1. Contract Amount (60%)                          | 60%             | 5           | 60             |
| 2. Proposed Duration (days) (2%)                  | 2%              | 4           | 1.6            |
| <b>Qualitative Criteria</b>                       |                 |             |                |
| 3. Contractor Qualifications (3%)                 | 3%              | 1           | 0.6            |
| 4. Sub-Contractor Qualifications (3%)             | 3%              | 3           | 1.8            |
| 5. Contractor's Relevant Experience (3%)          | 3%              | 2           | 1.2            |
| 6. Contractor's Safety Record (3%)                | 3%              | 3           | 1.8            |
| 7. MWBE Plan / Compliance (10%)                   | 10%             | 3           | 6              |
| 8. Cost Savings / Methodology (3%)                | 3%              | 3           | 1.8            |
| 9. Contractor's Proposed Personnel (10%)          | 10%             | 4           | 8              |
| 10. Contractor's Bonding and Stability (3%)       | 3%              | 3           | 1.8            |
| <b>Total of All Criteria (100 points maximum)</b> |                 |             | <b>84.6</b>    |

*City of Tomball*  
2012-05

**Sea-Breeze Roofing, Inc.**

**AMTECH BUILDING SCIENCES, INC.**  
10520 Meadowglen Lane  
Houston, TX 77042  
713-266-4829 Phone  
713-266-4799 FAX

### Evaluation Criteria

|                                                   | Relative Weight | Score (1-5) | Weighted Score |
|---------------------------------------------------|-----------------|-------------|----------------|
| <b>Quantitative Criteria</b>                      |                 |             |                |
| 1. Contract Amount (60%)                          | 60%             | 3           | 36             |
| 2. Proposed Duration (days) (2%)                  | 2%              | 1           | 0.4            |
| <b>Qualitative Criteria</b>                       |                 |             |                |
| 3. Contractor Qualifications (3%)                 | 3%              | 3           | 1.8            |
| 4. Sub-Contractor Qualifications (3%)             | 3%              | 3           | 1.8            |
| 5. Contractor's Relevant Experience (3%)          | 3%              | 3           | 1.8            |
| 6. Contractor's Safety Record (3%)                | 3%              | 4           | 2.4            |
| 7. MWBE Plan / Compliance (10%)                   | 10%             | 3           | 6              |
| 8. Cost Savings / Methodology (3%)                | 3%              | 3           | 1.8            |
| 9. Contractor's Proposed Personnel (10%)          | 10%             | 3           | 6              |
| 10. Contractor's Bonding and Stability (3%)       | 3%              | 4           | 2.4            |
| <b>Total of All Criteria (100 points maximum)</b> |                 |             | <b>60.4</b>    |

*City of Tomball*

2012-05

**Reliable Commercial Roofing Ser****AMTECH BUILDING SCIENCES, INC.**

10520 Meadowglen Lane

Houston, TX 77042

713-266-4829 Phone

713-266-4799 FAX

**Evaluation Criteria**

|                                                   | Relative<br>Weight | Score<br>(1-5) | Weighted<br>Score |
|---------------------------------------------------|--------------------|----------------|-------------------|
| <b>Quantitative Criteria</b>                      |                    |                |                   |
| 1. Contract Amount (60%)                          | 60%                | 1              | 12                |
| 2. Proposed Duration (days) (2%)                  | 2%                 | 3              | 1.2               |
| <b>Qualitative Criteria</b>                       |                    |                |                   |
| 3. Contractor Qualifications (3%)                 | 3%                 | 5              | 3                 |
| 4. Sub-Contractor Qualifications (3%)             | 3%                 | 4              | 2.4               |
| 5. Contractor's Relevant Experience (3%)          | 3%                 | 5              | 3                 |
| 6. Contractor's Safety Record (3%)                | 3%                 | 5              | 3                 |
| 7. MWBE Plan / Compliance (10%)                   | 10%                | 3              | 6                 |
| 8. Cost Savings / Methodology (3%)                | 3%                 | 3              | 1.8               |
| 9. Contractor's Proposed Personnel (10%)          | 10%                | 5              | 10                |
| 10. Contractor's Bonding and Stability (3%)       | 3%                 | 5              | 3                 |
| <b>Total of All Criteria (100 points maximum)</b> |                    |                | <b>45.4</b>       |

# Regular City Council

## Agenda Item

## Data Sheet

Meeting Date: June 17, 2013

### **Topic:**

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

### **Background:**

The Greater Tomball Area Chamber of Commerce requests the support and endorsement of the City of Tomball for the Chamber's 41st Annual Tomball Night and Parade, to be held on Friday, August 2, 2013.

The Chamber requests the assistance of the Tomball Fire, Police, and Public Works Department personnel; furnishing of electric service from the Tax office on Walnut Street, the Depot, at the 100 and 200 blocks of Market Street, the alley on the south side of Main between Cherry and Oak, and at 200 South Walnut, and closure of the following streets on Friday night only:

- from 2:00 p.m. until 11:00 p.m. – the 100, 200, and 300 blocks of Market Street and the 100 block of South Elm;
- from 3:00 p.m. until 11:00 p.m. – the 100 block of North Walnut, between Commerce and Main Streets, and the 100 and 200 blocks of Commerce Street; and
- from 5:00 p.m. until 11:00 p.m. – South Walnut, between Market and Main Streets, and Sycamore, from Main Street south.

Tomball Night will begin at 2:00 p.m. on Friday with a night parade, fireworks, and other festivities on Friday night and extended shopping sales events through Sunday.

The Chamber also requests permission from the City of Tomball to ignite fireworks out of season, under the insurance and guidance of Pyrotecnico of Louisiana, LLC, Registration number FWD-0071, and approval for the use and waiver of fees to use the Tomball Community Center as a "cool zone".

The Chamber's request and a map of the requested street closures are presented, along with Resolution No.2013-22.

Fire Department expenses are minimal, approximately \$75 in fuel and support provided by volunteer firefighters. Public Works expenses to support Tomball Night include personnel time, refuse management, and fuel, approximately \$1,300. Waiver of the rental fee and personnel expenses for the use of the Community Center as a "cool zone" after hours is approximately \$450-\$550, depending on the number of hours the Chambers uses the facility. Police Department expenses should also be minimal.

### **Origination:**

Greater Tomball Area Chamber of Commerce

### **Recommendation:**

Approval of Resolution No. 2013-22

**Funding:**

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

City Secretary

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

**ATTACHMENTS:**

Resolution No. 2013-22

GTACC Request

**RESOLUTION NO. 2013-22**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL,  
TEXAS, SUPPORTING THE *41<sup>ST</sup> ANNUAL TOMBALL NIGHT* AND  
PARADE, TO BE HELD IN TOMBALL ON FRIDAY, AUGUST 2, 2013.**

\* \* \* \* \*

**WHEREAS** the Greater Tomball Area Chamber of Commerce will present the *41<sup>st</sup> Annual Tomball Night* on Friday, August 2, 2013, beginning at 2 p.m., with a night parade and a fireworks display under the direction of Pyrotecnico's highly trained and licensed pyrotechnicians; and

**WHEREAS** *Tomball Night* is a unique way to showcase Tomball's many attractions and an opportune time to encourage citizens to shop Tomball throughout the rest of the year; and

**WHEREAS** *Tomball Night* has become Tomball's biggest shopping night, drawing shoppers from surrounding areas including Magnolia, Spring, Houston and The Woodlands to enjoy the sales, discounts, other great values and many planned activities sponsored by Tomball's retail community; and

**WHEREAS** *Tomball Night* includes many cash and merchandise prizes from participating Tomball businesses for *Tomball Night* shoppers; and

**WHEREAS** the Greater Tomball Area Chamber of Commerce desires and requests the support and endorsement of the City of Tomball in this city-wide effort, through the assistance of the Tomball Fire, Tomball Police, and Tomball Public Works Department personnel; furnishing of electrical service from the Harris County Tax Assessor-Collector's office on Walnut Street, by the Depot, at the 100 and 200 blocks of Market Street, the alley on the south side of Main between Cherry and Oak, and at 200 South Walnut; and the closure of the following streets on Friday night only:

- \* from 2:00 p.m. until 11:00 p.m. – the 100, 200, and 300 blocks of Market Street and the 100 block of South Elm Street;
- \* from 3:00 p.m. until 11:00 p.m. – the 100 block of North Walnut, between Commerce and Main Streets, and the 100 and 200 blocks of Commerce Street; and
- \* from 5:00 p.m. until 11:00 p.m. – South Walnut, between Market and Main Streets, and Sycamore Street, from Main Street south; and

**WHEREAS** The Chamber also requests permission from the City of Tomball to ignite fireworks out of season, under the insurance and guidance of Pyrotecnico of Louisiana, LLC, Registration number FWD-0071; and

**WHEREAS** to offset some of the heat-related issues of past years, the Chamber requests the use of the Tomball Community Center as a “cool zone” and requests waiver of the rental fee.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Tomball and its governing body endorses and supports the efforts of the Greater Tomball Area Chamber of Commerce in promoting and undertaking the *41<sup>st</sup> Annual Tomball Night* and pledges to encourage this effort to showcase Tomball;

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

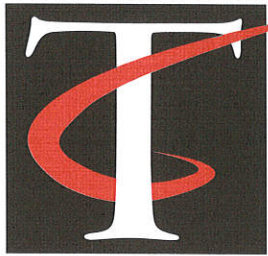
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GRETCHEN FAGAN, Mayor

ATTEST:

---

Doris Speer, City Secretary



June 7, 2013

City of Tomball  
401 Market Street  
Tomball, Texas 77375

RE: Tomball Night Street Closures, Electricity and Community Center Usage

Dear George,

We are anticipating a fabulous 41<sup>st</sup> Annual **Tomball Night**, Friday, August 2, 2013 with help from our city, police and fire departments, as well as from numerous volunteers. The popular attraction of a night parade with a fireworks display ending the night's festivities has been met with overwhelming enthusiasm over the past six years. We are looking forward again to the expertise of the Tomball Police Department for crowd control and as visual deterrents from any negative activity.

The Greater Tomball Area Chamber of Commerce is requesting permission from the City of Tomball to ignite fireworks out of season, under the insurance and guidance of Pyrotechnico, a highly trained and licensed pyrotechnician.

To insure the safety of the many visitors that will be in Tomball on Friday, August 2, 2013 and the multiple number of vendors we are expecting, we are asking for street closures for the following streets on Friday night only from  
2:00 p.m. until 11:00 p.m.

- Market St. – 100, 200 and 300 blocks
- S. Elm – 100 Block

From 3:00 p.m. until 11:00 p.m.

- 100 N. Walnut – between Commerce and Main St.
- 100 & 200 blocks Commerce St.

And from 5:00 p.m. until 11:00 p.m.

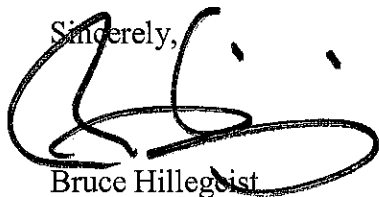
- S. Walnut – between Market and Main
- Sycamore from Main St. South

Enclosed is a map for your review. We are also requesting permission for the use of electricity on Walnut Street, by the Depot, 100 & 200 blocks of Market Street, the alley on south side of Main between Cherry and Oak and at 200 S. Walnut.

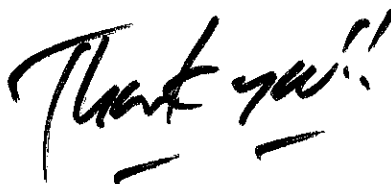
Finally, to offset some of the heat related issues of the past, we are requesting the use of the Tomball Community Center as a "cool zone."

We appreciate the City of Tomball, its special partnership with the chamber and the assistance always offered for our events. Should you have any questions or concerns, please contact Brandy Beyer or myself at 281-351-7222.

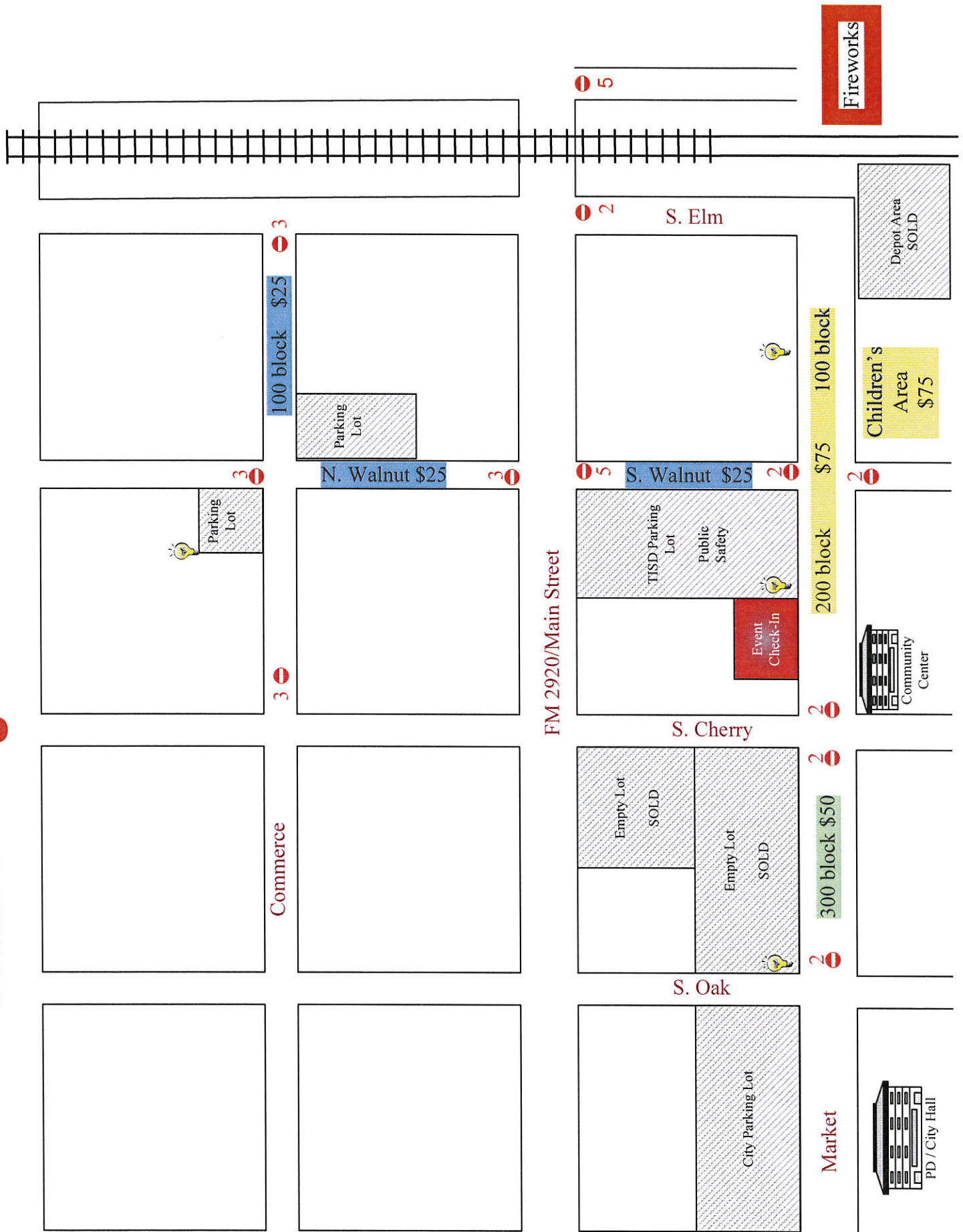
Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Hillegast". The signature is stylized with a large, looping initial "B" and a trailing flourish.

Bruce Hillegast  
President

A handwritten note in black ink that says "Thank you!!". The text is written in a cursive, informal style with two exclamation points.

# Tomball Night DOWNTOWN



Registered Location(s):  
299 WILSON RD  
NEW CASTLE PA 16101

Registration Number  
**FWD-0071**  
Expiration Date: 04-19-2014  
EFFECTIVE DATE: 04-19-2001

**FIREWORKS DISTRIBUTOR'S LICENSE**

TEXAS DEPARTMENT OF INSURANCE  
STATE FIRE MARSHAL'S OFFICE

Issued To:  
PYROTECNICO LLC

DATE ISSUED: March 15, 2013

*Chris Connealy*  
Chris Connealy, State Fire Marshal

To receive news and updates from the SFMO concerning Fire Industry Licensing, sign up for the SFMO Licensing eNews Update at <http://www.tdi.texas.gov/alert/esfmlicensing.html>

PYROTECNICO LLC  
PO BOX 310  
NEW CASTLE PA 16103



# Regular City Council

## Agenda Item

Meeting Date: June 17, 2013

## Data Sheet

### Topic:

Approve 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.

### Background:

The Tomball Sister City Organization is planning their Annual German Christmas Market for December 13-15, 2013 and their Annual German Heritage Festival for March 28-30, 2014. Each year these events continue to grow, consistently drawing more than 20,000 visitors.

All road closures of County streets must be presented to the County Commissioners Court for approval. The TSCO is requesting a letter of support from the City of Tomball to include with the submission to the County Commissioners Court.

At this time, the Tomball Sister City Organization requests only a letter of support from the City to Harris County Commissioners Court for the following road closure:

- South Cherry Street - from 4:00 p.m., Friday, December 13, 2013 until 8:00 p.m., Sunday, December 15, 2013 and from 4:00 p.m., Friday, March 28, 2014 until 8:00 p.m., Sunday, March 30, 2014.

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.

### Origination:

Tomball Sister City Organization

### Recommendation:

N/A

### Funding:

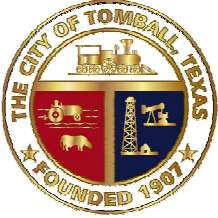
### Party(ies) responsible for placing this item on agenda:

City Secretary

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

### ATTACHMENTS:

Letter of Support to Harris County Commissioners Court



# City of Tomball

*Gretchen Fagan*  
Mayor

*George Shackelford*  
City Manager

June 18, 2013

**draft**

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 4:00 p.m., Friday, December 13, 2013 until 8:00 p.m., Sunday, December 15, 2013 and  
From 4:00 p.m., Friday, March 28, 2014 until 8:00 p.m., Sunday, March 30, 2014

Dear Sirs:

The City Council of the City of Tomball Texas met June 17, 2013 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 4:00 p.m., Friday, December 13, 2013 until 8:00 p.m., Sunday, December 15, 2013 and from 4:00 p.m., Friday, March 28, 2014 until 8:00 p.m., Sunday, March 30, 2014.

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

# Regular City Council

## Agenda Item

## Data Sheet

Meeting Date: June 17, 2013

### Topic:

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"

### Background:

The Governmental Accounting Standards Board (GASB) released Statement 54 -"Fund Balance Reporting and Governmental Fund Type Definitions" on March 11, 2009 which is effective for our current fiscal year ending September 30, 2013 and following.

This new Statement is intended to improve the usefulness of the amount reported in fund balance by providing more structured classification. This Statement applies to fund balance reported in the General Fund, Special Revenue Fund, Debt Service Fund, Capital Projects Fund and Permanent Fund, if applicable. This Statement does not apply to Enterprise Funds, Internal Service Funds, and extremely restricted reserves.

### Origination:

Finance

### Recommendation:

Approval of the Resolution

### Funding:

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

Finance Director

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

### ATTACHMENTS:

Resolution No. 2013-21

Administrative Policy No. 25

## RESOLUTION NO. 2013-21

**A RESOLUTION OF THE CITY OF TOMBALL, TEXAS, ADOPTING THE CITY OF TOMBALL'S FUND BALANCE POLICY, AS SET FORTH IN CITY OF TOMBALL ADMINISTRATIVE POLICY NO. 25, ENTITLED "FUND BALANCE POLICY".**

\* \* \* \* \*

**WHEREAS**, the Governmental Accounting Standards Board ("GASB") has adopted Statement 54 ("GASB" 54), a new standard for governmental fund balance reporting and governmental fund type definitions that is effective in the current and following fiscal years ; and

**WHEREAS**, the City of Tomball elects to implement GASB 54 requirements, and to apply such requirements to its financial statements beginning with the current fiscal year; and;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS HEREBY ADOPTS THE FOLLOWING POLICY:**

### **"FUND BALANCE POLICY**

Fund balance measures the net financial resources available to finance the expenditures of future periods.

The City's Unassigned General Fund Balance will be maintained to provide the City with sufficient working capital and a margin of safety to address local and regional emergencies without borrowing. The Unassigned General Fund Balance may only be appropriated by resolution of the City Council.

Fund Balance of the City may be committed for a specific source by formal action of the City of Tomball City Council. Amendments or modifications of the committed fund balance must also be approved by formal action of the City of Tomball City Council.

When it is appropriate for fund balance to be assigned, the City Council will delegate authority to the City Manager.

In circumstances where an expenditure is to be made for a purpose for which amounts are available in multiple fund balance classifications, the order in which resources will be expended is as follows: restricted fund balance, followed by committed fund balance, assigned fund balance, and lastly, unassigned fund balance."

**PASSED, APPROVED, AND RESOLVED** this the \_\_\_\_ day of \_\_\_\_\_ 2013.

---

GRETCHEN FAGAN, Mayor  
City of Tomball

ATTEST:

---

DORIS SPEER, City Secretary  
City of Tomball

**CITY OF TOMBALL  
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES**

|                                                  |                                 |                                  |                    |
|--------------------------------------------------|---------------------------------|----------------------------------|--------------------|
| <b>SUBJECT</b><br><br><b>FUND BALANCE POLICY</b> | <b>NUMBER:</b><br><br><b>25</b> | <b>EFFECTIVE DATE:</b>           | <b>PAGE 1 OF 1</b> |
|                                                  | <b>REVISED:</b>                 | <b>APPROVED BY CITY MANAGER:</b> |                    |
|                                                  | <b>SUPERSEDES:</b>              | <b>APPROVED BY CITY COUNCIL:</b> |                    |

The Governmental Accounting Standards Board (GASB) released Statement 54 -"Fund Balance Reporting and Governmental Fund Type Definitions" on March 11, 2009 which is effective for our current fiscal year ending September 30, 2013 and following. This new Statement is intended to improve the usefulness of the amount reported in fund balance by providing more structured classification. This Statement applies to fund balance reported in the General Fund, Special Revenue Fund, Debt Service Fund, Capital Projects Fund and Permanent Fund, if applicable. This Statement does not apply to Enterprise Funds, Internal Service Funds, and extremely restricted reserves.

Currently fund balance is classified as “reserved” or “unreserved.” Unreserved fund balance may be further allocated into designated and undesignated. GASB 54 will change how fund balance is reported in the financial statements. The hierarchy of five possible GASB 54 classifications is as follows:

- **Non-spendable Fund balance** includes amounts not in spendable form, such as inventory, or amounts required to be maintained intact legally or contractually (e.g, inventory, pre-paid items).
- **Restricted Fund Balance** includes amounts constrained for a specific purpose by external parties (e.g. Debt Service, Capital Projects, State and Federal Grant Funds).
- **Committed Fund Balance** includes amounts constrained for a specific purpose by a government using its highest level of decision making authority (e.g. Major Maintenance, Land, Storm Damage Reserves).
- **Assigned Fund Balance** includes general fund amounts constrained for a specific purpose by the City Council or by an official that has been delegated authority to assign amounts.
- **Unassigned Fund Balance** is the residual classification for the general fund.

In addition, the City will be required to disclose more information in the notes to financial statements about amounts reported in fund balance as follows:

- Description of authority and actions that lead to committed or assigned fund balance
- City’s policy regarding order in which restricted, committed, assigned, and unassigned amounts are spent (contained in attached resolution)
- Description of formally adopted minimum fund balance policies (contained in attached resolution)
- The purpose of each major special revenue fund
- Encumbrances, if significant

# Regular City Council Agenda Item Data Sheet

Meeting Date: June 17, 2013

**Topic:**

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.

**Background:**

The Grassi Acres Preliminary Plat and Final Plat were both presented to the Planning and Zoning Commission on Monday, May 13, 2013. Both plats were accepted and approved. The Final is now being forwarded to City Council for consideration.

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

Brandy Pate, Engineering and Planning

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

**ATTACHMENTS:**

Grassi Acres Final Plat

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 89°04'15" E | 238.45'  |
| L2   | S 89°42'16" W | 237.22'  |

✕-✕- WIRE FENCE  
 ##-## WOOD FENCE

Notes:  
 Public Easements:  
 Public Easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from upon said easement for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding 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 oil 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.

Notes cont.  
 Note #4:  
 This plat does not attempt to amend or remove any void covenants or restrictions.  
 Note #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.  
 Note #6:  
 The Basis of Bearings for this plat is the West line of the 15.2374 acres per recorded deed.  
 Note #7:  
 Subject to a 30 foot pipeline easement per Vol. 2952, Pg. 599 D.R.H.C.T. No evidence of pipeline on the ground.

M.R.H.C.T. = MAP RECORDS OF HARRIS COUNTY TEXAS  
 R.P.R.H.C.T. = REAL PROPERTY RECORDS OF HARRIS COUNTY TEXAS  
 FC NO. = FILM CODE NUMBER  
 CF NO. = CLERK'S FILE NUMBER  
 B.L. = BUILDING LINE  
 C.O.T.U.E. = UTILITY EASEMENT DEDICATED TO THE CITY OF TOMBALL

Flood Information:  
 According to FEMA Firm Panel No. 48201C0230-L (Effective Date June 18, 2007), this property is in Zone "X" & "AE" and is within the 1% Annual Chance Flood Plain.

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

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

Note #3:  
 No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil 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.

THE STATE OF TEXAS  
 COUNTY OF HARRIS

I, Richard R. Grassi, Jr. and Mariam A. Oshman, owners hereinafter referred to as owners of the 3.0822 acre tract described in the above and foregoing plat of GRASSI ACRES, 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 myself, my heirs, successors and assigns to warrant and forever defend the title to 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 (5') in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

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

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

WITNESS my hand in the City of Tomball, Texas, this 3rd day of June, 2013.

By: Richard R. Grassi, Jr.

By: Mariam A. Oshman

THE STATE OF TEXAS  
 COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Richard R. Grassi, Jr., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 3rd day of June, 2013.

Rose Ann Oulfin  
 Notary Public in and for the State of Texas

My Commission Expires: 1-14-2017

THE STATE OF TEXAS  
 COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Mariam A. Oshman, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 3rd day of June, 2013.

Rose Ann Oulfin  
 Notary Public in and for the State of Texas

My Commission Expires: 1-14-2017

We, Spirit of Texas Bank, owner and holder of a lien against the property described in the plat known as GRASSI ACRES, said lien being evidenced by instrument recorded in Clerk's File Number 20120042624 and 20120042625 of the Real Property Records 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 dedication and restraints shown herein to said plat and we hereby confirm that we are the present owner of said lien and have not assigned the same nor any part thereof.

By: Matthew Bagzis  
 Vice President

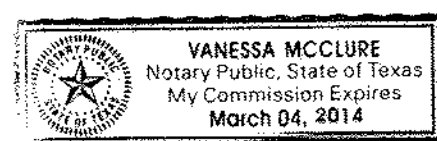
THE STATE OF TEXAS  
 COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Matthew Bagzis, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 16 day of May, 2013.

Vanessa McClure  
 Notary Public in and for the State of Texas

My Commission Expires: 3-4-14

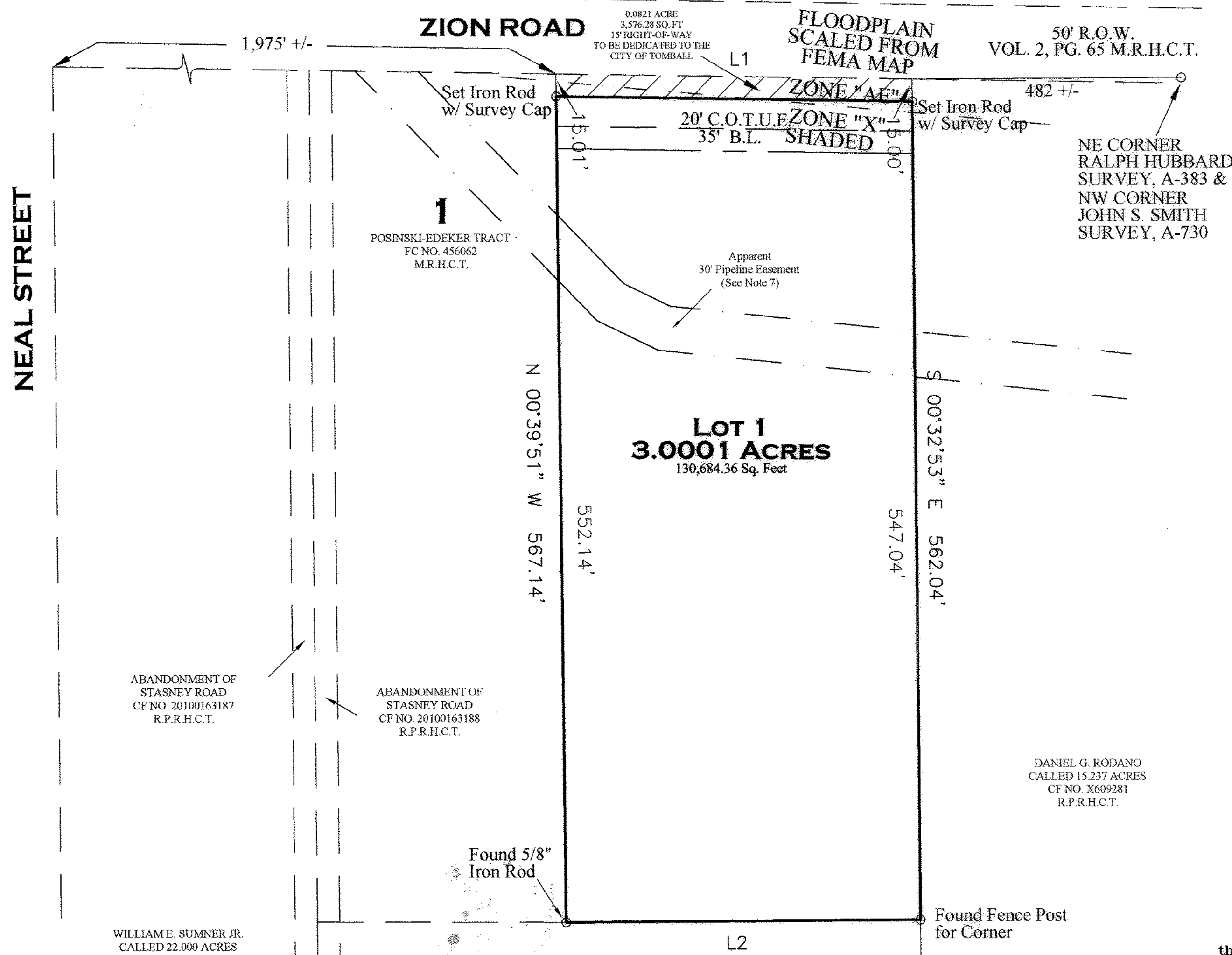
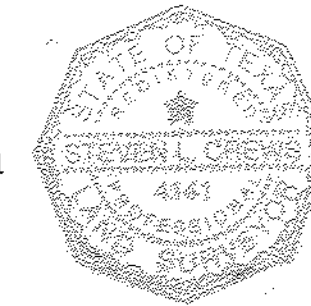


KEVIN FRANK  
 RESIDUAL OF A  
 CALLED 10.000 ACRES  
 CF NO. W952418 R.P.R.H.C.T.

BEVERLY HARRISON  
 RESIDUAL OF A  
 CALLED 10.4699 ACRES  
 CF NO. Y835944 R.P.R.H.C.T.

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

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



Harris County Clerk Certificate of Filing:

I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on \_\_\_\_\_, 2013, at \_\_\_\_\_ o'clock \_\_\_\_ M., and duly recorded on \_\_\_\_\_, 2013, at \_\_\_\_\_ o'clock \_\_\_\_ M., and at Film Code No. \_\_\_\_\_ of the Map Records of Harris County for said County.

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

Stan Stanart  
 County Clerk  
 of Harris County, Texas

By: \_\_\_\_\_  
 Deputy

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of GRASSI ACRES 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 \_\_\_\_\_, 2013.

By: \_\_\_\_\_  
 Lori Wallace  
 Chairman

By: \_\_\_\_\_  
 Evelyn Chervenak  
 Vice Chairman

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

George Shackelford, City Manager

Lori Lakatos, P.E.,  
 City Engineer

This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all dedicated public easements in conformance with the laws of the State of Texas the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

By: \_\_\_\_\_  
 Gretchen Fagan, Mayor

By: \_\_\_\_\_  
 Doris Speer, City Secretary

Surveyor:  
**C & C SURVEYING, INC.**

7424 FM 1488, Suite A  
 Magnolia, Texas 77354  
 Office: 281-356-5172  
 FAX: 281-356-1935

Owner:  
**RICHARD R. GRASSI JR. &  
 MARIAM A. OSHMAN**  
 1820 South Cherry Street  
 Tomball, Texas 77375

FINAL PLAT OF  
**GRASSI ACRES**

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.

1 LOT, 1 BLOCK

MAY 2013  
 Sheet 1 of 1

# Regular City Council Agenda Item Data Sheet

Meeting Date: June 17, 2013

**Topic:**

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.

**Background:**

Per Article 3.0 of the current service contract between The City of Tomball and Waste Corporation of Texas, L.P.; staff recommends renewal of the reference service contract for the final one-year term extension. There have been no significant service-related issues with WCA, their personnel have been extremely responsive, and staff feels that the current rates from WCA are extremely competitive. Therefore, staff feels it is in the City's and the community's best interest to renew the existing contract with WCA.

A copy of Article 3.0 of the existing service contract, and a copy of the notice of the City's intent to renew are attached for your review.

**Origination:**

Public Works

**Recommendation:**

Staff recommends approval for the issuance of Notice to WCA, Waste Corporation of America, for the Final One-Year Extension of the Solid Waste Services Contract between the City of Tomball and WCA.

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

| ACTION TAKEN                                             |                                                                                   |       |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|-------|
| APPROVAL                                                 | READINGS PASSED                                                                   | OTHER |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> 1 <sup>ST</sup> <input type="checkbox"/> 2 <sup>ND</sup> |       |

**ATTACHMENTS:**

Solid Waste Contract Article 3.0  
Final Extension Notice

# **SOLID WASTE COLLECTION AND DISPOSAL SERVICES FOR THE CITY OF TOMBALL, TEXAS**

## **SERVICE CONTRACT**

This Contract is dated as of the 1<sup>st</sup> day of October in the year 2009, between the City of Tomball (hereinafter called the CITY) and Waste Corporation of Texas, L.P. (hereinafter called "WCA").

The CITY and WCA, in consideration of mutual covenants hereinafter set forth, agree as follows:

### **ARTICLE 1.0 – GENERAL DESCRIPTION OF SERVICES**

For and in consideration of the compliance by WCA with the covenants and conditions herein set forth and the ordinances and regulations of the CITY governing the collection and disposal of solid waste, the CITY grants to WCA permission to use the City's designated public streets, alleys and access roadways within the corporate limits of the CITY for the purpose of providing collection services for residential, commercial and industrial waste except for hazardous waste and biosolids. WCA shall provide all supervision, materials, equipment, labor, insurance and all other skills and property required to fulfill each of its obligations under this agreement.

### **ARTICLE 2.0 – CONTRACT DOCUMENTS**

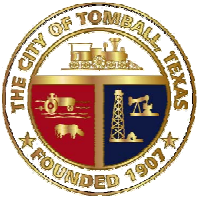
The Contract documents, all of which are attached hereto and made a part hereof, comprise the entire Agreement between the CITY and WCA with respect to the transaction and services hereby contemplated. Execution of the Contract is a representation that WCA has become familiar with all laws, rules, regulations, ordinances and restrictions applicable to, governing or affecting the services to be provided by WCA hereunder.

### **ARTICLE 3.0 – CONTRACT TERM**

The initial term of the Contract is for three (3) years and the CITY may, at its sole option, renew the contract for two one-year term extensions. The CITY shall give WCA written notice of its intention to extend, or not to extend, the Contract a minimum of ninety (90) days before the expiration of the initial three year term or any applicable on year extension.

### **ARTICLE 4.0 – STARTING DATE**

The starting date for which WCA shall begin providing the services required hereunder shall be October 1, 2009.



# City of Tomball

Gretchen Fagan  
Mayor

George Shackelford  
City Manager

June 17, 2013

Jerome M. Kruszka, President  
Waste Corporation of Texas, L.P.  
One Riverway, Suite 1400  
Houston, TX 77056

Dear Mr. Kruszka,

Per Article 3.0 of the current service contract between The City of Tomball and Waste Corporation of Texas, L.P.; this letter shall serve as the City's notice of intent to renew the current contract dated October 1, 2009, for the **final** one-year term extension.

The City and the Tomball community have enjoyed exceptional service from Waste Corporation of Texas, L.P. since the inception of our contract, and we look forward to working with you for the next year.

Feel free to call on me with any questions.

Sincerely,

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George Shackelford, City Manager