

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



MONDAY, JUNE 3, 2013

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, June 3, 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 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 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for*

length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]

5.0 Reports and Announcements

- 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 is attached 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 – 4:00 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:
 - Mike Baxter – Reports on the Success of the ***Memorial Day Weekend Chili Challenge at the Depot*** and the ***"Oiltown USA Jamboree...80 Years in the Making"***

- 6.0 Approve the Minutes of the May 20, 2013 Regular Tomball City Council Meeting
- 7.0 Old Business:
- 7.1 Adopt, on Second Reading, Ordinance 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.
- 8.0 New Business:
- 8.1 Consideration and Possible Action 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.
- 8.2 Approve the Tomball Economic Development Corporation (TEDC) 2013-2014 Strategic Work Plan.
- 8.3 Receive the Tomball Economic Development Corporation (TEDC) 2012-2013 Annual Report
- 8.4 Approve Interlocal Agreement between the City of Tomball and the Tomball Independent School District (TISD), affording the Tomball Police Department the Ability to Assign Four (4) Student Resource Officers (SROs) to TISD Campuses.
- 8.5 Approve Interlocal Agreement between the City of Tomball and the Tomball Independent School District for Use of Contraband Detection Canine within TISD Campuses.
- 8.6 Approve Interlocal Agreement between the City of Tomball and the Tomball Independent School District, Affording the Tomball Police Department the Ability to Provide Police Services on a Contractual Basis for Specialized Events Occurring Before, During and After the Normal Campus Hours.

9.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 30th day of May 2013 by 6:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer_____

Doris Speer

City Secretary, TRMC

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information.

AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Regular City Council Agenda Item Data Sheet

Meeting Date: June 3, 2013

Topic:

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

Background:

Origination:

Recommendation:

Funding:

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

City Secretary

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: June 3, 2013

Topic:

- Led by Members of the Tomball High School Student Council

Background:

Origination:

Recommendation:

Funding:

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

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 3, 2013

Topic:

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Mayor Gretchen Fagan, City of Tomball

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Background:

Origination:

Various

Recommendation:

N/A

Funding:

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

City Secretary

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

ATTACHMENTS:

Quarterly Investment Report for Period Ending 3/31/2013

2nd Saturday at the Depot

Friday Night Creature Feature – Creature from the Black Lagoon

5th Annual Economic Development Breakfast

City of Tomball July 4th Celebration

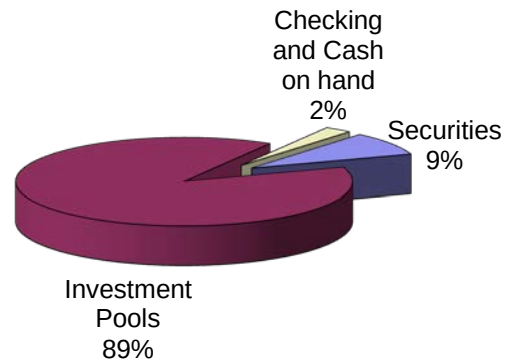
CITY OF TOMBALL PORTFOLIO DIVERSIFICATION March 31, 2013

By Type

	Current Market Value	Percent Portfolio
Securities	\$ 3,669,017	8.67%
Investment Pools	37,526,344	88.73%
Checking and Cash on hand	1,099,011	2.60%
Total Portfolio	<u>\$ 42,294,372</u>	

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

Diversification By Type

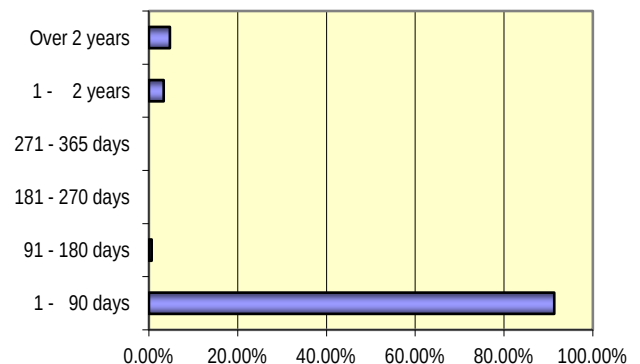


By Maturity

	Current Market Value	Percent Portfolio
1 - 90 days	\$ 38,625,355	91.33%
91 - 180 days	261,508	0.62%
181 - 270 days	-	0.00%
271 - 365 days	-	0.00%
1 - 2 years	1,407,917	3.33%
Over 2 years	1,999,592	4.73%
Total Portfolio	<u>\$ 42,294,372</u>	

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

Diversification by Maturity



**CITY OF TOMBALL
INVESTMENT PORTFOLIO SUMMARY
ACTIVITY FOR QUARTER ENDING
March 31, 2013**

ALL CITY FUNDS (POOLED)

INVESTMENTS	COST	MARKET	RATIO	YTM at COST	BENCHMARK YTM**
Beginning of period*	4,553,291	4,534,040	0.8314	0.576%	0.16%
Purchases	1,000,000	1,000,000			
Maturities	1,876,853	1,860,000			
Change in value	-	5,023			
Sales					
End of period	3,676,438	3,669,017	0.9980	0.538%	0.14%

Total Accrued Interest at end of period: \$ 6,554

**Benchmark security is the One-year U. S. Treasury Bill
Weighted average maturity of the portfolio at quarter end is 773 days.

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

Treasurer

Asst. Treasurer

* Beginning balance restated for investment cost.

**CITY OF TOMBALL
INVESTMENTS IN SECURITIES
PORTFOLIO AS OF MARCH 31, 2013**

SECURITY DESCRIPTION	CUSIP NUMBER	RATING	MATURITY DATE	INTEREST YIELD	MARKET VALUE	DAYS AFTER 03/31/13	INDIVIDUAL MARKET VALUE/TOTAL	WAM DAYS x PERCENT
1) Brenham TX- 2%	107115JW8	AA-	8/15/2013	1.000%	261,508	137	7.127%	9.76
2) Waukeg, IA- 2%	942830PK0	Aa3	6/1/2014	0.450%	407,708	427	11.112%	47.45
3) Federal Farm Credit Bank- .35%	3133ECHE7	AA+	9/11/2015	0.350%	999,555	894	27.243%	243.55
4) Freddie Mac- .350%	3134G3W71	AA+	11/26/2014	0.301%	1,000,209	605	27.261%	164.93
5) Fed Farm Credit Bank- .59%	3133EAB56	AA+	5/2/2016	0.590%	1,000,037	1128	27.256%	307.45
TOTALS				0.538%	3,669,017	638	100.000%	773.15

**CITY OF TOMBALL
CASH AND CASH EQUIVALENTS
FOR QUARTER ENDING
March 31, 2013**

FUNDS		CASH AND CASH EQUIVALENTS					INVESTMENTS		TOTAL CASH, CASH EQUIVALENTS AND INVESTMENTS
MAJOR FUNDS	TEXAS CLASS	TEXPOOL	OPERATING ACCOUNT	CASH ON HAND	TOTAL CASH AND CASH EQUIVALENTS	INVESTMENT SECURITIES	TOTAL INVESTMENTS		
General	\$ 2,267,690	\$ 6,882,212	\$ 47,214	\$ 2,200	\$ 9,199,316	\$ 1,669,253	\$ 1,669,253	\$ 10,868,569	
Debt Service	\$ 503,931	\$ 1,595,618	\$ 156,694	\$ -	\$ 2,256,243	\$ -	\$ -	\$ 2,256,243	
Enterprise	\$ 2,015,725	\$ 4,791,276	\$ 299,635	\$ 597	\$ 7,107,233	\$ 1,000,209	\$ 1,000,209	\$ 8,107,442	
OTHER FUNDS									
Special Revenue	\$ 75,590	\$ 52,553	\$ 2,978	\$ -	\$ 131,121	\$ -	\$ -	\$ 131,121	
Municipal Court Building Security	\$ 100,786	\$ 91,499	\$ 4,930	\$ -	\$ 197,215	\$ -	\$ -	\$ 197,215	
Municipal Court Technology	\$ 60,472	\$ 166,669	\$ 6,015	\$ -	\$ 233,156	\$ -	\$ -	\$ 233,156	
Hotel Occupancy Tax	\$ 100,786	\$ 185,404	\$ 25,283	\$ -	\$ 311,473	\$ -	\$ -	\$ 311,473	
Red Light Camera Program	\$ 251,966	\$ 289,833	\$ 11,605	\$ -	\$ 553,404	\$ -	\$ -	\$ 553,404	
PD District Attorney Grant	\$ -	\$ -	\$ 440	\$ -	\$ 440	\$ -	\$ -	\$ 440	
Department of Justice Grant	\$ -	\$ -	\$ 41	\$ -	\$ 41	\$ -	\$ -	\$ 41	
SAFER Grant	\$ -	\$ -	\$ (258,108)	\$ -	\$ (258,108)	\$ -	\$ -	\$ (258,108)	
Tomball "Fun Runs"	\$ -	\$ -	\$ 4,575	\$ -	\$ 4,575	\$ -	\$ -	\$ 4,575	
General Capital Projects	\$ 50,393	\$ 14,481,400	\$ 497,320	\$ -	\$ 15,029,113	\$ 999,555	\$ 999,555	\$ 16,028,668	
Fleet Replacement	\$ 453,538	\$ 723,111	\$ 159,909	\$ -	\$ 1,336,558	\$ -	\$ -	\$ 1,336,558	
Water Capital Recovery	\$ 100,786	\$ 751,964	\$ 11,960	\$ -	\$ 864,710	\$ -	\$ -	\$ 864,710	
Sewer Capital Recovery	\$ 151,179	\$ 864,823	\$ 16,816	\$ -	\$ 1,032,818	\$ -	\$ -	\$ 1,032,818	
Health Insurance Trust	\$ -	\$ 517,140	\$ 108,907	\$ -	\$ 626,047	\$ -	\$ -	\$ 626,047	
TOTALS	\$ 6,132,842	\$ 31,393,502	\$ 1,096,214	\$ 2,797	\$ 38,625,355	\$ 3,669,017	\$ 3,669,017	\$ 42,294,372	

2nd Saturday

At the Depot in Tomball

June 8th

6:30 PM

- Music by the Cypress Ramblers
- Bounce house and games
- Create a baseball Father's Day gift along with sand art crafts while supplies last
- Concessions from Snookies Fish Camp & Grill and Frozenbliss Shaved Ice

TOMBALL
TEXAN FOR FUN!®

facebook

www.facebook.com/TomballTexanForFun

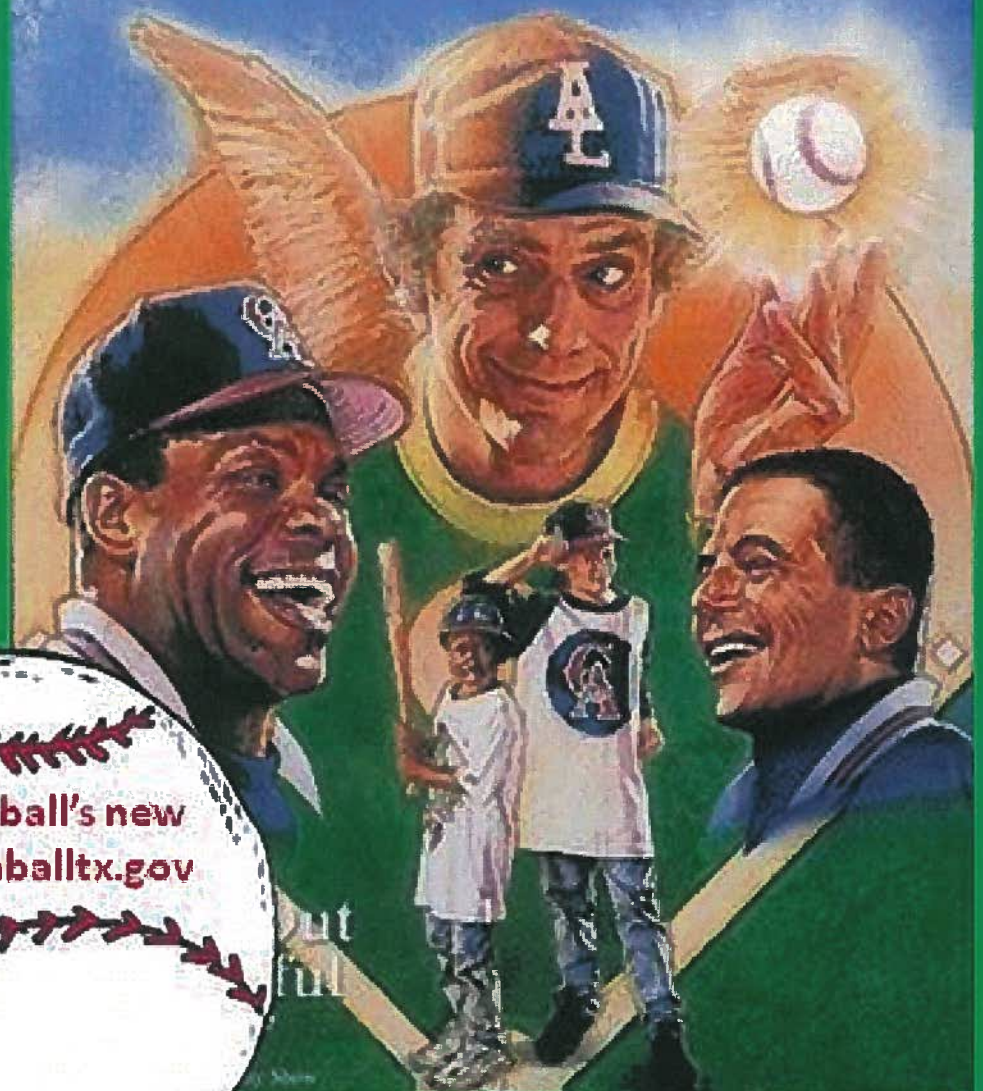
*In case of rain the event will take place
at the Tomball Community Center –
Market and South Cherry Streets

HOLY TOLEDO!

Danny Glover Tony Danza and Christopher Lloyd

WALT DISNEY
PICTURES PRESENTS

ANGELS IN THE OUTFIELD



Rusty's Family Feature
On the giant inflatable screen

THIS INFORMATION IS BEING DISTRIBUTED AS A COMMUNITY SERVICE AND
TOMBALL ISD IS NOT A SPONSORING ORGANIZATION

The Depot is at 201 S. Elm Street in historic downtown Tomball, Texas. Call 281-351-5484 for information.

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

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

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

3 - 10 PM
ON BUSINESS
HWY 249

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

- HAY RIDES
- VENDORS
- FREE ADMISSION
AND PARKING

PRESENTED BY



Regular City Council Agenda Item Data Sheet

Meeting Date: June 3, 2013

Topic:

Approve the Minutes of the May 20, 2013 Regular Tomball City Council Meeting

Background:

Origination:

City Secretary

Recommendation:

N/A

Funding:

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

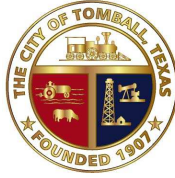
City Secretary

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

ATTACHMENTS:

Draft Minutes - May 20, 2013 Regular Tomball City Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, MAY 20, 2013
6:00 P.M.**

1.0 Call to Order

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

Councilman Hudgens
Councilman Stoll
Councilman Brown
Councilman Townsend

Members absent:

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
Community Development Director – Craig Meyers
Marketing Director – Mike Baxter
City Planner – Rebeca Guerra
Assistant City Engineer – Lori Lakatos
Community Events Coordinator – Rosalie Dillon
Executive Director-TEDC – Kelly Violette
Chief-NWEMS – Raul Reyes
Alternate Municipal Judge – Laryssa Korduba

2.0 Invocation

- Led by Reverend Tommy Lyles, Tomball United Methodist Church

3.0 Pledges to U. S. and Texas Flags

- Led by Anna Liu, President, Alan Hernandez, and Gabriel Gach, Members of the Tomball High School Student Council.

4.0 Canvass of Elections:

4.1 Canvass of Election

Escrutinio de la Elección

Kiểm Phiếu của Cuộc Bầu Cử

拉票選舉

Resolution No. 2013-15, Canceling the Regular City Officer's Election Scheduled to be held on the 11th Day of May, 2013, in Accordance with Section 2.053(a) of the Texas Election Code; Directing the Giving of Notice of Such Cancellation of Election; and Providing Details Relating to the Cancellation of Such Election as approved by City Council on March 18, 2013, at the Regular Council Meeting. The following actions complete the canvass of the May 11, 2013 Election.

Resolución Nro. 2013-15, cancelando la Elección Regular de Funcionarios de la Ciudad programada para el 11 de mayo de 2013, de acuerdo con la Sección 2.053(a) del Código Electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y disponiendo los detalles relativos a la cancelación de tal elección como fue aprobada por el Consejo Municipal el 18 de marzo de 2013 en la asamblea ordinaria del Consejo. Las medidas indicadas a continuación completan el escrutinio de la Elección del 13 de mayo de 2013.

Nghị quyết số 2013-15, Hủy Bỏ Cuộc Bầu Cử Viên Chức Thành Phố Thường Lệ Dự Kiến sẽ được tổ chức vào ngày 11 tháng Năm, 2013 chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Tiểu Bang Texas; Chỉ thị việc Ban Hành Thông Báo Hủy Bỏ Cuộc Bầu Cử; và Cung Cấp Thông Tin Chi Tiết liên quan đến Hủy Bỏ Cuộc Bầu Cử theo phê chuẩn của Hội Đồng Thành Phố vào ngày 18 tháng Ba, 2013 tại Cuộc Họp Hội Đồng Thường Lệ. Các hành động sau đây hoàn tất việc kiểm phiếu ngày 11 tháng Năm, 2013.

決議案2013-15號, 取消一般市府官員應於2013年5月11日的選舉計畫, 其是根據德克薩斯州選舉法2.053(a)節 ; 茲此通知該選舉取消 ; 以及提供

關於由市政委員會於2013年3月18日，在一般是政會議通過取消該選舉的詳情。下列行動完成2013年5月11日選舉遊說

- 4.2 The Oath of Office was administered by Commissioner R. Jack Cagle, Precinct 4, Harris County to Gretchen Fagan, re-elected Mayor and Rick Brown, re-elected Councilman, Position 3.

Administrar el juramento al cargo de los funcionarios electos – Comisionado R. Jack Cagle, Precinto 4, Condado de Harris

Làm lễ Tuyên Thệ Nhậm Chức cho các Viên Chức Được Bầu Chọn – Ủy Viên R. Jack Cagle, Phân Khu 4, Quận Harris

管理選舉官員宣誓就職 – 委員R. Jack Cagle, 選區4, Harris郡

Mayor Fagan and Commissioner Cagle presented bouquet to Doris Speer and expressed their congratulations, on behalf of the City Council, for earning her MBA.

- 4.3 Councilman Brown nominated Preston Dodson as Mayor Pro-Tem, in Accordance with Section 6.08 of the City of Tomball Home Rule Charter. Councilman Stoll nominated Derek Townsend as Mayor Pro-Tem; Councilman Townsend respectfully withdrew his name. Nominations ceased. Vote was as follows:

El Concejal Brown nominó a Preston Dodson como Alcalde interino y el Concejal Stoll nominó a Derek Townsend como Alcalde interino en conformidad con la Sección 6.08 de la Carta Orgánica de Gobierno Local de la Ciudad de Tomball. El Concejal Stoll nominó a Derek Townsend como Alcalde interino; Concejal Townsend retiró respetuosamente su nombre. Las nominaciones cesaron. Los votos fueron los siguientes:

Nghị Viên Brown đề cử Preston Dodson làm Thị Trưởng Tạm Thời và Nghị, chiếu theo Mục 6.08 của Hiến Chương Điều Lệ Địa Phương Thành Phố Tomball. Viên Stoll đề cử Derek Townsend làm Thị Trưởng Tạm Thời; Hội viên hội đồng Townsend Trân trọng rút tên của ông. Việc đề cử đã chấm dứt. Các phiếu bầu như sau:

委員Brown 提名Preston Dodson 為暫時市長及委員，根據 Tomball

市條例憲章6.08節。委員Stoll 提名Derek Townsend；委員Townsend

恭敬地取消了他的。如下投票:

Councilman Hudgens	<u>Absent</u>
Councilman Stoll	<u>Preston Dodson</u>
Councilman Brown	<u>Preston Dodson</u>
Councilman Townsend	<u>Preston Dodson</u>

Councilman Dodson	<u>Absent</u>
<i>Concejal Hudgens</i>	<u>Ausente</u>
<i>Concejal Stoll</i>	<u>Preston Dodson</u>
<i>Concejal Brown</i>	<u>Preston Dodson</u>
<i>Concejal Townsend</i>	<u>Preston Dodson</u>
<i>Concejal Dodson</i>	<u>Ausente</u>
Nghị Viên Hudgens	<u>Vắng Mặt</u>
Nghị Viên Stoll	<u>Preston Dodson</u>
Nghị Viên Brown	<u>Preston Dodson</u>
Nghị Viên Townsend	<u>Preston Dodson</u>
Nghị Viên Dodson	<u>Vắng Mặt</u>
委員 Hudgens	<u>缺席</u>
委員 Stoll	<u>Preston Dodson</u>
委員 Brown	<u>Preston Dodson</u>
委員 Townsend	<u>Preston Dodson</u>
委員 Dodson	<u>缺席</u>

Councilman Preston Dodson was elected Mayor Pro-Tem.
El Concejal Preston Dodson fue elegido Alcalde interino.
 Nghị Viên Preston Dodson được chọn làm Thị Trưởng Tạm Thời.
 委員 Preston Dodson 已當選為暫時市長。

5.0 The following public comments were received:

Bruce Hillegeist Greater Tomball Area Chamber of Commerce 20339 Telge, 77377	- Congratulated Mayor Fagan and Councilman Brown on being re-elected; congratulated City Secretary, Doris Speer, on receiving her MBA.
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6.0 Presentations:

- Mayor Fagan presented the following Proclamations:
 - **National Public Works Week** – May 19-25, 2013
Since 1960, APWA has sponsored National Public Works Week. Across North America, more than 28,000 APWA members in the US and Canada use this week to energize and educate the public on the importance of the contributions of public works to their daily lives: planning, building, managing and operating the heart of our local

communities and building the quality of life. APWA has selected "Because of Public Works..." as its theme for 2013's National Public Works Week, which will be celebrated May 19-25, 2013 to highlight the quality of life brought to communities around the world through clean water, safe streets and neighborhoods, efficient traffic, and safe, clean communities "Because of Public Works...".

- **National Emergency Medical Services Week – "EMS: One Mission. One Team"** – May 19-25, 2013
- **Hurricane Preparedness Week** – May 26-June 1, 2013

Councilman Hudgens left the meeting at 6:25 p.m.

7.0 Reports and Announcements:

- May 25, 2013 – **Memorial Day Weekend Chili Challenge at the Depot** – 10:00 a.m. to 5:00 p.m.
- May 27, 2013 – **"Oiltown USA Jamboree...80 Years in the Making"** – 11:00 a.m.-6:00 p.m.
- June 8, 2013 – **2nd Saturday at the Depot** – 6:30 p.m.
- June 21, 2013 – **Friday Night Creature Feature – *Creature from the Black Lagoon***
- 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 16, 2013 – **Friday Night Creature Feature – *THEM!***
- **Walk Tomball!** – Every Saturday at 9:00 a.m. at the Depot
- **Tomball Kids Club is Coming!** – TBA
- Reports by City staff and members of council about items of community interest on which no action will be taken

- 8.0 Motion was made by Councilman Townsend, second by Councilman Brown, to approve the Minutes of the May 6, 2013 Regular City Council Meeting.

Motion carried unanimously.

9.0 Old Business:

- 9.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2013-07, an Ordinance of the City Council of the City of Tomball, Texas, Authorizing the City of Tomball to Participate in the Texas Enterprise Zone Program Under The Texas Enterprise Zone Act, Chapter 2303, Texas Government Code; Defining Available Tax Incentives; Nominating Baker Hughes Oilfield Operations, Inc. to the Office of the Governor Economic Development and Tourism through the Economic

Development Bank for Designation as an Enterprise Project under The Act; and Designating a Liaison for overseeing Enterprise Projects and Communicating with Interested Parties. Vote was as follows:

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

Motion carried unanimously.

- 9.2 Craig Meyer presented an Update from LS Development on the Progress of Acquiring Rights-of-Way and Easements for Water, Sanitary Sewer and Gas Main Extensions to the Raleigh Creek Subdivision. Park Patterson, representing LS Development, provided an update to the City Council regarding negotiations with property owners and advised Council that additional information would be provided in a couple of weeks.

No action taken.

10.0 New Business:

- 10.1 Mayor Fagan opened the Public Hearing at 6:39 p.m. to consider approval of **ZONING CASE P13-045**: Request by Kyle Phenix, on behalf of LAR Properties, LC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 10.95 acres of land, legally described as Reserve E, Block 1, Leslie's Park, within the City of Tomball, Harris County, Texas, generally located northerly of Brown Road, easterly of Quinn Road, from the Single-Family Residential-9 District to the Planned Development-4 District to facilitate a single-family subdivision.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:39 p.m.

Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2013-09 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Brown, second by Councilman Stoll, to adopt, on First 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's 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 Dodson	<u>Absent</u>
Councilman Hudgens	<u>Absent</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>

Motion carried unanimously.

- 10.2 Motion was made by Councilman Brown, second by Councilman Stoll, to approve **PARKWAY OASIS REPLAT NO. 2**: A subdivision of a 7.8613 acre tract of land being all of Lot 5, Block 1, Parkway Oasis (Film Code No. 622219; H.C.M.R.) and all of Lot 1 and Lot 6, Block 1, Parkway Oasis Partial Replat No. 1 (Film Code No. 635087; H.C.M.R.) in the William Hurd Survey, Abstract No. 378 and in the John Hooper Survey Abstract No. 375, City of Tomball, Harris County, Texas.

Motion carried unanimously.

- 10.3 Motion was made by Councilman Stoll, second by Councilman Brown, to approve the terms of a Settlement Agreement for Pending Litigation through Texas Municipal League Intergovernmental Risk Pool.

Motion carried unanimously.

- 11.0 Motion was made by Councilman Townsend, second by Councilman Brown, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 3rd day of June 2013.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: June 3, 2013

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance 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.

Background:

On March 7, 2013, City staff met with the applicant, Kyle Phenix, to discuss the development of an upscale, gated single-family subdivision at the northeast corner of Brown Road and Quinn Road. According to the concept plan, the subdivision will consist of 40 residential lots, an amenity area, sidewalks, and curb and gutter streets (Exhibit “D”). The applicant indicated his desire to develop on lots 50 feet wide, 110 feet deep, and 6,500 square feet in area to meet builder demands for this area. City staff then informed Mr. Phenix that the property is zoned SF-9 which requires lots to be a minimum of 75 feet wide, 100 feet deep, and 9,000 square feet in area which is larger than his proposal. Mr. Phenix was informed that he could request variances from the Board of Adjustment for the lot width, depth, and area requirements, request a rezoning to the SF-6 district which would allow his desired lot sizes, or request a Planned Development District (PDD) in order to be able to develop the site utilizing design standards consistent with his particular housing product. On March 27, 2013, the City received a PDD application from Mr. Phenix for the subject site.

On May 20, 2013 Council adopted Ordinance No. 2013-09 on First Reading.

Origination:

Kyle Phenix, on behalf of LAR Properties, LC

Recommendation:

Adopt Ordinance No. 2013-09 on Second Reading.

Funding:

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

Doris Speer, City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER

☐ YES ☐ NO

☐ 1ST ☐ 2ND

ATTACHMENTS:

Ordinance No. 2013-09

Notice of Public Hearing

P13-045 Staff Report

Property Owner Notification Letter

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, LESLIES 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.**

* * * * *

Whereas, LAR Properties, LC, (the “Owner”) is the Owner of 10.95 acres of land, legally described as Reserve E, Block 1, Leslies Park (the “Property”), in the City of Tomball, Harris County, Texas; and

Whereas, Kyle Phenix (the “Applicant”) has submitted an application for a PDD on behalf of the Owner; and

Whereas, the Property is presently zoned as Single-Family Residential-9 District (SF-9) District pursuant to the City’s Zoning Ordinance; and

Whereas, the Applicant attended a pre-application meeting on March 7, 2013; and

Whereas, the Owner has presented an application to the City for a PDD to allow the construction, operation, and use of a single-family subdivision; and

Whereas, the PDD application consists of an application (Exhibit “A”); a cover letter (Exhibit “B”); and concept plan (Exhibit “C”) attached to and made a part of this Ordinance; and

Whereas, the Property is not subject to any indebtedness to the City of Tomball; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days written notice of that hearing to the

owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the rezoning; and

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council grant such proposed change in the zoning district classification of the Property; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing on the proposal to change the zoning district classification for the Property from the SF-9 District to PD-4, the City Council held the public hearing on the proposal to change the zoning for the Property and the City Council considered the final report of the Planning & Zoning Commission regarding the change of zoning district classification, and

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

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

Section 2. The application of LAR Properties, LC for a PDD of 10.95 acres of land, legally described as Reserve E, Block 1, Leslie's Park, is hereby approved subject to the regulations, restrictions, terms, and conditions hereinafter set forth.

Section 3. The Zoning District Map of the City of Tomball, Texas, shall be revised and amended to show the designation of the Property as PD-4 as provided in the preamble hereof, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the change in zoning classification for the Property provided herein subject to the regulations, restrictions, terms, and conditions of the PD provided for herein.

Section 5. PD-4 will be limited to single-family (detached) dwellings and residential amenities.

Section 6. The uses authorized and permitted shall be subject to the following additional restrictions:

- A. **Compliance with Application and Site Plans:** The granting of the PD shall be, and is hereby, conditioned upon the proposed improvements being located, constructed, and conducted upon the Property in substantial compliance with the application (Exhibit

“A”), cover letter (Exhibit “B”), concept plan (Exhibit “C”) made a part hereof for all purposes.

B. Maximum Height Regulations:

1. Main Building/House: 2 stories, not to exceed 35 feet
2. Accessory Building(s): 1 stories, not to exceed 15 feet

C. Area:

1. Size of Lots:

- a. Minimum Lot Area: 6,500 square feet
- b. Minimum Lot Width: 50 feet. Radial lots shall have a minimum width of 60 feet at and for a distance of 30 feet behind the front yard/building line. No lot shall be created that has a front yard with less than 30 feet of frontage on the front.
- c. Minimum Lot Depth: 110 feet

2. Front, Side, and Rear Building/Structure Setbacks:

a. Minimum Front Yard:

1. 20 feet
2. Adjacent to Arterial Street: 35 feet

b. Minimum Side Yard:

1. Interior: 5 feet
2. Adjacent to Non-Arterial Street: 15 feet
3. Adjacent to Arterial Street: 35 feet

c. Minimum Rear Yard:

1. 10 feet
2. Adjacent to Arterial Street: 35 feet

3. Maximum Lot Coverage: 55%

4. Minimum Floor Area Per Dwelling Unit: 1,200 square feet of heated and/or air-conditioned floor area.

D. Off-Street Parking:

1. Each single-family (detached) dwelling shall provide two on-site, off-street parking stalls per Section 38 (Use Regulations) of the Zoning Ordinance and shall be constructed per Section 39 (Off-Street Parking and Loading Requirements) of the Zoning Ordinance.
2. The residential amenity area shall provide a minimum of four on-site, off-street parking stalls and shall be constructed per Section 39 (Off-Street Parking and Loading Requirements) of the Zoning Ordinance.

E. Landscaping:

1. Lots with single-family (detached) dwellings shall not be required to adhere to Section 40 ("Landscape Requirements") of the Zoning Ordinance.
2. The residential amenity area shall be required to adhere to Section 40 ("Landscape Requirements") of the Zoning Ordinance.

F. Open Green Space: At least 15% of the gross PDD area shall be "open green space." For the purpose of this ordinance, "open green space" shall be defined as, and limited to, common areas of open space or landscaping and community recreational areas that are continuously maintained. Open green space does not include areas or lots specifically designated or used as building sites for homes, building sites for utility or storage buildings, parking lots, garages, streets, or driveways within a residential development. The actual surface areas of open green space, such as common area lawns and landscaping, community swimming pools and surrounding paved deck area, community tennis courts, community rooms, community saunas, and other common recreational areas, shall be considered in calculating the minimum requirement for open green space. Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, maybe included in computing the minimum required area of green space.

G. Accessory Buildings: Accessory buildings shall adhere to Section 41 (Accessory Buildings and Related Use Regulations) of the Zoning Ordinance.

H. Screening, Buffering, and Fencing: Screening, buffering, and fencing shall adhere to Section 42 (Screening, Buffering, and Fencing Requirements) of the Zoning Ordinance.

I. Signage: All signage shall adhere to Chapter 60 (Signs) of the Code of Ordinances.

J. Other Requirements:

1. Only portions of the PDD which have immediate plans to be developed shall be cleared of trees, shrubs, or other vegetation.
2. Amenities: The residential amenity area shall be fully constructed before site plan approval shall be granted for the 11th single-family (detached) dwelling unit.

Section 7. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 8. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 9. City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex.Gov't. Code ch. 551.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20TH DAY OF MAY 2013.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 3RD DAY OF JUNE
2013.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "A" Application



Revised 1/20/09

Application for Planned Development Engineering & Planning Department

The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

No planned development shall be established and no building permit shall be issued for any use designated as a Planned Development within any zoning district until a Planned Development Permit is approved and issued in accordance with the provisions of the Zoning Ordinance and Concept Plan.

The minimum acreage for a planned development request shall be four (4) acres.

APPLICATION SUBMITTAL: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

Applicant

Name: KYLE PHENIX Title: _____
Mailing Address: 2051 COPPERWOOD PARK LN. City: SPRING State: TX
Zip: 77386
Phone: (281) 733-6196 Fax: (281) 855-8055 Email: KYLE.PHENIX@GMAIL.COM

Owner

Name: LAR PROPERTIES, LC Title: _____
Mailing Address: P.O. BOX 2024 City: FRIENDSWOOD State: TX
Zip: 77549
Phone: () _____ Fax: () _____ Email: _____

FUTURE OWNERS: K. KERRY EMMOTT & KYLE PHENIX
Engineer/Surveyor (if applicable)

Name: JOHN K. SHERRINGTON, P.E. Title: _____
Mailing Address: 14870 SKINNER RD. City: CYPRESS State: TX
Zip: 77429
Phone: (281) 758-1531 Fax: (281) 758-1534 Email: JOHN@SHERRINGTONINC.COM

Description of Proposed Project: UPSCALE GATED SINGLE-FAMILY RESIDENTIAL DEVELOPMENT, HOMES BY DAVID WEEKLEY HOMES.

Physical Location of Property: NORTHEAST CORNER OF QUINN RD. & BROWN HURSMITH RD.

[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Reserve E, Block 1 of LESLIES PARK
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 119-522-001-0005 Acreage: 10.9454

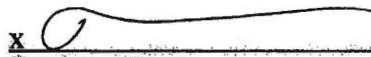
Current Use of Property: UNDEVELOPED

Proposed Use of Property: PLANNED DEVELOPMENT CONSISTING OF UPSCALE
SINGLE FAMILY RESIDENTIAL HOMES BUILT BY DAVID WEEKLEY IN GATED
Please note: A courtesy notification sign will be placed on the subject property during the public SUBDIVISION
hearing process and will be removed when the case has been processed.

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


Signature of Applicant

03/28/2013
Date

X 
Signature of Owner

3/28/2013
Date

Exhibit “B” Cover Letter

04/02/2013

City of Tomball, Planning and Development Department:

This letter, accompanied by the appropriate application and additional requirements, represents a formal request for a planned development of the tract of land described within the application. The proposed use of this land will be an upscale gated residential subdivision containing homes designed and built by David Weekley Homes. We feel that this residential development will be a great addition to Tomball and is consistent with the City’s vision of future growth.

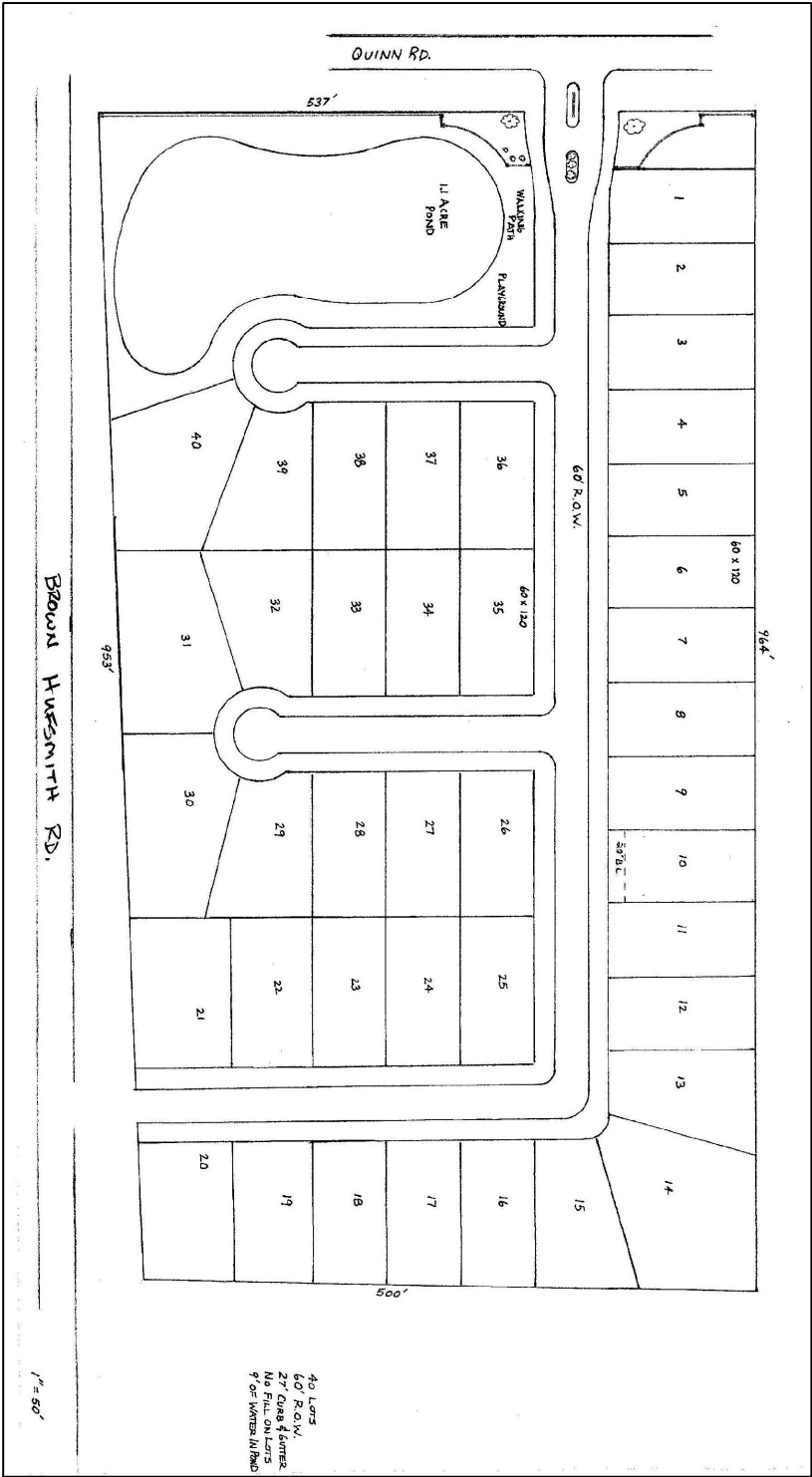
The proposed planned development of this property will allow us to efficiently develop the land to its best use by providing the City of Tomball with an aesthetically appealing gated subdivision, a quality product for new and existing residents, and a new revenue source for the City. The superior design intended for this planned development will also provide increased recreational amenities and open space opportunities including water features, walking paths, jogging trails, observation benches, children’s playground and protected green space.

Being former residents of Tomball gives us a perspective and emotional attachment towards the community. We share the common goal of positive growth with the City of Tomball and want to contribute to the overall success of the community. Thank you for your time and consideration towards our planned development request.

Sincerely,

K. Kerry Emmott & Kyle Phenix

Exhibit "C"
Concept Plan



**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
MAY 13, 2013
&
CITY COUNCIL
MAY 20, 2013**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, May 13, 2013, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, May 20, 2013, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P13-045: Request by Kyle Phenix, on behalf of LAR Properties, LC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 10.95 acres of land, legally described as Reserve E, Block 1, Leslies Park, within the City of Tomball, Harris County, Texas, generally located northerly of Brown Road, easterly of Quinn Road, from the Single-Family Residential-9 District to the Planned Development - 4 District to facilitate a single-family subdivision.

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning & Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more of the above cases, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning & Zoning Commission. The application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering & Planning Department office, located at 501 James Street, Tomball, TX 77375. **Contact Assistant City Planner** Rodney Schmidt, (281) 290-1410, rschmidt@tomballtx.gov.

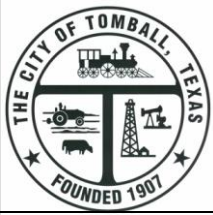
CERTIFICATION

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 9th day of May 2013 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate

Brandy Pate
Senior Administrative Assistant
P&Z Commission Secretary

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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: May 13, 2013

Rezoning Case: P13-045

Property Owner(s): LAR Properties, LC

Applicant: Kyle Phenix

Legal Description: Reserve E, Block 1, Leslie Park

Location: Northerly of Brown Road, easterly of Quinn Road (Exhibit "A")

Area: 10.95 acres

Present Zoning and Use: Single-Family Residential-9 (SF-9) District (Exhibit "B") / Vacant

Comp Plan Designation: Medium Density Residential (Exhibit "C")

Proposed Zoning and Use: Planned Development District #4 / Single-Family Residential Subdivision

Adjacent Zoning & Land Uses:

North: SF-9 / Tomball Independent School District (TISD) transportation facility

South: SF-6 / Brown Road, vacant land, & Tomball Elementary School

West: SF-9 & PD-1 ("Office w/Residential Look") / Quinn Road & Springwood subdivision

East: SF-9 / Vacant

BACKGROUND

On March 7, 2013, City staff met with the applicant, Kyle Phenix, to discuss the development of an upscale gated single-family subdivision at the northeast corner of Brown Road and Quinn Road. According to the concept plan, the subdivision will consist of 40 residential lots, an amenity area, sidewalks, and curb and gutter streets (Exhibit "D"). The applicant indicated his desire to develop on lots 50 feet wide, 110 feet deep, and 6,500 square feet in area to meet builder demands for this area. City staff then informed Mr. Phenix that the property is zoned SF-9 which requires lots to be a minimum of 75 feet wide, 100 feet deep, and 9,000 square feet in area which is larger than his proposal. Mr. Phenix was informed that he could request variances from the Board of Adjustment for the lot width, depth, and area requirements, request a rezoning to the SF-6 district which would allow his desired lots size, or request a planned development district (PDD).

On March 27, 2013, the City received a PDD (Exhibit “E”) application from Mr. Phenix for the subject site.

ANALYSIS

There are a number of land uses in the area. To the north of the subject site is a TISD transportation facility; to the south is Brown Road, vacant land, and Tomball Elementary School; to the west is Quinn Road and Springwood subdivision; and to the east is vacant land (Exhibit “F”). The proposed residential subdivision appears to be compatible with the surrounding land uses.

There are a number of zoning districts in the area. To the north of the subject site is the SF-9 district; to the south is the SF-6 district; to the west are the SF-9 and PD-1 (“Office w/Residential Look”) districts; and to the east is the SF-9 district. A Planned Development District “accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners.” The single-family residential PDD appears to be compatible with the surrounding zoning districts.

The Comprehensive Plan’s FLU map identifies the site as “Medium Density Residential.” The CP states, “Medium Density Residential (2.19 to 7.26 du/ac) includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet.” The proposed rezoning appears to be consistent with the CP.

The future development of this site will require the applicant to comply with the City’s platting requirements as well as the use and area regulations outlined in the Zoning Ordinance and PDD ordinance. A site plan application, which requires civil drawings, including all proposed grading, paving, drainage, and utility plans, building elevations, and landscape plans are required to be submitted and approved by the City of Tomball prior to a building permit application submittal.

ZONING CONSIDERATIONS

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

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

There are a number of land uses in the area. To the north of the subject site is a TISD transportation facility; to the south is Brown Road, vacant land, and Tomball Elementary School; to the west is Quinn Road and Springwood subdivision; and to the east is vacant land. The proposed residential subdivision appears to be compatible with the surrounding land uses.

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

The proposed rezoning is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.

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

There are no other tracts, vacant or occupied, in the vicinity or elsewhere in the City zoned PDD intended for the same purpose as proposed by the applicant.

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

There has been no development City-wide or within the vicinity in a PDD intended for the same purpose as proposed by the applicant.

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

If the proposed zoning change were approved, there should be few if any affects on other areas designated for similar developments.

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

The proposed zone change is not anticipated to substantially affect the public health, safety, morals, or general welfare.

- G. Whether the request is consistent with the Comprehensive Plan (CP).**

According to the CP, rezonings are “to conform to the intended future land use pattern shown on the Future Land Use [FLU] Plan and should occur only when economic, physical, social, and other factors will allow the proposed land use to be developed:

- Within the capacities of existing or funded infrastructure and public facilities and services;
- In a compatible manner with surrounding land uses;
- To standards specified for and appropriate to the proposed land use; and
- In a way that furthers or helps achieve the goals of the Plan.”

The Comprehensive Plan’s FLU map identifies the site as “Medium Density Residential.” The CP states, “Medium Density Residential (2.19 to 7.26 du/ac) includes suburban-type development that is intended to be single family detached

residential development. Residential lots sizes range from 6,000 and 20,000 square feet.” The proposed rezoning appears to be consistent with the CP.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on May 2, 2013; one public comment form was received from J.M. Rebesch in support of the request (Exhibit “G”).

RECOMMENDATION

1. **APPROVAL** of Zoning Case P13-045 based on the following:
 - a. The proposed rezoning appears to be compatible with the surrounding land uses;
 - b. The proposed rezoning appears to be compatible with the Comprehensive Plan;
 - c. The proposed rezoning appears to be compatible with the surrounding zoning districts;
 - d. The proposed rezoning is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area; and
 - e. There is sufficient utility capacity to service a single-family subdivision at this site.
2. **APPROVAL** of the Staff Report as the Planning & Zoning Commission’s final recommendation to the City Council.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Comprehensive Plan Future Land Use Map
- D. Concept Plan
- E. Rezoning Application
- F. Site Photos
- G. Public Comment Form

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map

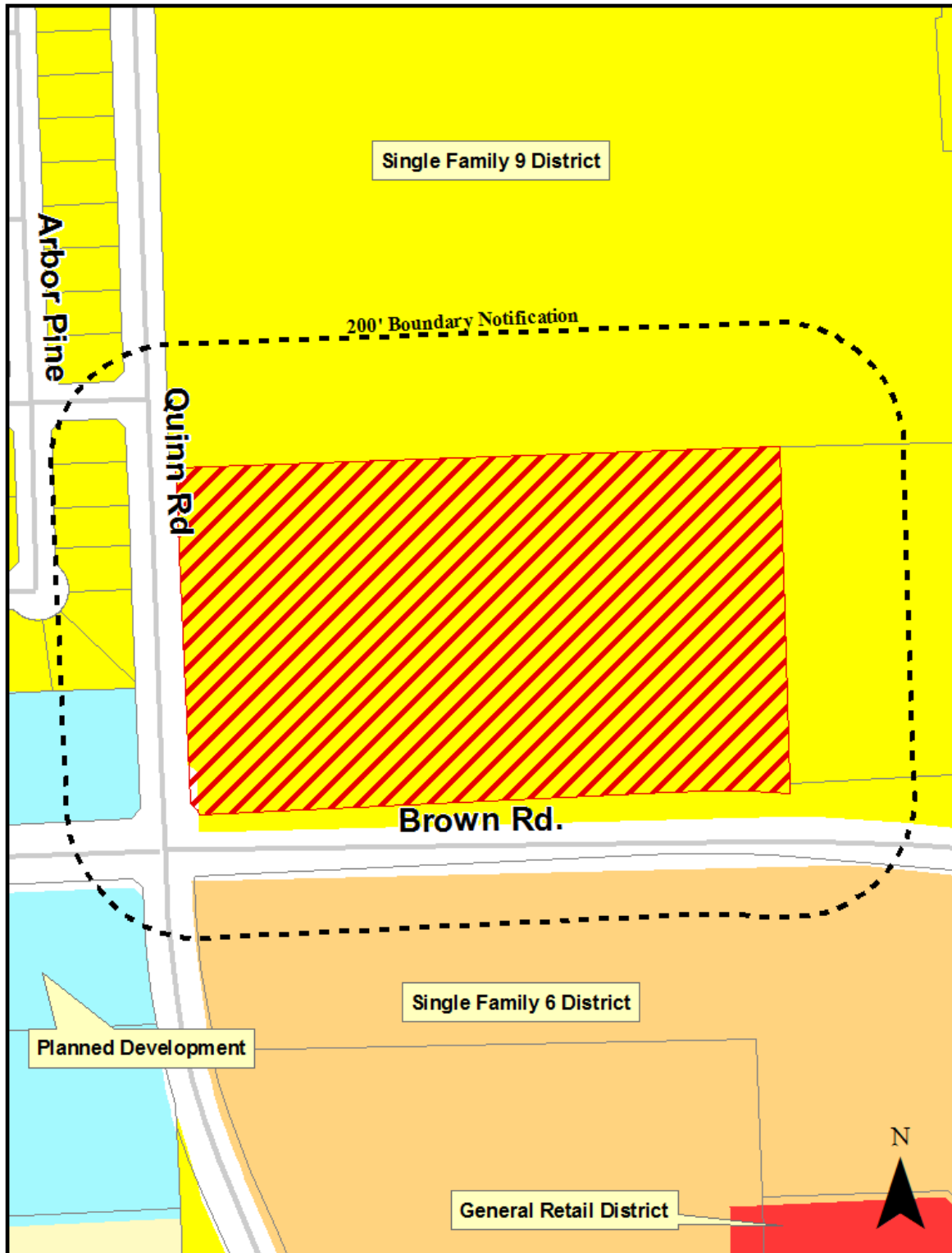


Exhibit "C"
Comprehensive Plan Future Land Use Map

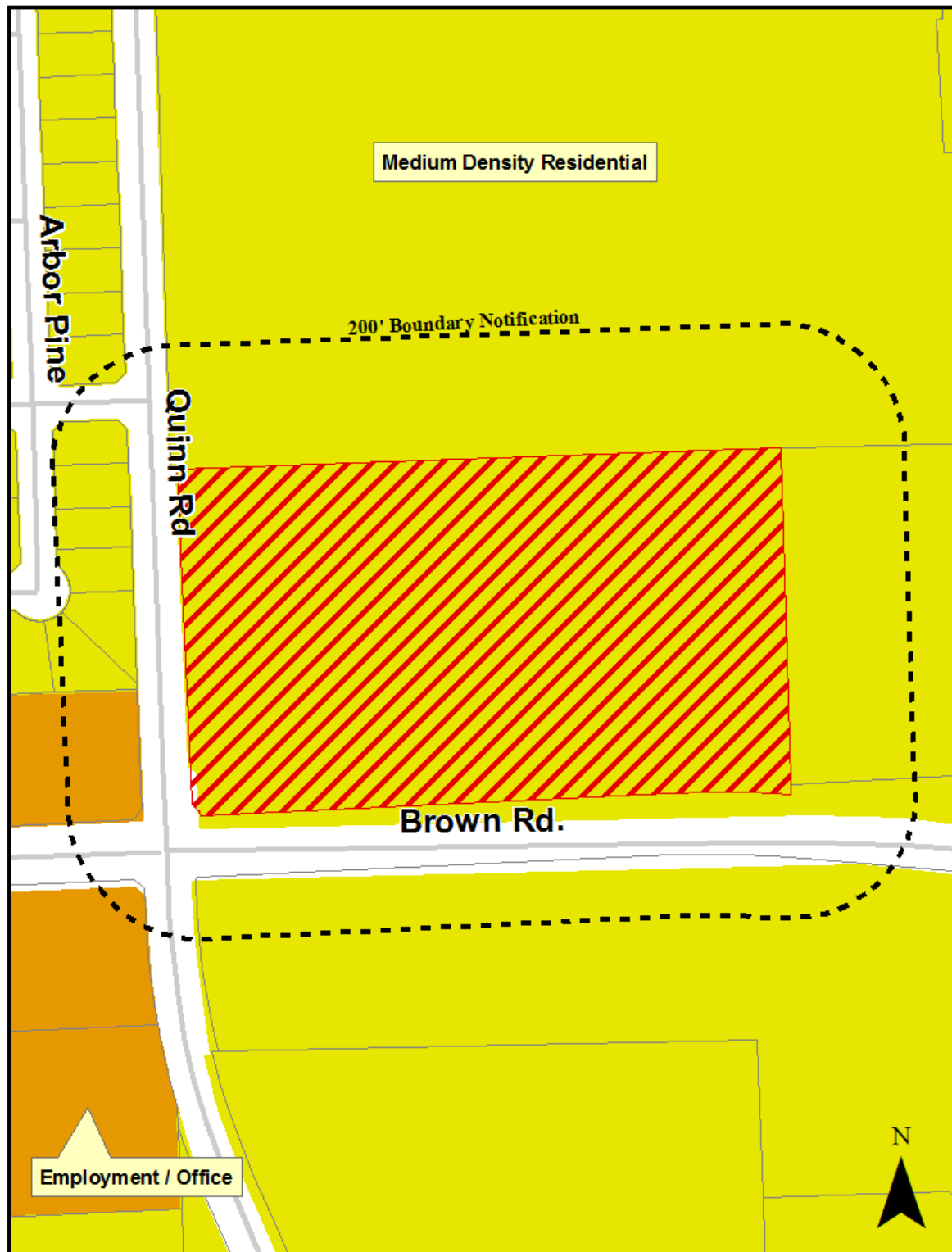


Exhibit "D"
Concept Plan

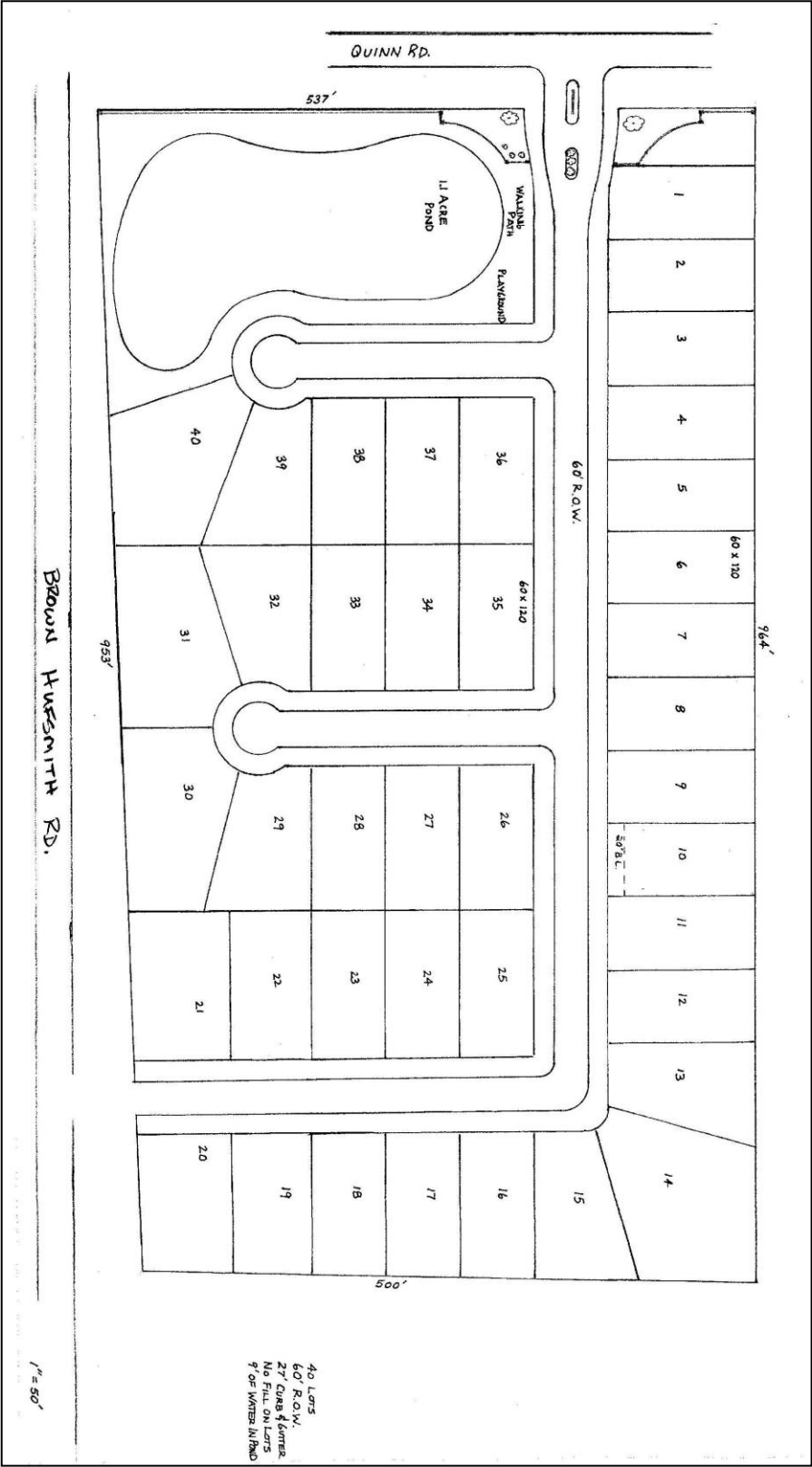


Exhibit "E"
Rezoning Application

Revised 1/20/09



Application for
Planned Development
Engineering & Planning Department

The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

No planned development shall be established and no building permit shall be issued for any use designated as a Planned Development within any zoning district until a Planned Development Permit is approved and issued in accordance with the provisions of the Zoning Ordinance and Concept Plan.

The minimum acreage for a planned development request shall be four (4) acres.

APPLICATION SUBMITTAL: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

Applicant

Name: KYLE PHENIX Title: _____
Mailing Address: 2051 COPPERWOOD PARK LN. City: SPRING State: TX
Zip: 77386
Phone: (281) 733-6196 Fax: (281) 855-8055 Email: KYLE.PHENIX@GMAIL.COM

Owner

Name: LAR PROPERTIES, LC Title: _____
Mailing Address: P.O. BOX 2024 City: FRIENDSWOOD State: TX
Zip: 77549
Phone: () _____ Fax: () _____ Email: _____

FUTURE OWNERS: K. KERRY EMMOTT & KYLE PHENIX
Engineer/Surveyor (if applicable)

Name: JOHN K. SHERRINGTON, P.E. Title: _____
Mailing Address: 14870 SKINNER RD. City: CYPRESS State: TX
Zip: 77429
Phone: (281) 758-1531 Fax: (281) 758-1534 Email: JOHN@SHERRINGTONINC.COM

Description of Proposed Project: UPSCALE GATED SINGLE-FAMILY RESIDENTIAL DEVELOPMENT, HOMES BY DAVID WEEKLEY HOMES.

Physical Location of Property: NORTHEAST CORNER OF QUINN RD. & BROWN HUBSMITH RD.
[General Location – approximate distance to nearest existing street corner]

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.ci.tomball.tx.us

Legal Description of Property: Reserve E, Block 1 of LESLIES PARK
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 119-522-001-0005 Acreage: 10.9454

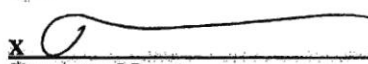
Current Use of Property: UNDEVELOPED

Proposed Use of Property: PLANNED DEVELOPMENT CONSISTING OF UPSCALE
SINGLE FAMILY RESIDENTIAL HOMES BUILT BY DAVID WEEKLEY IN GATED
Please note: A courtesy notification sign will be placed on the subject property during the public SUBDIVISION
hearing process and will be removed when the case has been processed.

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


Signature of Applicant

03/28/2013
Date

X 
Signature of Owner

3/28/2013
Date

Development Notes

(Accompanied by the preliminary conceptual land plan design)

Planned residential development proposed at the location of "Reserve E, Block 1 of Leslie's Park", called 10.9454 acres (HCAD account # 119-522-001-0005), consisting of approximately 39 lots intended for upscale single-family homes within a gated subdivision.

Planned Development Regulations:

- **Size of Lots:**
 1. Minimum Lot Area — Six thousand-five hundred (6,500) square feet.
 2. Minimum Lot Width — Fifty feet (50'). Radial lots shall have a minimum width of 60 feet at and for a distance of 30 feet behind the front yard/building line. No lot shall be created that has a front yard with less than 30 feet of frontage on the front.
 3. Minimum Lot Depth — One hundred-ten feet (110').
- **Size of Yards:**
 1. Minimum Front Set Back — Twenty feet (20').
 2. Minimum Side Set Back — Five feet (5').
 3. Minimum Rear Set Back — Ten feet (10').
- **Lot Coverage:**
 1. Maximum Lot Coverage — Fifty-five percent (55%).
- **Size of Buildings:**
 1. Minimum Floor Area per Dwelling Unit — One thousand-two hundred square feet (1,200'). Includes livable heated and/or air-conditioned space only. Does not include porches and garages, covered or enclosed.
 2. Maximum Building Height — Two (2) stories in height or thirty-five feet, whichever is greater, for the main building/house. One (1) story for other accessory buildings, including detached garage, garden shed, gazebo, etc.
- **Landscaping, Open Green Space, Screening Requirements:**
 1. Minimum Landscaping Requirement — N/A for single family residential only development as indicated in section 40.1 and 40.2 D of The City of Tomball's Zoning Ordinance
 2. Minimum Open Green Space Requirement — Fifteen percent (15%). 'Open green space' is defined as, and limited to common areas of open space or landscaping and community recreational areas that are continuously maintained. Open green space does not include areas or lots specifically designated or used as building sites for homes, building sites for utility or storage buildings, parking lots, garages, streets, or driveways within a residential development. The actual surface areas of open green space, such as common area lawns and landscaping, community

swimming pools and surrounding paved deck area, community tennis courts, community rooms, community saunas, and other common recreational areas, shall be considered in calculating the minimum requirement for open green space. Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, maybe included in computing the minimum required area of green space.

3. Minimum Screening Requirement - A fence, wall, or other similar screening device, of not less than six feet (6') nor more than eight feet (8') in height, shall be constructed and maintained along the two sides and the rear of each house; provided, however, no such screening device shall be required adjacent to portions of the development which contain green space, lakes, or natural habitat for a distance of 50 feet or more from such perimeter boundary.

- **Parking and Loading Requirements:**

1. Minimum Off-Street Parking Requirement – For every single-family dwelling unit, a minimum of two (2) off-street parking spaces shall be provided on the same lot as the main structure. This excludes covered garages and covered carports as off-street parking. All required parking area will have a surface equal to that of the street or cement.
2. Loading Space Requirements – No retail or non residential structures will be located within this gated residential development and will not require the required loading zone as described in section 39.4 A in The City of Tomball's Zoning Ordinance.

- **Signage Requirements:**

1. Signage – No retail or non residential structures will be located within this gated residential development and will not require signage regulations.

04/02/2013

City of Tomball, Planning and Development Department:

This letter, accompanied by the appropriate application and additional requirements, represents a formal request for a planned development of the tract of land described within the application. The proposed use of this land will be an upscale gated residential subdivision containing homes designed and built by David Weekley Homes. We feel that this residential development will be a great addition to Tomball and is consistent with the City's vision of future growth.

The proposed planned development of this property will allow us to efficiently develop the land to its best use by providing the City of Tomball with an aesthetically appealing gated subdivision, a quality product for new and existing residents, and a new revenue source for the City. The superior design intended for this planned development will also provide increased recreational amenities and open space opportunities including water features, walking paths, jogging trails, observation benches, children's playground and protected green space.

Being former residents of Tomball gives us a perspective and emotional attachment towards the community. We share the common goal of positive growth with the City of Tomball and want to contribute to the overall success of the community. Thank you for your time and consideration towards our planned development request.

Sincerely,

K. Kerry Emmott & Kyle Phenix

Concerns Regarding Current Zoning District

Our concerns regarding the current zoning district (SF-6) of the property described in this application are as follows:

- Our discussions with numerous home builders (Trendmaker, Darling, David Weekley, Highland, etc.) and their market research suggests that the lot dimensions of 60' x 120' is the ideal lot to fit the type of upscale single family home that will best suite this location. The home builders mentioned above want to build a quality subdivision in Tomball and are interested in that lot size, and feel that it is the best use of that property.
- Due to rising land costs and the costs of development, and being located inside the city limits and outside of a mud district, we are unable to feasibly provide a quality development with the current SF-9 zoning.
- We feel that the current zoning district of SF-9 limits the use of the property by not allowing lot sizes under 9,000 sqft. With rezoning to SF-6, it relieves that limitation and allows more possibilities for lot dimensions and homes. Our included conceptual plan design illustrates lots of 60' x 120' which equals 7,200 sqft, almost a perfect compromise in minimum lot size requirements between SF-9 and SF-6.

Surrounding Zoning Districts

- The property directly south along Brown-Hufsmith is currently zoned SF-6.
- The subdivision of Springwood directly to the east is made up of lots that fit the SF-6 zoning district (60' x 120', or 7,200 sqft lots), although it is currently zoned SF-9.
- The remaining property located within the same square block is comprised of Tomball ISD's bus barn facility, undeveloped land owned by Tomball ISD, and 2 individually owned homes on several acres each. That property is not currently being used as SF-9, and may never be used for that purpose. This is perhaps the ideal time to consider rezoning.

**Exhibit “F”
Site Photos**



Figure 1: Subject site.



Figure 2: TISD transportation facility to the north of subject site.



Figure 3: Brown Road, vacant land, and Tomball Elementary School to the south of subject site.

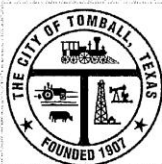


Figure 4: Quinn Road and Springwood subdivision to the west of subject site.



Figure 5: Undeveloped land to the east of subject site.

Exhibit "G"
Public Comment Form



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball

Attn: Rodney Schmidt

501 James Street

Tomball, TX 77375

Case number P13-045

Name:

J.M. Rebesch

(please print)

Address:

P.O. Box 2024

Friendswood 77549

Signature:

[Signature]

Date:

5/6/13

X

I am **FOR** the requested rezoning as explained on the attached public notice for Zoning Case P13-045. (Please state reasons below)

I am **AGAINST** the requested rezoning as explained on the attached public notice for Zoning Case P13-045. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:

Monday, May 13, 2013, 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, May 20, 2013, 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

COMMENTS:

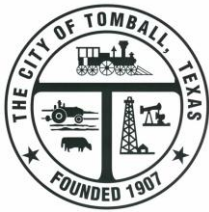
This rezoning could greatly increase the property tax revenues of the property. The new homes that will be developed and built on this site will be an economic benefit to the city.

[Signature] 5/6/13

You may also comment via email to rschmidt@tomballtx.gov.

Please reference the case number in the subject line.

For questions regarding this request please call 281-290-1410.



Notice of Public Hearing

YOU ARE INVITED TO ATTEND Public Hearings before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P13-045

APPLICANT: Kyle Phenix, on behalf of LAR Properties, LC

LOCATION: Northerly of Brown Road, easterly of Quinn Road

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 10.95 acres of land, legally described as Reserve E, Block 1, Leslie's Park, within the City of Tomball, Harris County, Texas, from the Single-Family Residential-9 District to the Planned Development - 4 District to facilitate a single-family subdivision.

* * *

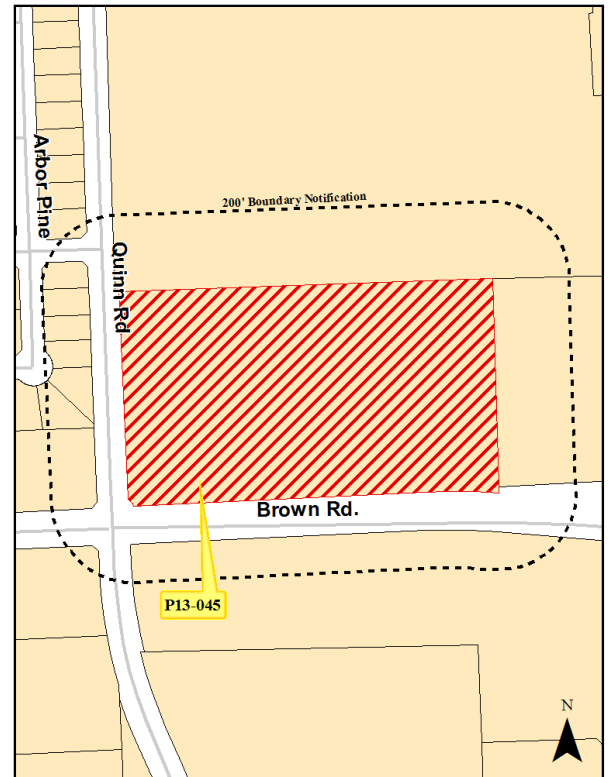
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@tomballtx.gov

Interested parties may contact the City of Tomball between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Community Development Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.



**Planning & Zoning Commission
Public Hearing:
Monday, May 13, 2013, 6:00 PM**

**City Council Public Hearing:
*Monday, May 20, 2013, 6:00 PM**

**The Public Hearings will be held in the
City Council Chambers, City Hall
401 Market Street, Tomball, Texas**

*Should the Planning & Zoning Commission vote to table the recommendation on the case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a recommendation is forwarded to the City Council by the Planning & Zoning Commission.

Regular City Council Agenda Item Data Sheet

Meeting Date: June 3, 2013

Topic:

Consideration and Possible Action 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.

Background:

All expenditures of the Tomball Economic Development Corporation (TEDC) sales tax revenue must first be approved as a "Project." At its annual meeting on May 21, 2013, the TEDC Board of Directors did take formal action to approve, as a Project of the TEDC, an agreement with Quick Turn Machining for the relocation and development of its corporate headquarters. The City Council of Tomball has final approval authority over all projects and agreements of the TEDC.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Approval as a Project of the Corporation, the Performance Agreement with Quick Turn Machining

Funding:

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation.

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

ATTACHMENTS:

Cover Memo

Request Letter

Economic Impact Analysis

Draft Agreement



TO: City Council Members
City of Tomball

FROM: Kelly Violette
Executive Director, Tomball Economic Development Corporation

MEETING DATE: June 3, 2013

SUBJECT: Quick Turn Machining

ITEM TYPE: Action

Quick Turn Machining Incorporated is a CNC machine shop that services several different types of industries. Some of these industries are energy services, oil field, control valves, petrochemical, refinery and aerospace. The company has been in business for 18 years at its current location at 22820 I-45 North Suite #6, Spring, TX 77373.

Quick Turn Machining, Inc. desires to relocate to a 10,000 square foot leased facility on 3.8 acres at 428 South Persimmon in the City of Tomball. As part of the relocation, Quick Turn would relocate 7 jobs to the City and create 2 new jobs within the first 2 years. The estimated capital investment for this project is \$825,000.

An economic impact analysis is included with the agreement to show the (5) year impact of this project on Tomball's economy.

The proposed performance agreement between the TEDC and Quick turn Machining Inc. provides for grant funding in an amount of \$1,500 per each new job created in Tomball, not to exceed \$13,500.00.



Quick Turn Machining, Inc.
22820 I-45 North Ste#6n
Spring, TX 77373

Quick Turn Machining, Inc. has the intent to apply for grant assistance and move our business to Tomball from its current location. Johnny Khalaf (CEO) is the owner of the family owned business and can be reached at 281-355-8876 or cell 281-620-4586. My North American Industry Classification System (NAICS) code is 332710. We are a CNC Machine shop that services several different types of industries. Some of these industries are energy services, oil field, control valves, petrochemical, refinery and aerospace. The company has been located at 22820 I-45 North Ste#6n Spring, TX 77373 for the last 18 years. We are looking at relocating Quick Turn Machining, Inc. to a new location to accommodate the company's growth. The new location is a 10,000 square foot facility on 3.8 acres located at 428 South Persimmon Tomball, TX 77375. We are looking at signing a long term lease at this facility. We would bring seven new jobs to Tomball and add two new jobs within the first two years. The average salary is \$40,000.

Sincerely,
Johnny Khalaf

Economic Impact of Quick Turn Machining, Inc. in Tomball, TX

Executive Summary

May 17, 2013

Prepared by:

Tomball Economic Development Corporation
29201 Quinn Road
Tomball, TX 77375

This summary was prepared by the Tomball Economic Development Corporation using Quick Impact by Impact DataSource. Please consult the full economic impact report for additional details and assumptions used in this analysis.

ECONOMIC IMPACT EXECUTIVE SUMMARY: QUICK TURN MACHINING, INC.

Project Description

Quick Turn Machining Incorporated is a CNC machine shop that services the energy, oil field, control valves, petrochemical, refinery and aerospace industries. The company has been in business for 18 years at its current location at 22820 I-45 North Ste #6, Spring, TX 77373. Quick Turn Machining, Inc. desires to relocate to a 10,000 square foot leased facility on 3.8 acres at 428 South Persimmon in the City of Tomball. As part of the relocation, Quick Turn would relocate 7 jobs to the City and create 2 new jobs within the first 2 years. The estimated capital investment for this project is \$825,000.

Economic Impact Over the First 10 Years

The project will have the following economic impact on the City of Tomball area over the first 10 years:

Economic Impact Over the First 10 Years			
	Direct	Indirect & Induced	Total
Total number of permanent direct and indirect jobs to be created	9	9	18
Salaries to be paid to direct and indirect workers	\$4,448,041	\$3,156,330	\$7,604,371
Taxable sales and purchases expected in the city	\$1,943,147	\$315,633	\$2,258,780
The value of new residential property to be built for direct and indirect workers who move to the city by Year 10	\$0	\$0	\$0
The market value the firm's property on local tax rolls in Year 1	\$615,000	\$0	\$615,000

Fiscal Impact Over the First 10 Years

Over the first 10 years, the City of Tomball and Tomball EDC can expect the following net benefits from the facility, its employees, and workers in spin-off jobs created in the community:

Costs and Benefits for the City Over the First 10 Years			
	Benefits	Costs	Net Benefits
Sales taxes allocated to the City	\$33,882	\$0	\$33,882
Sales taxes allocated to Tomball EDC	\$11,294	\$0	\$11,294
Property taxes	\$20,428	\$0	\$20,428
Utility revenues	\$65,028	\$0	\$65,028
Utility franchise fees	\$14,209	\$0	\$14,209
Hotel occupancy taxes	\$2,499	\$0	\$2,499
Other taxes and user fees	\$8,322	\$0	\$8,322
Building permits and fees	\$1,590	\$0	\$1,590
Costs of providing utilities	\$0	\$52,022	(\$52,022)
Costs of providing municipal services for new residents	\$0	\$13,315	(\$13,315)
Total	\$157,251	\$65,337	\$91,914

ECONOMIC IMPACT EXECUTIVE SUMMARY: QUICK TURN MACHINING, INC.

Net Benefits To The City From The Direct and Indirect Sources

The city will receive benefits from direct and indirect economic impacts that result from the project. The benefits, associated costs and net benefits for the first 10 years are shown below, divided between direct and indirect impacts.

Net Benefits to the City from Direct and Indirect Sources			
	<i>Benefits/Costs from:</i>		
	<i>Direct</i>	<i>Indirect & Induced</i>	<i>Total</i>
<u><i>Additional revenues:</i></u>			
Sales taxes allocated to the City	\$29,147	\$4,734	\$33,882
Sales taxes allocated to Tomball EDC	\$9,716	\$1,578	\$11,294
Property taxes	\$20,428	\$0	\$20,428
Utility revenues	\$52,436	\$12,592	\$65,028
Utility franchise fees	\$13,250	\$960	\$14,209
Hotel occupancy taxes	\$2,499		\$2,499
Other taxes and user fees	\$4,161	\$4,161	\$8,322
Building permits and fees	\$1,590		\$1,590
Total additional revenues	\$133,226	\$24,025	\$157,251
<u><i>Additional costs:</i></u>			
Costs of providing utilities	\$41,949	\$10,074	\$52,022
Costs of providing municipal services for new residents	\$6,657	\$6,657	\$13,315
Total additional costs	\$48,606	\$16,731	\$65,337
Net Benefits	\$84,620	\$7,294	\$91,914
<i>Percent of total net benefits for city</i>	<i>92%</i>	<i>8%</i>	

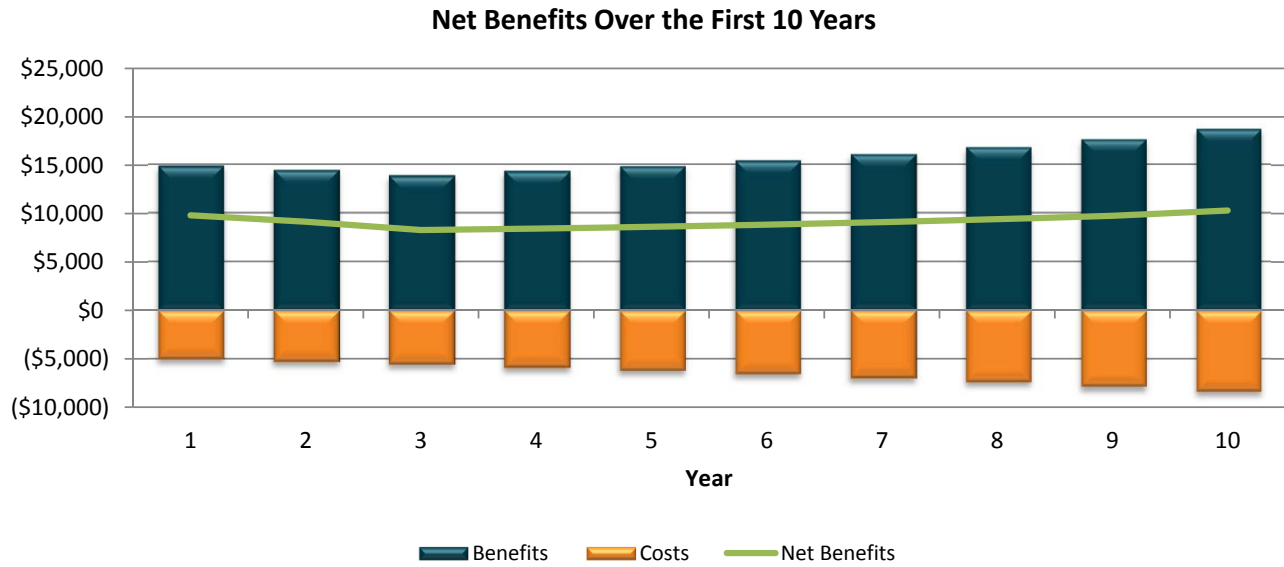
The net benefits to the city over the first 10 years are estimated to accrue as detailed below.

Net Benefits to the City by Year				
	Benefits	Costs	Net Benefits	Cumulative Benefits
Year 1	\$14,890	\$5,056	\$9,834	\$9,834
Year 2	\$14,481	\$5,317	\$9,164	\$18,998
Year 3	\$13,897	\$5,599	\$8,298	\$27,296
Year 4	\$14,359	\$5,905	\$8,454	\$35,750
Year 5	\$14,877	\$6,236	\$8,641	\$44,391
Year 6	\$15,457	\$6,595	\$8,862	\$53,252
Year 7	\$16,107	\$6,985	\$9,122	\$62,374
Year 8	\$16,835	\$7,408	\$9,427	\$71,802
Year 9	\$17,651	\$7,868	\$9,783	\$81,585
Year 10	\$18,698	\$8,368	\$10,329	\$91,914
Total	\$157,251	\$65,337	\$91,914	
<i>Present Value of Net Benefits*</i>			<i>\$70,695</i>	

**The Present Value of Net Benefits is a way of expressing in today's dollars, dollars to be paid or received in the future. A dollar today and a dollar to be received or paid at differing times in the future are not comparable because of the time value of money. The time value of money is the interest rate or discount rate. This analysis uses a discount rate of 5% to make the dollars comparable.*

Fiscal Impact Over the First 10 Years

The graph below depicts the costs, benefits and net benefits to the city over the first 10 years.



Incentives

Tomball EDC may consider the following incentives for the project:

Incentives	
Year 1	\$10,500
Year 2	\$3,000
Year 3	\$0
Year 4	\$0
Year 5	\$0
Year 6	\$0
Year 7	\$0
Year 8	\$0
Year 9	\$0
Year 10	\$0

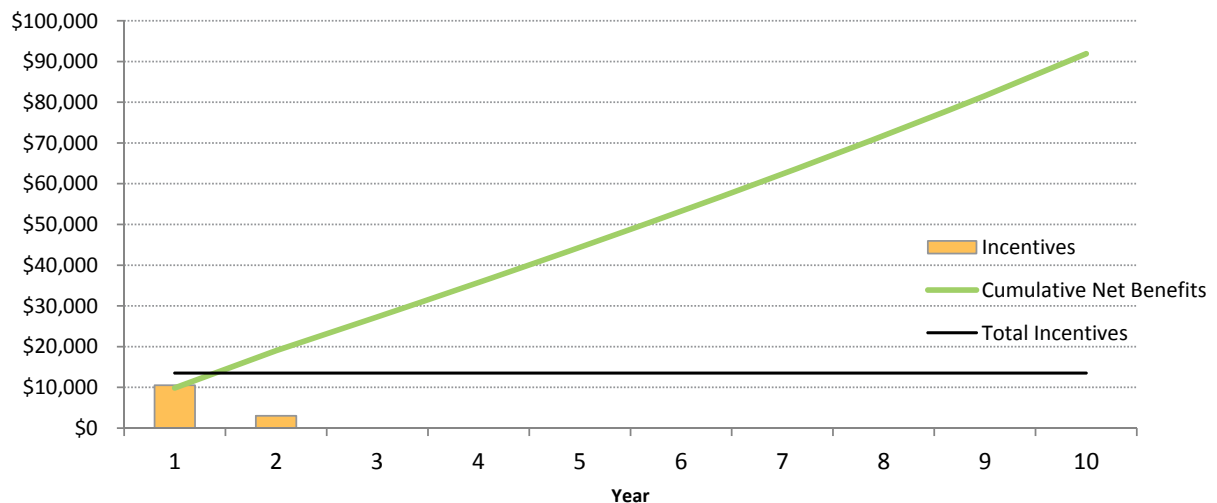
The table below shows an analysis of these incentives, including a calculation of incentives per job, rate of return and payback period.

Analysis of Incentives	
Total Incentives	\$13,500
Rate of Return Over 5 Years	65.8%
Payback period (years)	1.4

* Rate of Return and Payback Period are calculated based on the sum of annual incentives rather than the PV of incentives.

The graph below depicts the total incentives currently under consideration versus the cumulative net benefits to the city. The intersection indicates the length of time until the incentives are paid back.

Incentives vs. Cumulative Net Benefits



AGREEMENT

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

This Agreement (the “Agreement”) is made and entered into by and between the **Tomball Economic Development Corporation**, an industrial development corporation created pursuant to Tex. Rev. Civ. Stat. Ann. Art. 5190.6, Section 4B, located in Harris County, Texas (the “TEDC”), and **Quick Turn Machining Incorporated** (the “Company”), 22820 I-45 North, Suite 6N, Spring, Texas 77373.

WITNESSETH:

WHEREAS, it is the established policy of the TEDC to adopt such reasonable measures from time-to-time as are permitted by law to endeavor to attract industry, create and retain primary jobs, expand the growth of the City of Tomball (the “City”), and thereby enhance the economic stability and growth of the City; and

WHEREAS, the Company plans to lease a 10,000 square foot building on a 3.8637 acre tract of land within the City, located at 428 South Persimmon Street, Tomball, Texas 77375 (the “Property”), and more particularly described in Exhibit “A,” attached hereto and made a part hereof; and

WHEREAS, the Company, currently located at 22820 I-45 North, Suite 6N in Spring, Texas, proposes to relocate its corporate headquarters to the Property, and as part of the process, plans to expend funds to make capital improvements (the “Improvements”), generally described in Exhibit “B,” attached hereto and made a part hereof, as are necessary to an existing 10,000 square foot lease space; and

WHEREAS, the Company also proposes to move seven (7) full-time employees to the Property and to create two (2) new jobs in Tomball in conjunction with the relocation of its business operations to the Property; and

WHEREAS, the TEDC agrees to provide to the Company the sum of Thirteen Thousand Five Hundred Dollars (\$13,500.00) to assist in the construction of the Improvements, the relocation of the seven (7) employees, and the creation of the two (2) new full-time jobs at the Property; and

WHEREAS, the Company has agreed, in exchange and as consideration for the funding, to satisfy and comply with certain terms and conditions; and

WHEREAS, this expenditure is found by the Board of Directors of the TEDC to be suitable for the relocation of the corporate headquarters to promote and develop new business enterprises on the Property;

NOW, THEREFORE, in consideration of the premises and the mutual benefits and obligations set forth herein, including the recitals set forth above, the TEDC and the Company agree as follows:

1.

Except as provided by paragraph 4, the Company covenants and agrees that it will operate and maintain the proposed business for a term of at least five (5) years and will maintain the nine (9) employees on the Property at the prevailing wage.

The construction of the Improvements, the relocation of the seven (7) employees, the hiring of the two (2) new employees, and the obtaining of all necessary occupancy permits from the City must occur within twenty-four (24) months from the Effective Date of this Agreement.

Extensions of these deadlines may be granted by the Board of Directors of the TEDC due to any extenuating circumstance or uncontrollable delay.

3.

The Company further covenants and agrees that it does not and will not knowingly employ an undocumented worker. An “undocumented worker” shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States; or (b) authorized under the law to be employed in that manner in the United States.

4.

In consideration of the Company's representations, promises, and covenants, TEDC agrees to grant to the Company Thirteen Thousand Five Hundred Dollars (\$13,500.00) to fund a portion of the cost of the Improvements, the relocation of the seven (7) employees, and the addition of the two (2) new employees to the Tomball operation. The TEDC agrees to distribute such funds to the Company within thirty (30) days of receipt of a letter from the Company requesting such payment, which letter shall also include: (a) a copy of the City's occupancy permit for the Improvements to the Property; (b) proof that the company has added the number of employees indicated above to the Tomball operation as evidenced by copies of Texas Workforce Commission form C-3 or Internal Revenue Service form 941; (c) a copy of a letter from the City acknowledging that all necessary plats, plans, and specifications have been received, reviewed, and approved; and (d) certification that the Improvements have been constructed in accordance with the approved plans and specifications. In the event the number of jobs originally projected is not met or maintained, the amount of the funding provided to the

Company by TEDC will be reduced on a pro-rata basis to reflect the actual number of jobs at the time of the request for disbursement of funds.

5.

It is understood and agreed by the parties that, in the event of a default by the Company on any of its obligations under this Agreement, the Company shall reimburse the TEDC the full amount paid to the Company by the TEDC, with interest at the rate equal to the 90 day Treasury Bill plus ½% per annum, within 120 days after the TEDC notifies the Company of the default. It is further understood and agreed by the parties that if the Company is convicted of a violation under 8 U.S.C. Section 1324a(f), the Company will reimburse the TEDC the full amount paid to the Company, with interest at the rate equal to the 90 day Treasury Bill plus ½% per annum, within 120 days after the TEDC notifies the Company of the violation.

The Company shall also reimburse the TEDC for any and all reasonable attorney's fees and costs incurred by the TEDC as a result of any action required to obtain reimbursement of such funds.

6.

This Agreement shall inure to the benefit of and be binding upon the TEDC and the Company, and upon the Company's successors and assigns, affiliates, and subsidiaries, and shall remain in force whether the Company sells, assigns, or in any other manner disposes of, either voluntarily or by operation of law, all or any part of the Property and the agreements herein contained shall be held to be covenants running with the Property for so long as this Agreement, or any extension thereof, remains in effect.

7.

Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above. The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

If to City: Tomball Economic Development Corporation
401 W. Market Street
Tomball, Texas 77375
Attn: President, Board of Directors

If to Company: Quick Turn Machining Incorporated.
22820 I-45 North, Suite 6N
Spring, Texas 77373
Attn: Johnny Khalaf, Owner and President

8.

This Agreement shall be performable and enforceable in Harris County, Texas, and shall be construed in accordance with the laws of the State of Texas.

9.

Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment or modification only in writing, and by the signatures and mutual consent of the parties hereto.

10.

The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.

11.

This Agreement shall bind and benefit the respective Parties and their legal successors and shall not be assignable, in whole or in part, by any party without first obtaining written consent of the other party.

12.

In the event any one or more words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement, or the application thereof to any person, firm, corporation, or circumstance, shall be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, then the application, invalidity or unconstitutionality of such words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement shall be deemed to be independent of and severable from the remainder of this Agreement, and the validity of the remaining parts of this Agreement shall not be affected thereby.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties on this _____ day of _____ 2013 (the "Effective Date").

QUICK TURN MACHINING INCORPORATED

By: _____

Name: Johnny Khalaf

Title: CEO and Owner

ATTEST:

By: _____

Name: _____

Title: _____

TOMBALL ECONOMIC DEVELOPMENT CORPORATION

By: _____

Name: Gretchen Fagan

Title: President, Board of Directors

ATTEST:

By: _____

Name: William E. Sumner Jr.

Title: Secretary, Board of Directors

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the ____ day of _____
2013, by Johnny Khalaf, the CEO and Owner of Quick Turn Machining Incorporated, for and on
behalf of said company.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the ____ day of _____
2013, by Gretchen Fagan, President of the Board of Directors of the Tomball Economic
Development Corporation, for and on behalf of said Corporation.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

Exhibit A
Legal Description of Property

21-56062025

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in the number Sequence on the date and at the place stamped herein by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County Texas on

MAY 12 2006



Dorely S. Hayden
COUNTY CLERK
HARRIS COUNTY, TEXAS

Attached to and forming a part of Commitment No.: 06040238

All that certain tract or parcel containing 3.8387 acres of land situated in the Jesse Pruitt Survey, A-629 in Harris County, Texas, same also being that tract of land described as 3.8261 acres of land in a deed filed for record under Harris County Clerk's File No. J-937019, said 3.8387 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1" iron rod (found) in the Westerly right-of-way line of South Persimmon Street, (60.00 feet in width), same point marking the Northeast corner of that certain call 2.00 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. H-920454;

THENCE S 00°48'10" E, along the Westerly right-of-way line of said South Persimmon Street, passing at 170.20 Feet a 1" iron pipe (found) in the West line of the remainder of a 40.00 foot roadway easement as shown on an instrument filed for record in Volume 2, Page 65 of the Harris County Map Records marking the Southeast corner of said 2.00 acre tract of land and the Northeast corner of that certain call 1.1408 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. E-480188, a total distance of 267.27 feet to a 5/8" iron rod with E.I.C. cap (set) in the West line of the remainder of said roadway easement marking the Southeast corner of said 1.1408 acre tract of land and the Northerly-Northeast corner and POINT OF BEGINNING of the herein described 3.8387 acre tract of land, from which point a 1/4" iron rod (found) bears N 89°08'51" E, 10.06 feet;

THENCE S 00°48'10" E, (call S 01°15'34" E), a distance of 26.68 feet along the West line of the remainder of said roadway easement to a 5/8" iron rod with E.I.C. cap (set) marking an interior corner of the herein described 3.8387 acre tract of land;

THENCE S 52°46'51" E, a distance of 21.09 feet, (call S 25°07'34" E, 19.10 feet), along the common line of said 3.8387 acre tract of land and the remainder of said roadway easement to a 1/4" iron pipe (found) marking the Southwest corner of the remainder of said roadway easement, the Northwest corner of Lot 1 in Block 2 of Lizzie-Persimmon, a subdivision in Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 352080 of the Harris County Map Records, and the Easterly-Northeast corner of the herein described 3.8387 acre tract of land;

THENCE S 00°16'00" E, a distance of 278.87 feet, (call S 02°00'44" E, 275.16 feet), along the common line of said Lot 1 and said 3.8387 acre tract of land to a 1 1/4" iron pipe (found) in the North line of Lot 3 in Block 1 of Sunny Acres, Final Plat, a subdivision in Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 392126 of the Harris County Map Records marking the Southwest corner of said Lot 1 and the Southeast corner of the herein described 3.8387 acre tract of land;

THENCE N 89°42'54" W, (call N 89°54'20" W), a distance of 372.04 feet along the common line of said Sunny Acres and said 3.8387 acre tract of land to a 5/8" iron rod with cap (found stamped Hugh Clarson RPLS #4113) for angle point marking the Northwest corner of Lot 1 in Block 1 of said Sunny Acres, Final Plat and the Northeast corner of Lot 3 in Block 2 of said Lizzie-Persimmon;

THENCE N 89°34'28" W, (call N 89°54'20" W), a distance of 156.83 feet along the common line of said Lizzie-Persimmon and said 3.8387 acre tract of land to a 1 1/4" iron pipe (found) in the North line of Lot 4 in Block 2 of said Lizzie-Persimmon marking the Southeast corner of that certain call 2.3300 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. U-553309 and the Southwest corner of the herein described 3.8387 acre tract of land;

THENCE N 00°15'52" W, a distance of 317.55 feet, (call 318.08 feet), along the common line of said 2.3300 acre and said 3.8387 acre tracts of land to a 5/8" iron rod with E.I.C. cap (set) marking the Southwest corner of said 1.1408 acre tract of land and the Northwest corner of the herein described 3.8387 acre tract of land;

THENCE N 89°59'34" E, a distance of 511.86 feet, (call EAST, 512.06 feet), along the common line of said 1.1408 acre and said 3.8387 acre tracts of land to the POINT OF BEGINNING and containing 3.8387 acres of land.

RECORDER'S MEMORANDUM:
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

Exhibit B

Description of Improvements

- Build out of the space to include an office

DRAFT

Regular City Council Agenda Item Data Sheet

Meeting Date: June 3, 2013

Topic:

Approve the Tomball Economic Development Corporation (TEDC) 2013-2014 Strategic Work Plan.

Background:

As stated in the TEDC Bylaws: "The Board of Directors shall direct the Corporation staff to research, develop, prepare and submit to the City Council for its approval an annual work plan which shall set goals and objectives of the Corporation, including but not limited to, short-term and long-term goals for the economic development of the City; goals and objectives for the utilization of funds to promote the expansion and development of a sound economic base for and within the City; and any other similar goals and objectives deemed appropriate by the Board and the City Council. The Board shall review and update the plan each year prior to the submission of the annual budget as a required by other provisions of these Bylaws."

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Approval of the 2013-2014 Strategic Work Plan

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation.

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

ATTACHMENTS:

2013-2014 Strategic Work Plan

TOMBALL

ECONOMIC DEVELOPMENT CORPORATION



STRATEGIC WORKPLAN

2013-2014



STRATEGIC WORK PLAN 2013-2014

MISSION STATEMENT

The mission of the Tomball Economic Development Corporation is to promote economic growth in the City of Tomball through the attraction of new business and industry and the retention of existing businesses by providing the resources that enable development and advance the general well being of the community.

VISION STATEMENT

Tomball will be a sound economic competitor, providing opportunities for commercial and industrial development that enable business owners and residents to benefit from Tomball's dynamic economy, strong labor force, and unmatched living and working environment.

ECONOMIC DEVELOPMENT GOALS

- Promote Business Retention and Expansion.
- Attract New Business and Industry.
- Coordinate Economic Development Efforts in Tomball, the Region, and the State.

GOAL 1

PROMOTE BUSINESS RETENTION AND EXPANSION

ACTIVITIES

A. Maintain a structured business retention and expansion program:

- 1) Continue to develop and expand the Business Visitation Program to build relationships with existing businesses and industries and determine present and future needs.
- 2) Follow up and maintain ongoing contact with existing businesses and industries.
- 3) Develop resource material to distribute to area businesses.

B. Partner with post secondary institutions to identify and encourage workforce training opportunities.**C.** Encourage and assist, where possible, the development of additional tourist attractions in the historical downtown and depot area, as well as other appropriate locations in Tomball.**D.** Maintain and promote the Business Improvement Grant Program which is designed to enhance business enterprises in the City of Tomball.

- 1) Explore opportunities to develop "catalyst" projects that will promote significant reinvestment in underutilized commercial centers.

Tomball Economic Development Corporation staff along with representatives from the Greater Tomball Area Chamber of Commerce, City of Tomball, and Small Business Development Center conducted one-on-one visits with four businesses in 2012-2013, including Mico Group LTD.

(BELOW)



GOAL 2

ATTRACT NEW BUSINESS AND INDUSTRY

ACTIVITIES

- A.** Work with public and private sectors in developing industrial land, business parks, and ready-to-use facilities to achieve Tomball's focused growth.
- B.** Work with the City of Tomball to remove potential barriers to new or expanded industrial/business development: oil & gas issues, infrastructure needs, permitting and land use ordinances, and mobility issues.
- C.** Maximize the economic benefits from Lone Star College and Tomball's Medical district:
 - 1)** Encourage the development of businesses in these areas that promote and support these assets.
- D.** Continue utilizing a marketing plan to promote a positive and pro-business image of Tomball.
 - 1)** Update website on regular and on-going basis
 - 2)** Advertise in business publication and journals of targeted industries/markets.
 - 3)** Develop professional collateral materials for targeted market campaigns.

The Tomball Business and Technology Park will serve new and expanding businesses in the Tomball area. The project involves the creation of new streets to improve traffic, as well as necessary storm drainage, water, sewer and natural gas facilities.

To date, preliminary studies, engineering, and land surveying have been completed.

A plat of the property has been recorded and construction documents are underway for the necessary public facilities.

The TEDC finalized an agreement with the City for funding of the improvements through the issuance of approximately \$8.5 million in certificates of obligation which the TEDC will repay over a 20 year period.

Construction is anticipated to begin in the Fall of 2013.



GOAL 2

ATTRACT NEW BUSINESS AND INDUSTRY

ACTIVITIES

- E.** Maintain detailed property databases of available sites and buildings and utilize the City's GIS system to respond to prospect leads as well as provide information to the public.
- F.** Continue to stress the importance of David Wayne Hooks Memorial Airport as an asset to business/industry.
- D.** Encourage the continued development and redevelopment of commercial and retail centers.
- H.** Continue to more clearly define the incentive program.
- I.** Develop relationships and maintain contact with sources of new client referrals.

In 2012, Baker Hughes announced plans to construct a \$55.8 million Western Hemisphere Education Center at the northeast corner of FM 2920 and FM 2978. The facility will serve as a consolidated training center as well as a central facility for major corporate meetings and activities. The new training center and associated support facilities will be an extension of the company's existing presence in Tomball.

(BELOW)



Artist rendering of the new Western Hemisphere Education Center courtesy of ENERGY Architecture.

GOAL 3

COORDINATE ECONOMIC DEVELOPMENT EFFORTS IN TOMBALL, THE REGION, AND THE STATE

- A. Maintain and promote coordination/liaison with TEDC allies.
- B. Develop feedback mechanisms to “shareholders.”
- C. Support efforts to develop local entrepreneurs and small businesses:
 - 1) Refer start-up businesses to Small Business Development Center (SBDC) at Lone Star College System.
 - 2) Follow-up and coordinate efforts with SBDC and Service Corps of Retired Executives (SCORE).
- D. Monitor the local and regional business mix to identify gaps and/or opportunities.
- E. Partner with utility and other service providers to ensure high quality, sustainable service provision.
- F. Administer incentive and infrastructure funding policies.
- G. Work with the City of Tomball on implementation of its tax abatement policy, Comprehensive Plan, Strategic Work Plan, and Livable Centers Downtown Plan.

2012 ECONOMIC DEVELOPMENT BREAKFAST



The TEDC hosted its 4th Annual Economic Development Breakfast on June 26, 2012 to promote economic activity in Tomball, discuss economic trends in the region, and provide updates on major projects, including the Grand Parkway and SH 249 expansion.

Regular City Council Agenda Item Data Sheet

Meeting Date: June 3, 2013

Topic:

Receive the Tomball Economic Development Corporation (TEDC) 2012-2013 Annual Report

Background:

The Bylaws of the Tomball Economic Development Corporation (TEDC) require that an annual status report outlining the activities of the Corporation in carrying out its Strategic Work Plan be submitted to City Council for review.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

As per the TEDC Bylaws, this annual report is for review by the City Council. No action is required.

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

Kelly Violette, Executive Director

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

ATTACHMENTS:

TEDC 2012-2013 Annual Report

ALL ABOARD!

DESTINATION: TOMBALL, TEXAS



TOMBALL
ECONOMIC DEVELOPMENT CORPORATION



BOARD of DIRECTORS & STAFF

What is Economic Development?

"The process of creating wealth through the mobilization of human, financial, capital, physical and natural resources to generate marketable goods and services."

International Economic Development Council



Gretchen Fagan
President



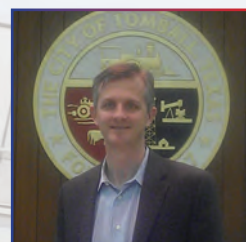
Steven Vaughan
Vice President



William E. Sumner
Secretary



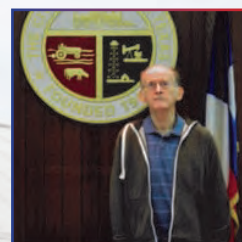
Lori Klein-Quinn
Treasurer



Chad Degges



Richard Bruce



Vince O'Donnell

The Tomball Economic Development Corporation (TEDC) is a non-profit Type B Corporation created pursuant to the Texas Development Corporation Act of 1979. The TEDC was formed in November 1994, after the citizens of Tomball voted to pass a one-half cent sales tax dedicated to economic development.

The TEDC works to promote, assist, and enhance economic and related development activities on behalf of the City of Tomball. It is governed by a seven member board of directors who are appointed by the Tomball City Council.

EXECUTIVE DIRECTOR'S MESSAGE



Kelly Violette, AICP
Executive Director

On behalf of the Board of Directors of the Tomball Economic Development Corporation, I am pleased to present you with the Annual Report for Fiscal Year 2012-2013. This has been a remarkable year of growth for the City of Tomball and the entire Houston region. It's no secret that Houston is on a hot streak! From Forbes Magazine choosing Houston as "America's Coolest City" to the New York Times naming Houston as one of the top 10 places to visit in 2013, America's fourth largest city continues to lead the nation in growth.

The growth in jobs and population is changing the landscape of the Houston region, particularly in northwest Harris County where companies like Exxon Mobil and Noble Energy are constructing major corporate campuses that will bring thousands of workers to the region, as well as tremendous opportunities for economic growth. Additionally, with the announcement that the Houston area was named the "Top Metro" in the U.S. for 2012 corporate relocations and expansions by Site Selection magazine, we are likely going to see many more companies moving to the area over the next several years.

Tomball has its own major campus under construction that will elevate our city to a global platform. With the new Baker Hughes Western Hemisphere Education Center anticipated to be complete by 2014, Tomball will be host to approximately 66,000 trainees and corporate professionals from around the world each year. This project builds upon Baker Hughes' existing presence in the City of Tomball and shows a tremendous commitment to expand our local economy.

The Tomball Economic Development Corporation is proud of the accomplishments made during Fiscal Year 2012-2013 and remains committed to its goals of supporting businesses and economic growth to improve the quality of life for our residents. This year, the TEDC has assisted in the attraction/expansion of six companies resulting in over \$58 million in new capital investment, 103 new and 66 retained jobs in the City, and over 161,608 square feet of newly constructed space.

The TEDC Board of Directors and staff continue to develop opportunities and implement programs that will have a long-term economic impact on the Tomball community. Looking ahead, one of the most exciting projects is the development of the Tomball Business and Technology Park which will offer sites for new and expanding businesses resulting in an increase in employment opportunities in the City.

These efforts and achievements would not be possible without the continued support of the Tomball community, a dedicated Board of Directors, and strong partnerships with the City of Tomball, Greater Tomball Area Chamber of Commerce, and all of our local and regional allies.

It is my great pleasure to serve you as the Executive Director of the Tomball Economic Development Corporation and I look forward to working with you to continue to develop Tomball as a great place to do business!

Sincerely,

Kelly Violette, AICP
Executive Director



Tiffani Wooten
Coordinator



TEDC GOALS & OBJECTIVES

MISSION

The mission of the Tomball Economic Development Corporation (TEDC) is to promote economic growth in the City of Tomball through the attraction of new business and industry and the retention of existing businesses by providing the resources that enable development and advance the general well being of the community.

PROMOTE BUSINESS RETENTION AND EXPANSION

Tomball's businesses are the heartbeat of our local economy! That's why Business Retention and Expansion is the TEDC's first priority. Our goal is to retain Tomball companies and encourage business growth and expansion in order to increase employment and expand the tax base.



2012-2013 RESULTS:

- Three expansion projects resulting in capital investment of over \$1.9M, 53 retained jobs, 21 new jobs, and \$72,600 in incentives
- Thirty-four Business Improvement Grants awarded to 17 businesses resulting in \$766,445.70 in capital investment
- Conducted four on-site visits with area businesses to discuss growth potential, resources, and needs
- Collaborated with the City of Tomball on Tax Abatement application for American National Carbide
- Developed new marketing material to promote expansion/development incentives

ATTRACT NEW BUSINESS AND INDUSTRY

Attracting new businesses to Tomball benefits the community by bringing in new investment, creating jobs and providing a source of new money to the community through sales and services. The TEDC works to attract new businesses to Tomball by funding targeted infrastructure improvements, providing incentives for relocations, utilizing print and electronic media, developing new industrial sites, and maintaining relationships with sources of new business referrals.



2012-2013 RESULTS:

- Three new projects resulting in 82 new jobs and over \$57 million in capital investment
- Continued progress on the development of the Tomball Business & Technology Park: approved engineering design contract, platted property, developed deed restrictions, and worked with Tomball City Council to obtain construction funds for public infrastructure
- Submitted proposals for five industrial prospect leads from partner organizations including the Governor's Office of Economic Development and Tourism and the Greater Houston Partnership
- Collaborated with the City of Tomball on Tax Abatement application for Baker Hughes Western Hemisphere Education Center
- Facilitated Texas Enterprise Zone Program nomination for Baker Hughes Western Hemisphere Education Center project

COORDINATE ECONOMIC DEVELOPMENT EFFORTS IN TOMBALL, THE REGION, AND THE STATE

Successful economic development efforts are the result of many people working together to achieve a common goal. The TEDC works hand-in-hand with the City of Tomball, Greater Tomball Area Chamber of Commerce (GTACC), Lone Star College-Tomball, area realtors and developers, and regional partners to strengthen the local economy.

2012-2013 RESULTS:

- Instrumental in the creation of a Chapter 380 Economic Development Agreement between the City of Tomball, the TEDC, and Baker Katz to assist in the redevelopment of the Four Corners Shopping Center
- Referred clients to Small Business Development Center and Service Corps of Retired Executives (SCORE) for start-up and mentoring assistance
- Attended Exxon Mobil relocation fair in Fairfax, VA to promote Tomball
- Provided presentations and development updates to area organizations, including the North Houston Association, Greater Tomball Area Chamber of Commerce, 249 Partnership, and Lone Star College- Tomball
- Participated in the Lone Star College Systems Citizens Facilities Review Committee
- Collaborated with Lone Star Corporate College to promote workforce training programs
- Sponsored and participated in the GTACC Small Business Conference
- Hosted 4th Annual Economic Development Breakfast – over 50 attendees
- Partnered with the City of Tomball on the implementation of the Livable Centers Downtown Plan and provided funding support for the construction of downtown public restroom facilities at the Depot Plaza site



BUSINESS RETENTION & EXPANSION

The Tomball Economic Development Corporation is committed to the long-term economic growth and prosperity of the Tomball community. The Corporation's recruitment and retention efforts during FY 2012-2013 will result in the retention of 66 jobs, the creation of 103 new jobs, and more than \$58 million in capital investment.

ADVANCED PRESSURE SYSTEMS (APS)

Advanced Pressure Systems, an existing Tomball company, entered into a performance agreement with the Tomball Economic Development Corporation in 2013 to expand its operations by adding additional equipment in order to increase its manufacturing capabilities. APS specializes in products for high pressure water blasting, which has wide application in the fields of environmental and industrial cleaning. APS is located in an 18,900 square foot facility in the Persimmon Business Park. The company currently has 33 employees and plans to add one additional employee as part of the expansion. The estimated capital investment for this project is \$852,000.00.



CENTURY HYDRAULICS LLC

The TEDC recruited Century Hydraulics LLC to Tomball in 2008 and provided the company with a performance grant to assist with the relocation of thirteen employees and the construction of a 9,000 square foot office/warehouse facility on Snook Lane. Century Hydraulics LLC repairs various hydraulic components such as pumps, motors, cylinders, and valves for off-road equipment used in construction, logging, and oilfield industries. In 2013, Century Hydraulics called upon the TEDC to assist with an expansion of its facility and the addition of four new employment positions. The TEDC entered into a performance agreement with the company in 2013 to assist with its expansion efforts. The estimated capital investment for this project is \$415,000.00.

QTRCO INC.

QTRCO Inc. designs and manufactures custom actuators for the chemical, oil and gas, nuclear power and other industries. QTRCO Inc. relocated to Tomball in 2004 after receiving a performance grant from the TEDC for the relocation of seven employees and the construction of an 11,000 square foot office/manufacturing facility on Theis Lane. The company currently employs 8 workers and plans to construct a new 10,800 square foot office/warehouse facility in order to support its growing manufacturing operations. The TEDC authorized a performance grant to assist with the expansion and the addition of six employment positions at the facility.



NEW BUSINESS / BUSINESS EXPANSION PROJECTS (FY2012-2013)

Company		Incentive Obligated	New Jobs	Jobs Retained	New Capital Investment
Advanced Pressure Systems	Expansion	\$42,600.00	1	33	\$852,000.00
Baker Hughes	New	\$912,889.00	50	0	\$54,000,000.00
Century Hydraulics LLC	Expansion	\$12,000.00	4	12	\$415,000.00
One Moore Holdings	New	\$56,425.00	12	13	\$925,000.00
QTRCO	Expansion	\$18,000.00	16	8	\$650,000.00
Stripes LLC	New	\$21,000.00	20	0	\$2,500,000.00
Total		\$1,062,914.00	103	66	\$58,490,000.00

BUSINESS VISITATION PROGRAM

The Business Visitation Program was established in 2011 as part of the Corporations Business Retention and Expansion Program. The program provides businesses with a point of contact for questions and issues and brings awareness of the resources available to them.

Over the year, TEDC staff along with partners from the Greater Tomball Area Chamber of Commerce, City of Tomball, and the Lone Star College System's Small Business Development Center met on-site with four existing businesses. As part of these on-site visits the team asked specific questions to understand the factors that affect the overall climate of each business and its industry. Those factors include: recent business achievements, business needs, local workforce factors, community strengths and weaknesses, community service



and utility satisfaction, and legislative policy. The Business Visitation Program is not only a relationship building tool, it also assists staff in gathering data on each business for the TEDC database as well as identifying companies that may be at-risk or looking to expand operations.



NEW BUSINESS & INDUSTRY

NEW WESTERN HEMISPHERE EDUCATION CENTER

In 2012, Baker Hughes announced plans to construct a \$55.8 million Western Hemisphere Education Center at the northeast corner of FM 2920 and FM 2978. The facility will serve as a consolidated training center as well as a central facility for major corporate meetings and activities. The new training center and associated support facilities will be an extension of the company's existing presence in Tomball.

The project will bring a state-of-the-art educational center to Tomball and provide a world class environment to train over 66,000 personnel and customers in the oil and gas industry each year. The facility will include a 72,445-square-foot, three-story education building, a 36,000-square-foot workshop, a 16,730 square-foot-laboratory and auditorium, and a 156,000-square-foot yard with two training rigs.



To assist in the construction of the multi-faceted center, the Tomball Economic Development Corporation awarded Baker Hughes a grant of more than \$912,000. Additionally, the City of Tomball annexed the 100 acre site and granted a ten-year tax abatement for the project. With more than 58,000 employees in 80 countries, Baker Hughes is a global leader in the oilfield industry and a major employer in the City of Tomball. The new facility will create an additional 55 jobs bringing the number of Baker Hughes employees to over 680 in Tomball. The facility's estimated 10 year net benefit to the City is approximately \$8 million.



Artist rendering of the new Western Hemisphere Education Center courtesy of ENERGY Architecture.



On July 18, 2011, the TEDC Board of Directors and Tomball City Council approved the purchase of approximately 97.5 acres of land, generally located at the northwest corner of Hufsmith-Kohrville and Holderrieth Roads, in order to develop a Business & Technology Park to promote economic growth in the City of Tomball, attract new business and industry, retain existing businesses, and further build the local supply of jobs in the City of Tomball. The property was acquired by the TEDC on December 19, 2011.

The project masterplan is comprised of the 97.5-acre tract owned by the TEDC, as well as a 17.63- acre tract to the west of the site, adjacent to the Burlington Northern Santa Fe Rail line, and a 5.60 acre tract to the east of the site, along Hufsmith-Kohrville Road. The 17.63 acre tract and the 5.60 acre tract are both owned by 2978 Industrial Properties LLC. The TEDC and 2978 Industrial Properties LLC entered into a development agreement in 2012 in order to coordinate the overall development of the 120 - acre site.

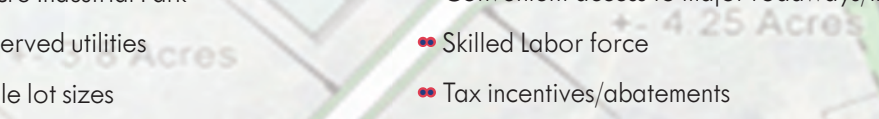
To date, preliminary studies, engineering, and land surveying have been completed. A plat of the property has been recorded and construction documents are underway for the necessary public facilities.

The project involves a variety of infrastructure improvements, including the creation of new streets, intersection improvements including signals and turn lanes, as well as necessary storm drainage, water, sewer and natural gas

facilities. Development of the project includes the construction of the southern portion of the M118 Drainage Channel and improvements to the M118 Detention Pond located southerly of Holderrieth Road. The construction of the Channel and Pond will provide regional detention for the lots located within the Park as well as assist future developments located northerly of the project site, within the M118 basin.

The TEDC finalized an agreement with the City for funding of the improvements through the issuance of approximately \$8.5 million in certificates of obligation which the TEDC will repay over a 20 year period.

Construction is anticipated to begin in the fall of 2013.

- 
- 120 acre Industrial Park
 - Fully served utilities
 - Flexible lot sizes
 - Deed Restrictions
 - Competitive Land Prices
 - Low property taxes
 - Light Industrial Zoning
 - Convenient access to major roadways/interstates
 - Skilled labor force
 - Tax incentives/abatements
 - 2.8 miles from regional airport
 - 24 miles from Bush Intercontinental Airport
 - 42 miles from Port of Houston
 - Local workforce development programs





ECONOMIC DEVELOPMENT EFFORTS

Over the past year, the TEDC has continued to build and reinforce partnerships with our local and regional allies to help advance economic development opportunities within the community and strengthen the local economy.

The TEDC has been active in the GTACC Government & Legislative Affairs Committee as well as the Mobility and Transportation Committee. Additionally, the TEDC has participated in local roundtable discussion with Congressman Michael McCaul and Congressman Kevin Brady.

The Corporation continues to work with the City of Tomball to implement its Strategic Work Plan, Comprehensive Plan, and Livable Centers Downtown Plan. The TEDC has also been actively involved in working with the City of Tomball to support numerous redevelopment projects, including the revitalization of the Four Corners Shopping Center, the former Klein's Shopping Center, and downtown improvements.



"The breakfast was great this morning. I really enjoyed it and the presentations were wonderful. Thanks for all your hard work."

Ann Marie Gallagher
Broker Consultant, Longevity Realty Partners

ECONOMIC DEVELOPMENT BREAKFAST

One of the most successful outreach initiatives of the TEDC is the yearly Realtor Breakfast. In June 2012, over fifty realtors, bankers, and developers came together to discuss trends in the Regional Economy and changes in Commercial Lending Practices.

This event has proven to be an ideal opportunity for promoting economic development in Tomball as well as providing a networking venue for Tomball area realtors, developers, and bankers.



TEDC MEMBER ORGANIZATIONS & REGIONAL PARTNERS

- Texas Economic Development Council
- International Economic Development Council
- International Council of Shopping Centers
- North Houston Association
- North Houston Economic Development Alliance
- Houston Regional Economic Development Alliance
- Greater Houston Partnership
- Southern Economic Development Council
- Rotary Club of Tombal
- Greater Tomball Area Chamber of Commerce
- City of Tomball
- Center Point Energy
- Lone Star College – Tomball
- Lone Star College System Small Business
- Development Center
- Tomball Business Association

ICSC

Tomball Economic Development Corporation staff participated in the Texas Conference and Deal Making Show at the Dallas Convention Center on November 7-8, 2012. The Conference was organized by the International Council of Shopping Centers (ICSC), the premier retail trade association group in the world. The primary purpose of attending the conference was to attract new retailers to Tomball, provide support for existing retail centers, and promote available properties to potential developers.





ECONOMIC DEVELOPMENT EFFORTS

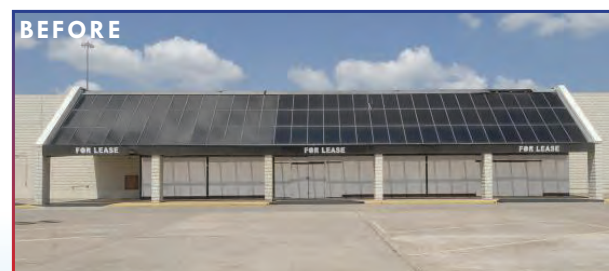
THE FOUR CORNERS SHOPPING CENTER

The Four Corners Shopping Center, located at the southwest corner of S.H. 249 and FM 2920, is undergoing a \$10 million renovation including new façade, signage, parking, and landscaping improvements to revitalize the declining center.

Baker Katz, LLC, the commercial real estate firm that purchased the Four Corners Shopping Center, worked with the Tomball Economic Development Corporation to identify a potential retail mix, redevelopment strategy, and economic development options for the project site.

Exterior renovations include a completely new façade along with stonework and extensive landscaping, as well as improvements to increase site access and traffic flow from FM 2920 and SH 249. The buildings being renovated include the 46,000-square foot-building where a Kroger was previously located and the vacant building next to the Goodwill and Cinema 6.

The Tomball Economic Development Corporation and the City of Tomball entered into a Chapter 380 Economic Development Agreement with Baker Katz to reimburse the company for a portion of the renovation costs through future sales tax revenue increases at the site.



"National retailers focused on quality real estate will now have an opportunity to enter the Tomball market. Four Corners Shopping Center is centrally located in the heart of this busy market, and with the improved access provided by the renovations, will provide customers with the convenience and amenities Tomball is known for."

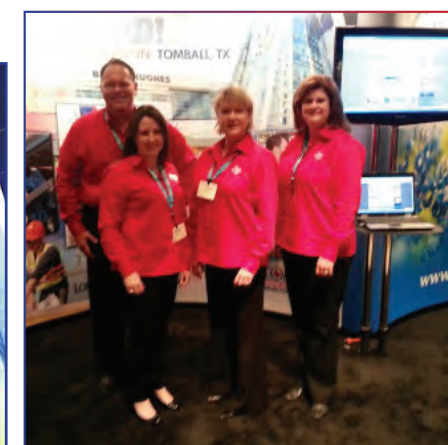
Kenneth Katz, CCIM Baker Katz

EXXONMOBIL

The Tomball Economic Development Corporation Board President and Executive Director, in conjunction with Greater Tomball Area Chamber of Commerce staff, attended Exxon Mobil's "Let's Discover Houston Fair," in Fairfax, Virginia. The event was an opportunity to familiarize Exxon Mobil employees with the communities, schools and amenities surrounding the new 385 acre Exxon Mobil corporate campus being built near Interstate 45 and the Hardy Toll Road. An estimated 2,800 employees and their families attended the event, with over 250 families requesting specific information about the Tomball community.

Exxon Mobil will be transferring approximately 2,100 workers from the Fairfax campus to the new facility in 2014-2015.

LETS DISCOVER HOUSTON FAIR



Bruce Hillegeist, President - Greater Tomball Area Chamber of Commerce, Brandy Beyer, Vice President of Operations- Greater Tomball Area Chamber of Commerce, Tomball Mayor Gretchen Fagan, and Kelly Violette, Executive Director- Tomball Economic Development Corporation attended the Exxon Mobil Relocation Fair in April 2013.

ExxonMobil

The new Exxon Mobil corporate campus will house a total of 10,000 workers when it opens in 2015.



BUSINESS IMPROVEMENT GRANT PROGRAM

The purpose of this program is to promote the development and expansion of new and existing business enterprises within the City of Tomball, and enhance the economic welfare of the citizens of the City by securing and retaining business enterprises and maintaining a higher level of employment, economic activity and stability.

In FY2012-2013 for every dollar the TEDC invested it was matched 4:1



BUSINESS IMPROVEMENT GRANT PROGRAM

Fiscal 2012-2013	Project Cost	Project Scope	TEDC Grant
Dale Cannon Agency	\$17,905.00	Landscaping & Signage Improvements	\$8,236.87
Baker Katz	\$250,345.00	Property, Landscaping, & Signage Improvements	\$25,000.00
Klein Financial Services	\$25,098.94	Property & Signage Improvements	\$12,476.77
Livengood Feeds Inc	\$51,057.00	Property, Landscaping & Signage Improvements	\$12,353.50
Family Farm Health Food	\$7,550.00	Signage Improvements	\$3,775.00
MDPA Profit (Dr. Hutson)	\$22,169.78	Façade Improvements	\$10,000.00
Tomball Ranch Apartments	\$49,776.00	Property, Façade, & Signage Improvements	\$21,388.00
Shivers Shaved Ice	\$394.00	Signage Improvements	\$197.00
Nalley Custom Homes	\$41,000.00	Property, Façade, & Landscaping Improvements	\$17,250.00
Dominos Pizza	\$7,010.00	Signage Improvements	\$1,752.50
PreEngineered Properties	\$75,450.00	Property, Façade, Landscaping, & Signage Improvements	\$23,425.00
Albers Propertie	\$32,850.00	Property & Landscaping Improvements	\$14,350.00
Scribbles & Giggles Daycare	\$11,936.18	Property, Façade, & Signage Improvements	\$5,969.09
JJKS Investments LLC	\$18,512.45	Landscaping Improvements	\$9,256.23
Napa Auto Parts	\$187,902.00	Property, Landscaping, & Signage Improvements	\$25,000.00
Accurate Arrow, LP	\$1,190.75	Façade Improvements	\$595.37
Cheers	\$2,698.60	Signage Improvements	\$1,349.30
Insurance Partners	\$3,334.10	Signage Improvements	\$833.52
\$806,179.80			\$193,208.15

Since the beginning of the Business Improvement Grant Program over 3 million dollars worth of improvements have been made within the City limits of Tomball!



Thank you and the TEDC for making some pretty amazing things happen. My building at 22311 Hufsmith-Kohrville Road was in dire need of a face lift. Of course, money was in short supply. I had heard about the grants that were available from the TEDC but assumed they were for folks that could wade through volumes of documents, stringent qualifications and red tape. Boy was I wrong about that! It was uncomplicated, straight forward and very easy

Mike Ott, Industry Lane Properties, LLC



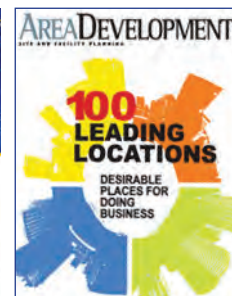
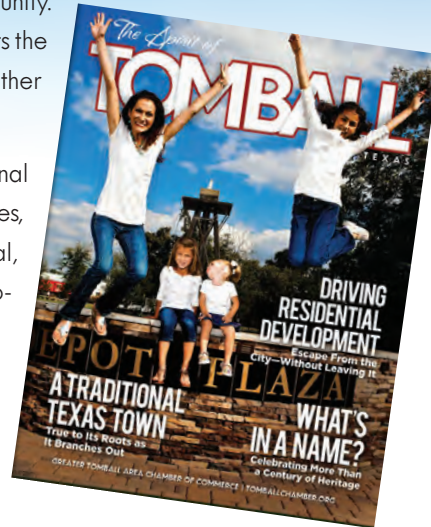


MARKETING ACTIVITIES

In 2012, the TEDC initiated a new branding effort to create a consistent design and identity for promoting Tomball as a place of choice for life, business, and community. "All Aboard," the theme created for FY 2012-2013 marketing material, represents the significance of Tomball's railroad history as well as a community working together and moving full steam ahead!

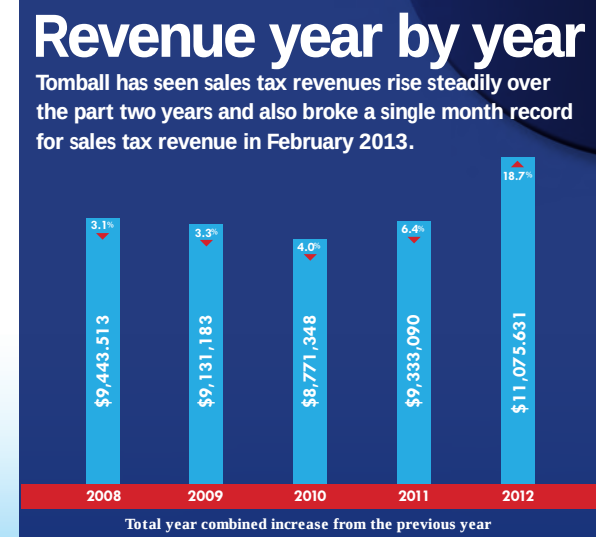
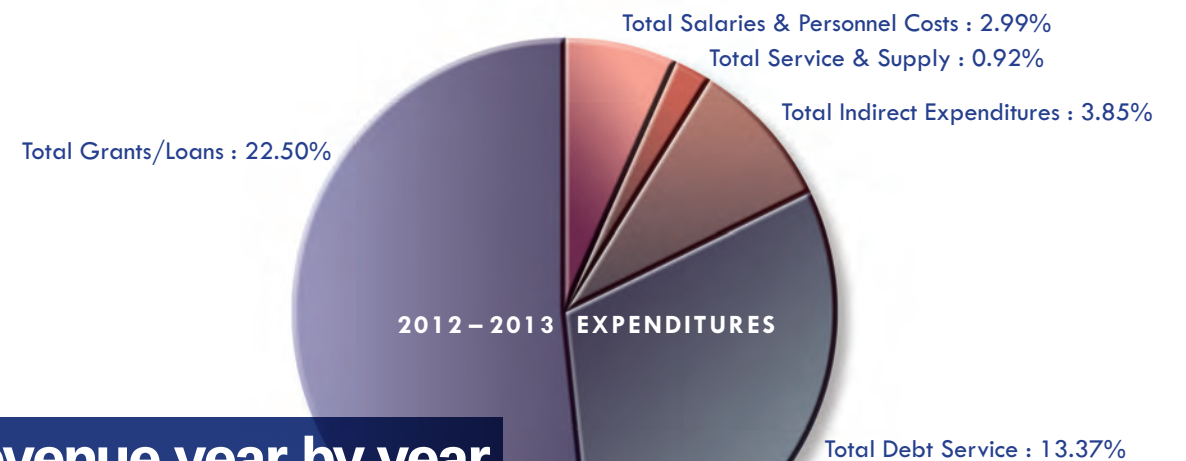
Over the past year, the TEDC has continued to focus on online and print materials in regional and national publications, including Area Development, Trade & Industry, Business Facilities, Expansion Solutions, Economic Development Guide of Houston, Business Expansion Journal, and Global Corporate Expansion. These ads promote Tomball's area resources, demographics, and high quality of life to businesses seeking new locations.

The TEDC website is the Corporation's number one marketing tool, providing relevant and up-to-date information, available properties, major developments, demographics, and incentive information. It allows us to better serve new and existing businesses, developers and site selectors and help them realize the potential Tomball has in making their organization's expansion or relocation a success.



TEDC FINANCIALS

OPERATING REVENUES [FY 2013 ADOPTED]	BUDGET
Beginning Fund Balance	\$ 7,998,246
Sales Tax	\$ 2,550,000
Interest Income	\$ 50,000
TOTAL AVAILABLE RESOURCES	\$ 10,598,246
EXPENDITURES	
Administrative	\$ 314,050
Indirect Economic Development Expense	\$ 307,950
City Debt Services	\$ 1,070,000
Grants, Loans & Other Expenditures	\$ 1,800,000
TOTAL EXPENDITURES	\$ 3,492,000
ENDING FUND BALANCE	\$ 7,106,241



Source: Texas Comptroller of Public Accounts

Regular City Council

Agenda Item

Meeting Date: June 3, 2013

Data Sheet

Topic:

Approve Interlocal Agreement between the City of Tomball and the Tomball Independent School District (TISD), affording the Tomball Police Department the Ability to Assign Four (4) Student Resource Officers (SROs) to TISD Campuses.

Background:

The purpose of this Interlocal Agreement is to ensure that adequate services are provided to TISD as well as to define the scope of the duties and responsibilities of all interested parties.

The officers assigned to TISD under this agreement will function as SROs at the High Schools and Junior High Schools, as well as teach a drug prevention program to students at the intermediate level.

The agreement covers the 2013-2014 school year and will be renegotiated each year thereafter.

The costs associated with this School Resource Officer position are reimbursed to the City as a 70% work equivalent (187 days) to cover the regular school year. Total payment to City of Tomball from TISD for the year will be \$259,424.00.

Origination:

Robert S. Hauck

Recommendation:

It is recommended that the City of Tomball enter into this Interlocal Agreement with the Tomball Independent School District.

Funding: Yes

Account Number: 121-100-5730

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

Robert S. Hauck

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

ATTACHMENTS:

ILA Between COT and TISD for SRO

INTERLOCAL AGREEMENT (Student Resource Officer)

1. PARTIES

1.1. The Parties to this Agreement are City of Tomball (“City”), a body corporate and politic under the laws of the State of Texas, and TOMBALL INDEPENDENT SCHOOL DISTRICT (“the Contractor”).

2. PURPOSE

2.1. The Contractor wants the Chief of Police of the City of Tomball, Texas, to authorize and direct four (4) law enforcement officers to each devote 187 days of their working time, “working time” being defined as eight (8) hours per day, to the Contractor. The law enforcement officer referenced above will be referred to collectively as “extra officers” whether one or more.

3. TERM OF THE AGREEMENT

3.1. The term of this Agreement begins on August, 1, 2013, and ends on July 31, 2014, unless terminated sooner in accordance with Section 7.

4. CITY’S RIGHTS AND OBLIGATIONS

4.1. City agrees to authorize the Chief of Police to appoint the extra officer effective at the beginning of the contract term, so as to enable (but not require) the Chief of Police to appoint the extra officer to devote 187 days of his/her working time to Tomball Independent School District facilities (“the area”). As used herein, the phrase “working time devoted to the area” means the usual or normal hours that extra officer is required to work in any calendar month and does not include any extra or overtime work. The time the extra officer is on duty within the area, the time the extra officer is in court in connection with cases arising out of events occurring within the area, the time the extra officer spends preparing reports and documents pertaining to events occurring in the area, the time the extra officer spends in making preparations to provide law enforcement in the area, the time the extra officer spends transporting persons arrested in the area to jail, the time the extra officer spends investigating crimes or possible crimes committed in the area, are deemed working time devoted to the area. The activities listed above are explanatory and the meaning of “working time devoted to the area” is not limited to those activities.

4.2. Contractor understands and agrees that if the Chief of Police appoints the extra officer to the area, the Chief of Police retains the control and supervision of the extra officer to the same extent as he does other officers.

4.3. The extra officer assigned in accordance with this Agreement shall perform the duties as assigned by the Contractor, subject to the control and supervision of the Chief of Police and the City of Tomball. The rules, regulations, procedures, and policies of the City shall govern the performance of duties rendered pursuant to this agreement.

4.4 The Contractor shall provide an office, a networked computer, and general office supplies needed for the extra officers to perform their Student Resource Officer duties. The Chief of Police shall supply all equipment necessary to perform police functions and services.

5. CONTRACTOR'S PAYMENT OBLIGATION

5.1. The Contractor agrees to pay the City of Tomball the sum of TWO HUNDRED FIFTY NINE THOUSAND FOUR HUNDRED TWENTY FOUR DOLLARS (\$259,424.00) to contract police services, or to be used by the City of Tomball for the purpose of supplementing the cost to the City for supplying the law enforcement services, including salaries and any additional expenses the City may incur in providing the services for a period of 187 days beginning the 20th day of August, 2013. Contractor must make payments on the total sum in installments, which are due and payable, without demand, on or before the following dates in the amounts set forth:

Nine (9) payments of \$28,824.89 , due on the 20th of each month, first payment due September 20, 2013.

5.2. If the term of this Agreement is terminated at any time other than at the end of a semester, payments under this Contract shall be prorated.

5.3. Contractor understands and agrees that if the City does not receive the payments within thirty (30) days of the date due, the City is authorized to terminate this Agreement without further notice. Further, City's failure to make demand for payments due is not a waiver of Contractor's obligation to make timely payments.

6. CITY'S PREROGATIVE TO APPOINT EXTRA OFFICERS

6.1. Contractor understands and agrees that this Agreement is not intended (nor shall it be construed) to obligate the Chief of Police in any manner whatsoever to assign the extra officer to devote any portion of his/her working time to the area. However, if for any reason the extra officer does not devote substantially 187 days of his/her full-time equivalent working time to the area during the term of this Agreement, then the Contractor is obligated to pay the City only a proportionate part of the total sum identified above. If the amount paid by the Contractor to City of Tomball exceeds the proportionate part, the Contractor is entitled to a refund from City of Tomball of the excess amount paid.

7. TERMINATION AND DEFAULT

7.1. Prior to the expiration of the term, either Party is authorized to terminate this Agreement without cause by giving to the other party at least thirty (30) days advance written notice of its intention to do so, specifying therein the effective date of such termination.

8. NOTICE

8.1. Any notice permitted or required to be given to City of Tomball hereunder may be given by registered or certified United States Mail, postage prepaid, return receipt requested, addressed to:

Tomball Police Department
Attn: Chief of Police
400 Fannin Street
Tomball, Texas 77375

Any notice permitted or required to be given to Contractor hereunder may be given by registered mail or certified United States Mail, postage prepaid, return receipt requested, addressed to:

Tomball Independent School District
Attn: Superintendent
310 South Cherry Street
Tomball, Texas 77375.

Notice shall be deemed given upon deposit of the notice in the United States Mail as aforesaid.

8.2. Either Party may designate a different address by giving at least ten (10) days written notice in the manner provided above.

9. MISCELLANEOUS

9.1. The terms and provisions of this Contract constitute the entire Agreement between the City and the Contractor, and no modification of this Contract is effective unless in writing and executed by both parties.

SIGNED in duplicate originals this _____ day of _____ 2013.

APPROVED AS TO FORM:

City of Tomball

ATTEST:

By:
Doris Speer
City Secretary

By:
Gretchen Fagan
Mayor

Tomball Independent School District

ATTEST:

By:
Kit Pfeiffer
Director of Administrative Services

By:
John Neubauer
Superintendent

Regular City Council Agenda Item Data Sheet

Meeting Date: June 3, 2013

Topic:

Approve Interlocal Agreement between the City of Tomball and the Tomball Independent School District for Use of Contraband Detection Canine within TISD Campuses.

Background:

Historically, contraband detection within TISD campuses had been conducted by an outside private corporation. This arrangement continued at the time the TPD assumed Student Resource Officer duties for the entire TISD in 2011, due to the fact that the TPD did not have a trained detection canine at that time. Upon acquiring a narcotics detection canine in 2012, the TPD assumed the primary role of contraband detection in TISD schools.

This is a renewal of the current agreement between TISD and the COT.

Origination:

Robert S. Hauck

Recommendation:

Approve the ILA between TISD and the COT.

Funding: No

Funds will be transferred from Account: to Account:

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

Robert S. Hauck

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

ATTACHMENTS:

ILA Between COT and TISD for Canine Services

INTERLOCAL COOPERATION AGREEMENT
BETWEEN
THE CITY OF TOMBALL AND
THE TOMBALL INDEPENDENT SCHOOL DISTRICT
FOR USE OF CONTRABAND DETECTION CANINE

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §
 §

This Interlocal Cooperation Agreement (the "Agreement") is made and entered into effected the 1st day of August, 2013, by and between the City of Tomball, Texas (the "CITY") and the Tomball Independent School District (the "DISTRICT") each acting through its duly authorized executive officer.

RECITATIONS

The CITY and the DISTRICT are governmental units and political subdivisions authorized by the Interlocal Cooperation Act, Article 4413(32c), Texas Revised Civil Statutes, to enter into this Agreement for the purpose of performing governmental functions and services; and

The DISTRICT desires to obtain the authorized services of the City's non-aggressive contraband detection canine; and

The CITY desires a regular opportunity for their contraband detection canine to work; and

The DISTRICT recognizes that the primary duty of the Police Chief and the City Police Department is to serve the City of Tomball and that the provision of the officers and/or contraband detection canine shall be governed by the terms of the Agreement; **NOW THEREFORE,**

Section 1.0. The recitations stated above are true and correct.

Section 2.0 Consideration and Term. For and in consideration of the mutual promises, covenants, obligations, and benefits to the CITY and the DISTRICT, the parties agree and contract is provided below in this Agreement. This Agreement shall remain in effect for the 2013-2014 school year, and it shall be renewed automatically, from school year to school year, unless terminated by either party in accordance with the provisions of Section 8.0 "Termination", of this Agreement.

Section 3.0 Police Officer and Canine Services. The CITY agrees to authorize the Chief of Police to provide for contraband inspection services utilizing a non-aggressive contraband detection canine, as follows:

- 3.1. Communal areas, lockers, gym areas, parking lots (automobiles), grounds, and other select areas as directed by DISTRICT officials, shall be subject to inspection. Individuals will not be subject to inspection.
- 3.2. Contraband detected on DISTRICT property will be delivered to the school Student Resource Officer.
- 3.3. Suspected drugs of abuse may be field-tested to provide preliminary or presumptive identification of the drug.

Section 4.0 Scheduling of Services. The Chief of Police will schedule campus visits in conjunction with days designated by the DISTRICT as appropriate for visits, as follows:

- 4.1. The DISTRICT shall provide a school calendar with inappropriate dates for service noted. All other dates will be considered acceptable for visits.
- 4.2. Visits will be made monthly, September through May, to each of Tomball Junior High School, Willow Wood Junior High School, Tomball High School, and Memorial High School.
- 4.3. Visits may be made upon occasion, as requested by the DISTRICT and possibly in lieu of a regularly scheduled visit (see 4.2), to the Tomball Alternative Education Center.
- 4.4. The Chief of Police shall notify the campus principal a minimum of two days prior to a visit.

Section 5.0 DISTRICT's Payment Obligation The DISTRICT agrees to pay the CITY the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500), to contract for contraband inspection services utilizing a non-aggressive contraband detection canine in accordance with Section 4.0.

- 5.1. The DISTRICT must make payments on the total sum in installments, which are due and payable without demand, on or before the following dates in the amounts set forth:

Two (2) payments of \$1,250, due on or before the 1st of January and the 1st of June.
- 5.2. If the term of this Agreement is terminated at any time other than at the end of a semester, payments under this Contract shall be prorated.

- 5.3. The DISTRICT understands and agrees that if the CITY does not receive the payments within thirty (30) days of the date due, the CITY is authorized to terminate this Agreement without further notice. Further, CITY's failure to make demand for payments due is not a waiver of DISTRICT's obligation to make timely payments.
- 5.4. This Agreement will not obligate the DISTRICT to pay additional compensation to the CITY for the customary or routine services of the Police Department, as such services are customarily provided to citizens, businesses, and government units within the City's jurisdiction, it being the intent of the parties to provide for situation in which additional services are requested and provided in accordance with the terms of this Agreement.

SECTION 6.0 Termination and Default Prior to the expiration of the term, either party is authorized to terminate this Agreement without cause by giving to the other party at least thirty (30) days advance written notice of its intention to do so, specifying therein the effective date of such termination.

SECTION 7.0 Notice Any notice permitted or required to be given under this agreement may be given by registered or certified United States Mail, addressed to the respective parties as follows:

Chief of Police
City of Tomball
400 Fannin Street
Tomball, TX 77375

Assistant Superintendent for Administrative Services
Tomball Independent School district
310 S. Cherry Street
Tomball, TX 77375

Notice shall be deemed given upon delivery or deposit of the notice in the United States mail.

Section 8.0 Miscellaneous The terms and provisions of this Agreement constitute the entire Agreement between the CITY and the DISTRICT, and no modification of this Contract is effective unless in writing and executed by both parties.

SIGNED in duplicate originals the _____ day of _____, 2013.

APPROVED AS TO FORM

City of Tomball

ATTEST:

By:
Doris Speer
City Secretary

By:
Gretchen Fagan
Mayor

Tomball Independent School District

ATTEST

By:
Kit Pfeiffer
Director of Administrative Services

By:
John Neubauer
Superintendent

Regular City Council

Agenda Item

Meeting Date: June 3, 2013

Data Sheet

Topic:

Approve Interlocal Agreement between the City of Tomball and the Tomball Independent School District, Affording the Tomball Police Department the Ability to Provide Police Services on a Contractual Basis for Specialized Events Occurring Before, During and After the Normal Campus Hours.

Background:

The purpose of this Interlocal Agreement is to ensure that clear guidelines are established and set in place to address the specific and individual needs of the Tomball Independent School District (TISD) pertaining to event security. The Interlocal Agreement affords the officers of the Tomball Police Department the ability to provide police related services for specialized events occurring before, during, and after normal campus hours.

This Interlocal Agreement covers the 2013-2014 school year and sets the payment terms. Full-time officers are paid directly by the TISD, and part-time officer pay is reimbursed to the City. All mileage costs are fully reimbursed to the City.

This is a renewal of the 2012-2013 agreement.

Origination:

Robert S. Hauck

Recommendation:

It is recommended that the City of Tomball enter into this Interlocal Agreement with the Tomball Independent School District.

Funding: Yes

Account Number: 100-121-6108

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

Robert S. Hauck

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

ATTACHMENTS:

ILA Between COT and TISD for Use of Police Officers and Vehicles

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN
THE CITY OF TOMBALL AND
THE TOMBALL INDEPENDENT SCHOOL DISTRICT
FOR USE OF POLICE OFFICERS AND MANNED VEHICLES**

**THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §**

This Interlocal Cooperation Agreement (the “Agreement”) is made and entered into effective the 1st day of August 2013, by and between the City of Tomball, Texas (the “City”), and the Tomball Independent School District (the “School”), each acting through its duly authorized executive officer.

RECITATIONS

The City and the School are governmental units and political subdivisions authorized by the Interlocal Cooperation Act, Article 4413(32c), Texas Revised Civil Statutes, to enter into this Agreement for the purpose of performing governmental functions and services; and

The School desires to obtain the authorized services of City police officers and/or patrol vehicles, operated by City Police Officers and City Part-time Police Officers only, for School functions including, but not limited to, traffic direction at athletic events, traffic duty for the first day of school, and as escorts to out-of-town athletic events.

The School recognizes that the primary duty of the Police Chief and the City Police Department is to serve the City of Tomball and that the provision of the officers and/or manned vehicles shall be governed by the terms of this Agreement; **NOW THEREFORE,**

Section 1.0. The recitations stated above are true and correct.

Section 2.0. Consideration and Term. For and in consideration of the mutual promises, covenants, obligations, and benefits to the City and the School, the parties agree and contract is provided below in this Agreement. This Agreement shall remain in effect for the 2012-2013 school year, and it shall be renewed automatically, from school year to school year, unless terminated by either party in accordance with the provisions of Section 8.0, “Termination”, of this Agreement.

ARTICLE I

OBLIGATIONS OF CITY

Section 3.0. Police Officer and Patrol Vehicle Services. The City will provide and assign police officers and/or patrol vehicles, to be operated by Tomball Regular and Part-time Police Officers only (the “*Vehicle* or *Vehicles*”), to the School for the performance of reasonable police services including, by way of illustration and not limitation, the following:

- 3.1. Traffic direction for football games or other school-sponsored events;
- 3.2. Traffic duty for the first day of school;
- 3.3. Escorts to out-of-town athletic events; and
- 3.4. Assistance with crowd control at school-sponsored events.

This Agreement will not obligate the School to pay additional compensation to the City for the customary or routine services of the Police Department, as such services are customarily provided to citizens, businesses, and governmental units within the City’s jurisdiction, it being the intention of the parties to provide for situations in which additional services are requested and provided in accordance with the terms of this Agreement.

Section 4.0. Procedure. Prior to the need of officers and/or Vehicles by the School, the School shall contact the City of Tomball Chief of Police (the “*Chief*”) and outline to the Chief the particular needs, services, and scheduling required. The Chief, or the Chief’s designee if the Chief is absent, shall assign Officers and/or Vehicles to the School for such duties.

Section 5.0. As Assigned. When Available: Control. Assignments will be made solely as and when available, and at the sole discretion of the Chief of Police. The parties acknowledge that in making Officer and Vehicle assignments the Chief and the Police Officers have a first and primary duty to perform police functions and services for the citizens of the City of Tomball, including cooperative efforts with other jurisdictions, and in the event of the occurrence of any public disaster, major crime, riot, or such other paramount public need as may arise (as determined by the Chief of Police or the Chief’s designee), then the police will be obligated to first devote their efforts and equipment to those needs, rather than in connection with this Agreement with the School.

This Agreement is not intended, nor shall it be construed, to obligate the City of Tomball or its Police Department in any manner whatsoever; it is intended to set out the terms and conditions for the assignment of Officers and Vehicles operated by the City Police Officers in accordance with this Agreement.

The Officers and the Vehicles assigned in accordance with this Agreement shall perform the duties as assigned by the School subject to the control and supervision of the

Chief of Police and the City of Tomball. The rules, regulations, procedures, and policies of the City shall govern the performance of duties rendered pursuant to this Agreement.

Section 6.0. Vehicle charges: Payments for Officers' Services.

6.1. Vehicle Charges. The School will pay for actual mileage, computed from the time a Vehicle leaves the Police Department through its return to the Police Department. The rate shall be computed at the then current mileage rate allowed under IRS regulations. Actual mileage information shall be kept by the Police Officer(s) in written record form and submitted to the Chief of Police who shall approve it and then forward the information on the City's Chief Financial Officer.

6.2. Regular Police Officers. Time or hours worked by Regular Police Officers who perform services under this Agreement for the School as an extra job shall be submitted by the Police Officer(s) in written form to the Chief of Police. After approval, the Chief shall forward the charges to the School, and the School will pay for those services directly to the individual Officers who worked those extra jobs for the School.

It is the intent of this Agreement that Regular Police Officers contract directly with the School in connection with these extra jobs.

6.3. Part-time Police Officers. Part-time Police Officers who perform services under this Agreement are performing contract services for the School, through the City, at a rate of \$32.00 per hour with a four (4) hour minimum. Special Assignments/Events, such as "Opening Day of School/Traffic Control", of two (2) hours or less will be paid at a flat rate of \$60.00. If within the allotted time frame the officer(s) work additional assignments/locations, the rate of pay will remain at \$60.00 unless the assignment lasts longer than two (2) hours. The school will reimburse the City at the same rate. The Chief of Police will submit records of the work performed to the Chief Financial Officer for billing.

6.4. Regular/Full Time Police Officers. Regular/ Full-Time Police Officers who perform services under this Agreement are performing contract services for the School, at a rate of \$32.00 per hour with a four (4) hour minimum. Assignments/Events, such as "Opening Day of School/Traffic Control", of two (2) hours or less will be paid at a flat rate of \$60.00. If within the allotted time frame the officer(s) work additional assignments/locations, the rate of pay will remain at \$60.00 unless the assignment lasts longer than two (2) hours. The school will pay the officer directly.

6.5. Statement of Charges: Disputes. A statement of charges due for mileage and Part-time Officer work will be sent to the School District by the Chief Financial Officer. The statements may be prepared on a monthly or quarterly basis. All statements of charges will be delivered or sent by regular mail to the School and will be due upon receipt. Charges shall be paid no later than thirty (30) days from the date of the statement.

All questions or disputes regarding charges under this Contract may be resolved between the Chief Financial Officer of the City, the Chief of Police, and the Chief Financial Officer of the School, with a written report of the resolution to be made a part of the record. Upon request to the City's Chief Financial Officer, the School or its representatives may inspect and review the city's documentation supporting any statement at any time during the City's regular business hours.

Section 7.0. Insurance: Responsibility. It is expressly understood and agreed that the City and the School shall each provide insurance coverage for their respective personnel, agents, representatives, and equipment in connection with this Agreement. Further, each party shall be responsible for the actions of its respective personnel, agents, representatives, and equipment, in accordance with State and federal laws.

This provision is to delineate the continued, independent operations of the City and the School as separate political subdivisions, and it is not intended, nor shall it be construed, to create any right, benefit, entitlement, or third-party beneficiary relationship with any person or entity.

Section 8.0. Termination. This Agreement may be terminated at any time by either party by giving at least thirty (30) days advance written notice to the other party. The termination notice shall specify the effective date of the termination, which shall in no event be more than sixty (60) days after the date the termination notice is given. This Agreement may be terminated immediately if the School defaults in the payment of mileage charges; provided, however, such termination will not prejudice the City's right to payment of any outstanding charges or the obligation of the School to pay them.

Section 9.0. Notice. Any notice which is permitted or required to be given under this Agreement shall be given in writing, sent by registered or certified mail, addressed to the respective parties as follows:

Chief of Police
City of Tomball
400 Fannin Street
Tomball, Texas 77375

Assistant Superintendent for Administrative Services
Tomball Independent School District
310 South Cherry Street
Tomball, Texas 77375

Notice shall be deemed given to either party upon delivery or deposit of the notice in the U.S. mail.

Section 10.0. General.

10.1. This Agreement is the sole agreement between the parties. There are no other agreements between the parties, nor will any purported agreement, oral or in writing, be given effect. This Agreement may be amended by the authorized execution of an amending document executed in the same manner and with the same formalities as this Agreement.

10.2. This Agreement shall be construed and governed by the laws of the State of Texas, and enforced in Harris County, Texas.

10.3. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this Agreement or the application of the same shall for any reason be adjudged invalid or held unconstitutional by a court of competent Jurisdiction, it shall not affect, impair, or invalidate this Agreement as a whole or Any part or provision hereof other than the part declared to be invalid or unconstitutional.

10.4. This Agreement may not be assigned by either party.

Executed in multiple, original counterparts, each of which shall be considered an original Agreement for all purposes, effective the ____ day of _____ 2013.

APPROVED AS TO FORM:

City of Tomball

Doris Speer
City Secretary

Gretchen Fagan
Mayor

ATTEST:

Tomball Independent School District

Kit Pfeiffer,
Director of Administrative Services

John Neubauer,
Superintendent