NOTICE OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS

MONDAY, MAY 6, 2013

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, May 6, 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 Danny Williams, Dominion International

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

- **Farmers Market** – 9:00 a.m.-1:00 p.m.
- May 7, 2013 – **Mayor's Coffee** – *Sol de Luna*, 207 Commerce, 5:30 p.m.
- May 11, 2013 – **2nd Saturday at the Depot** – 5:30 p.m.
- May 25, 2013 – ***Memorial Day Weekend Chili Challenge*** – 11:00 a.m.-6:00 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** – 5:30 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** – 5:30 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
- Reports by City staff and members of council about items of community interest on which no action will be taken:
  - David Kauffman – Report on Success of Annual ***Tomball Spring Clean-up Week and Consolidated Recycling Day***
  - Mike Baxter – Report on Success of ***Rails and Tails Mudbug Festival***

6.0 Approve the Minutes of the April 15, 2013 Regular City Council Meeting and the April 15, 2013 Special Tomball City Council and Tomball Planning and Zoning Commission Meeting

7.0 New Business:

7.1 Adopt, on First and Final Reading, Ordinance No. 2013-06, an Ordinance Authorizing the Issuance and Sale of the City of Tomball, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2013; Awarding the Sale Thereof; Levying a Tax And Providing for the Security and Payment Thereof; Approving the Official Statement; Approving the Paying Agent/Registrar Agreement; and Enacting Other Provisions Relating Thereto

7.2 Conduct Public Hearing regarding the Adoption of an Ordinance to Participate in the Texas Enterprise Zone Program and to Consider and Nominate Baker Hughes Oilfield Operations, Inc., 11211 FM 2920 Road, Tomball, Texas 77375, to the Office of the Governor as a Texas Enterprise Zone Project

7.3 Adopt, on First 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.

7.4 Appoint/Reappoint Members to the Tomball Economic Development Corporation Board for Terms Expiring May 31, 2013

7.5 Appoint Member to the Planning and Zoning Commission for Term Expiring June 1, 2013

7.6 Adopt Resolution No. 2013-18, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Sixth Annual Homecoming Parade and Pep Rally, to be held at the Tomball Depot, Sponsored by the Tomball Independent School District and the Tomball High School Student Council, on Wednesday, October 16, 2013

7.7 Approve Resolution No. 2013-19, a Resolution of the City Council of the City of Tomball Texas, Adopting the Maximum Ponding Depth of the 1% AEP Storm Map and the Maximum Ponding Depth 0.2% AEP Storm Map as Attached to this Resolution and Designating such Areas to be Flood-Prone Areas Pursuant to Section 38-6(b) of the Tomball Code of Ordinances

7.8 Discussion of Request from LS Development for City of Tomball Assistance with the Acquisition of Rights-of-Way and Easements for Water and Sanitary Sewer Main Extensions to the Raleigh Creek Subdivision

7.9 Award Job Order Proposal for the Construction of the Depot Restroom Building to KBR, for a Not to Exceed Price of $183,000.00.

7.10 Consider and Authorize the City Manager to Execute the Texas Department of State Health Services First Responder Organization Administrator Information Form and the First Responder Organization Agreement between the City of Tomball Fire Department and Northwest EMS.

7.11 Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.071 – Private Consultation with Attorney in Closed Meeting regarding Pending Litigation and Attorney-Client Matters that the Duty of the Attorney Requires be Held in Closed Session.
- Sec. 551.072 – Deliberations Regarding Real Property

8.0 Adjournment

C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 2nd 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: May 6, 2013

Topic:

- Led by Pastor Danny Williams, Dominion International

Background:

Origination:

Recommendation:

Funding:

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

ACTION TAKEN

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 6, 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	☐ 1ST ☐ 2ND	

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 6, 2013

Topic:

- **Farmers Market** – 9:00 a.m.-1:00 p.m.
- May 7, 2013 – **Mayor's Coffee** – *Sol de Luna*, 207 Commerce, 5:30 p.m.
- May 11, 2013 – **2nd Saturday at the Depot** – 5:30 p.m.
- May 25, 2013 – ***Memorial Day Weekend Chili Challenge*** – 11:00 a.m.-6:00 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** – 5:30 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** – 5:30 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
- Reports by City staff and members of council about items of community interest on which no action will be taken:
    - David Kauffman – Report on Success of Annual ***Tomball Spring Clean-up Week and Consolidated Recycling Day***
    - Mike Baxter – Report on Success of ***Rails and Tails Mudbug Festival***

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	☐ 1ST ☐ 2ND	

ATTACHMENTS:

Mayor's Coffee

2nd Saturday at the Depot

Memorial Day Weekend Chili Challenge at the Depot

80th Anniversary of the 1933 Tomball Oil Strike - "Oiltown USA Jamboree...80 Years in the Making"

Friday Night Creature Feature

Tuesday, May 7, 2013
Start Time 5:30 P.M.
Sol de Luna
(Cisco's Banquet Room)
207 Commerce

Mayor's Coffee

Stop by to get in touch

Sponsored by:
Harris Malik
Sunrise Custom
Homes Inc.

Gretchen Fagan
Mayor

For more information call 281-290-1002 or visit ci.tomball.tx.us

2nd Saturday

At the Depot in Tomball

May 11th
6:00 p.m.

HAVE A K-9 GREAT TIME!

- Dog-gone great games by Abandoned Animal Rescue – Tomball
- Mama Mia Meatball relay race from Nona's Italian Grill
- Make Mom a Mother's Day goodie while supplies last
- Music by Tudy the flute player . . .
- Get a special gift with a food donation to Abandoned Animal Rescue, too!

facebook

Visit Tomball's new website at tomballtx.gov

Rudy's Family Feature
On the giant inflatable screen

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

MEMORIAL DAY WEEKEND

CHILI CHALLENGE

MAY 25, 2013 AT THE DEPOT
DOWNTOWN TOMBALL, TEXAS

- LIVE MUSIC • 10 AM TO 5 PM
- FESTIVAL FOOD
- VENDORS, AND... CHILI!

CASI

A Chili Appreciation Society International Sanctioned Cook-off Event
In Cooperation with the Piney Woods Pod - CASI

Oiltown
U.S.A.
Jamboree
The Mayor &
would like to
join them in
City Council
invite you to
celebrating the
80th
anniversary of the
with a day full
fun. Live music
5-cent hot dogs
Old-fashioned
seed spitting
pie eating
Monday,
Depot Plaza
11:00 a.m.
Presented
Baker
Tomball oil gusher
of County fair style
from 30's & 40's
and sodas
watermelon
Greased pig &
contests
May 27th , 2013
102 Elm Street
to 6:00 p.m.
by
Hughes

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 6, 2013

Topic:

Approve the Minutes of the April 15, 2013 Regular City Council Meeting and the April 15, 2013 Special Tomball City Council and Tomball Planning and Zoning Commission Meeting

Background:

Origination:

Recommendation:

Funding:

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

ACTION TAKEN

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

ATTACHMENTS:

Draft Minutes - April 15, 2013 Regular City Council Meeting

Draft Minutes - April 15, 2013 Special Tomball City Council and Tomball Planning and Zoning Commission Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS

MONDAY, APRIL 15, 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 Brown
Councilman Townsend
Councilman Dodson

Councilmembers absent:

Councilman Stoll – Excused

Planning and Zoning Commissioners present:

Chair Lori Wallace
Commissioner Beauvais
Commissioner Torres-Chervenak
Commissioner Tague
Commissioner Roquemore

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Robert Hauck
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
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
E&P Administrative Assistant – Brandy Pate

2.0 Invocation

- Led by Pastor Andy Chute, Southwinds Baptist Church.

3.0 Pledges to U. S. and Texas Flags

- Led by Chief Robert Hauck.

4.0 No public comments were received.

5.0 Presentations:

- Mayor Fagan presented proclamation declaring May 2013 as ***"Motorcycle Safety and Awareness Month".***

6.0 Reports and Announcements:

- **Farmers Market** – 9:00 a.m.-1:00 p.m.
- April 22 through May 3, 2013 – Annual **Tomball Spring Clean-up Week and Consolidated Recycling Day** – 8:00 a.m.-4:30 p.m. Monday-Friday (closed Sunday, April 28), and 10:00 a.m.-2:00 p.m. on Saturday, April 27
- April 27, 2013 – Annual **Tomball Consolidated Recycling Day** – Academy Shopping Center – 10:00 a.m.-2:00 p.m.
- May 2, 2013 – **National Day of Prayer**
- May 4-5, 2013 – ***Rails and Tails Mudbug Festival*** – 11:00 a.m.-7:00 p.m.
- May 6, 2013 – Appointments to the Tomball Economic Development Corporation for Terms Expiring May 31, 2013
- May 6, 2013 – Appointments to the Planning and Zoning Commission for Terms Expiring June 1, 2013
- May 7, 2013 – **Mayor's Coffee –** *Sol do Luna,* 207 Commerce, 5:30 p.m.
- May 11, 2013 – **2nd Saturday at the Depot** – 5:30 p.m.
- May 25, 2013 – ***Memorial Day Weekend Chili Challenge –*** 11:00 a.m.-6:00 p.m.
- May 27, 2013 – ***80th Anniversary of the 1933 Tomball Oil Strike*** – 11:00 a.m.-6:00 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 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
- Reports by City staff and members of council about items of community interest on which no action will be taken:
    - Mike Baxter presented a report on the success of ***5th Annual City of Tomball Bunny Run 5K and Kids 1K***
    - George Shackelford read the following statement: "The City will conduct the sale of its Combination Tax and Revenue Certificates of Obligation, Series 2013 on May 6, 2013. The ordinance approving the sale of the Certificates of Obligation will be considered by City Council at its regular meeting on May 6, which will be held here at City Hall at 6 p.m. For your information, we've provided council with a copy of the timetable for the transaction."

7.0 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve the Minutes of the April 1, 2013 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

8.1 Motion was made by Councilman Townsend, second by Councilman Brown, to adopt, on Second Reading, Ordinance No. 2013-04, an Ordinance amending the City of Tomball Code of Ordinances by Adding a New Article VI Titled "Donation Containers" to Chapter 42 "Health and Sanitation" regarding the Definition of Donation Containers; Setting Forth Regulation Regarding the Permitting, Location, and Condition of Donation Containers; Providing a Savings Clause; Providing a Severability Clause; Providing for the Impoundment of the Containers in the Event of a Violation Hereof; Providing for a Penalty of a Fine Not to Exceed Two Thousand Dollars ($2000) with Each Day of Violation Constituting a Separate Violation; and Providing for Publication and an Effective Date. Vote was as follows:

Councilman Brown	Aye
Councilman Townsend	Aye
Councilman Dodson	Aye
Councilman Hudgens	Aye
Councilman Stoll	Absent

Motion carried unanimously.

8.2 Motion was made by Councilman Dodson, second by Councilman Hudgens, to adopt, on Second Reading, Ordinance No. 2013-05, An Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity No Longer Require the Continued Existence of a Part of Timkin Road and a Part of (South) Persimmon Street, All Situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, and as Recorded in Volume 002, Page 65 of the Map Records of Harris County, Texas; Vacating, Abandoning, And Closing Said Roadway And Street Right-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Abandoned Roadway and Street Right-of-Way to CPAR, Inc., Tom Crofoot, Centerpoint Energy, Baker Hughes Oilfield Operations, Inc., and Safdar Chaudhry in Accordance with Each Property Owner's Interest in the Adjacent Abandoned Right-of-Way; Providing for Severability; and Containing Other Provisions Mayor Fagan opened the Public Hearing at 6:31 p.m. to consider Application of Tom Crofoot for Abandonment of a Portion of Timkin Road and (South) Persimmon Street Rights-of-Way. Vote was as follows:

Councilman Townsend	Aye
Councilman Dodson	Aye
Councilman Hudgens	Aye
Councilman Stoll	Absent
Councilman Brown	Aye

Motion carried unanimously.

9.0 New Business:

9.1 The Tomball Planning and Zoning Commission was called to order for Joint Workshop Session with the Tomball City Council by Lori Wallace, Chair.

The Tomball City Council and the Tomball Planning and Zoning Commission entered into a Workshop Session to receive a presentation from Sean Rae, Vice President, Development, Trammell Crow Residential, regarding a proposed multifamily project at the northeast corner of Holderrieth Road and State Highway 249 Business.

No action was taken.

Chair Lori Wallace adjourned the Tomball Planning and Zoning Commission.

9.2 Motion was made by Councilman Brown, second by Councilman Dodson, to approve Resolution No. 2013-17, a Resolution of the City of Tomball, Texas in Support of Proposed Legislation, HB 571 and SB 233, Clarifying the Power of the

Tomball Regional Health Foundation, as the Authority Board, to Make Expenditures for Public Health Purposes.

Motion carried unanimously.

9.3 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve, as a Project of the Corporation, an Agreement with Advanced Pressure Systems to Make Direct Incentives to or Expenditures for Equipment Expansion for the Creation and Retention of Primary Jobs for Advanced Pressure Systems. The Estimated Amount of Expenditures for Such Project is an Amount Not to Exceed $42,600.00.

Motion carried unanimously.

9.4 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve, as a Project of the Corporation, an Agreement with Century Hydraulics LLC, to Make Direct Incentives to, or Expenditures for, the Creation or Retention of Primary Jobs Associated with the Expansion of an Office/Warehouse Facility located at 23706 Snook Lane, Tomball, Texas. The Estimated Amount of Expenditures for Such Project is an Amount Not to Exceed $12,000.00.

Motion carried unanimously.

9.5 Motion was made by Councilman Dodson, second by Councilman Brown, to approve the Following Plats, as recommended by the Planning and Zoning Commission:

- **REPLAT OF THE FINAL PLAT RESERVE AT SPRING LAKE SECTION ONE**: Being a 221.2020 Acres located in the Joseph Miller Leave, A-50 W.H. Clemens Survey, A-1641 Harris County, Texas City of Tomball, Texas.
- **REPLAT OF QUINN TRACT**: A subdivision of 1.3104-acre tract, 57084 square feet; Being a Replat of Lots 11, Abbreviated Plat of Quinn Tract as recorded in Film Code 609204, Harris County Map Records, situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.
- **REPLAT OF ABANDONED ANIMAL RESCUE**: Being a subdivision of 6.0439 acres of land situated in the Ralph Hubbard Survey, Abstract Number 383, of Harris County, Texas, and being a Replat of Lot 61 of Tomball Outlots; a subdivision according to the map or plat thereof recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas, together with a Replat of Abandoned Animal Rescue, a subdivision according to the map plat thereof recorded in Volume 584, Page 265 of the Map Records of Harris County, Texas.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the _____ day of _____ 2013.

_____	_____
Doris Speer, TRMC, CMC	Gretchen Fagan
City Secretary	Mayor

MINUTES OF SPECIAL TOMBALL CITY COUNCIL AND TOMBALL PLANNING AND ZONING COMMISSION MEETING CITY OF TOMBALL, TEXAS

MONDAY, APRIL 15, 2013
6:00 P.M.

1.0 Lori Wallace, Chair, called the Tomball Planning and Zoning Commission to Order for Joint Workshop Session with the Tomball City Council. Other members present were:

Commissioner Beauvais
Commissioner Torres-Chervenak
Commissioner Tague
Commissioner Roquemore.

2.0 New Business:

2.1 The Tomball City Council and the Tomball Planning and Zoning Commission entered into a Workshop Session to receive a presentation from Trammell Crow Residential regarding a proposed multifamily project at the northeast corner of Holderrieth Road and State Highway 249 Business.

No action was taken.

3.0 Chair Lori Wallace adjourned the Tomball Planning and Zoning Commission meeting.

PASSED AND APPROVED this the _____ day of _____ 2013.

_____
Doris Speer, TRMC, CMC
City Secretary

_____
Gretchen Fagan
Mayor

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 6, 2013

Topic:

Adopt, on First and Final Reading, Ordinance No. 2013-06, an Ordinance Authorizing the Issuance and Sale of the City of Tomball, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2013; Awarding the Sale Thereof; Levying a Tax And Providing for the Security and Payment Thereof; Approving the Official Statement; Approving the Paying Agent/Registrar Agreement; and Enacting Other Provisions Relating Thereto

Background:

Ordinance No. 2013-06, once approved, will authorize the sale of the Series 2013 Certificates of Obligation, the proceeds of which will be used for the construction of the TEDC Business Park.

Origination:

Glenn Windsor, Finance Director

Recommendation:

N/A

Funding:

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

Glenn Windsor, CPA, CGFO Finance Director City of Tomball, Texas

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 201.3-06

ORDINANCE NO. 2013-06

AUTHORIZING THE
ISSUANCE OF

CITY OF TOMBALL, TEXAS
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION
SERIES 2013

Adopted: May 6, 2013

TABLE OF CONTENTS

Page

ARTICLE I

DEFINITIONS AND OTHER PRELIMINARY MATTERS

Section 1.1. Definitions 2
Section 1.2. Findings 4
Section 1.3. Table of Contents, Titles, and Headings 4
Section 1.4. Interpretation 4

ARTICLE II

TAX LEVY; INTEREST AND SINKING FUND; PLEDGE OF REVENUES

Section 2.1. Tax Levy 4
Section 2.2. Interest and Sinking Fund 5
Section 2.3. Pledge of Revenues 5

ARTICLE III

AUTHORIZATION; GENERAL TERMS AND PROVISIONS REGARDING THE CERTIFICATES

Section 3.1. Authorization 5
Section 3.2. Date, Denomination, Maturities, and Interest 6
Section 3.3. Medium, Method, and Place of Payment 6
Section 3.4. Execution and Registration of Certificates 7
Section 3.5. Ownership 8
Section 3.6. Registration, Transfer, and Exchange 8
Section 3.7. Cancellation 9
Section 3.8. Replacement Certificates 9
Section 3.9. Book-Entry-Only System 10
Section 3.10. Successor Securities Depository; Transfer Outside Book-Entry-Only System 11
Section 3.11. Payments to Cede & Co 11

ARTICLE IV

REDEMPTION OF CERTIFICATES BEFORE MATURITY

Section 4.1. Limitation on Redemption 12
Section 4.2. Optional Redemption 12
Section 4.3. Mandatory Sinking Fund Redemption 12
Section 4.4. Partial Redemption 12

Section 4.5. Notice of Redemption to Owners 13
Section 4.6. Payment Upon Redemption 13
Section 4.7. Effect of Redemption 14
Section 4.8. Conditional Notice of Redemption 14

ARTICLE V

PAYING AGENT/REGISTRAR

Section 5.1. Appointment of Initial Paying Agent/Registrar 14
Section 5.2. Qualifications 15
Section 5.3. Maintaining Paying Agent/Registrar 15
Section 5.4. Termination 15
Section 5.5. Notice of Change to Owners 15
Section 5.6. Agreement to Perform Duties and Functions 16
Section 5.7. Delivery of Records to Successor 16

ARTICLE VI

FORM OF THE CERTIFICATES

Section 6.1. Form Generally 16
Section 6.2. Form of the Certificates 16
Section 6.3. CUSIP Registration 23
Section 6.4. Legal Opinion 23
Section 6.5. Bond Insurance 23

ARTICLE VII

SALE AND DELIVERY OF CERTIFICATES; DEPOSIT OF PROCEEDS

Section 7.1. Sale of Certificates; Official Statement 23
Section 7.2. Control and Delivery of Certificates 24
Section 7.3. Deposit of Proceeds 24

ARTICLE VIII

PARTICULAR REPRESENTATIONS AND COVENANTS

Section 8.1. Payment of the Certificates 25
Section 8.2. Other Representations and Covenants 25
Section 8.3. Provisions Concerning Federal Income Tax Exclusion 25

ARTICLE IX

DISCHARGE

Section 9.1. Discharge 28

ARTICLE X

CONTINUING DISCLOSURE UNDERTAKING

Section 10.1. Annual Reports 28
Section 10.2. Material Event Notices 28
Section 10.3. Limitations, Disclaimers and Amendments 30

ARTICLE XI

MISCELLANEOUS

Section 11.1. Changes to Ordinance 31
Section 11.2. Partial Invalidity 31
Section 11.3. Repealer 31
Section 11.4. Individuals Not Liable 31
Section 11.5. Related Matters 31
Section 11.6. Force and Effect 32

ORDINANCE NO. 2013-06

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF TOMBALL, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2013; AWARDING THE SALE THEREOF; LEVYING A TAX AND PROVIDING FOR THE SECURITY AND PAYMENT THEREOF; APPROVING THE OFFICIAL STATEMENT; APPROVING THE PAYING AGENT/REGISTRAR AGREEMENT; AND ENACTING OTHER PROVISIONS RELATING THERETO

THE STATE OF TEXAS §
COUNTIES OF HARRIS AND MONTGOMERY §
CITY OF TOMBALL §

WHEREAS, under the provisions of Subchapter C, Chapter 271, Texas Local Government Code, as amended (the "Act"), the City of Tomball, Texas (the "City"), is authorized to issue certificates of obligation for the purposes specified in this Ordinance and for the payment of all or a portion of the contractual obligations for professional services, including that of engineers, attorneys, and financial advisors in connection therewith, and to sell the same for cash as herein provided; and

WHEREAS, the City is authorized to provide that such obligations will be payable from and secured by the levy of a direct and continuing ad valorem tax, within the limits prescribed by law, against all taxable property within the City, in combination with a limited pledge of a subordinate lien on the net revenues of the City's water and sewer system (the "System") as authorized by the Act and Chapter 1502, Texas Government Code; and

WHEREAS, the City Council has found and determined that it is necessary and in the best interests of the City and its citizens that it issue such certificates of obligation authorized by this Ordinance; and

WHEREAS, pursuant to a resolution heretofore passed by this governing body, notice of intention to issue certificates of obligation of the City payable as provided in this Ordinance was published in a newspaper of general circulation in the City in accordance with the laws of the State of Texas, which notice provided that the principal amount of such certificates of obligation would not exceed $8,500,000 and the proceeds would be used for the purpose of paying contractual obligations to be incurred for the purposes set forth in Section 3.1 hereof; and

WHEREAS, such notice provided that the City intended to consider the passage of an ordinance authorizing the issuance of the Certificates on April 15, 2013, and at its meeting on April 15, 2013 the City notified the public that the City Council would consider the passage of its ordinance authorizing the issuance of the Certificates on May 6, 2013; and

WHEREAS, no petition of any kind has been filed with the City Secretary, any member of the City Council or any other official of the City, protesting the issuance of such certificates of obligation; and

WHEREAS, this City Council is now authorized and empowered to proceed with the issuance of said certificates of obligation and to sell the same for cash; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and public notice of the time, place, and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended; therefore,

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

ARTICLE I

DEFINITIONS AND OTHER PRELIMINARY MATTERS

Section 1.1. Definitions.

Unless otherwise expressly provided or unless the context clearly requires otherwise in this Ordinance, the following terms shall have the meanings specified below:

"Bond Counsel" means Bracewell & Giuliani LLP.

"Business Day" means a day that is not a Saturday, Sunday, legal holiday or other day on which banking institutions in the city where the Designated Payment/Transfer Office is located are required or authorized by law or executive order to close.

"Certificate" or "Certificates" means the City's certificates of obligation entitled, "City of Tomball, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2013" authorized to be issued by Section 3.1 of this Ordinance.

"City" means the City of Tomball, Texas.

"Closing Date" means the date of the initial delivery of and payment for the Certificates.

"Code" means the Internal Revenue Code of 1986, as amended.

"Dated Date" means May 15, 2013.

"Designated Payment/Transfer Office" means (i) with respect to the initial Paying Agent/Registrar named in this Ordinance, the Designated Payment/Transfer Office as designated in the Paying Agent/Registrar Agreement, or at such other location designated by the Paying Agent/Registrar and (ii) with respect to any successor Paying Agent/Registrar, the office of such successor designated and located as may be agreed upon by the City and such successor.

"DTC" means The Depository Trust Company of New York, New York, or any successor securities depository.

"DTC Participant" shall mean brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

"EMMA" means the Electronic Municipal Market Access system.

"Fiscal Year" means such fiscal year as shall from time to time be set by the City Council.

"Initial Certificate" means the initial certificate authorized by Section 3.4 of this Ordinance.

"Interest and Sinking Fund" means the interest and sinking fund established by Section 2.2 of this Ordinance.

"Interest Payment Date" means the date or dates upon which interest on the principal of the Certificates is scheduled to be paid until their respective dates of maturity or prior redemption, such dates being February 15 and August 15 of each year, commencing on February 15, 2014.

"MSRB" means the Municipal Securities Rulemaking Board.

"Net Revenues" means the revenues to be derived from the System, after the payment of all operation and maintenance expenses thereof.

"Ordinance" as used herein and in the Certificates means this ordinance authorizing the Certificates.

"Owner" means the person who is the registered owner of a Certificate or Certificates, as shown in the Register.

"Paying Agent/Registrar" means initially The Bank of New York Mellon Trust Company, N.A., or any successor thereto as provided in this Ordinance.

"Paying Agent Registrar Agreement" means the Paying Agent/Registrar Agreement between the Paying Agent/Registrar and the City relating to the Certificates.

"Purchaser" means the purchaser of the Certificates identified in Section 7.1.

"Record Date" means the close of business on the last Business Day of the month next preceding an Interest Payment Date.

"Register" means the Register specified in Section 3.6(a) of this Ordinance.

"Representation Letter" means the Blanket Letter of Representations between the City and DTC.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

"System" as used in this Ordinance means the City's water and sewer system.

"Unclaimed Payments" means money deposited with the Paying Agent/Registrar for the payment of principal, redemption premium, if any, or interest on the Certificates as the same becomes due and payable or money set aside for the payment of Certificates duly called for redemption prior to maturity and remaining unclaimed by the Owners of such Certificates for ninety (90) days after the applicable payment or redemption date.

Section 1.2. Findings.

The declarations, determinations, and findings declared, made, and found in the preamble to this Ordinance are hereby adopted, restated, and made a part of the operative provisions hereof.

Section 1.3. Table of Contents, Titles, and Headings.

The table of contents, titles, and headings of the Articles and Sections of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof and shall never be considered or given any effect in construing this Ordinance or any provision hereof or in ascertaining intent, if any question of intent should arise.

Section 1.4. Interpretation.

(a) Unless the context requires otherwise, words of the masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa.

(b) This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein.

ARTICLE II

TAX LEVY; INTEREST AND SINKING FUND; PLEDGE OF REVENUES

Section 2.1. Tax Levy.

(a) While the Certificates or any part of the principal thereof or interest thereon remain outstanding and unpaid, there is hereby levied and there shall be annually levied, assessed and collected in due time, form and manner, and at the same time other City taxes are levied, assessed and collected, in each year, a continuing direct annual ad valorem tax, within the limits prescribed by law, upon all taxable property in the City sufficient to pay the current interest on the Certificates as the same becomes due, and to provide and maintain a sinking fund adequate to pay the principal of the Certificates as such principal matures, but never less than two percent (2%) of the original principal amount of the Certificates each year, full allowance being made for delinquencies and costs of collection, and such taxes when collected shall be applied to the payment of the interest on and principal of the Certificates and to no other purpose. The proceeds from all taxes levied, assessed and collected for and on account of the Certificates authorized by

this Ordinance shall be deposited into the Interest and Sinking Fund created pursuant to Section 2.2 herein.

(b) To pay the debt service coming due on the Certificates prior to receipt of the taxes levied to pay such debt service, there is hereby appropriated from current funds on hand, which are hereby certified to be on hand and available for such purpose, an amount sufficient to pay such debt service, and such amount shall be used for no other purpose.

Section 2.2. Interest and Sinking Fund.

(a) The City hereby establishes a special fund or account to be designated the "City of Tomball, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2013, Interest and Sinking Fund" (the "Interest and Sinking Fund") with said fund to be maintained at an official depository bank of the City separate and apart from all other funds and accounts of the City.

(b) Money on deposit in or required by this Ordinance to be deposited to the Interest and Sinking Fund shall be used solely for the purpose of paying the interest on and principal of the Certificates when and as due and payable in accordance with their terms and this Ordinance.

Section 2.3. Pledge of Revenues.

The Net Revenues to be derived from the operation of the System in an amount not to exceed Ten Thousand Dollars ($1,000) are hereby pledged to the payment of the principal of and interest on the Certificates as the same come due; provided, however, that such pledge is and shall be junior and subordinate in all respects to the pledge of the Net Revenues to the payment of all outstanding obligations of the City and any obligation of the City, whether authorized heretofore or hereafter, which the City designates as having a pledge senior to the pledge of the Net Revenues to the payment of the Certificates. The City also reserves the right to issue, for any lawful purpose at any time, in one or more installments, bonds, certificates of obligation and other obligations of any kind payable in whole or in part from the Net Revenues, secured by a pledge of the Net Revenues that may be prior and superior in right to, on a parity with, or junior and subordinate to the pledge of Net Revenues securing the Certificates.

ARTICLE III

AUTHORIZATION; GENERAL TERMS AND PROVISIONS REGARDING THE CERTIFICATES

Section 3.1. Authorization.

The "City of Tomball, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2012" are hereby authorized to be issued and delivered in accordance with the Constitution and laws of the State of Texas, specifically Subchapter C, Chapter 271, Texas Local Government Code, as amended, and the City's Home-Rule Charter. The Certificates shall be issued in the aggregate principal amount of $8,500,000 for (i) the costs associated with the construction and equipment of streets and traffic signals; (ii) the construction of storm sewer and drainage improvements, including improvements to the M-118 drainage, channel and detention

pond; (iii) the construction of improvements to the City's water, sewer and gas utility facilities; and (iv) the costs of professional services incurred in connection therewith.

Section 3.2. Date, Denomination, Maturities, and Interest.

(a) The Certificates shall be dated the Dated Date. The Certificates shall be in fully registered form, without coupons, in the denomination of $5,000 or any integral multiple thereof and shall be numbered separately from one upward, except the Initial Certificate, which shall be numbered I-1.

(b) The Certificates shall mature on February 15 in the years and in the principal amounts set forth in the following schedule:

Maturity (February 15)	Principal Amount	Interest Rate

[Insert fromWinning Bid Form]

(c) Interest shall accrue and be paid on each Certificate respectively until the principal amount thereof has been paid or provision for such payment has been made, from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid or provided for at the rate per annum for each respective maturity specified in the schedule contained in subsection (b) above. Such interest shall be payable semiannually on each Interest Payment Date, computed on the basis of a 360-day year composed of twelve 30-day months.

Section 3.3. Medium, Method, and Place of Payment.

(a) The principal of and interest on the Certificates shall be paid in lawful money of the United States of America.

(b) Interest on the Certificates shall be paid by check dated as of the Interest Payment Date, and sent United States mail, first class, postage prepaid, by the Paying Agent/Registrar to each Owner, as shown in the Register at the close of business on the Record Date, at the address of each such Owner as such appears in the Register or by such other customary banking arrangements acceptable to the Paying Agent/Registrar and the person to whom interest is to be paid; provided, however, that such person shall bear all risk and expense of such other customary banking arrangements.

(c) The principal of each Certificate shall be paid to the Owner thereof on the Maturity Date or upon prior redemption upon presentation and surrender of such Bond at the Designated Payment/Transfer Office of the Paying Agent/Registrar.

(d) If the date for the payment of the principal of or interest on the Certificates is not a Business Day, the date for such payment shall be the next succeeding Business Day, and payment on such date shall for all purposes be deemed to have been made on the due date thereof as specified in this Section.

(e) In the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the special payment date of the past due interest (the "Special Payment Date," which shall be fifteen (15) days after the Special Record Date) shall be sent at least five Business Days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each Owner of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the fifteenth day next preceding the date of mailing of such notice.

(f) Unclaimed Payments shall be segregated in a special account and held in trust, uninvested by the Paying Agent/Registrar, for the account of the Owner of the Certificates to which the Unclaimed Payments pertain. Subject to Title 6, Texas Property Code, Unclaimed Payments remaining unclaimed by the Owners entitled thereto for three (3) years after the applicable payment or redemption date shall be applied to the next payment or payments on the Certificates thereafter coming due and, to the extent any such money remains after the retirement of all outstanding Certificates, shall be paid to the City to be used for any lawful purpose. Thereafter, neither the City, the Paying Agent/Registrar nor any other person shall be liable or responsible to any holders of such Certificates for any further payment of such unclaimed moneys or on account of any such Certificates, subject to Title 6, Texas Property Code.

Section 3.4. Execution and Registration of Certificates.

(a) The Certificates shall be executed on behalf of the City by the Mayor and the City Secretary, by their manual or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Such facsimile signatures on the Certificates shall have the same effect as if each of the Certificates had been signed manually and in person by each of said officers, and such facsimile seal on the Certificates shall have the same effect as if the official seal of the City had been manually impressed upon each of the Certificates.

(b) In the event that any officer of the City whose manual or facsimile signature appears on the Certificates ceases to be such officer before the authentication of such Certificates or before the delivery thereof, such manual or facsimile signature nevertheless shall be valid and sufficient for all purposes as if such officer had remained in such office.

(c) Except as provided below, no Certificate shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Certificate of Paying Agent/Registrar substantially in the form provided herein, duly authenticated by manual execution by an officer or duly authorized signatory of the Paying Agent/Registrar. It shall not be required that the same officer or authorized signatory of the Paying Agent/Registrar sign the Certificate of Paying Agent/Registrar on all of the Certificates. In lieu of the executed Certificate of Paying Agent/Registrar described above, the Initial Certificate delivered at the Closing Date shall have attached thereto the Comptroller's Registration Certificate substantially in the form provided herein, manually executed by the Comptroller of Public Accounts of the State of Texas, or by his duly authorized agent, which certificate shall be evidence that the Initial Certificate has been duly approved by the Attorney

General of the State of Texas and that it is a valid and binding obligation of the City, and has been registered by the Comptroller of Public Accounts of the State of Texas.

(d) On the Closing Date, the Initial Certificate, representing the entire principal amount of the Certificates, payable in stated installments to the Purchaser or its designee, executed by manual or facsimile signature of the Mayor and the City Secretary of the City, approved by the Attorney General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State of Texas, will be delivered to the Purchaser or its designee. Upon payment for the Initial Certificate, the Paying Agent/Registrar shall cancel such Initial Certificate and deliver to DTC on behalf of the Purchaser registered definitive Certificates as described in Section 3.9.

Section 3.5. Ownership.

(a) The City, the Paying Agent/Registrar and any other person may treat the Owner as the absolute owner of such Certificate for the purpose of making and receiving payment of the interest thereof, for the purpose of making and receiving payment of the interest thereon (subject to the provisions herein that the interest is to be paid to the person in whose name the Certificate is registered on the Record Date), and for all other purposes, whether or not such Certificate is overdue, and neither the City nor the Paying Agent/Registrar shall be bound by any notice or knowledge to the contrary.

(b) All payments made to the Owner of a Certificate shall be valid and effectual and shall discharge the liability of the City and the Paying Agent/Registrar upon such Certificate to the extent of the sums paid.

Section 3.6. Registration, Transfer, and Exchange.

(a) So long as any Certificates remain outstanding, the City shall cause the Paying Agent/Registrar to keep at its Designated Payment/Transfer Office a Register in which, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Certificates in accordance with this Ordinance.

(b) The ownership of a Certificate may be transferred only upon the presentation and surrender of the Certificate to the Paying Agent/Registrar at the Designated Payment/Transfer Office with such endorsement or other instrument of transfer and assignment as is acceptable to the Paying Agent/Registrar. No transfer of any Certificate shall be effective until entered in the Register.

(c) The Certificates shall be exchangeable upon the presentation and surrender thereof at the Designated Payment/Transfer Office for a Certificate or Certificates of the same maturity and interest rate and in any denomination or denominations of any integral multiple of $5,000, and in an aggregate principal amount equal to the unpaid principal amount of the Certificates presented for exchange.

(d) The Paying Agent/Registrar is hereby authorized to authenticate and deliver Certificates transferred or exchanged in accordance with this Section. A new Certificate or Certificates will be delivered by the Paying Agent/Registrar, in lieu of the Certificate being

transferred or exchanged, at the Designated Payment/Transfer Office, or sent by United States mail, first class, postage prepaid, to the Owner or his designee. Each Certificate delivered by the Paying Agent/Registrar in accordance with this Section shall constitute an original contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Certificate or Certificates in lieu of which such Certificate is delivered.

(e) No service charge shall be made to the Owner for the initial registration, subsequent transfer, or exchange for a different denomination of any of the Certificates. The Paying Agent/Registrar, however, may require the Owner to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection with the registration, transfer, or exchange of a Certificate.

(f) Neither the City nor the Paying Agent/Registrar shall be required to transfer or exchange any Certificate called for redemption within forty-five (45) days of the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the registered Owner of the uncalled balance of a Certificate.

Section 3.7. Cancellation.

All Certificates paid or redeemed before scheduled maturity in accordance with this Ordinance, and all Certificates in lieu of which exchange Certificates or replacement Certificates are authenticated and delivered in accordance with this Ordinance, shall be cancelled and proper records made regarding such payment, redemption, exchange, or replacement. The Paying Agent/Registrar shall then return such cancelled Certificates to the City or may in accordance with law destroy such cancelled Certificates and periodically furnish the City with certificates of destruction of such Certificates.

Section 3.8. Replacement Certificates.

(a) Upon the presentation and surrender to the Paying Agent/Registrar of a mutilated Certificate, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a replacement Certificate of like tenor and principal amount, bearing a number not contemporaneously outstanding. The City or the Paying Agent/Registrar may require the Owner of such Certificate to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection therewith and any other expenses connected therewith.

(b) In the event that any Certificate is lost, apparently destroyed or wrongfully taken, the Paying Agent/Registrar, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Certificate has been acquired by a bona fide purchaser, shall authenticate and deliver a replacement Certificate of like tenor and principal amount, bearing a number not contemporaneously outstanding, provided that the Owner first complies with the following requirements:

(i) furnishes to the Paying Agent/Registrar satisfactory evidence of his or her ownership of and the circumstances of the loss, destruction, or theft of such Certificate;

(ii) furnishes such security or indemnity as may be required by the Paying Agent/Registrar to save it and the City harmless;

(iii) pays all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Paying Agent/Registrar, and any tax or other governmental charge that is authorized to be imposed; and

(iv) satisfies any other reasonable requirements imposed by the City and the Paying Agent/Registrar.

(c) If, after the delivery of such replacement Certificate, a bona fide purchaser of the original Certificate in lieu of which such replacement Certificate was issued presents for payment such original Certificate, the City and the Paying Agent/Registrar shall be entitled to recover such replacement Certificate from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost, or expense incurred by the City or the Paying Agent/Registrar in connection therewith.

(d) In the event that any such mutilated, lost, apparently destroyed, or wrongfully taken Certificate has become or is about to become due and payable, the Paying Agent/Registrar, in its discretion, instead of issuing a replacement Certificate, may pay such Certificate when it becomes due and payable.

(e) Each replacement Certificate delivered in accordance with this Section shall constitute an original additional contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Certificate or Certificates in lieu of which such replacement Certificate is delivered.

Section 3.9. Book-Entry-Only System.

(a) The definitive Certificates shall be initially issued in the form of a separate single fully registered Certificate for each maturity. Upon initial issuance, the ownership of each such Certificate shall be registered in the name of Cede & Co., as nominee of DTC, and except as provided in Section 3.10 hereof, all of the outstanding Certificates shall be registered in the name of Cede & Co., as nominee of DTC.

(b) With respect to Certificates registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such a DTC Participant holds an interest in the Certificates, except as provided in this Ordinance. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Certificates, (ii) the delivery to any DTC Participant or any other person, other than an Owner, as shown on the Register, of any notice with respect to the Certificates, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than an Owner, as shown in the Register of any amount with respect to principal of, premium, if any, or interest on the Certificates. Notwithstanding any other provision of this Ordinance to the contrary, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Certificate is registered in the Register as the absolute Owner of such Certificate for the

purpose of payment of principal of, premium, if any, and interest on the Certificates, for the purpose of giving notices of redemption and other matters with respect to such Certificate, for the purpose of registering transfer with respect to such Certificate, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of, premium, if any, and interest on the Certificates only to or upon the order of the respective Owners, as shown in the Register as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, and interest on the Certificates to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Register, shall receive a certificate evidencing the obligation of the City to make payments of amounts due pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks or drafts being mailed to the registered Owner at the close of business on the Record Date, the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(c) The Representation Letter previously executed and delivered by the City, and applicable to the City's obligations delivered in book entry only form to DTC as securities depository, is hereby ratified and approved for the Certificates.

Section 3.10. Successor Securities Depository; Transfer Outside Book-Entry-Only System.

In the event that the City determines that it is in the best interest of the City and the beneficial owners of the Certificates that they be able to obtain certificated Certificates, or in the event DTC discontinues the services described herein, the City shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Certificates to such successor securities depository; or (ii) notify DTC and DTC Participants of the availability through DTC of certificated Certificates and cause the Paying Agent/Registrar to transfer one or more separate registered Certificates to DTC Participants having Certificates credited to their DTC accounts. In such event, the Certificates shall no longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Certificates shall designate, in accordance with the provisions of this Ordinance.

Section 3.11. Payments to Cede & Co.

Notwithstanding any other provision of this Ordinance to the contrary, so long as the Certificates are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Certificates, and all notices with respect to such Certificates shall be made and given, respectively, in the manner provided in the Representation Letter of the City to DTC.

ARTICLE IV

REDEMPTION OF CERTIFICATES BEFORE MATURITY

Section 4.1. Limitation on Redemption.

The Certificates shall be subject to redemption before scheduled maturity only as provided in this Article IV.

Section 4.2. Optional Redemption.

The City has reserved the right to redeem the Certificates maturing on and after February 15, 2022 in whole or from time to time in part before their respective scheduled maturity dates, on February 15, 2021 or on any date thereafter, at a redemption price equal to the principal amount thereof plus accrued interest to the date of redemption. If less than all of the Certificates are to be redeemed, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot, or other customary method that results in random selection, the Certificates, or portions thereof, within such maturity and in such principal amounts, for redemption.

Section 4.3. Mandatory Sinking Fund Redemption.

(a) The Certificates designated as "Term Certificates" in the Section 6.2(a) ("Term Certificates"), are subject to scheduled mandatory redemption and will be redeemed by the City, in part at a price equal to the principal amount thereof, without premium, plus accrued interest to the redemption date, out of moneys available for such purpose in the Interest and Sinking Fund, on the dates and in the respective principal amounts as set forth in Section 6.2(a).

(b) Prior to each scheduled mandatory redemption date, the Paying Agent/Registrar shall select for redemption by lot, or by any other customary method that results in a random selection, a principal amount of Term Certificates equal to the aggregate principal amount of such Term Certificates to be redeemed, shall call such Term Certificates for redemption on such scheduled mandatory redemption date, and shall give notice of such redemption, as provided in Section 4.5.

(c) The principal amount of the Term Certificates required to be redeemed on any redemption date pursuant to subparagraph (a) of this Section 4.3 shall be reduced, at the option of the City, by the principal amount of any Term Certificates which, at least forty-five (45) days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Term Certificates plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.

Section 4.4. Partial Redemption.

(a) If less than all of the Certificates are to be redeemed pursuant to Section 4.2 hereof, the City shall determine the maturity or maturities and the amounts thereof to be

redeemed and shall direct the Paying Agent/Registrar to call by lot, or other customary method that results in random selection, the Certificates, or portions thereof, within such maturity or maturities and in such principal amounts for redemption.

(b) A portion of a single Certificate of a denomination greater than $5,000 may be redeemed, but only in a principal amount equal to $5,000 or any integral multiple thereof. If such a Certificate is to be partially redeemed, the Paying Agent/Registrar shall treat each $5,000 portion of the Certificate as though it were a single Certificate for purposes of selection for redemption.

(c) Upon surrender of any Certificate for redemption in part, the Paying Agent/Registrar, in accordance with Section 3.6 of this Ordinance, shall authenticate and deliver an exchange Certificate or Certificates in an aggregate principal amount equal to the unredeemed portion of the Certificate so surrendered, such exchange being without charge.

(d) The Paying Agent/Registrar shall promptly notify the City in writing of the principal amount to be redeemed of any Certificate as to which only a portion thereof is to be redeemed.

Section 4.5. Notice of Redemption to Owners.

(a) The Paying Agent/Registrar shall give notice of any redemption of Certificates by sending notice by first class United States mail, postage prepaid, not less than thirty (30) days before the date fixed for redemption, to the Owner of each Certificate (or part thereof) to be redeemed, at the address shown on the Register at the close of business on the Business Day next preceding the date of mailing such notice.

(b) The notice shall state the redemption date, the redemption price, the place at which the Certificates are to be surrendered for payment, and, if less than all the Certificates outstanding are to be redeemed and subject to Section 4.2 hereof, an identification of the Certificates or portions thereof to be redeemed.

(c) Any notice given as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Owner receives such notice.

Section 4.6. Payment Upon Redemption.

(a) Before or on each redemption date, the City shall deposit with the Paying Agent/Registrar money sufficient to pay all amounts due on the redemption date and the Paying Agent/ Registrar shall make provision for the payment of the Certificates to be redeemed on such date by setting aside and holding in trust such amounts as are received by the Paying Agent/Registrar from the City and shall use such funds solely for the purpose of paying the principal of, redemption premium, if any, and accrued interest on the Certificates being redeemed.

(b) Upon presentation and surrender of any Certificate called for redemption at the Designated Payment/Transfer Office of the Paying Agent/Registrar on or after the date fixed for redemption, the Paying Agent/Registrar shall pay the principal of, redemption premium, if any,

and accrued interest on such Certificate to the date of redemption from the money set aside for such purpose.

Section 4.7. Effect of Redemption.

(a) Notice of redemption having been given as provided in Section 4.5 of this Ordinance, and subject to any conditions or rights reserved by the City under Section 4.8, the Certificates or portions thereof called for redemption shall become due and payable on the date fixed for redemption and, unless the City defaults in its obligation to make provision for the payment of the principal thereof, redemption premium, if any, or accrued interest thereon, such Certificates or portions thereof shall cease to bear interest from and after the date fixed for redemption, whether or not such Certificates are presented and surrendered for payment on such date.

(b) If the City shall fail to make provision for payment of all sums due on a redemption date, then any Certificate or portion thereof called for redemption shall continue to bear interest at the rate stated on the Certificate until due provision is made for the payment of same by the City.

Section 4.8. Conditional Notice of Redemption.

The City reserves the right to give notice of its election or direction to redeem Certificates pursuant to Section 4.2 conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date, or (ii) that the City retains the right to rescind such notice at any time on or prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected Owners. Any Certificates subject to conditional redemption and such redemption has been rescinded shall remain Outstanding and the rescission of such redemption shall not constitute an event of default. Further, in the case of a conditional redemption, the failure of the City to make moneys and or authorized securities available in part or in whole on or before the redemption date shall not constitute an event of default

ARTICLE V

PAYING AGENT/REGISTRAR

Section 5.1. Appointment of Initial Paying Agent/Registrar.

(a) The City hereby appoints The Bank of New York Mellon Trust Company, N.A., Dallas, Texas, as its initial registrar and transfer agent (the "Paying Agent/Registrar") to keep such books or records and make such transfers and registrations under such reasonable regulations as the City and the Paying Agent/Registrar may prescribe; and the Paying

Agent/Registrar shall make such transfer and registrations as herein provided. It shall be the duty of the Paying Agent/Registrar to obtain from the Owners and record in the Register the address of such Owner of each Certificate to which payments with respect to the Certificates shall be mailed, as provided herein. The City or its designee shall have the right to inspect the Register during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity.

(b) The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Certificates. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Certificates, and of all conversions, exchanges and replacements of such Certificates, as provided in the Ordinance.

(c) The City Council hereby approves and the Mayor and the City Secretary are hereby authorized to execute and deliver a Paying Agent/Registrar Agreement, specifying the duties and responsibilities of the City and the Paying Agent/Registrar.

Section 5.2. Qualifications.

Each Paying Agent/Registrar shall be a commercial bank or trust company organized under the laws of the State, or any other entity duly qualified and legally authorized to serve as and perform the duties and services of paying agent and registrar for the Certificates.

Section 5.3. Maintaining Paying Agent/Registrar.

(a) At all times while any Certificates are outstanding, the City will maintain a Paying Agent/Registrar that is qualified under Section 5.2 of this Ordinance.

(b) If the Paying Agent/Registrar resigns or otherwise ceases to serve as such, the City will promptly appoint a replacement.

Section 5.4. Termination.

The City reserves the right to terminate the appointment of any Paying Agent/Registrar by delivering to the entity whose appointment is to be terminated (i) forty-five (45) days written notice of the termination of the appointment and of the Paying Agent/Registrar Agreement, stating the effective date of such termination, and (ii) appointing a successor Paying Agent/Registrar; provided, that, no such termination shall be effective until a successor Paying Agent/Registrar has assumed the duties of Paying Agent/Registrar for the Certificates.

Section 5.5. Notice of Change to Owners.

Promptly upon each change in the entity serving as Paying Agent/Registrar, the City will cause notice of the change to be sent to each Owner by United States mail, first class, postage prepaid, at the address in the Register, stating the effective date of the change and the name and mailing address of the replacement Paying Agent/Registrar.

Section 5.6. Agreement to Perform Duties and Functions.

By accepting the appointment as Paying Agent/Registrar, the Paying Agent/Registrar is deemed to have agreed to the provisions of this Ordinance and that it will perform the duties and functions of Paying Agent/Registrar prescribed hereby and under the Paying Agent/Registrar Agreement.

Section 5.7. Delivery of Records to Successor.

If a Paying Agent/Registrar is replaced, such Paying Agent/Registrar, promptly upon the appointment of the successor, will deliver the Register (or a copy thereof) and all other pertinent books and records relating to the Certificates to the successor Paying Agent/Registrar

ARTICLE VI

FORM OF THE CERTIFICATES

Section 6.1. Form Generally.

(a) The Certificates, including the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Certificate of the Paying Agent/Registrar, and the Assignment form to appear on each of the Certificates, (i) shall be substantially in the form set forth in this Article, with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance, and (ii) may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including any reproduction of an opinion of counsel) thereon as, consistently herewith, may be determined by the City or by the officers executing such Certificates, as evidenced by their execution thereof.

(b) Any portion of the text of any Certificates may be set forth on the reverse side thereof, with an appropriate reference thereto on the face of the Certificates.

(c) The definitive Certificates, if any, shall be typewritten, photocopied, printed, lithographed, or engraved, and may be produced by any combination of these methods or produced in any other similar manner, all as determined by the officers executing such Certificates, as evidenced by their execution thereof.

(d) The Initial Certificate submitted to the Attorney General of the State of Texas may be typewritten and photocopied or otherwise reproduced.

Section 6.2. Form of the Certificates.

The form of the Certificates, including the form of the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the form of Certificate of the Paying Agent/Registrar and the form of Assignment appearing on the Certificates, shall be substantially as follows:

(a) Form of Certificate.

REGISTERED NO. _____ REGISTERED $_____

UNITED STATES OF AMERICA
STATE OF TEXAS
COUNTIES OF HARRIS AND MONTGOMERY

CITY OF TOMBALL, TEXAS
COMBINATION TAX AND REVENUE CERTIFICATE OF OBLIGATION
SERIES 2013

INTEREST RATE:	MATURITY DATE:	DATED DATE:	CUSIP NUMBER:
_____%	February 15, 20__	May 15, 2013	_____ ___

The City of Tomball (the "City"), in Harris and Montgomery Counties, State of Texas, for value received, hereby promises to pay to

_____

or registered assigns, on the maturity date specified above, the sum of

_____ DOLLARS

and to pay interest on such principal amount from the later of the Dated Date specified above or the most recent interest payment date to which interest has been paid or provided for until payment of such principal amount has been paid or provided for, at the per annum rate of interest specified above, computed on the basis of a 360-day year of twelve 30-day months, such interest to be paid semiannually on February 15 and August 15 of each year, commencing on February 15, 2014.

The principal of this Certificate shall be payable without exchange or collection charges in lawful money of the United States of America upon presentation and surrender of this Certificate at the corporate trust office of The Bank of New York Mellon Trust Company, N.A., Dallas, Texas, or such other location designated by the Paying Agent/Registrar (the "Designated Payment/Transfer Office"), of the Paying Agent/ Registrar or, with respect to a successor Paying Agent/Registrar, at the Designated Payment/Transfer Office of such successor. Interest on this Certificate is payable by check dated as of the interest payment date, and will be mailed by the Paying Agent/Registrar to the registered owner at the address shown on the registration books kept by the Paying Agent/Registrar or by such other customary banking arrangement acceptable to the Paying Agent/Registrar and the registered owner; provided, however, such registered owner shall bear all risk and expenses of such customary banking arrangement. For the purpose of the payment of interest on this Certificate, the registered owner shall be the person in whose

name this Certificate is registered at the close of business on the "Record Date," which shall be the fifteenth day of the month next preceding such interest payment date.

If the date for the payment of the principal of or interest on this Certificate shall be a Saturday, Sunday, legal holiday, or day on which banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are required or authorized by law or executive order to close, the date for such payment shall be the next succeeding day that is not a Saturday, Sunday, legal holiday, or day on which banking institutions are required or authorized to close, and payment on such date shall have the same force and effect as if made on the original date payment was due.

This Certificate is one of a series of fully registered certificates specified in the title hereof issued in the aggregate principal amount of $8,500,000 (herein referred to as the "Certificates"), issued pursuant to a certain ordinance of the City (the "Ordinance") for the costs associated with (i) the costs associated with the construction and equipment of streets and traffic signals; (ii) the construction of storm sewer and drainage improvements, including improvements to the M-118 drainage, channel and detention pond; (iii) the construction of improvements to the City's water, sewer and gas utility facilities; and (iv) the costs of professional services incurred in connection therewith.

The City has reserved the right to redeem the Certificates maturing on and after February 15, 2022, in whole or from time to time in part before their respective scheduled maturity dates, on February 15, 2021, or on any date thereafter, at a redemption price equal to the principal amount thereof plus accrued interest to the date of redemption. If less than all of the Certificates are to be redeemed, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot the Certificates, or portions thereof, within such maturity and in such principal amounts, for redemption.

[Certificates maturing on February 15, _____ and February 15, _____ (the "Term Certificates") are subject to mandatory sinking fund redemption prior to their scheduled maturity, and will be redeemed by the City, in part at a redemption price equal to the principal amount thereof, without premium, plus interest accrued to the redemption date, on the dates and in the principal amounts shown in the following schedule:

$_____ Term Certificates Maturing February 15, ____

Redemption Date	Principal Amount

$\underline{\$ \quad \text{Term Certificates Maturing February 15, } \quad}$

Redemption Date	Principal Amount

The Paying Agent/Registrar will select by lot or by any other customary method that results in a random selection the specific Term Certificates (or with respect to Term Certificates having a denomination in excess of $5,000, each $5,000 portion thereof) to be redeemed by mandatory redemption. The principal amount of Term Certificates required to be redeemed on any redemption date pursuant to the foregoing mandatory sinking fund redemption provisions hereof shall be reduced, at the option of the City, by the principal amount of any Term Certificates which, at least forty-five (45) days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Term Certificates plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.]

Notice of such redemption or redemptions shall be given by first class mail, postage prepaid, not less than thirty (30) days before the date fixed for redemption, to the registered owner of each of the Certificates to be redeemed in whole or in part. Notice having been so given, the Certificates or portions thereof designated for redemption shall become due and payable on the redemption date specified in such notice; from and after such date, notwithstanding that any of the Certificates or portions thereof so called for redemption shall not have been surrendered for payment, interest on such Certificates or portions thereof shall cease to accrue.

The City reserves the right to give notice of its election or direction to redeem Certificates pursuant to an optional redemption conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date, or (ii) that the City retains the right to rescind such notice at any time on or prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected Owners. Any Certificates subject to conditional redemption and such redemption has been rescinded shall remain Outstanding and the rescission of such redemption shall not constitute an event of default. Further, in the case of a conditional redemption, the failure of the City to make moneys and or authorized securities available in part or in whole on or before the redemption date shall not constitute an event of default.

As provided in the Ordinance, and subject to certain limitations therein set forth, this Certificate is transferable upon surrender of this Certificate for transfer at the designated office of the Paying Agent/Registrar with such endorsement or other evidence of transfer as is acceptable to the Paying Agent/Registrar; thereupon, one or more new fully registered Certificates of the same stated maturity, of authorized denominations, bearing the same rate of interest, and for the same aggregate principal amount will be issued to the designated transferee or transferees.

Neither the City nor the Paying Agent/Registrar shall be required to issue, transfer or exchange any Certificate called for redemption where such redemption is scheduled to occur within forty-five (45) calendar days of the transfer or exchange date; provided, however, such limitation shall not be applicable to an exchange by the registered owner of the uncalled principal balance of a Certificate.

The City, the Paying Agent/Registrar, and any other person may treat the person in whose name this Certificate is registered as the owner hereof for the purpose of receiving payment as herein provided (except interest shall be paid to the person in whose name this Certificate is registered on the Record Date) and for all other purposes, whether or not this Certificate be overdue, and neither the City nor the Paying Agent/Registrar shall be affected by notice to the contrary.

IT IS HEREBY certified, recited and covenanted that this Certificate has been duly and validly issued and delivered; that all acts, conditions and things required or proper to be performed, to exist and to be done precedent to or in the issuance and delivery of this Certificate have been performed, exist and have been done in accordance with law; and that annual ad valorem taxes, within the limits prescribed by law, sufficient to provide for the payment of the interest on and principal of this Certificate, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in the City.

IT IS FURTHER certified, recited and represented that the revenues to be derived from the operation of the City's water and sewer system, after the payment of all operation and maintenance expenses thereof (the "Net Revenues"), are pledged to the payment of the principal of and interest on the Certificates in an amount not to exceed $1,000; provided, however, that such pledge is junior and subordinate in all respects to the pledge of the Net Revenues to the payment of all outstanding obligations of the City and any obligation of the City, whether authorized heretofore or hereafter, which the City designates as having a pledge senior to the pledge of the Net Revenues to the payment of the Certificates. The City also reserves the right to issue, for any lawful purpose at any time, in one or more installments, bonds, certificates of obligation and other obligations of any kind payable in whole or in part from the Net Revenues, secured by a pledge of the Net Revenues that may be prior and superior in right to, on a parity with, or junior and subordinate to the pledge of the Net Revenues securing the Certificates.

IN WITNESS WHEREOF, the City has caused this Certificate to be executed by the manual or facsimile signature of the Mayor of the City and countersigned by the manual or facsimile signature of the City Secretary, and the official seal of the City has been duly impressed or placed in facsimile on this Certificate.

City Secretary City of Tomball, Texas	Mayor City of Tomball, Texas

[SEAL]

(b) Form of Comptroller's Registration Certificate.

The following Comptroller's Registration Certificate may be deleted from the definitive Certificates if such certificate on the Initial Certificate is fully executed.

OFFICE OF THE COMPTROLLER	§	
OF PUBLIC ACCOUNTS	§	REGISTER NO. _____
OF THE STATE OF TEXAS	§	

I hereby certify that there is on file and of record in my office a certificate of the Attorney General of the State of Texas to the effect that this Certificate has been examined by him as required by law, that he finds that it has been issued in conformity with the Constitution and laws of the State of Texas, and that it is a valid and binding obligation of the City of Tomball, Texas; and that this Certificate has this day been registered by me.

Witness my hand and seal of office at Austin, Texas, _____.

Comptroller of Public Accounts
of the State of Texas

[SEAL]

(c) Form of Certificate of Paying Agent/Registrar.

The following Certificate of Paying Agent/Registrar may be deleted from the Initial Certificate if the Comptroller's Registration Certificate appears thereon.

CERTIFICATE OF PAYING AGENT/REGISTRAR

The records of the Paying Agent/Registrar show that the Initial Certificate of this series of certificates of obligation was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas, and that this is one of the Certificates referred to in the within-mentioned Ordinance.

THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A.
as Paying Agent/Registrar

Dated: _____ By: _____
Authorized Signatory

(d) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns, and transfers unto (print or typewrite name, address and Zip Code of transferee): _____

_____

_____

(Social Security or other identifying number: _____) the within Certificate and all rights hereunder and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Certificate on the books kept for registration hereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed By:

_____

_____
Authorized Signatory

NOTICE: The signature on this Assignment must correspond with the name of the registered owner as it appears on the face of the within Certificate in every particular and must be guaranteed in a manner acceptable to the Paying Agent/Registrar.

(e) The Initial Certificate shall be in the form set forth in paragraphs (a), (b) and (d) of this Section, except for the following alterations:

(i) immediately under the name of the Certificate the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the expression "As Shown Below" and "CUSIP NUMBER: _____" deleted;

(ii) in the first paragraph of the Certificate, the words "on the maturity date specified above" shall be deleted and the following will be inserted: "on February 15 in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

(Information to be inserted from schedule in Section 3.2 of the Ordinance)

(iii) the Initial Certificate shall be numbered I-1.

Section 6.3. CUSIP Registration.

The City may secure identification numbers through the CUSIP Service Bureau Division of Standard & Poor's, a Standard & Poor's Financial Services LLC business, New York, New York, and may authorize the printing of such numbers on the face of the Certificates. It is expressly provided, however, that the presence or absence of CUSIP numbers on the Certificates shall be of no significance or effect in regard to the legality thereof and neither the City nor the attorneys approving said Certificates as to legality are to be held responsible for CUSIP numbers incorrectly printed on the Certificates.

Section 6.4. Legal Opinion.

The approving legal opinion of Bond Counsel may be attached to or printed on the reverse side of each Certificate over the certification of the City Secretary of the City, which may be executed in facsimile.

Section 6.5. Bond Insurance.

Information pertaining to bond insurance, if any, may be printed on each Certificate.

ARTICLE VII

SALE AND DELIVERY OF CERTIFICATES; DEPOSIT OF PROCEEDS

Section 7.1. Sale of Certificates; Official Statement.

(a) The Certificates, having been duly advertised and offered for sale at competitive bid, are hereby officially sold and awarded to _____ (the "Purchaser") for a purchase price equal to the principal amount thereof, plus a cash premium of $_____, plus interest accrued thereon from the Dated Date to the Closing Date, being the bid which produced the lowest true interest cost. The terms of the sale are hereby determined to be in the best interests of the City. The Initial Certificate shall be registered in the name of the Purchaser

or its designee. The Mayor and all other officers, agents and representatives of the City are hereby authorized to do any and all things necessary or desirable to satisfy the conditions set out therein and to provide for the issuance and delivery of the Certificates.

(b) The form and substance of the Preliminary Official Statement, and any addenda, supplement or amendment thereto, are hereby in all respects ratified and approved and the Preliminary Official Statement is hereby deemed final as of its date within the meaning and for the purposes of paragraph (b)(1) of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended. The final Official Statement (the "Official Statement") presented to and considered at this meeting is hereby in all respects approved and adopted and the Mayor and the City Secretary of the City are hereby authorized and directed to execute the same and deliver appropriate numbers of executed copies thereof to the Purchaser. The Official Statement as thus approved, executed and delivered, with such appropriate variations as shall be approved by the Mayor of the City and the Purchaser, may be used by the Purchaser in the public offering and sale thereof. The City Secretary is hereby authorized and directed to include and maintain a copy of the Official Statement and any addenda, supplement or amendment thereto thus approved among the permanent records of this meeting. The use and distribution of the Preliminary Official Statement, and the preliminary public offering of the Certificates by the Purchaser, is hereby ratified, approved and confirmed. All officers of the City are authorized to execute such certificates with respect to the Official Statement as may be necessary in order to consummate the sale and delivery of the Certificates.

(c) All officers of the City are authorized to execute such documents, certificates and receipts, and to make such elections with respect to the tax-exempt status of the Certificates, as they may deem appropriate in order to consummate the delivery of the Certificates.

(d) The obligation of the Purchaser to accept delivery of the Certificates is subject to the Purchaser being furnished with the final, approving opinion of Bond Counsel to the City, which opinion shall be dated and delivered the Closing Date.

Section 7.2. Control and Delivery of Certificates.

(a) The Mayor of the City is hereby authorized to have control of the Initial Certificate and all necessary records and proceedings pertaining thereto pending investigation, examination, and approval of the Attorney General of the State of Texas, registration by the Comptroller of Public Accounts of the State of Texas and registration with, and initial exchange or transfer by, the Paying Agent/Registrar.

(b) After registration by the Comptroller of Public Accounts, delivery of the Certificates shall be made to the Representative under and subject to the general supervision and direction of the Mayor, against receipt by the City of all amounts due to the City under the terms of sale.

Section 7.3. Deposit of Proceeds.

(a) First: All amounts received on the Closing Date as accrued interest on the Certificates from the Dated Date to the Closing Date shall be deposited to the Interest and Sinking Fund.

(b) Second: Proceeds from the Certificates shall, promptly upon receipt by the City, be applied as follows:

(i) Proceeds of the Certificates in the amount of $_____ shall be used for the purposes set forth in Section 3.1.

(ii) Proceeds of the Certificates in the amount of $_____ shall be used to pay the costs of issuance.

(iii) Accrued interest in the amount of $_____ shall be transferred to the transferred to the Interest and Sinking Fund.

(iv) Any proceeds remaining after the accomplishment of such purposes shall be transferred to the Interest and Sinking Fund.

ARTICLE VIII

PARTICULAR REPRESENTATIONS AND COVENANTS

Section 8.1. Payment of the Certificates.

On or before each Interest Payment Date while any of the Certificates are outstanding and unpaid, there shall be made available to the Paying Agent/Registrar, out of the Interest and Sinking Fund, money sufficient to pay such interest on and principal of, redemption premium, if any, and interest on the Certificates as will accrue or mature on the applicable Interest Payment Date or date of prior redemption.

Section 8.2. Other Representations and Covenants.

(a) The City will faithfully perform, at all times, any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance and in each Certificate; the City will promptly pay or cause to be paid the principal of, redemption premium, if any, and interest on each Certificate on the dates and at the places and manner prescribed in such Certificate; and the City will, at the times and in the manner prescribed by this Ordinance, deposit or cause to be deposited the amounts of money specified by this Ordinance.

(b) The City is duly authorized under the laws of the State of Texas to issue the Certificates; all action on its part for the creation and issuance of the Certificates has been duly and effectively taken; and the Certificates in the hands of the Owners thereof are and will be valid and enforceable obligations of the City in accordance with their terms.

Section 8.3. Provisions Concerning Federal Income Tax Exclusion.

(a) General. The City intends that the interest on the Certificates will be excludable from gross income for purposes of federal income taxation pursuant to sections 103 and 141 through 150 of the Code, and the applicable regulations promulgated thereunder (the "Regulations"). The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that if taken or omitted, respectively, would cause the interest on

the Certificates to be includable in the gross income, as defined in section 61 of the Code, of the holders thereof for purposes of federal income taxation. In particular, the City covenants and agrees to comply with each requirement of this Section 8.3; provided, however, that the City will not be required to comply with any particular requirement of this Section 8.3 if the City has received an opinion of nationally recognized bond counsel ("Counsel's Opinion") that (i) such noncompliance will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Certificates or (ii) compliance with some other requirement set forth in this Section 8.3 will satisfy the applicable requirements of the Code, in which case compliance with such other requirement specified in such Counsel's Opinion will constitute compliance with the corresponding requirement specified in this Section 8.3.

(b) No Private Use or Payment and No Private Loan Financing. The City will certify, through an authorized officer, employee or agent, that, based upon all facts and estimates known or reasonably expected to be in existence on the date the Certificates are delivered, the proceeds of the Certificates will not be used in a manner that would cause the Certificates to be "private activity bonds" within the meaning of section 141 of the Code and the Regulations. The City covenants and agrees that it will make such use of the proceeds of the Certificates, including interest or other investment income derived from Certificate proceeds, regulate the use of property financed, directly or indirectly, with such proceeds, and take such other and further action as may be required so that the bonds will not be "private activity bonds" within the meaning of section 141 of the Code and the Regulations.

(c) No Federal Guaranty. The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that, if taken or omitted, respectively, would cause the Certificates to be "federally guaranteed" within the meaning of section 149(b) of the Code and the Regulations, except as permitted by section 149(b)(3) of the Code and the Regulations.

(d) Certificates Are Not Hedge Bonds. The City covenants and agrees not to take any action, or knowingly omit to take any action, and has not knowingly omitted and will not knowingly omit to take any action, within its control, that, if taken or omitted, respectively, would cause the Certificates to be "hedge bonds" within the meaning of section 149(g) of the Code and the Regulations.

(e) No-Arbitrage Covenant. The City will certify, through an authorized officer, employee or agent, that, based upon all facts and estimates known or reasonably expected to be in existence on the date the Certificates are delivered, that the proceeds of the Certificates will not be used in a manner that would cause the Certificates to be "arbitrage bonds" within the meaning of section 148(a) of the Code and the Regulations. Moreover, the City covenants and agrees that it will make such use of the proceeds of the Certificates including interest or other investment income derived from Certificate proceeds, regulate investments of proceeds of the Certificates, and take such other and further action as may be required so that the Certificates will not be "arbitrage bonds" within the meaning of section 148(a) of the Code and the Regulations.

(f) Arbitrage Rebate. If the City does not qualify for an exception to the requirements of Section 148(f) of the Code, the City will take all necessary steps to comply with

the requirement that certain amounts earned by the City on the investment of the "gross proceeds" of the Certificates (within the meaning of section 148(f)(6)(B) of the Code), be rebated to the federal government. Specifically, the City will (i) maintain records regarding the investment of the gross proceeds of the Certificates as may be required to calculate the amount earned on the investment of the gross proceeds of the Certificates separately from records of amounts on deposit in the funds and accounts of the City allocable to other bond issues of the City or moneys which do not represent gross proceeds of any Certificates of the City, (ii) calculate at such times as are required by the Regulations, the amount earned from the investment of the gross proceeds of the Certificates that is required to be rebated to the federal government, and (iii) pay, not less often than every fifth anniversary date of the delivery of the Certificates or on such other dates as may be permitted under the Regulations, all amounts required to be rebated to the federal government. Further, the City will not indirectly pay any amount otherwise payable to the federal government pursuant to the foregoing requirements to any person other than the federal government by entering into any investment arrangement with respect to the gross proceeds of the Certificates that might result in a reduction in the amount required to be paid to the federal government because such arrangement results in a smaller profit or a larger loss than would have resulted if the arrangement had been at arm's length and had the yield on the issue not been relevant to either party.

(g) Information Reporting. The City covenants and agrees to file or cause to be filed with the Secretary of the Treasury, not later than the 15th day of the second calendar month after the close of the calendar quarter in which the Certificates are issued, an information statement concerning the Certificates, all under and in accordance with section 149(e) of the Code and the Regulations.

(h) Record Retention. The City will retain all pertinent and material records relating to the use and expenditure of the proceeds of the Certificates until three years after the last Certificate is redeemed, or such shorter period as authorized by subsequent guidance issued by the Department of Treasury, if applicable. All records will be kept in a manner that ensures their complete access throughout the retention period. For this purpose, it is acceptable that such records are kept either as hardcopy books and records or in an electronic storage and retrieval system, provided that such electronic system includes reasonable controls and quality assurance programs that assure the ability of the City to retrieve and reproduce such books and records in the event of an examination of the Certificates by the Internal Revenue Service.

(i) Registration. The Certificates will be issued in registered form.

(j) Continuing Obligation. Notwithstanding any other provision of this Ordinance, the City's obligations under the covenants and provisions of this Section 8.3 will survive the defeasance and discharge of the Certificates for as long as such matters are relevant to the exclusion from gross income of interest on the Certificates for federal income tax purposes.

ARTICLE IX

DISCHARGE

Section 9.1. Discharge.

The Certificates may be defeased, discharged or refunded in any manner permitted by applicable law.

ARTICLE X

CONTINUING DISCLOSURE UNDERTAKING

Section 10.1. Annual Reports.

The City agrees to provide to the MSRB, in electronic format, accompanied by identifying information as prescribed by the MSRB, within six (6) months after the end of each fiscal year, financial information and operating data with respect to the City and the System of the general type included in the final Official Statement in Tables 1 through 6 and 8 through 14. The information will also include the audited financial statements of the City, if the City commissions an audit and it is completed within the required time. If audited financial statements are not available by the required time, the City will provide audited financial statements when and if the audit report becomes available. Any financial statements so to be provided shall be prepared in accordance with the accounting principles the City may be required to employ from time to time pursuant to State law or regulation. If the audit of such financial statements is not complete within such period, then the City will provide unaudited financial statements within such six month period to the MSRB, and audited financial statements if and when the audit report on such statements becomes available. All such information and operating data shall be provided to the MSRB, in an electronic format, accompanied by identifying information, as prescribed by the MSRB, and will be available via the EMMA at www.emma.msrb.org.

(a) If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

(b) The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific referenced to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC.

Section 10.2. Material Event Notices.

(a) The City shall provide the following to the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of ten (10) business days after the occurrence of the event, notice of any of the following events with respect to the Certificates:

(1) Principal and interest payment delinquencies;

(2) Non-payment related defaults, if material;

(3) Unscheduled draws on debt service reserves reflecting financial difficulties;

(4) Unscheduled draws on credit enhancements reflecting financial difficulties;

(5) Substitution of credit or liquidity providers, or their failure to perform;

(6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of Certificates, or other material events affecting the tax status of the Certificates;

(7) Modifications to rights of the holders of the Certificates, if material;

(8) Certificate calls, if material, and tender offers;

(9) Defeasances;

(10) Release, substitution, or sale of property securing repayment of the Certificates, if material;

(11) Rating changes;

(12) Bankruptcy, insolvency, receivership or similar event of the City;

(13) Note to paragraph 12: For the purposes of the event identified in paragraph 12 of this section, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City.

(14) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive

agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

(15) Appointment of successor or additional trustee or the change of name of a paying agent/registrar, if material.

Section 10.3. Limitations, Disclaimers and Amendments.

(a) The City shall be obligated to observe and perform the covenants specified in this Article for so long as, but only for so long as, the City remains an "obligated person" with respect to the Certificates within the meaning of the Rule, except that the City in any event will give notice of any redemption calls and any defeasances that cause the City to be no longer an "obligated person."

(b) The provisions of this Article are for the sole benefit of the Owners and beneficial owners of the Certificates, and nothing in this Article, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Article and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Article or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE OWNER OR BENEFICIAL OWNER OF ANY CERTIFICATE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS ARTICLE, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(c) No default by the City in observing or performing its obligations under this Article shall constitute a breach of or default under the Ordinance for purposes of any other provisions of this Ordinance.

(d) Nothing in this Article is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(e) The provisions of this Article may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (i) the provisions of this Article, as so amended, would have permitted an underwriter to purchase or sell Certificates in the primary offering of the Certificates in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as

well as such changed circumstances, and (ii) either (A) the Owners of a majority in aggregate principal amount (or any greater amount required by any other provisions of this Ordinance that authorizes such an amendment) of the Outstanding Certificates consent to such amendment or (B) an entity or individual person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Owners and beneficial owners of the Certificates. If the City so amends the provisions of this Article, it shall include with any amended financial information or operating data next provided in accordance with Section 10.1 an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in type of financial information or operating data so provided.

ARTICLE XI

MISCELLANEOUS

Section 11.1. Changes to Ordinance.

Bond Counsel is hereby authorized to make changes to the terms of this Ordinance if necessary or desirable to carry out the purposes hereof or in connection with the approval of the issuance of the Certificates by the Attorney General of Texas.

Section 11.2. Partial Invalidity.

If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 11.3. Repealer.

All ordinances or resolutions, or parts thereof, heretofore adopted by the City and inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 11.4. Individuals Not Liable.

No covenant, stipulation, obligation or agreement herein contained shall be deemed to be a covenant, stipulation, obligation or agreement of any member of City Council or agent or employee of City Council or of the City in his or her individual capacity and neither the members of City Council nor any officer thereof, nor any agent or employee of City Council or of the City, shall be liable personally on the Certificates, or be subject to any personal liability or accountability by reason of the issuance thereof.

Section 11.5. Related Matters.

To satisfy in a timely manner all of the City's obligations under this Ordinance, the Mayor, the City Secretary and all other appropriate officers and agents of the City are hereby authorized and directed to do any and all things necessary and/or convenient to carry out the terms and purposes of this Ordinance.

Section 11.6. Force and Effect.

This Ordinance shall be in full force and effect from and after its final passage, and it is so ordained.

[Signature Page Follows]

DRAFT

FIRST AND FINAL READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF MAY, 2013.

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

PASSED, APPROVED AND EFFECTIVE this 6th day of May, 2013.

City Secretary City of Tomball, Texas	Mayor City of Tomball, Texas

[SEAL]

CERTIFICATE FOR ORDINANCE

THE STATE OF TEXAS §
COUNTIES OF HARRIS AND MONTGOMERY §

We, the undersigned officers of the City Council of the City of Tomball, Texas, hereby certify as follows:

1. The City Council of the City of Tomball, Texas, convened in a regular meeting on the 6th day of May, 2013, at the regular meeting place thereof, within said City, and the roll was called of the duly constituted officers and members of said City Council, to wit:

Gretchen Fagan	Mayor
F.S. "Field" Hudgens	Council Member, Position 1
Mark Stoll	Council Member, Position 2
Rick Brown	Mayor Pro Tem and Council Member, Position 3
Derek Townsend, Sr.	Council Member, Position 4
Preston L. Dodson	Council Member, Position 5

and all of said persons were present, except the following absentee(s): Preston L. Dodson, Council Member, Position 5, thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting: a written

ORDINANCE NO. 2013-06

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF TOMBALL, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2013; AWARDING THE SALE THEREOF; LEVYING A TAX AND PROVIDING FOR THE SECURITY AND PAYMENT THEREOF; APPROVING THE OFFICIAL STATEMENT; APPROVING THE PAYING AGENT/REGISTRAR AGREEMENT; AND ENACTING OTHER PROVISIONS RELATING THERETO

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

AYES: _____

NOES: _____

ABSTENTIONS: _____

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

SIGNED AND SEALED this 6th day of May, 2013.

_____
City Secretary
City of Tomball, Texas

[SEAL]

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 6, 2013

Topic:

Conduct Public Hearing regarding the Adoption of an Ordinance to Participate in the Texas Enterprise Zone Program and to Consider and Nominate Baker Hughes Oilfield Operations, Inc., 11211 FM 2920 Road, Tomball, Texas 77375, to the Office of the Governor as a Texas Enterprise Zone Project

Background:

Baker Hughes Oilfield Operations, Inc., has requested that the City of Tomball nominate Baker Hughes Oilfield Operations, Inc., as a Texas State Enterprise Project.

The Texas Enterprise Zone Program (TEZ) encourages local communities to partner with the State of Texas in job creation efforts and capital investment, particularly in economically distressed areas of the state. Since its inception in 1988, 840 qualified businesses have received an enterprise project designation which generated commitments of $54 billion in capital investment, 141,434 new permanent jobs and retained 168,643 existing jobs.

Local communities must nominate a company as an Enterprise Project to be eligible to participate in the program. The 81st Legislature provided local communities with a maximum of 105 enterprise zone designations for the FY2012-2013 biennium. The state accepts applications quarterly with deadlines on the first working day of March, June, September and December.

Designated projects are eligible to apply for a refund of State sales and use taxes paid on expenditures at the qualified business site during the designation period. No local sales tax is rebated to the Company through this program. The designation is for a five year period.

The level and amount of refund are related to the capital investment and jobs created and/or retained at the qualified business site. In addition, local communities must offer incentives to participants under the program including but not limited to property tax abatements, tax increment financing and one-stop permitting.

Chapter 2303, Subchapter F of the Texas Government Code (the " Act"), requires the City Council to hold a Public Hearing for the purpose of considering comments as it relates to the adoption of an Ordinance that will allow the City to participate in the Texas Enterprise Zone program.

The City of Tomball previously nominated BJ Services Company for designation as an enterprise project through Ordinance 2006-05.

Origination:
George P. Bernhardt Managing Counsel – Global Real Estate Baker Hughes Oilfield Operations, Inc.

Recommendation:
N/A

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	☐ 1ST ☐ 2ND	

ATTACHMENTS:

Notice of Public Hearing
Texas Enterprise Zone Program FAQ's
Texas Enterprise Zone Program Guidelines
Baker Hughes Request Letter

Public Hearing Notice

The City of Tomball will conduct a public hearing on **May 6, 2013 at 6 P.M.** at **City Hall, 401 Market Street, Tomball, Texas, 77375** to consider comments concerning the adoption of an ordinance to participate in the Texas Enterprise Zone Program and to consider and nominate Baker Hughes Oilfield Operations, Inc., 11211 FM 2920 Road, Tomball, Texas 77375, to the Office of the Governor as an Enterprise Zone Project. Possible tax incentives to be offered to projects within the Texas Enterprise Zone designated areas and qualified business sites in the City of Tomball will be discussed at the hearing. All interested parties are encouraged to attend and present their views. For additional information, contact **Kelly Violette at (281) 401-4086.**

This public notice was posted on the official bulletin board of the City of Tomball, at the front entrance to the **City Hall at 401 Market Street, Tomball, Texas 77375 at 5:00 p.m., April 18, 2013.**

OFFICE OF THE GOVERNOR
ECONOMIC DEVELOPMENT & TOURISM

RICK PERRY
GOVERNOR

TEXAS ENTERPRISE ZONE PROGRAM
FREQUENTLY ASKED QUESTIONS

What is an enterprise zone?

Any block group within the State of Texas that has a poverty rate of 20% or more, as determined by the U.S. Census Bureau during each decennial census is a state enterprise zone. The block group will remain an enterprise zone until it no longer qualifies, as a result of a subsequent decennial census.

Any distressed county in Texas is an enterprise zone. A county is considered to be a distressed county if it has a poverty rate above 15.4 percent based on the most recent decennial census; in which at least 25.4 percent of the adult population does not hold a high school diploma or high school equivalency certificate based on the most recent decennial census; and that has an unemployment rate that has remained above 4.9 percent during the preceding five years, based on Texas Workforce Commission data.

Any federally designated empowerment zone, enterprise community or renewal community is also a State enterprise zone, for the duration of the federal designation.

It is the purpose of the Texas Enterprise Zone Act to establish a process that clearly identifies distressed areas and provides incentives by both local and state government to induce private investment in those areas by the provision of tax incentives and economic development program benefits. Under this program, economic development is encouraged by allowing enterprise projects to be designated outside of an enterprise zone, with a higher threshold of hiring economically disadvantaged or enterprise zone residents. The purpose of these sections is to provide standards of eligibility and procedures for designation of applications for qualified businesses as enterprise projects.

Who may participate in the program?

Any municipality or county in the State of Texas may participate in the program, wither they have an enterprise zone within their jurisdiction or not.

How do I determine in what block group I am located?

You can access the U.S. Census Bureau web site to determine what block group a particular address is in. The web address is http://factfinder.census.gov/servlet/ReferenceMapFramesetServlet?_bm=y&-_lang=en.

How do I determine if my block group qualifies as an enterprise zone?

The OOGEDT, through the Economic Development Bank, has published on its website the areas that qualify as an enterprise zone as either a qualifying block group or a distressed county. The website can be accessed at http://www.bidc.state.tx.us/BIDC_Maps/TxED_Maps/EZone_maps.html. If your block group is not listed, it does not qualify as an enterprise zone.

How does a municipality or county participate in the program?

The municipality or county must nominate a qualified business as an enterprise project by an ordinance or order as applicable. The ordinance or order must establish the local incentives being offered to the business seeking enterprise project designation. Local incentives may be established for all zone areas separately or individually, as well as areas of the jurisdiction outside of a zone area. The ordinance or order must state by position, who will act as liaison for the local program with the state, and nominate the qualified business for enterprise project status. Subsequent project nominations may be done by resolution, if the local incentives offered are substantially the same as outline in the ordinance or order.

Can a community offer local incentives without an enterprise zone?

Yes. A community can offer certain incentives as allowed by state law. Enterprise zones, however, are simply a means of packaging a number of state and local incentives together to help revitalize a distressed area.

What local incentives are available in an enterprise zone?

Local incentives that may be offered to an expanding or locating business vary among enterprise zones. Examples of local incentives that may be offered include tax abatement, a refund of local sales and use taxes, waiver of permitting fees, tax increment financing, transfer of publicly owned buildings at below market cost, and low interest loans.

According to the Tax Code, an enterprise zone is automatically a reinvestment zone without further action. Why is this significant?

A municipality or county can create a reinvestment zone, which allows them to offer tax abatement on real and/or personal property to new or existing businesses. In a regular reinvestment zone, all businesses given tax abatement in the same zone must be given the same terms. Further, all taxing entities must give each business the same terms and conditions. In an enterprise zone, all of the businesses that are given tax abatement do not have to receive the same deal, nor does each taxing entity have to give them the same terms and conditions.

What is a qualified business?

A qualified business is a person, including a corporation or other entity, that has been certified by the Bank, for purposes of state benefits under the Act, or a governing body for purposes of local benefits, to have met the following criteria:

(A) the person is engaged in, or has provided substantial commitment to initiate the active conduct of a trade or business at a qualified business site; and

(B) at least 25% of the business' new employees are either economically disadvantaged or enterprise zone residents (ED/EZR) if the qualified business site is located in an enterprise zone, or at least 35% of the business' new employees are ED/EZR if the qualified business site is located outside of an enterprise zone; and

(C) a franchise or subsidiary of a new or existing business may be certified by the governing jurisdiction as a qualified business if the franchise or subsidiary is located entirely at the qualified business site and maintains separate books and records of the business activity conducted at the qualified business site.

What is the definition of economically disadvantaged?

An individual who at the time of hire:

(A) was unemployed for at least three months before obtaining employment with a qualified business; or
(B) receives public assistance benefits, such as welfare or food stamp payments, or a member of an employee's immediate family receiving Supplemental Security Income or Aid to Families with Dependent Children payments. (Food Stamps must be received by the employee only, not a member of the employee's immediate family.); or
(C) has a physical or mental disability (a disability that constitutes or results in a substantial barrier to employment and can reasonably be expected to benefit in terms of employability from vocational rehabilitation services. NOTE: Individuals must be certified by an authorized agency or doctor.); or
(D) is homeless (lacks a fixed or regular nighttime residence or whose residence is a supervised public or private shelter providing temporary living accommodations); or
(E) is a foster child (an individual on behalf of whom state or local government payments are made and for whom a court order removing the child from the custody of the parent and specifying a manager conservator exists); or
(F) is on parole or entering the workplace after being confined in a unit or correctional facility of the institution division of the Texas Department of Criminal Justice or the Texas Youth Commission; or
(G) is an individual whose total family income meets the low income or moderate income limits developed under Section 8, United States Housing Act of 1937. Includes all income by employee, spouse, all dependents, and family members living with employee as of the employment date.

What is an enterprise project?

An enterprise project is a business that is nominated by a municipality or county and approved by the bank for state and local benefits. State incentives include state sales and use tax benefits based on capital investment and jobs created and/or retained during the designation period. The State may designate up to 85 enterprise projects each biennium.

What items purchased are allowable for sales and use tax refund under the Program?

An enterprise project is eligible for a refund of the taxes imposed by the Texas Tax Code on purchases of:

1. equipment or machinery sold to an enterprise project for use at the qualified business site;
2. building materials sold to an enterprise project for use in remodeling, rehabilitating, or constructing a structure at the qualified business site;
3. labor for remodeling, rehabilitating, or constructing a structure by an enterprise project at the qualified business site; or
4. electricity and natural gas purchased and consumed in the normal course of business at the qualified business site.

How many enterprise projects can we have?

Municipalities or counties with a population of 250,000 or more, based on the most recent decennial census, are eligible for up to six enterprise project designations during a state biennium based upon availability.

Municipalities or counties with a population of less than 250,000 based on the most recent decennial census are eligible for up to four enterprise project designations with the possibility of up to two bonus project designations during a state biennium based upon availability.

How long is an enterprise project designation?

The enterprise project designation is for an expansion or relocation from out-of-state, an expansion, renovation, or new construction, or other property to be undertaken by a qualified business. The designation period is a predetermined period approved by the bank, with beginning and ending dates for each proposed project or activity. The designation period for an enterprise project may not be for a period of less than one year, nor exceed five years from the date on which the designation is made.

What state incentives are available to enterprise projects?

Designated enterprise projects are eligible to apply for state sales and use tax refund on qualified expenditures. The level and amount of refund is related to the capital investment and jobs created at the site.

Level of Capital Investment	Maximum number of jobs allocated	Maximum potential refund	Maximum refund per job allocated
$40,000 to $399,999	10	$25,000	$2,500
$400,000 to $999,999	25	$62,500	$2,500
$1,000,000 to $4,999,999	125	$312,500	$2,500
$5,000,000 to $149,999,999	500	$1,250,000	$2,500
Double Jumbo Project $150,000,000 to $249,999,999	500	$2,500,000	$5,000
Triple Jumbo Project $250,000,000 or more	500	$3,750,000	$7,500

Each project is limited to a maximum refund of $250,000 per year for five years for a regular enterprise project designation, $500,000 per year for five years for a double jumbo enterprise project and $750,000 per year for five years for a triple jumbo enterprise project. NOTE: a qualified business making a capital investment eligible to apply for a double jumbo enterprise project or a triple jumbo enterprise project must be nominated by the governing jurisdiction for the elevated designation in the nominating ordinance, order or resolution, as applicable, or the designation will automatically be for a regular enterprise project designation. A double jumbo enterprise project will count as two enterprise project designations against the 85 projects designations allowed statewide and against the four or six allowed for the governing jurisdiction. A triple jumbo enterprise project will count as three project designations for the state as well as the governing jurisdiction.

What is a qualified employee?

A qualified employee is an employee that works at least 50% of his or her time for the qualified business at the qualified business site.

What is a new permanent job?

A new permanent job is a new employment position created over and above the business' current baseline that provides a qualified employee of a qualified business with employment of at least 1,820 hours of work annually and exists at the qualified business site for at least three years after the date on which a state benefit is received. Seasonal, temporary or part-time jobs are not considered to be new permanent jobs, and therefore are not eligible for state benefit through the program.

What is a retained job?

A retained job is a position that existed with a qualified business that has provided employment to a qualified employee of at least 1,820 hours annually and is retained for at least three years after the date on which a state benefit is received.

What is a job retention project?

Job retention projects are available under limited circumstances. To qualify for a job retention project, a business must present documentation to the applicant jurisdiction supporting any one of the following circumstances:

(A) that permanent employees will be permanently laid off;
(B) the business will permanently close down;
(C) the business will relocate out of state;
(D) a 10% increase in production capacity will occur;
(E) a 10% decrease in overall cost per unit produced will occur;

(F) the business facility has been legitimately destroyed or impaired due to fire, flood, tornado, hurricane, or any other natural disaster; or
(G) the business facility is both adding a new business line or product and deleting or decreasing an existing business line or product, and the designation will prevent the facility's net production capacity from decreasing.

All of the retained jobs must be certified by the Comptroller of Public Accounts before any benefits for jobs can be obtained.

What is an existing job?

An existing job is a full-time position that has existed with a qualified business, which does not qualify for benefit. The currently number of existing jobs is used to determine the baseline level of employment at the time of project designation. New jobs which are created 90 days prior to the application deadline through the end of the project designation period qualify for benefit if the baseline jobs are maintained.

Do leased, contract or construction employees qualify for benefit?

No. All employees occupying the new or retained jobs for benefit must be under the direct, full-time and permanent employment of the enterprise project that has received the designation.

How long does it take to obtain an enterprise project designation?

Projects are designated typically eight to ten weeks after the project application deadline, depending on the number of applications received in that quarterly round.

STATE OF TEXAS
TEXAS ECONOMIC DEVELOPMENT
TEXAS ENTERPRISE ZONE PROGRAM
PROGRAM BENEFITS GUIDELINES

The purpose of the Texas Enterprise Zone Program is to encourage job creation and capital investment in economically distressed areas of Texas. The program, which was created as a result of the Texas Enterprise Zone Act (Act), Chapter 2303, Texas Government Code, uses a process to identify severely distressed areas of the state and provide state/local incentives to induce private investment in these areas.

ABOUT THIS DOCUMENT

This document serves as a reference for enterprise projects seeking to obtain both the State Sales & Use Tax Refund and Franchise Tax Reduction offered through the Texas Enterprise Zone Program. It is preferred business practice to have jobs certified by Texas Economic Development (TxED) before a claim is submitted to the Comptroller of Public Accounts (Comptroller). This would require submission of a complete Job Certification Application at least 60-90 days prior to the project tax claim deadline.

CONTENTS OF GUIDE

Section 1	Commonly Asked Questions	Pg. 2-4
Section 2	Claim Process for Job Certification	Pg. 5-6
Section 2a	Claim Process for Job Certification (Subsequent Claims)	Pg. 7
Section 3	Applying for Sales & Use Tax Refund	Pg. 8
	Instructions for Filling out Application for Program Benefits	Pg. 9-10
	Sample Documents 1 & 2	Pg. 11-12

BENEFIT CYCLE

State Sales & Use Tax Refund – An enterprise project may file a claim annually or semi-annually.
Franchise Tax Benefit – The applicable reduction or credit is taken on the enterprise project's annual report filing for each year of the five-year designation period. Please contact the Comptroller for further information at 1-800-531-5441.
Note: For further information on taxes, filing claims and the Comptroller's office in general, please visit their internet site @ **http://www.window.state.tx.us/**

CONTACT LIST

For Job Certification Assistance Call:
Texas Economic Development
Texas Enterprise Zone Program
(512) 936-0263 Yvette Henderson
(512) 936-0274 Brenda Clear
(512) 936-0047 Tad Curtis

For State Sales And Use Tax Instructions Call:
Texas Comptroller of Public Accounts Orlando Guerrero
(512) 463-4332 or toll-free (800) 531-5441 x34549

For Franchise Tax Instructions Call:
Texas Comptroller of Public Accounts Jerry Oxford
(512) 463-4496 or toll-free (800) 531-5441 x34496

Texas Economic Development is an equal opportunity employer/program.
Auxiliary aids and services will be made available upon request to individuals with disabilities.

SECTION 1 – COMMONLY ASKED QUESTIONS

What is an Enterprise Zone?

An enterprise zone is a local option, and economic development tool that allows a community to partner with the State to offer a package of local and state tax and regulatory benefits to new or expanding businesses in economically distressed areas. More specifically, a zone is a geographic area nominated by a city or county or a combination of cities and/or counties through an application to TxED. The area must meet at least one of two possible primary distress criteria (high unemployment or population loss) and one of seven secondary distress criteria that are currently considered. The area must have a continuous boundary and be at least one square mile in size, but not larger than 10 square miles or 5% of the governing body's/bodies' jurisdiction (up to 20 square miles), whichever is larger. The designation period for a zone is seven years.

What is an Enterprise Project?

An enterprise project is a business that is nominated by an enterprise zone governing body and approved by TxED for state and local benefits. The business must commit to create or retain permanent jobs, make capital investment in the enterprise zone, fill at least 25% of its new jobs with individuals who are either economically disadvantaged or residents of an enterprise zone within the governing body (ies) jurisdiction, and maintain a level of employment from the date jobs are certified by TxED for at least three years.

What State Incentives Are Available to Enterprise Projects?

Projects are eligible for State Sales & Use Tax refunds and Franchise Tax reductions or credits. These benefits are based on job creation, and in some cases job retention, and capital investment for a period of five years. Investment made and jobs created 90 working days prior to the date of approval and during the designation period may be considered eligible for benefits.

The State Sales and Use Taxes paid on machinery and equipment, building materials, labor for the rehabilitation of existing buildings, electricity and natural gas purchased for use in the enterprise zone and other eligible items may eligible for refund. The refund is based on $2,000 for each permanent job created or retained for projects approved prior to 9/1/01, and $5,000 for each permanent job created or retained during the five-year designation period for projects approved on or after 9/1/01. The number of jobs for which a refund may be received is based upon commitments made in the project application. Each project is limited to a maximum refund of $1.25 million or $250,000 per year over the five-year period.

The process involved for State Sales and Use Tax refund is two-fold and requires:
1) ***Certification of jobs created and/or retained*** by TxED.
2) ***Certification of sales & use tax paid on qualifying items*** by the Comptroller.

The Franchise Tax reduction is taken on its annual report filing for each year of the five-year designation. The reduction is based on the amount of capital investment made by the project in the enterprise zone. The project's apportioned taxable capital may be reduced by 50% of the capital investment or the apportioned earned surplus income may be reduced by 5% of the capital investment made in the enterprise zone. The business must pay the highest liability. Projects designated on or after September 1, 2001 are entitled to establish certain franchise tax economic development credits. For more information about the jobs creation credit and capital investment credit, see Chapter 171, Subchapter P & Q of the Texas Tax Code. To determine potential franchise tax benefit under this section of the program, we would advise your tax department contact the Comptroller. The contact is Mr. Jerry Oxford, (512) 463-4642.

What is a Qualified Business?

A qualified business is a person, including a corporation or other entity that TxED, for purposes of state benefits under the Act, and a governing body, for purposes of local benefits, certifies to have met the following criteria:

(A) the person is engaged in or has provided substantial commitment to initiate the active conduct of a trade or business in the zone; and

(B) at least 25.0% of the business's new employees in the zone are residents of any zone within the governing body's or bodies' jurisdiction or economically disadvantaged individuals; and

(C) a franchise or subsidiary of a new or existing business may be certified by the governing body of an enterprise zone as a qualified business if the franchise or subsidiary is located entirely in the zone and maintains separate books & records of the business activity conducted in the zone.

What is the Definition of Economically Disadvantaged?

An individual who:

(A) was unemployed for at least three months before obtaining employment with a qualified business; or

(B) receives public assistance benefits, such as welfare or food stamp payments, or a member of an employee's immediate family receiving Supplemental Security Income or Aid to Families with Dependent Children payments (Food Stamps must be received by the employee only, not a member of the employee's immediate family); or

(C) has a physical or mental disability (a disability which constitutes or results in a substantial barrier to employment and can reasonably be expected to benefit in terms of employability from vocational rehabilitation services. NOTE: Individuals should be certified by an authorized agency or doctor); or

(D) is homeless (lacks a fixed or regular nighttime residence or whose residence is a supervised public or private shelter providing temporary living accommodations); or

(E) is a foster child (an individual on behalf of whom state or local government payments are made and for whom a court order removing the child from the custody of the parent and specifying a manager conservator exists); or

(F) is on parole or entering the workplace after being confined in a unit or correctional facility of the institution division of the Texas Department of Criminal Justice or the Texas Youth Commission; or

(G) is an individual whose total family income meets the low income or moderate income limits developed under Section 8, United States Housing Act of 1937. Includes all income by employee, spouse, all dependents, and family members living with employee as of the employment date.

What is a Qualified Employee?

An employee that works at least 50% of his/her time for the qualified business in the enterprise zone.

What is a New Permanent Job?

A new position created **over and above the company's current baseline**, at the time of project designation, which provides a qualified employee of a qualified business with employment of at least 1,820 hours of work annually. Seasonal, temporary or part-time jobs are not considered to be new permanent jobs, and therefore are not eligible for benefit.

What is a Retained Job?

A position that existed with a qualified business prior to designation as an enterprise project that has provided employment to a qualified employee of at least 1,820 hours annually and is intended to be a position retained during the period the business is designated as an enterprise project.

What is an Existing Job?

A full-time position that was reported by the qualified business in the enterprise project application. These jobs do not qualify for benefit. The current number of existing jobs is used to determine the baseline level of employment at the time of project designation. New jobs, which are created 90 days prior to the date of approval and five years after approval date, qualify for benefit if the baseline jobs are maintained.

Do Leased, Contract or Construction Employees Qualify for Benefit?

No. All employees occupying the new or retained jobs must be under the direct and permanent employment of the enterprise project that received the enterprise project designation.

What Expenditures Qualify for Benefit?

All items must be sold to the enterprise project for use in the enterprise zone

⊇ Equipment and machinery. (all machinery and equipment used to operate the business)
- **a)** includes office equipment, computers, hand tools, intra-plant transportation equipment.
- **b)** includes machinery and materials used in the repair or remodeling of tangible personal or real property.
- **c)** For projects designated on or after 9/1/01 and before 9/1/05 included in eligible items are tangible personal property purchased and consumed in the zone and taxable services

⊄ Building materials for use in remodeling, restoring, or building a new structure in the enterprise zone.
Includes all structural steel, lumber, bricks, flooring, electrical system, cooling and heating systems, plumbing; concrete, asphalt & masonry.
NOTE: Labor for new construction is not taxed in Texas and is not eligible for refund.

⊂ Labor for remodeling or rehabilitating a structure (effective after 9/1/95).

≠ Electricity and natural gas purchased and consumed in the normal course of business.

≡ The state portion of the sales and use tax may be claimed but not the local portion unless that incentive is offered in the local area

Note 1: State sales and use taxes paid on qualifying items must be clearly identified by use of a **"separated contract"** that specifies what portion of the payment is for taxes on labor to be eligible for refund.

Note 2: State and local sales & use tax is not collected on the following items:
1. Machinery and equipment used in the manufacturing process.
2. Machinery and equipment exclusively used in the processing, packing, or marketing of agricultural products by the original producer at a location operated by the original producer exclusively for processing, packing, or marketing the producer's own products.
3. Machinery, tools and equipment used or consumed exclusively in the repair, remodeling, or maintenance of aircraft, aircraft engines, or aircraft component parts by or on behalf of a certified or licensed carrier of persons.
4. Electricity and natural gas consumed by companies that have been certified as predominantly a “manufacturer”.

SECTION 2- - CLAIM PROCESS FOR JOB CERTIFICATION (See Section 2a for more information on subsequent claims)

⊃ **Determine if hiring requirement has been met**. Before filing a claim for certification, determine if the following hiring requirements have been met:

a) *at least 25%* of the **total new jobs** created to date are filled with individuals that are either economically disadvantaged (ED) and/or enterprise zone residents (EZR).
EXAMPLE: Of the 100 total new jobs created, 40 employees are ED/EZR (40) 100 = 40%)
b) projects using the **retained job** benefit, at least 25% of employee turnover must be either ED and/or EZR.
EXAMPLE: Of the 100 retained jobs claimed, 8 jobs had turnover; therefore, at least 2 employees hired in the 8 turnover positions must be ED/EZR (2) 8 = 25%).
c) for projects approved after 9/1/01, the hiring requirement that must be met is the hiring commitment made in the original application *for which points were earned*.
d) employees occupying positions must have accumulated the minimum of 1,820 hours during a 12-month period.

⊄ **Submit a completed *Application for Program Benefits* form** to claim the total number of new jobs created and/or retained. The claim form must be signed by the authorized representative for the project as approved in the corporate resolution in the project application. If this is an *initial* (first time) job certification claim, no application fee is required. If this is a *subsequent* job certification claim, submit a non-refundable check in the amount of $500. The check must be made payable to Texas Economic Development, Enterprise Zone Program.

⊂ **Submit supporting documentation** to verify commitments that the new jobs created were filled by individuals who were economically disadvantaged and/or enterprise zone residents at the time of employment, as outlined in the application for which points were earned. The documentation submitted should reflect only existing employees reported during the current claim period. Do not send documentation for those employees that have been terminated. Also, do not send originals. Please maintain the originals in your permanent files. The documentation may include:

a) ***Economically Disadvantaged:*** Submit verification by the Texas Workforce Commission (TWC). Enterprise projects may utilize the TWC for pre-employment screening to identify and refer qualified job applicants, including whether or not the applicant meets the economically disadvantaged provision; or Submit copies of the *Post-Employment Employee Certification Form* (page 12 of this document) or a similar form administered by the enterprise project. This form can be used to determine if the newly hired employees meet the criteria of an economically disadvantaged individual. This form must be distributed to all new employees occupying newly created job positions, on a confidential and voluntary basis.

b) ***Residency***: Submit verification by the local Enterprise Zone Liaison of employees who reside in the enterprise zone. To confirm/document if employees occupying newly created jobs are residents of an enterprise zone, federal empowerment zone, or enterprise community, governed by the same governing body where the project is located, submit a request to the zone liaison including a listing of each employee's name and home address.

≠ **Following TxED's review** of the completed claim and supporting documentation, the claim representative may receive a findings letter that explains any outstanding issues pertaining to the position/job certification process. The findings letter will explain any deficiencies and provide the specific direction needed to complete the certification process. An attachment to the letter may be used to outline the specific positions/jobs that are "subject to verification" in addition to requesting information that may be deficient. If verification is not received by the time-period

stipulated in the findings letter, only the positions/jobs that were deemed qualified during the initial review will be certified. The certified positions/jobs will remain subject to the 3-year active standing requirement.

PLEASE NOTE: TxED has the right to obtain and review payroll data from the enterprise project for audit and review purposes. TxED will use professional judgment in determining when this additional step will be performed. Typically a payroll may be required when the business had existing employees at the time of project application.

Finally, TxED will notify the enterprise project and the Comptroller of its findings and the number of jobs certified.

NOTE: Please ensure that ALL supporting documentation is attached to the job certification claim, and that the documentation is in the same format as shown in the sample documents. If a claim is received without ALL supporting documentation, or if the documentation is not in the correct format, the claim will be returned, and a new submission will be required. It is imperative that all instructions on the Application Checklist be followed to reduce incomplete or inaccurate submittal that will result in requests being returned by TxED without review.

SECTION 2a- - CLAIM PROCESS FOR JOB CERTIFICATION FOR *SUBSEQUENT CLAIMS*

The claim process for subsequent claims is a little different than for initial claims. Each position can only be certified once **but must be maintained for a period of 3 years** from the date it qualifies; therefore, **updated data must be provided for previously certified positions as well as new positions when submitting spreadsheet for subsequent claims**. Please use the following steps:

⊇ Using **the same spreadsheet/listing that was previously submitted**, identically formatted, update ***all*** positions with employee names, social security numbers, hours worked during the claim period, payroll data, dates of hire/termination (for the qualified position) and EZR/ED status.

- Previously certified positions must be updated to show that the position is being maintained and filled. Show any employee turnover that has occurred in these positions.
- Once previously submitted position data has been updated, add the new positions that have been created since the last claim was filed. It is important that the position numbers from the previous claim match the position numbers of this claim; the new positions will start with the next number in sequence.

⊄ The 25% hiring requirement is now calculated on all employees that are currently listed to include previously certified positions. Example: 25 positions were certified on the initial claim, the second claim has 25 more positions..…if all positions are filled then the 25% would be calculated using 50 total positions (50 x .25 = 12.5 positions would need to be ED/EZR, round down to 12 positions).

⊂ Include all supporting documentation for positions on updated spreadsheet/listing.

NOTE: Once a position number has been assigned and the position considered for certification, the number should not be changed or used again. Example: The first claim has positions #1-25, the subsequent claim, while including previously certified positions #1-25 (with updated information) would continue with #26-50, the third claim likewise including previously certified positions #1-50 (with updated information) would be #51-75..…and so on.

SECTION 3 - - APPLYING FOR SALES & USE TAX REFUND

⊇ **Comptroller of Public Accounts.** Once the job certification process has been completed by TxED, certification of state sales taxes paid on qualifying items is performed by the Comptroller. Information on sales/use tax, the tax code, forms and the Comptroller's office can be found on the internet at the following address/URL:

http: //www.window.state.tx.us/

⊄ **Complete the *Enterprise Project Claim for Refund of Texas State Sales and Use Tax form*** Submit the completed form to the Comptroller along with the *Invoices and Contracts form*. It is not necessary to submit copies of invoices with this claim, but submitting invoices may decrease processing time. However, backup documentation must be maintained on-site and is subject to audit by the Comptroller. It is **not** necessary to submit a copy of the sales tax claim to TxED.

⊂ **Submit the sales tax claim to the Texas Comptroller of Public Accounts**. The sales tax claim may be sent to the Comptroller before, after, or at the same time the job certification claim documents are submitted to TxED. It is recommended that, if possible, you wait until jobs have been certified by TxED, as the Comptroller will not process the sales tax claim until they are notified that jobs have been certified.

Note 1: The maximum refund amount that can be paid to an enterprise project is $250,000 per year, subject to 1) certification by TxED of new jobs created at the rate of $2,000 or $5,000 per job (depending on whether the project was approved before or after 9/1/01), and 2) the amount of sales and use taxes paid on qualifying items.

Note 2: Enterprise projects that receive a refund of sales and use taxes must maintain the jobs associated with the refund for at least three years from the date the position qualifies for a refund. If the jobs are not maintained the Comptroller will assess that portion of the refund attributable to any such decrease in employment, including penalty and interest from the date of refund.

APPLICATION FOR PROGRAM BENEFITS INSTRUCTIONS

Note: These procedures are to be used in conjunction with any applicable procedures established by the Comptroller of Public Accounts.

Requests for refunds of state sales or use taxes must include certification by Texas Economic Development that the enterprise project is a qualified business under the terms of Section 2303.401 of the Texas Enterprise Zone Act, Texas Government Code.

APPLICATION FOR PROGRAM BENEFITS CHECKLIST

Submit checklist initialed to indicate documents are completed or attached. Indicate NA if issue is not applicable.

SECTION 1: Zone and Project Information

Zone Name and Number – Enter the name of the enterprise zone and the zone number.

Project Name – Name of project as approved in the application (if an assumption of the company or a name change has occurred, official action must be taken before a job certification can occur).

Project Number – Enter the enterprise project number. This number was sent with the initial packet designating your project, call our office if you do not have the number.

Date Approved and Date Expires – Enter the date the project was approved and the date the project will expire.

Job Certification Deadline and 90-Day Window – The job certification deadline is calculated as the end of the state fiscal year (8/31) after the first anniversary after the project expires. For example if the project expires 1/31/02, the first anniversary after the project expires is 1/31/03; therefore the job certification deadline is 8/31/03. For a first-time claim, you may include sales and use taxes paid and new employees hired no more than 90 working days prior to the date of designation through the end of the claim period (this date was included in the initial packet designating your project).

Designated Project Name and Address – Name and address of qualified business site.

Taxpayer or Vendor ID Number – Federal I.D. Number or Social Security Number if filing as an individual (must match approved project application), as well as the address attached to the number (parent company address, etc.).

SECTION 2: Claim Type

Claim Type – Annual Claim or Semi-Annual Claim; check the appropriate box.

Claim Type –First claim for the project, or a subsequent claim; check the appropriate box. If this is a subsequent claim, include a non-refundable application fee in the amount of $500, made payable to Texas Economic Development

Claim Period - Actual period covered with this claim, this may be any qualified 12-month period as supported by payroll.

SECTION 3A: Job Position Information (First-Time Claim)

NOTE: Full-time and Permanent Employees - All employees **must be** full-time (1820 hours or more annually), direct and permanent employees of the qualified business designated an enterprise project. Contract, leased, part-time or outsourced employees are not considered employees and do not count for job certification purposes.

1. **Number of Jobs Allocated** – Jobs allocated 110% of the number of jobs projected to be created and/or retained in the application up to the maximum allowed (625 for projects approved prior to 9/1/01, and 250 for projects approved after 9/1/01). This number was sent with the initial packet designating your project.
2. **Total Number of Job Positions submitted for certification** – The total qualifying number of job positions created and/or retained since project designation and being submitted for certification. When submitting a claim for both new and retained jobs, submit separate spreadsheets.
3. **Total number of employees ED/EZR** - Number of reported employees that are residents of any enterprise zone within the governing body(ies)' jurisdiction and/or that are economically disadvantaged. Employees that are both ED and EZR only count once.
4. **Percent of Reported Employees ED/EZR** –Calculate and enter the percentage (line 3) line 2). Projects using the retained job benefit, at least 25% of employee turnover must be either ED and/or EZR.
5. **Total Payroll for all Positions Reported this Claim Period** – Total dollar amount of payroll for all new employees hired no more than 90 working days prior to the date of designation through the end of this claim period.
6. **Total Number of Employees located at all Texas facilities** - Total jobs that are in Texas with the company that is designated an enterprise project.
7. **Total Employees at the Designated Project Facility** – The total number of employees located at the designated project facility only.
8. **Allocation Remaining** – Calculate the allocation remaining by subtracting the number of jobs eligible for certification from the number of jobs originally allocated at the time of approval.

SECTION 3B: Job Position Information (Subsequent Claim)

NOTE: Full-time and Permanent Employees - All employees **must be** full-time (1820 hours or more annually), direct and permanent employees of the qualified business designated an enterprise project. Contract, leased, part-time or outsourced employees are not considered employees and do not count for job certification purposes.

1. **Number of Jobs Allocated** – Jobs allocated 110% of the number of jobs projected to be created and/or retained in the application up to the maximum allowed (625 for projects approved prior to 9/1/01, and 250 for projects approved after 9/1/01). This number was sent with the initial packet designating your project.
2. **Total Number of Job Positions Reported** – Total number of new and previously certified job positions created and/or retained by the project since the 90-day window date. When submitting a claim for both new and retained jobs, submit separate spreadsheets.
3. **Total Number of Job Positions Previously Certified**.
4. **Total Number of Job Positions Submitted for Certification this Claim** – Subtract line 3 from line 2.
5. **Total number of employees ED/EZR** - Number of reported employees that are residents of any enterprise zone within the governing body(ies)' jurisdiction and/or that are economically disadvantaged. Employees that are both ED and EZR only count once.
6. **Percent of Reported Employees ED/EZR** – Calculate and enter the percentage (line 5) line 2). Projects using the retained job benefit, at least 25% of employee turnover must be either ED and/or EZR.
7. **Total Payroll for all Positions Reported this Claim Period** – Total dollar amount of payroll for all new employees hired no more than 90 working days prior to the date of designation through the end of this claim period.
8. **Total Number of Employees located at all Texas facilities** - Total jobs that are in Texas with the company that is designated an enterprise project.
9. **Total employees at the designated project facility** – The total number of employees located at the designated project facility only.
10. **Allocation Remaining** – Calculate the allocation remaining by subtracting the number of jobs eligible for certification (and previously certified) from the number of jobs originally allocated at the time of approval.

SECTION 4: Required Backup Documents

Verification of Zone Resident Status – This verification must be from the enterprise zone liaison on governing body letterhead.
Verification of Economically Disadvantaged Status – This verification must either be TWC pre-screening documentation or the post-employment forms filled out by the employee (see sample document 1). Only submit forms for employees that qualify as economically disadvantaged.
Qualified Business Re-certification forms Up-To-Date – If you are not sure whether this requirement has been met, call our office.
Documentation for "Contribution to Community" – Submit written documentation of specific contribution(s) made as outlined in the original enterprise project application. This requirement applies to all projects approved after 9/1/01, and is a result of monitoring language required by statute.
Power of Attorney – This attachment is only required if the claim is to be submitted by an outside consultant or independent party.

SECTION 5: Certification of Application

Certification/Signatures – This section **must be completed and signed** by the person that is designated as the Primary Business Representative on the original project application.

SECTION 6: List of Jobs for Benefit (spreadsheet – sample document 2)

Job Number – A job position number is required for each new job created. Each job position is to be identified by a number (i.e. 1, 2, 3, in sequential order, or 1a, 1b, 2a, 2b, etc. if more than one employee occupied a position due to turnover during the claim period). If a position is occupied by two employees for a short period of time (if an employee quits, and the new person starts before the "old" employee leaves), only count the hours for one employee and note which employee's hours are counted. The order continues between claim years.
Position Title – The job position title.
Employee Social Security Number/ID No. - The social security number of each new employee contributing to the cumulative work hours of a new job position. A permanent I.D. numbering system may be used in lieu of the SS# when the following criteria is met:
1] A statement from the business that it is not agreeable to providing social security information about their employees: and
2] A completed Job Certification-Numbering Affidavit.
Employee Name – The name of the employee. All employees contributing hours to the new job position must be listed.
Annual Payroll – The annual payroll paid for this position during the 12-month claim period.
Number of Hours Worked – The total number of hours worked by each employee for each new job position *during the claim period*.
Dates of Employment – The beginning and ending dates of each employee in the applicable job position. If employee was transferred to another position within the company then show date of transfer and show employee's name in both the old and new position.
EZ Resident – Signify if the employee was an enterprise zone resident in any enterprise zone within the jurisdiction of the project applicant governing body(ies) (evidence must be provided by separate record verified by the enterprise zone liaison).
Economically Disadvantaged – Signify if the employee was economically disadvantaged in accordance with the Enterprise Zone Act, Chapter 2303.401, Section (c) (evidence must be maintained by employer by separate record). See Page 3, Commonly Asked

Questions section for a more detailed definition of economically disadvantaged. Only submit forms for employees that qualify as economically disadvantaged.

Page Number – Fill out page number of current page and total pages used.

SAMPLE DOCUMENT 1
POST-EMPLOYMENT EMPLOYEE CERTIFICATION

The purpose of this survey is to obtain information from you as an employee of ABC Company, which is located in the City of Bluebonnet Enterprise Zone. Texas Economic Development would like for us to report the number of jobs we have created and the economic characteristics of our employees. ***Completion of this questionnaire is voluntary. Responses will be held confidential***.

Employee Name Lindsey Sellsmith Social Security No. ### - ## - ####

Address, City, Zip 1234 Austin Trail, Bluebonnet, TX 77777 Employment Date 10/30/97

Please place a check mark(s) to the left of any statement that applies to you.

XX I was unemployed for more than 90 days prior to being employed with ABC Company.

_____ I was receiving public assistance benefits prior to being employed by _____, such as welfare, Women Infants and Children (WIC), or food stamp payments; or a member of my immediate family receives SSI (Supplemental Security Income) or TANF payments (Temporary Assistance to Needy Families). Food Stamps must be received by you, not a member of your immediate family).

_____ I have a disability. *Individuals should be certified by an authorized agency or doctor.*

_____ I am homeless, or a foster child (on behalf of whom the government pays benefit), or on parole or entering the workplace after being confined to a correctional facility.

XX I am a member of a family whose total family income, before I was hired, was at or below the level indicated as marked below. **Instructions:** (1) Place a check mark on the line next to the number of members in your immediate family. Include yourself, your spouse, all dependents, and family members living with you as of your employment date. (2) Add together **all** income received by individuals in your immediate family for the previous twelve months, and circle the word ***below*** if your combined income was actually BELOW the income limit for the number of family members for Travis County(s).

_____ I have been laid off or terminated from my employment by a defense contractor, defense related agency or company. Please list name of the agency or company and date of termination:

XX One Person Family, total income was ***below***	$ $14,400
_____ Two Person Family, total income was ***below***	$_____
_____ Three Person Family, total income was ***below***	$_____
_____ Four Person Family, total income was ***below***	$_____
_____ Five Person Family, total income was ***below***	$_____
_____ Six Person Family, total income was ***below***	$_____
_____ Seven Person Family, total income was ***below***	$_____
_____ Eight Person Family, total income was ***below***	$_____

I hereby certify that the above information is true and correct to the best of my knowledge and understand that completion of this form is voluntary.

Lindsey Sellsmith **10/30/97**

Employee Signature *Date*

SAMPLE DOCUMENT 2

LIST OF JOBS FOR BENEFIT

ABC Company, Inc.

Project Approved: 10/23/98 / 90-Day Window: 6/16/98

Period of Claim: January 1, 2000 through December 31, 2000

ABC Company
114 Oak Drive
Bluebonnet, Texas 77777

Project No. EP#######

Job No.	Position Title	Social Security Number	Employee Name	Payroll During Claim Period	Hours Worked During Claim Period	Date Hired to Position / Date Left Position	EZ Resi-dent	Econ. Disad-vantaged
PREVIOUSLY CERTIFIED JOBS (updated):								
001	Division Director	###-##-####	Dennis E. Director	$68,987	2,318	09/01/98 to Present	N	N
002	Office Manager	###-##-####	Mary Worker	$27,208	2,056	09/15/98 to Present	N	N
003	Sales Manager	###-##-####	Delores Incharge	--	--	09/15/98 to 06/30/99		
003A		###-##-####	Crystal Topseller	$29,695	2,677	07/01/99 to Present	N	N
004	Sales Rep.	###-##-####	Lindsey Sellsmith	$45,083	2,020	10/30/98 to Present	N	**Y**
005	Printer	###-##-####	Adam Typeset	--	--	01/15/98 to 09/20/99		
005A		###-##-####	Marge Preston	$23,496	2,155	09/20/99 to Present	**Y**	N
NEW JOBS THIS CLAIM:								
006	Sales Rep.	###-##-####	Ben Pressure	$42,990	1,980	09/20/98 to 11/31/00		
006A		###-##-####	Mike Ubuyitt	$3,582	160	12/02/00 to Present	**Y**	N
				Position 006 TOTAL	**2,140**			
007	Print Shop Mgr.	###-##-####	Adam Typeset	$32,450	2,509	09/20/99 to Present	N	N
008	Printer	###-##-####	Samuel Rotary	$6,859	658	08/15/98 to 01/30/00		
008A		###-##-####	Luke Printer	$14,190	1,227	02/10/00 to Present	N	N
				Position 008 TOTAL	**1,885**			
009	Janitor	###-##-####	Mack Fixit	$1,200	160	12/20/98 to 01/26/00		
009A		###-##-####	George Washwell	$13,650	*1,820	01/15/00 to Present	N	**Y**
				Position 009 TOTAL	**1,980**			
010	Receptionist	###-##-####	Stephanie Greeter	$18,275	2,080	09/01/98 to Present	**Y**	N
011	Secretary	###-##-####	Jennifer Files	$22,438	1,945	02/15/99 to Present	N	N
012	Maintenance	###-##-####	Mack Fixit	$25,587	2,080	01/26/00 to Present	N	N

Total Jobs Created: 12

Total Payroll: $375,690

Total Enterprise Zone Residents and/or Economically Disadvantaged: 5 (41%)

Vacant Positions: **0**

TOTAL # OF JOBS ON THIS PAGE **12**

TOTAL # OF JOBS ON THIS CLAIM *7*

PAGE # 1 of 1

*George Washwell was hired to replace Mack Fixit; however, George began working 11 days before Mack left the position for training purposes. Only George's hours were counted during the overlap period.

NOTE 1: When calculating the 25% requirement, EZR and ED are only counted once for each employee currently in a position. Vacant positions or employees that have already terminated are not included in the 25% calculation.

NOTE 2: Adam Typeset originally held position number 005. Adam then moved to position number 007. He is still listed under position number 005 because he held the position, but no hours are calculated for him because he did not hold the position during the claim period. Conversely, Mack Fixit originally held position 009, he then moved to position 012. He accumulated hours in both positions during the claim period, so hours are listed for him for both positions.

NOTE 3: When submitting a subsequent claim, the previous spreadsheet / "List of Jobs for Benefit" must be updated to show that the previously certified positions are being maintained. Once a position has been certified it must be maintained or remain filled for a period of 3-years. Submittal of any new or subsequent claim period "List of Jobs for Benefit" spreadsheet may be done electronically in MS-Excel format with the Application for Program Benefits on a diskette.

May 2, 2013

Office of the Governor
Economic Development & Tourism
Texas Economic Development Bank
Texas Enterprise Zone Program
Post Office Box 12428
Austin, TX 78711

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

RE: Application for Designation as a Texas Enterprise Project

Dear Sirs/Madam:

Baker Hughes Oilfield Operations, Inc. ("BHOO") is seeking The City of Tomball's nomination of Tomball location as an Enterprise Zone Project so that BHOO may apply for Texas Enterprise Zone benefits from the State of Texas. BHOO is one of many subsidiaries of Baker Hughes Incorporated, a publicly-traded corporation headquartered in Houston, Texas. Baker Hughes Incorporated was formed in 1987 with the merger of Baker International and Hughes Tool Company. Baker Hughes Incorporated creates value from oil and gas reservoirs with high-performance drilling, evaluation, completions and production technology and services, integrated operations and reservoir consulting. Its solutions are designed to lower costs, reduce risk or improve productivity for the global oil and gas industry. In 2012, Baker Hughes Incorporated generated revenues of $21.36 billion.

Baker Hughes Incorporated has over 58,800 employees in more than 80 countries. These employees are divided into the following nine regions: U.S. Land, Gulf of Mexico, Canada, Latin America, Europe, Africa, Russia and Caspian, Middle East and Asia Pacific. Baker Hughes Incorporated employs approximately 12,800 employees in over 70 cities throughout Texas. A majority of these employees are employed by BHOO, with some falling under Baker Hughes Incorporated as well as other subsidiary entities, like Baker Petrolite Corporation. Currently there are roughly 632 employees stationed at the existing Tomball location, a majority of which are employed by BHOO. A list of employees by city has been provided as part of the Enterprise Zone Application.

BHOO has committed to expanding its existing operations and services in Tomball, TX. This expansion is planned for its existing operations in Tomball, TX. The expansion will involve the development of an Education Center (40 classrooms, auditoriums, breakout rooms, simulation rooms, laboratory, cafeteria and office space) a five bay workshop, and two non-producing training wells with related surface equipment. This complex is planned to be a central facility for major corporate meetings and activities and a consolidated Western Hemisphere Education Center. The project will be an integrated facility to enhance the educational opportunities for both Baker Hughes personnel and customers and will develop skills and competencies necessary to support our customers. Proposed site improvements will include the following:

- Education Center –3 story classroom building 72,445 s.f.
- Workshop – 1 story, 36,000 s.f.
- Canteen, Lab & Auditorium – 1 story, 16,730 s.f.
- 156,000 s.f. yard with two training rigs (non-producing oil wells)

Due to limited remaining space on the company's existing property in Tomball, Baker Hughes's expansion & new training center facilities will be constructed on property adjacent and directly across from the company's existing facilities where sufficient suitable space is available. This new training center and associated support facilities will be an extension of the company's existing presence in Tomball. The project's additional transportation needs will be limited to passenger vehicles and it will not be exporting goods or services outside the US. However, it will be training new employees from all over the world at this new facility.

BHOO is proposing to spend approximately $55.8 million for this expansion. Buildings, parking and driveways, infrastructure and other amenities are estimated to cost close to $40 million. The training rigs and wells will cost an additional $7.7 million plus drilling costs of approximately $6.9 million. Equipment on site will primarily consist of pressure pumping and coiled tubing trucks so the value could be variable. Construction is anticipated to begin in the _____ Quarter of 2013 and is expected to be complete and operational by _____.

An estimated 15-20 people will support the education center proper. These people will have an average base salary of $40,000, plus benefits. An additional 30-35 trainers will be on site to support the training efforts. The trainers will have an average salary of $80,000 plus benefits. The center will also provide employment for various maintenance workers, food service workers, receptionists, janitorial workers, etc. We anticipate an average headcount of 5,500 trainee-days per month or 66,000 per year. Assuming our anticipated ratio of 80% out of town employees, we expect to utilize over 50,000 hotel room nights per year.

BHOO is requesting a designation for 500 jobs consisting of both retained jobs existing on-site, and new jobs created in association with the expansion project. There are currently 632 existing employees on site with an estimated annual payroll of $55.3 million. BHOO offers a full benefit package to all new full-time hires including: medical, dental, and vision coverage, paid time off, 401(k), as well as various other benefits.

Further, BHOO certifies that the Tomball facility is located entirely within the City of Tomball, Texas. BHOO also certifies that this site maintains separate books and records for the business activity conducted at the qualified business site, as well as separate records required by state and local governments.

We look forward to working with The City of Tomball and the State of Texas in furthering the purposes of the Texas Enterprise Zone Program.

Sincerely,

George P. Bernhardt
Managing Counsel – Global Real Estate

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 6, 2013

Topic:

Adopt, on First 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.

Background:

The Texas Enterprise Zone Program (TEZ) encourages local communities to partner with the State of Texas in job creation efforts and capital investment, particularly in economically distressed areas of the state.

Designated projects are eligible to apply for a refund of State sales and use taxes paid on expenditures at the qualified business site during the designation period. No local sales tax is rebated to the Company through this program. The designation is for a five year period.

Baker Hughes Oilfield Operations, Inc. has committed to expanding its existing operations and services in Tomball with the recent announcement of its intent to construct its Western Hemisphere Education Center at the northeast corner of FM 2920 and FM 2978. The capital investment amount is approximately $55.8 million for this expansion. Baker Hughes has committed to retaining a minimum of 500 employees and creating 55 new employment positions.

The level and amount of the state refund is related to the capital investment and jobs created or retained at the qualified business site. The maximum potential refund of state sales and use tax for this project is $1,250,000.

Each Application received by the state is evaluated for approval based on the Application's overall score. By statute, each project round is a competition, with each application being scored based on three categories: Distress (economic distress characteristics of the immediate geographic area), Local Effort, and Private Effort. The local effort and private effort portions of the score comprise 60% of the total possible score.

The local effort scoring section is based upon the nominating jurisdictions efforts aimed at achieving development and revitalization of the area. The local effort shows the community's commitment to the qualified business through the community's willingness to offer local incentives, as the local effort shows the qualified business' commitment to the community through the offering of benefits and the wage level of the jobs for benefit, etc.

Exhibit A of the draft Ordinance (No. 2013-07) outlines the City's local incentives, including tax incentives that, at the election of the City Council, are or may be made available to Baker Hughes. Approval of the Ordinance does not commit the City to any of the incentives listed in Exhibit A; rather it provides a list of possible incentives as outlined in Chapter 2303.405(d) of the Act to be considered by the state in evaluating the local effort scores section of the application.

Origination:

George P. Bernhardt Managing Counsel – Global Real Estate Baker Hughes Oilfield Operations, Inc

Recommendation:

Staff recommends that Council approve Ordinance No. 2013-07 nominating Baker Hughes Oilfield Operations, Inc. as a Texas State Enterprise Project.

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	☐ 1ST ☐ 2ND	

ATTACHMENTS:

Texas Enterprise Zone Overview
Baker Hughes Request Letter
Draft Ordinance No. 2013-07
Baker Hughes Draft TEZ Application

Texas Enterprise Zone Program

The Enterprise Zone Program (EZP) is an economic development tool for local communities to partner with the State of Texas to promote job creation and significant private investment that will assist economically distressed areas of the state. Approved projects are eligible to apply for state sales and use tax refunds on qualified expenditures.

Performance-Based Incentive

The EZP is performance-based and allows qualified businesses to receive a refund of state sales and use taxes. The level and amount of the refund is related to the capital investment and jobs at the qualified business site.

Level of Capital Investment	Maximum Number of Jobs Allocated	Maximum Potential Refund	Maximum Refund Per Job Allocation
$40,000 – $399,999	10	$25,000	$2,500
$400,000 – $999,999	25	$62,000	$2,500
$1,000,000 – $4,999,999	125	$312,500	$2,500
$5,000,000 – $149,999,999	500	$1,250,000	$2,500
Double Jumbo Project $150,000,000 – 249,999,999	500	$2,500,000	$5,000
Triple Jumbo Project $250,000,000 or more	500	$3,750,000	$7,500

Two Strong Economic Development Incentives

While the Texas Enterprise Fund (TEF) is an economic development tool used to assist in the state's recruitment endeavors, the EZP can also assist with job retention efforts.

Program Name	Jobs	Capital Investment	Funded Projects
Texas Enterprise Zone	178,941 (new & retained)	$35.0 Billion	320
Texas Enterprise Fund	60,504 (new)	$15.1 Billion	93

Totals as of Dec. 31, 2011, Capital Investment numbers are rounded.

Program Requirements

- A local community must nominate a company as an Enterprise Project to be eligible to participate in the EZP.
- In order to qualify a project for the EZP, local communities must offer incentives to the project such as tax abatement, tax increment financing, and one stop permitting.
- Communities may nominate projects for a designation period up to five years. Employment and capital investment commitments must made and implemented within this timeframe.
- Projects may be physically located inside or outside an Enterprise Zone.
  - If located within a zone, the company commits that at least 25 percent of their new employees will meet economically disadvantaged or enterprise zone residence requirements.
  - If located outside of a zone, the company commits that at least 35 percent of their new employees will meet economically disadvantaged or enterprise zone residency requirements.

For more information visit TexasWideOpenForBusiness.com

TEXAS WIDE OPEN FOR BUSINESS

02.12

May 2, 2013

Office of the Governor
Economic Development & Tourism
Texas Economic Development Bank
Texas Enterprise Zone Program
Post Office Box 12428
Austin, TX 78711

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

RE: Application for Designation as a Texas Enterprise Project

Dear Sirs/Madam:

Baker Hughes Oilfield Operations, Inc. ("BHOO") is seeking The City of Tomball's nomination of Tomball location as an Enterprise Zone Project so that BHOO may apply for Texas Enterprise Zone benefits from the State of Texas. BHOO is one of many subsidiaries of Baker Hughes Incorporated, a publicly-traded corporation headquartered in Houston, Texas. Baker Hughes Incorporated was formed in 1987 with the merger of Baker International and Hughes Tool Company. Baker Hughes Incorporated creates value from oil and gas reservoirs with high-performance drilling, evaluation, completions and production technology and services, integrated operations and reservoir consulting. Its solutions are designed to lower costs, reduce risk or improve productivity for the global oil and gas industry. In 2012, Baker Hughes Incorporated generated revenues of $21.36 billion.

Baker Hughes Incorporated has over 58,800 employees in more than 80 countries. These employees are divided into the following nine regions: U.S. Land, Gulf of Mexico, Canada, Latin America, Europe, Africa, Russia and Caspian, Middle East and Asia Pacific. Baker Hughes Incorporated employs approximately 12,800 employees in over 70 cities throughout Texas. A majority of these employees are employed by BHOO, with some falling under Baker Hughes Incorporated as well as other subsidiary entities, like Baker Petrolite Corporation. Currently there are roughly 632 employees stationed at the existing Tomball location, a majority of which are employed by BHOO. A list of employees by city has been provided as part of the Enterprise Zone Application.

BHOO has committed to expanding its existing operations and services in Tomball, TX. This expansion is planned for its existing operations in Tomball, TX. The expansion will involve the development of an Education Center (40 classrooms, auditoriums, breakout rooms, simulation rooms, laboratory, cafeteria and office space) a five bay workshop, and two non-producing training wells with related surface equipment. This complex is planned to be a central facility for major corporate meetings and activities and a consolidated Western Hemisphere Education Center. The project will be an integrated facility to enhance the educational opportunities for both Baker Hughes personnel and customers and will develop skills and competencies necessary to support our customers. Proposed site improvements will include the following:

- Education Center –3 story classroom building 72,445 s.f.
- Workshop – 1 story, 36,000 s.f.
- Canteen, Lab & Auditorium – 1 story, 16,730 s.f.
- 156,000 s.f. yard with two training rigs (non-producing oil wells)

Due to limited remaining space on the company's existing property in Tomball, Baker Hughes's expansion & new training center facilities will be constructed on property adjacent and directly across from the company's existing facilities where sufficient suitable space is available. This new training center and associated support facilities will be an extension of the company's existing presence in Tomball. The project's additional transportation needs will be limited to passenger vehicles and it will not be exporting goods or services outside the US. However, it will be training new employees from all over the world at this new facility.

BHOO is proposing to spend approximately $55.8 million for this expansion. Buildings, parking and driveways, infrastructure and other amenities are estimated to cost close to $40 million. The training rigs and wells will cost an additional $7.7 million plus drilling costs of approximately $6.9 million. Equipment on site will primarily consist of pressure pumping and coiled tubing trucks so the value could be variable. Construction is anticipated to begin in the _____ Quarter of 2013 and is expected to be complete and operational by _____.

An estimated 15-20 people will support the education center proper. These people will have an average base salary of $40,000, plus benefits. An additional 30-35 trainers will be on site to support the training efforts. The trainers will have an average salary of $80,000 plus benefits. The center will also provide employment for various maintenance workers, food service workers, receptionists, janitorial workers, etc. We anticipate an average headcount of 5,500 trainee-days per month or 66,000 per year. Assuming our anticipated ratio of 80% out of town employees, we expect to utilize over 50,000 hotel room nights per year.

BHOO is requesting a designation for 500 jobs consisting of both retained jobs existing on-site, and new jobs created in association with the expansion project. There are currently 632 existing employees on site with an estimated annual payroll of $55.3 million. BHOO offers a full benefit package to all new full-time hires including: medical, dental, and vision coverage, paid time off, 401(k), as well as various other benefits.

Further, BHOO certifies that the Tomball facility is located entirely within the City of Tomball, Texas. BHOO also certifies that this site maintains separate books and records for the business activity conducted at the qualified business site, as well as separate records required by state and local governments.

We look forward to working with The City of Tomball and the State of Texas in furthering the purposes of the Texas Enterprise Zone Program.

Sincerely,

George P. Bernhardt
Managing Counsel – Global Real Estate

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.

* * * * * * * * * *

WHEREAS, the City of Tomball, Texas ("the City") desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of such area; and

WHEREAS, the project is not located in an area designated as an enterprise zone; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Act, BAKER HUGHES OILFIELD OPERATIONS, INC. ("BAKER HUGHES") has applied to the City for designation as an enterprise project; and

WHEREAS, the City finds that BAKER HUGHES meets the criteria for tax relief and other incentives adopted by the City on the grounds that it will be located at a qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, with proper notice to the public, a public hearing to consider this Ordinance was held on Monday, May 6, 2013, during a meeting of the City Council, Tomball City Hall, in Tomball, Texas, during which all interested persons were allowed to appear and be heard;

WHEREAS, the City Council has determined that passage of this Ordinance would best serve public health, necessity, and convenience and the general welfare of the City and its citizens; now, therefore,

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

SECTION 1. The City nominates BAKER HUGHES for enterprise project status;

SECTION 2. The City finds that BAKER HUGHES OILFIELD OPERATIONS, INC. ("BAKER HUGHES") meets the criteria for designation as an enterprise project under the Act on the following grounds:

(a) BAKER HUGHES, is a "qualified business" under Section 2303.402 of the Act because it is engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction, located outside of an enterprise zone and at least thirty-five (35%) percent of its new employees in the qualified business site will be residents of an enterprise zone in this state or economically disadvantaged individuals;

(b) The BAKER HUGHES project is qualified under Section 2303.404 of the Act because (1) it involves "an expansion, renovation, or new construction"; (2) it will be completed within a predetermined period not to exceed five years; and (3 BAKER HUGHES maintains separate books and records for the Tomball operations;

(c) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the jurisdiction of the City;

(d) The designation of BAKER HUGHES as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area in which the enterprise project will be located; and

(e) BAKER HUGHES qualifies for job retention benefits under section 2303.406 (a) (4) (D) because BAKER HUGHES anticipates a ten percent increase in production capacity;

SECTION 3. BAKER HUGHES qualifies as an Enterprise Project as defined in Section 2303.407 (b) (4) of the Act because BAKER HUGHES will be making a capital investment in a project in excess of $5,000,000. The City finds that it is in the best interest of the City to nominate BAKER HUGHES as an Enterprise Project under the Act.

SECTION 4. The City nominates BAKER HUGHES as an Enterprise Project under the Act and designates the City Manager or his designee as liaison to oversee enterprise projects nominated by the City and to perform the other duties described in Section 2303.204 of the Act. The City authorizes the City Manager or his designee to file an application requesting designation of BAKER HUGHES as an Enterprise Project with the Bank, and to execute all documents and agreements necessary to process the application. Further, the City directs the City Manager or his designee to submit to the Bank the information required by section 2303.4052 of the Act.

SECTION 5. The City finds that BAKER HUGHES meets the criteria for tax relief and other incentives adopted by the City and that BAKER HUGHES will be located at a qualified business site and will retain jobs and create economic activity and stability. As required by Section 2303.4051 (c) (2) of the Act, the City's local incentives, including tax incentives that, at the election of the City Council, are or may be made available to BAKER HUGHES, the nominated project, are identified and summarized briefly in the attached **Exhibit A**.

SECTION 6. Upon approval of the Texas Economic Development Bank, the Enterprise Project will be named BAKER HUGHES OILFIELD OPERATIONS, INC. Project ("Project").

SECTION 7. The Enterprise Project designation must be for a predetermined designation period approved by the Bank, with a beginning date and ending date for the Project; and the designation period for the Project may not exceed five (5) years from date on which the designation is made, as required by Section 2303.404 of the Act. BAKER HUGHES and the City request that the Bank approve June 1, 2013, as the beginning date and June 1, 2018, as the ending date of the Project.

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 ___ DAY OF _____, 2013.

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

SECOND READING:

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

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

_____
Gretchen Fagan, Mayor

ATTEST:

_____
Doris Speer, City Secretary

Exhibit A

Incentives Granted by the City Council at its Discretion on a Case By Case Basis

	Name of Incentive	Description of Incentive	Availability
1	Tax abatement	The city may allow property tax abatement.	Enterprise Zones and Reinvestment Zones
2	Zoning Changes/Variances	The city may make zoning changes to expedite the development process.	Citywide
3	Building Code Exemptions	The city may make certain building code exemptions to expedite the development process.	Citywide
4	Inspection Fee Exemptions	The city may exempt certain inspection fees.	Citywide
5	Streamlined Permitting	The city may streamline permitting procedures to promote economic activity.	Citywide
6	Improved Fire and Police Protection	Safety and protection of city residents.	Citywide
7	Community Crime Prevention Programs	Neighborhood watch programs in conjunction with the Tomball Police Department Volunteers in Policing Services	Citywide
8	Capital Improvements in Water and Sewer Facilities	The city may provide resources for a capital improvement plan related to water and sewer service.	Citywide
9	Road Repair	The city is responsible for maintaining city-owned rights-of-way within the city limits.	Citywide
10	Creation or Improvement of Parks	The city maintains a healthy lifestyle for city residents through the maintenance and improvement of quality, safe, and accessible parks and open space.	Citywide
11	One-Stop Permitting, Problem Resolution	The city may offer one-stop permitting and problem resolution resources to expedite the development process.	Citywide
12	Tax Increment Financing	Financing through the creation of tax increment reinvestment zones.	Citywide
13	Low-interest loans	Low-interest loans offered through Tomball Economic Development Corporation or other government sponsored programs.	Citywide
14	Bonds	Tax-Exempt Industrial Bonds.	Citywide

Exhibit A (Continued)

15	Promotion and Marketing Service	Tomball Economic Development Corporation and Greater Tomball Area Chamber of Commerce.	Citywide
16	Job Training and Employment Services	May be offered through the Lone Star College System.	Citywide
17	Retraining Program	May be offered through the Lone Star College System.	Citywide
18	Literacy and Employment Skills Services	May be offered through the Lone Star College System.	Citywide
19	Vocational Education	May be offered through the Lone Star College System.	Citywide
20	Customized Job Training	May be offered through the Lone Star College System.	Citywide
21	Super Freeport Exemption	Exempts certain goods-in-transit from ad valorem taxes.	Citywide
22	Local Sales Tax Refunds	The City may allow sales and use tax refunds.	Enterprise Zone Projects / Enterprise Zone areas on a Case-by-Case Basis
23	Type B Economic Development Sales Tax Incentives	Performance based grants.	Citywide

Texas Enterprise Project Application

Office of the Governor
Economic Development and Tourism
Texas Economic Development Bank

For Office Use Only:
Date Received: _____
☐ **Application Fee Submitted**
Project: _____
Community: _____
Received By: _____

OFFICE OF THE GOVERNOR
ECONOMIC DEVELOPMENT & TOURISM

RICK PERRY
GOVERNOR

Texas Enterprise Zone Program
Enterprise Project Application Instructions

The program is administered by the Economic Development Bank (Bank) in the Office of the Governor Economic Development and Tourism Division (Office). The Texas Enterprise Zone Program promotes job creation and capital investment in economically distressed areas of Texas. The Texas Enterprise Zone Act (Act), Chapter 2303, Texas Government Code, encourages state and local incentives to induce private investment in these distressed areas.

The Bank designates enterprise projects on a competitive basis through quarterly application rounds. The application must have a **minimum total score of 60 points** for submission. Applications may be submitted no earlier than five business days before and must be received in the Office no later than 5:00 p.m. Central Standard Time on the day of the project deadline. Project deadlines are the first business day of the following months: September, December, March and June.

Mail an original application in a three-ring binder assembled as provided in this document to the following address:

Mailing Address:
Office of the Governor
Economic Development and Tourism
Texas Economic Development Bank
Texas Enterprise Zone Program
Post Office Box 12428
Austin, Texas 78711
(512) 936-0100

Street Address:
Office of the Governor
Economic Development and Tourism
Texas Economic Development Bank
Texas Enterprise Zone Program
1100 San Jacinto
Austin, Texas 78701
(512) 936-0100

Mail the application fee, made payable to **Office of the Governor**, under separate cover along with the last page of this application (Application Fee Memorandum) to:

Mailing Address:
Office of the Governor
Attn: Financial Services
Post Office Box 12878
Austin, Texas 78711
(512) 936-0100

Street Address:
Office of the Governor
Attn: Financial Services
1100 San Jacinto
Austin, Texas 78701
(512) 936-0100

The check must clearly state the name of the project and the nominating jurisdiction. The fee must be received by the project deadline.

For additional information on the Texas Enterprise Zone Program, contact the Texas Economic Development Bank at (512) 936-0100.

Instructions for Assembling the Application

Completely fill out an application form with original signatures where indicated. Assemble the application form and required back-up documents in a three-ring, hard back binder. Place the **entire** application form behind Tab 1. Place each tabbed document behind the corresponding tab. Three-hole punch each document and affix the document in the three-ring binder. **Do not** place documents in clear sleeves. Following is an explanation of the sections of the application (Roman numerals) as well as an explanation of tabbed items and the location of sample documents. If the information requested under a specific tab is not applicable, place a sheet of paper behind the tab indicating the tab number and stating that it is "Not Applicable". Any tab without information submitted or sheet of paper stating that the item is not applicable will be considered incomplete (material deficiency). An application that is submitted with four or more material deficiencies will be denied as incomplete. Material deficiencies are items such as the any item requiring an original signature or any tabbed item. Further, it is imperative that information is consistent throughout the application. All sections are reviewed against each other and any sections that are inconsistent must be corrected. **IMPORTANT NOTE: Do not** send documents separate from the application binder. Documents that are not included in the original submission of the binder, unless requested through a deficiency letter, may or may not find their way into the binder once the binder is received. We cannot be responsible for completing application binders after they are received in our office. Any document that is not included in the binder at the time of submission could and will be considered a material deficiency.

Assemble the three-ring binder tabbed as follows:

Tab 1 The completed application form with all applicable original signatures and certifications. Do not include these instruction pages with your application. Only include the actual application form following this section. Do not distribute the application form throughout the tabs. Following is an explanation for each section of Tab 1.

I. Application Fee. Indicate which application fee amount has been submitted under separate cover as instructed: $750 for enterprise project status, $1,500 for double jumbo enterprise project status or $2,250 for triple jumbo enterprise project status. The check must clearly state the name of the project and the nominating jurisdiction. The fee must be received no earlier than one week before, and no later than the project deadline.

II. Public Hearing(s). Fill in the appropriate dates. If the project is being nominated by resolution (only if the nominating jurisdiction has already passed an ordinance or order nominating a qualified business for enterprise project status and electing to participate in the enterprise zone program and the local incentives are the same as outlined in the original ordinance or order) state that this section is "not applicable", then place a sheet of paper behind each applicable Tab (tabs 2 through 5) stating that the tabbed item is "not applicable".

III. Official Action. Check the appropriate action and attach an original of the document. If the nomination is through resolution, complete the information for the original nominating ordinance or order as well as the resolution and attach a copy of the applicable ordinance or order.

IV. Designation Sought / Allocation(s) Available. Indicate designation sought and the number of designations allowed for the jurisdiction. Jurisdictions with a population of less than 250,000 are allowed up to six designations during a state biennium. Jurisdictions with a population of 250,000 or more are allowed up to nine designations. Population is based upon the 2010 decennial census, and designations are limited to statewide availability.

V. Qualified Business Site. Provide the main address for the qualified business site that is verifiable by the local appraisal district. This address will be used to verify the block group used to determine enterprise zone location. Attach appropriate map showing the location of the qualified business site. Provide documentation from the county appraisal district of the governing jurisdiction for the qualified business site. If the qualified business site is located within a municipality's city limits or extraterritorial jurisdiction (ETJ), the municipality must nominate the qualified business for enterprise project designation. If the qualified business site is located outside of a municipality's city limits or ETJ, the qualified business must be nominated by the applicable county for enterprise project designation. **Exception:** if the county has a population of 750,000 or more, the county may nominate a qualified business for

designation as an enterprise project in a municipality's jurisdiction. The county may not place more than three designations in any one municipality within the county during a biennium.

In determining the poverty rate for each county for the purposes of establishing which counties qualify under the definition of a distressed county, we used data from the American Community Survey for the period 2006 – 2010. This same period should be used under the self-evaluation section of the application for poverty level of the nominating jurisdiction.

If there is more than one location in the jurisdiction to be included under the designation, provide an explanation how the activities that are performed at the additional location contributes to the project or activity at the qualified business site, as well as a map showing the proximity of all of the locations to be included in the designation to the qualified business site. If the activity at the additional location does not **directly relate** to the project or activity at the qualified business site, a separate enterprise project application must be completed for the additional location within the jurisdiction and the activities cannot be combined between the two locations. Please note: the address listed as the qualified business site on page 3 of the application is the only site that can be used to determine distress for purposes of qualification of the area as an enterprise zone. Only mark categories and include backup documentation for the qualified business site. The local business liaison **must** be located at the listed qualified business site.

VI. Community Effort. Briefly describe efforts by the **governing jurisdiction** within the last year to encourage participation by residents, neighborhood groups and other businesses in the area. Identify community efforts to revitalize the area by implementing or supporting programs such as rebuilding neighborhoods, or creating public-private partnership programs, etc.

VII. Business Activity in the Area. Briefly describe the type of **business activity** that has occurred within the last two years to revitalize the area of the qualified business site. In addition, estimate and describe the privately-sponsored investment or in-kind services used to improve the area or create jobs (i.e. infrastructure, day care facilities, adopt-a-school, paint fix-up programs, literacy or other special training).

VIII. Business Information & Structure. The exact legal name under which the business is seeking designation must correspond with the nominating ordinance, order or resolution, and must match the corporate resolution. Provide the requested information regarding structure and ownership of the business, as well as participation in the project or activity.

IX. Additional Participating Entities. Complete an Additional Participating Entities form for each entity in the business controlled group that will have a role in the project or activity, either by making capital investment at the qualified business site for the project or activity, paying state sales and use taxes at the qualified business site for the project or activity, or hiring employees at the qualified business site for the project or activity in the name of the participating entity. The Additional Participating Entities form may be found on page 9 of the application. Only complete the form for the parent company if the parent company will be directly making capital investment at the qualified business site for the project or activity, paying state sales and use taxes for the project or activity at the qualified business site, or directly hiring employees for the project or activity at the qualified business site. Provide a flow chart showing the legal business structure which includes each additional participating entity in the business controlled group that will have a role in the project or activity, either by paying state sales and use taxes on qualifying items, or hiring employees in the name of the participating entity. **NOTE:** expenditures made and new and/or retained jobs for benefit by an additional participating entity must be located at the qualified business site and must be directly related to the project or activity in order to qualify.

X. Business Type. Indicate applicable type of business, NAICS (website: http://www.census.gov/epcd/naics02/naicod02.htm) and SIC (website: http://www.osha.gov/pls/imis/sicsearch.html) codes.

XI. Industry Cluster. Indicate whether the business falls within one of the cluster categories. Definitions of targeted industry clusters can be found at the following website: http://www.texaswideopenforbusiness.com/key-industries/ .

XII. Market for Product or Activity. Indicate the market for the product or activity and whether the business exports the product internationally.

XIII. Existing Jobs at Other Texas Locations. Provide a listing of Texas cities where the business has one or more locations, along with the total number of employees in each city (attach additional pages as necessary).

XIV. Primary Business Representative. Provide the requested information for the business representative that has the authority to act on behalf of the business. Designation of the primary business representative must be granted by corporate resolution, articles of incorporation, power of attorney or other legal instrument approved by the business. The primary business representative must sign the application on behalf of the business.

XV. Local Business Representative. Provide the requested information for the contact person that is to be located at the qualified business site. The local business representative must work for the qualified business, be located at the qualified business site and must sign the application. **Note:** if the local business representative has not yet been hired, provide all of the applicable information for the qualified business site, indicate the job title for the intended local business representative, and indicate that the position is currently vacant.

XVI. Project Description. (See Tab 11 below for required elements.)

XVII. Project. Check **all** categories that apply to the project or activity. Statute does not allow benefit for jobs moved from one Texas jurisdiction to another Texas jurisdiction.

XVIII. Project Characteristics. Check **all** categories that apply to the project or activity.

XIX. Projected Dates and Milestones. Provide projected dates for each category as applicable. Activity that occurs outside of the 90-day window may not be claimed for benefit.

XX. Projected Capital Investment. Provide projected dollar amounts for each category, with a detailed description of each category of capital investment for the proposed project or activity. Expenditures for routine and planned maintenance required to maintain regular business operations are only considered qualified capital investment if there will be a measurable increase in production capacity or if the expenditures will result in increased productivity which may be expressed as a decrease in the overall cost per unit produced, and are limited to 40% of the total capital investment spent at the qualified business site. The designated qualified business must make the investment, pay state sales and use taxes, and create the jobs in order to receive benefit. **NOTE:** if using a contractor to construct the facility, a "**separated contract**" (a contract in which the agreed contract price is divided into separately stated prices for materials and labor) must be executed. If a "lump sum" contract is executed, a claim for refund of taxes invoiced to, and paid by, a third party will not qualify for a refund under this Program. Please call the Comptroller of Public Accounts' Office at 1-800-531-5441 ext. 51083 if you have any questions regarding this issue.

XXI. Existing Jobs at the Qualified Business Site. Provide the total number of positions for each category. This information will be used as a baseline for the project or activity, based on full-time positions only. Note: the Development Corporation Act, as amended, Chapter 501 Local Government Code.

XXII. Full-time Jobs for Benefit. Indicate by checking the appropriate box or boxes the type of jobs for benefit. Provide the information requested for new jobs to be created as a result of the project or activity. To receive a designation for the retained jobs benefit, a qualified business must submit to the governing body liaison a written request, signed by the primary business representative, for the retained jobs benefit including documentation verifying which retained jobs criteria is being met, and how it qualifies. If the criteria to be used is "Business facility has been legitimately destroyed or impaired due to fire, flood, tornado, hurricane, or any other natural disaster (Chapter 2303.406(a)(4)(F))", include the projected dollar amount of damage to the facility as a direct result of the natural disaster, and outline any additional projected expenditures relating to upgrade of the facility outside repairs related to the natural disaster. Once the governing body liaison has verified the documentation and has determined that a retained job criteria has been met, the governing body liaison must complete this section of the application and sign the verification. Documentation will be reviewed by the Bank during the application review process for qualification. **NOTE:** part-time, leased, contract, seasonal, temporary, and construction jobs, or any jobs transferred

from one jurisdiction in Texas to another jurisdiction in Texas do not qualify as new jobs, and will not be eligible to receive state benefits. Further, truck driver positions as well as some sales positions do not qualify for benefit under this program, as they do not meet the statutory requirement that they perform at least 50% of their time at the qualified business site.

XXIII. Commitment to the Community. Indicate by checking "yes" or "no" whether the business commits to the program-targeted activities.

XXIV. Additional Project Commitments. Outline the company's commitment to the community by specific recipient and dollar value of anticipated contribution(s) **during the designation period**.

XXV. Source of Funding. Provide the requested information. The nominating body (city or county) is responsible for determining financial viability of the project or activity. A review of the business' audited status for the business for the last three years is recommended.

XXVI. Property Access. Check the appropriate box to correspond with the documentation provided.

XXVII. Status of Permits. Check the appropriate box regarding the status of permits and provide an explanation.

XXVIII. Concurrent Designation. A qualified business that is currently designated as an enterprise project may apply for an additional enterprise project designation at the same qualified business site. Records regarding capital investment, jobs created and/or retained and state sales and use taxes on qualifying items must be kept separate. Each designation must qualify under separate investment and jobs. Capital investment and jobs cannot be counted under more than one designation. For example, benefit cannot be received for new jobs (or retained jobs) under one designation and then the same jobs qualify as retained jobs under a concurrent designation.

XXIX. Self-Evaluation. Complete the self-evaluation of the application, providing backup documentation as applicable under Tab 17. **The application must have a minimum total score of 60 points for submission, excluding points awarded for state priority.**

By statute, each project round is a competition, with each application being scored based on three categories. As a result of the statutory structure of the scoring mechanism, we not only look at the total score of the prospective project, but we also look at the score of each category, weighed against other nominated projects in the round. We especially look at the local effort and private effort portions of the score because these categories not only comprise 60% of the possible score, but they are the two categories that are fluid in nature. The local effort shows the community's commitment to the qualified business through the community's willingness to offer local incentives, as the local effort shows the qualified business' commitment to the community through the offering of benefits and the wage level of the jobs for benefit, etc. It is important that the average weekly wage for the jobs for benefit are not below the average weekly wage for the county.

In determining the poverty rate for each county for the purposes of establishing which counties qualify under the definition of a distressed county, we used data from the American Community Survey for the period 2006 – 2010. This same period should be used in determining the poverty level of the nominating jurisdiction.

Scores will be reviewed and verified by the Bank, and state priority points will be awarded based upon ranking within the round. The Bank reserves the right to adjust scores based upon the application and verified documentation. **NOTE:** local effort score is based on incentives **offered** through the program, in conjunction with the list of incentives listed in the Act, Chapter 2303.405(d) as provided in the nominating ordinance or order. If a business is located outside of an enterprise zone, the project may not receive points for local incentives offered exclusively in an enterprise zone. Further, points may not be earned for state incentives, i.e. Skills Development, Texas Capital Fund, etc.

XXX. Certification of Application. Provide the requested information for the governing body liaison. Liaison must provide original notarized signature certifying accuracy of application. The person assigned the role of governing body liaison in the nominating ordinance or order must sign the certification of the application, further certifying that they have read the Act and the Rules and are familiar with the provisions contained therein.

XXXIa and XXXIb. Qualified Business Certification and Agreement. The primary business representative and the local business liaison must review the listed commitments and sign (notarized) that the commitments made are understood, that they have read the Texas Enterprise Zone Act (Chapter 2303, Texas Government Code) and the Enterprise Zone Program Rules (10 TAC 176), and are familiar with the provisions therein, and that the application is true and correct. The local business liaison must work for the qualified business (not the governing jurisdiction), and must be located at the qualified business site. If the local business liaison has not been hired at the time of application, indicate the title of the local business liaison in the appropriate place, and on the line for "printed name" state "position currently vacant".

XXXII. Participating Consultant Form. Complete a Participating Consultant Form for any consultant participating in the application process. We will only discuss the application with the person listed on the form.

XXXIII. Application Fee Memorandum. Complete the Non-Refundable Application Fee Memorandum and submit **under separate cover,** along with a check or money order made payable to **Office of the Governor** to the address listed above. The application fee must be received by the application deadline in order for the application to be considered for designation during the round.

Tab 2 A certified copy of the government posting, posted at city hall or the county courthouse, as applicable. Posting must occur **at least seven days prior to the public hearing** and must contain the following items: date, time and location of the hearing; the name and address of the proposed project being nominated; the designation being sought (enterprise project, double jumbo enterprise project or triple jumbo enterprise project) and notice that tax incentives will be discussed, if applicable.

Tab 3 A publisher's affidavit and a copy of the public notice, published in a newspaper of general circulation for the area. By statute, the newspaper notice **must** occur **at least seven days prior to the public hearing**, and must contain the following items: date, time and location of the hearing, the name and address of the proposed project being nominated, the designation being sought (enterprise project, double jumbo enterprise project or triple jumbo enterprise project) and notice that tax incentives will be discussed, if applicable.

Tab 4 A copy of the notice of the public hearing sent to the Bank prior to the public hearing. The notice must be submitted to the Bank by the nominating governing body (municipality or county), not an EDC, consultant, etc.

Tab 5 Certified transcript of all public hearings held with regard to the application. The public hearing must occur prior to the adoption of the ordinance or order, or the ordinance or order is null and void.

Tab 6 Certified copy of nominating ordinance, order or resolution, as applicable, with original signatures or original certification. If a nominating ordinance or order has been passed for a previous project on or after September 1, 2003, the nominating jurisdiction may nominate subsequent projects by resolution if the local incentives offered are the same as outlined in the ordinance or order. If the project is nominated by resolution, provide a reference to the prior ordinance or order, and place a copy of the ordinance or order behind the nominating resolution. This does not prohibit a municipality or county from extending additional incentives, including tax incentives, for business enterprises by a separate ordinance or order after a new public hearing with all of the required notices is held. Do not include "and its subsidiaries", or any similar language when stating the name of the business being nominated for designation. Any additional entity, including subsidiaries, may be allowed to participate in the designation through an Additional Participating Entities Form. A sample ordinance/order, as well as a sample nominating resolution, may be found at the following website: http://www.texaswideopenforbusiness.com/incentives-financing/tax/tez.php under the "Apply" tab.

The first project nominated by the jurisdiction must either be by city ordinance or county court order, as applicable, and must:

- identify and summarize local incentives available within the governing body's jurisdiction (at least one local incentive must be offered by the nominating jurisdiction);
- designate a governing body liaison, by position title, to communicate and negotiate with the Office, enterprise project(s) and other entities affected by the enterprise zone program;
- nominate the project or activity for enterprise project, double jumbo enterprise project, or triple jumbo enterprise project designation, as applicable;

- state the exact legal name of the business;
- state whether or not the project or activity to be nominated for project status is located in an enterprise zone under the Act, or outside of an enterprise zone;
- state the date the project is scheduled to end; and
- state that a public hearing was held, and include the date the public hearing was held with regard to nomination of the project. The public hearing must occur prior to passing the nominating ordinance or order, or the ordinance or order is null and void.

If a resolution is passed to nominate the project or activity, the resolution must be a certified copy, with original signatures or original certification, as applicable, and must:

- state the exact legal name of the business;
- nominate the project or activity for enterprise project, double jumbo enterprise project, or triple jumbo enterprise project designation, as applicable;
- state whether or not the nominated project or activity is located in an enterprise zone, or outside of an enterprise zone;
- state the date the project is scheduled to end;
- state that the local incentives offered are the same as those made available in the previously issued ordinance or order; and
- reference, by number, the original ordinance or order, with the date passed and approved.

Tab 7 To determine if a qualified business site is located in an enterprise zone, go to the following website: http://www.texassitesearch.com, and click on "Enterprise Zone Finder" and fill in the address and zip code of the qualified business site. If the 2010 lookup states that the qualified business site is not in an enterprise zone, you may just print the screen and place behind Tabs 7 and 8. If the 2010 lookup states that the qualified business site is in an enterprise zone, provide an official U.S 2010 Census map showing the entire location of the qualified business site. The census map must include all block groups that the site resides within.

Tab 8 Provide backup documentation for the applicable category.

- Criteria for distressed county. Documentation for distressed county criteria can be found at the following website: http://www.texaswideopenforbusiness.com/incentives-financing/tax/tez.php under the "Related Material" tab.
- Poverty level for block group. Documentation for 2010 Census Block Group can be found at the following website: http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.

Tab 9 Provide Certificate of Corporate Resolution with original signatures. A sample Corporate Resolution may be found at the following website: http://www.texaswideopenforbusiness.com/incentives-financing/tax/tez.php under the "Apply" tab. The corporate resolution must:

- approve the enterprise project application;
- name the primary business representative authorized to sign on behalf of the business any contracts or forms for the enterprise project application;
- authorize and direct person to certify to any interested part that the resolution has been duly adopted, is in full force and effect, and is in accordance with the provisions of the charter and by-laws of the business; and
- contain a corporate seal or be notarized.

Tab 10 Provide the document which indicates the authority to do business **in Texas** by the Texas Secretary of State.

Tab 11 Provide a description and introduction of the project or activity, in the form of a letter addressed to the governing body representative and the Bank, on company letterhead, **signed by the primary business representative**. The letter **must** include:

- a general description of the business structure;
- the location of the parent company and/or corporate headquarters, if applicable;
- a summary of location(s) currently in Texas, including the current number of employees statewide;
- history and description of the qualified business and its products and/or services;
- the nature of the business, including markets and transportation needs;

- a description of the company's export history, if applicable;
- total sales/revenue;
- the number of employees currently located at the qualified business site;
- a description of the project location (qualified business site) and intended use;
- a description of each additional location within the nominating jurisdiction that is to be included in the designation, including proximity to the qualified business site, with an explanation how the activities that are performed at the additional location(s) contribute to the project or activity at the qualified business site, if applicable;
- a summary of short and long-term plans for expansion at the qualified business site;
- projected dates;
- a detailed description of expected capital investment;
- a summary of jobs to be created and/or retained for benefit during the designation period;
- a detailed description of each additional participating entity's role within the corporate structure and their role with regard to the project or activity (list each participating entity, how they relate to each other, and what their role is within the project or activity), if applicable; and
- a statement from a franchise or subsidiary, if applicable, that the business will maintain separate payroll and tax records of the business activity conducted at the qualified business site.

Tab 12 Provide a breakdown of the types of existing full-time jobs at the qualified business site to be used for baseline purposes only. The breakdown must include:

- six-digit Standard Occupational Code (website: http://www.bls.gov/soc/soc_majo.htm) and/or categories of existing jobs by detailed job titles;
- number of positions in each category; and
- salary range or hourly rate for each.

Tab 13 Provide a breakdown of the types of new jobs to be created at the qualified business site. **In order for a job to be eligible for benefit, the employee must perform at least 50% of their service for the business at the qualified business site. Most sales positions, truck driver positions, etc. do not qualify as they perform most of their service to the business away from the qualified business site.** The breakdown must include:

- six-digit Standard Occupational Code (website: http://www.bls.gov/soc/soc_majo.htm) and/or categories of existing jobs by detailed job titles;
- number of positions in each category; and
- salary range or hourly rate for each.

Tab 14 Provide a breakdown of the types of jobs to be retained at the qualified business site for benefit. **In order for a job to be eligible for benefit, the employee must perform at least 50% of their service for the business at the qualified business site. Most sales positions, truck driver positions, etc. do not qualify as they perform most of their service to the business away from the qualified business site.** The breakdown must include:

- six-digit Standard Occupational Code (website: http://www.bls.gov/soc/soc_majo.htm) and/or categories of existing jobs by detailed job titles;
- number of positions in each category; and
- salary range or hourly rate for each.

Include the original request by the business to the governing body signed by the primary business representative, as well as the documentation which verifies the qualifying criteria behind Tab 14.

Tab 15 Provide a copy of the **executed** documents which indicate access to the qualified business site property.

Tab 16 Provide a breakdown of the types of jobs to be created and/or retained at the qualified business site for benefit under each concurrent designation. The breakdown must include:

- six-digit Standard Occupational Code (website: http://www.bls.gov/soc/soc_majo.htm) and/or categories of existing jobs by detailed job titles;
- number of positions in each category; and
- salary range or hourly rate for each.

Tab 17 The application must have a **minimum total score of 60 points** for submission. Provide backup documentation for each category checked under **Distress of the Area**. The maximum number of points that may be earned under Distress of the Area is 40. Points for any local incentive checked in **Local Effort** may only be received if the local incentive is outlined in the nominating ordinance or order as an incentive as provided in the note under XXVIII. Self-Evaluation. The maximum number of points that may be earned under Local Effort is 25. Commitment to the community, average weekly wage for the jobs for benefit, the number of jobs for benefit, projected capital investment, employee benefits provided, type of jobs (based on NAICS) and industry cluster, under **Private Effort** are based upon the application. Provide backup documentation as applicable.

Go to the following website: http://www.tracer2.com/cgi/dataanalysis/AreaSelection.asp?tableName=Industry, and follow the instructions below. The maximum number of points that may be earned under Private Effort is 35.

Section 1: Select **COUNTY**
Section 2: Select the County you are researching i.e. **"ANDERSON"**
Click **CONTINUE**
Section 3: Select year – "**20##**" (**use the most recent year for which all four quarters are available**)
Section 4: Select Time Period – select **ALL**
Click **CONTINUE**
Section 5: Select Industry Code – **NAICS**
Section 6: Select Ownerships – select **ALL**
Section 7: Select Division – select **ALL**
Click **CONTINUE**
Section 8: Select Industries – select **TOTAL, ALL INDUSTRIES**
Section 9: Select Data Series – select **AVG WEEKLY WAGES**
Order by: select **AREA**
VIEW DATA

Baker Hughes Oilfield Operations, Inc.

City of Tomball

I. APPLICATON FEE

☒ Non-refundable Application Fee submitted, made payable to **Office of the Governor** in the amount of:

- ☒ $750 for an Enterprise Project
- ☐ $1,500 for a Double Jumbo Enterprise Project
- ☐ $2,250 for a Triple Jumbo Enterprise Project

II. PUBLIC HEARING

Not Applicable ☐

Copy Attached		Date
	Public Hearing Held	_____
☐	Government Posting *(Tab 2)*	_____
☐	Published in Newspaper of General Circulation *(Tab 3)*	_____
☐	Notice of Hearing to the Economic Development Bank *(Tab 4)*	_____
☐	Transcript or Minutes of all Public Hearings Held Attached *(Tab 5)*	

III. OFFICIAL ACTION

☐ Nominating Ordinance or Order Attached *(Tab 6)* Ordinance/Order No. _____

Date Passed _____

☐ Nominating Resolution Attached, if applicable *(Tab 6)* Resolution No. _____

Date Passed _____

IV. DESIGNATION SOUGHT / ALLOCATIONS AVAILABLE

Enterprise Project *(counts as one designation)*	☒ Yes **–or-**
Double Jumbo Enterprise Project *(counts as two designations)*	☐ Yes **–or-**
Triple Jumbo Enterprise Project *(counts as three designations)*	☐ Yes
Number of Designations Allocated to this Jurisdiction per State Biennium (six or nine)	_____
Number of Designations Already Used this State Biennium	0
Number of Designations Represented in this Application	1
Number of Designations Applied for including Other Application(s) applied for **during this Round**	1
Number of Project Designations Remaining for Governing Body if all Applications are Approved	_____

Baker Hughes Oilfield Operations, Inc.

V. QUALIFIED BUSINESS SITE

Nominating Jurisdiction

Nominating Jurisdiction: City of Tomball

If Nominating Jurisdiction is a Municipality, skip to **Primary Business Address of the Qualified Business Site**

Population of Nominating County at 2010 Census: 4,092,459

☐ Population is **Less** than 750,000:

The qualified business site **IS NOT** located in a municipality's city limits or ETJ ☐ It is Not

☒ Population is 750,000 or more:

Is the qualified business site located in a municipality's city limits or ETJ? ☒ Yes ☐ No

If yes, which municipality? City of Tomball

Primary Business Address of the Qualified Business Site

Street Address: 11211 FM 2920 Rd

City: Tomball State: TX Zip: 77375 -

County where Qualified Business is Located: Harris

Census Map:

Official U.S. Census Map showing the entire location of the Qualified Business Site is attached (location of qualified business site must be clearly marked on map) *(Tab 7)* ☒ Yes

Baker Hughes Oilfield Operations, Inc.

PROVIDE BACKUP DOCUMENTATION (choose one)

☐ Check here if located at a Qualified Business Site in a **Distressed County**

Poverty Level of the Distressed County at the 2010 Decennial Census _____

Percent of Adult Population that Does Not Hold a High School Diploma or Equivalency 25 years and older at the 2010 Decennial Census _____

Unemployment Rate for the Distressed County for the Most Recent Five Years

Year:	2007	Rate:	4.20%
Year:	2008	Rate:	4.80%
Year:	2009	Rate:	7.60%
Year:	2010	Rate:	8.50%
Year:	2011	Rate:	8.20%

Backup Documentation Attached *(Tab 8)* ☐ Yes

--OR--

2010 Census Tract 5554.01 Block Group: 1.☒ 2.☐ 3.☐ 4.☐ 5.☐ 6.☐ 7.☐ 8.☐ 9. ☐

☐ Check here if located in a block group that **IS** an enterprise zone

Poverty Level of the 2010 Census Block Group (20% or more) _____

Backup Documentation Attached – 2010 Poverty Data *(Tab 8)* ☐ Yes

--OR--

☒ Check here if located in a block group that **IS NOT** an enterprise zone

Poverty Level of the 2010 Census Block Group (less than 20%) 17.00%

Backup Documentation Attached – 2010 Poverty Data *(Tab 8)* ☒ Yes

List all additional census tract block groups that the qualified business site encompasses:

Census Track 5548.02 Block Group 2

Baker Hughes Oilfield Operations, Inc.

No Additional Addresses to be Included in Designation ☐

Provide the address of any additional location to be included in this designation and a detailed explanation how the activities that are performed at the additional location contribute to the project or activity at the qualified business site. List each additional address separately, with explanation following. Provide a map of the proximity of all locations including, the qualified business site behind this page.

Due to limited remaining space on the company's existing property, Baker Hughes's expansion & new training center facilities will be constructed on property adjacent and directly across from the company's existing facilities where sufficient suitable space is available. This new training center and associated support facilities will be an extension of the company's existing presence in Tomball. (map attached behind this page.)

Baker Hughes Oilfield Operations, Inc.

VI. COMMUNITY EFFORT

Briefly describe efforts by the **governing jurisdiction during the last year** to encourage participation by residents, neighborhood groups, and other businesses in the area. Identify governing jurisdiction's efforts to revitalize the area.

Baker Hughes Oilfield Operations, Inc.

VII. BUSINESS ACTIVITY IN THE AREA

Briefly describe the type of **business activity** that has occurred **during the last two years** to revitalize the area. Estimate and describe the privately-sponsored investment or in-kind services used to improve the area or create jobs.

Baker Hughes Oilfield Operations, Inc.

VIII. BUSINESS INFORMATION & STRUCTURE

Exact Legal Name Under Which the Business is Seeking Designation

Baker Hughes Oilfield Operations, Inc.

Federal Tax ID Number 94-1302886 Comptroller of Public Accounts Number 1-941302886-1

☐ Attach Certificate of Corporate Resolution authorizing the Enterprise Project Application *(Tab 9)*

Does the Qualified Business have a State Sales and Use Tax liability? ☒ Yes ☐ No

Is business current on tax payments with the State of Texas? ☒ Yes ☐ No

If not current on tax payments to the State, explain

See Certificate on Tab 10

Does the company currently have facilities in Texas? ☒ Yes ☐ No

Does the company have the authority to do business in Texas? ☒ Yes ☐ No

Check Applicable Documents indicating authority to do business in Texas from the Texas Secretary of State and attach a copy *(Tab 10)*

☐ Articles of Incorporation
☐ Assumed Name Certificate
☐ Certificate of Formation
☒ Certificate of Existence or Status
☒ Other Certificate of Authority

Baker Hughes Oilfield Operations, Inc.

What is the structure of the company?

- ☐ Privately Held Corporation
- ☐ Publicly Held Corporation
- ☐ Limited Liability Corporation (LLC)
- ☐ Sole Proprietorship
- ☐ Partnership
- ☐ Limited Partnership (LP)
- ☒ Other Wholly-owned subsidiary of a publicly held corporation

Is the Qualified Business a Franchise? ☐ Yes ☒ No

Is the Qualified Business a Subsidiary? ☒ Yes ☐ No

List any person or entity that has over 5% ownership in the business *(Attach additional page behind this page as needed)*

Name	**Percent**
Wellington Management Company	5%
BlackRock, Inc.	5%

Number of Years in Business 25

Number of Employees Worldwide 58,800

Parent Company Baker Hughes Incorporated

Years Parent Company in Business 100

Location of Parent Company 2929 Allen Parkway, Suite 2100

City Houston State TX Zip 77019 - 2118

Will any other entity of the controlled group be financially involved with this proposed enterprise project or activity?

☐ Yes ☒ No

If yes, provide an Organization Chart of the Business Structure behind this page ☐ It is Attached

Also, if yes, list each participating entity below and complete an Additional Participating Entities form (page 9 of this application) for each entity in the business controlled group participating in the project or activity

Baker Hughes Oilfield Operations, Inc.

IX. ADDITIONAL PARTICIPATING ENTITIES FORM

Not Applicable ☒

Complete the following information, including a contact, for each related entity that is a member of a controlled group that is **necessary** to the project or activity

Prefix _____ First Name _____ Last Name _____

Title _____

Organization _____

Street Address _____

Mailing Address _____

City _____ State _____ Zip _____-_____

Phone Number _____ Fax Number _____

Email Address _____

Federal Tax ID No. _____ Comptroller of Public Accounts No. _____

Provide a detailed description of this entity's role with respect to the project for each applicable category.

☐ Capital Investment for Use at the Qualified Business Site

_____

_____

_____

☐ Direct Payment of State Sales and Use Taxes for Items Used at the Qualified Business Site

_____

_____

_____

☐ Employment of Employees at the Qualified Business Site

_____

_____

_____

Baker Hughes Oilfield Operations, Inc.

X. BUSINESS TYPE

Check **all** that apply

- ☒ Energy
- ☐ Basic Materials
- ☐ Capital Goods
- ☐ Transportation
- ☐ Consumer / Cyclical
- ☒ Services
- ☒ Manufacturing
- ☐ Consumer / Non-Cyclical
- ☐ Healthcare
- ☐ Financial
- ☒ Technology
- ☐ Telecommunication Services
- ☐ Utilities

NAICS Code: 213112 SIC Code: 1389

Primary Product or Service: Oil/Gas field Services and Support Activities

XI. INDUSTRY CLUSTER

If applicable, identify the targeted industry cluster within which this project falls.

- ☐ Advanced Technologies and Manufacturing, including four sub-clusters: Nanotechnology and Materials; Micro-electromechanical Systems; Semiconductor Manufacturing; Automotive Manufacturing
- ☐ Aerospace, Aviation and Defense
- ☐ Biotechnology and Life Sciences, **not** including medical services
- ☐ Information and Computer Technology, including three sub-clusters: Communications Equipment; Computing Equipment and Semiconductors; Information Technology
- ☐ Petroleum Refining and Chemical Products
- ☒ Energy, including three sub-clusters: Oil and Gas Production; Power Generation and Transmission; Manufactured Energy Systems
- ☐ None Apply

XII. MARKET FOR PRODUCT OR SERVICE

- ☒ Local
- ☒ Regional
- ☒ National
- ☒ International
- ☐ Exporter (International)
- ☒ Non-Exporter

Baker Hughes Oilfield Operations, Inc.

XIII. EXISTING JOBS AT OTHER TEXAS LOCATIONS

No other Locations in Texas ☐

City	Number of Jobs
See Attached	
Total Jobs, Other Texas Locations	12,847

(Attach additional pages **behind this page** as needed.)

Baker Hughes Oilfield Operations, Inc.

XIV. PRIMARY BUSINESS REPRESENTATIVE

Prefix Mr First Name George Last Name Bernhardt

Title Managing Counsel - Global Real Estate

Organization Baker Hughes Incorporated

Street Address 2929 Allen Parkway, Suite 2100

Mailing Address 2929 Allen Parkway, Suite 2100

City Houston State TX Zip 77019 -

Phone Number (713) 439-8061 Fax Number

Email Address george.bernhardt@bakerhughes.com

Company Website www.bakerhughes.com

XV. LOCAL BUSINESS REPRESENTATIVE (Qualified Business Site)

Prefix First Name Last Name

Title

Organization

Street Address 11211 FM 2920 Rd.

Mailing Address

City Tomball State TX Zip 77375 -

Phone Number Fax Number

Email Address

Company Website www.bakerhughes.com

Is the Local Business Liaison ***currently*** located at the Qualified Business Site? ☒ Yes ☐ No

If not, when do you anticipate relocation to the Qualified Business Site?

XVI. PROJECT DESCRIPTION

☒ Description of the project in the form of a letter addressed to the governing body liaison and the Economic Development Bank on company letterhead **signed by the primary business representative** attached *(Tab 11)*

Baker Hughes Oilfield Operations, Inc.

XVII. PROJECT

Check **all** that apply

- ☐ None Apply
- ☐ New Business / Start-up
- ☐ Relocation from Out-of-State
- ☐ Open New Location
- ☒ Expansion *(new jobs)*
- ☐ Relocation within Nominating Jurisdiction
- ☐ Consolidation *(jobs being moved from one jurisdiction in Texas to another cannot be claimed for benefit)*
- ☐ Relocation within Texas *(jobs being moved from one jurisdiction in Texas to another cannot be claimed for benefit)*

Relocating From: _____

Provide a brief description of the circumstances of the move, including the number of jobs to be moved.

Baker Hughes Oilfield Operations, Inc.

XVIII. PROJECT CHARACTERISTICS

Check **all** that apply, provide a description of the related capital investment for each category

☒ Construct New Facility *(125,175 sq. ft.)*

☐ Expand Existing Facility *(*by _____ *sq. ft.)*

☐ Renovate Existing Facility

☐ Upgrade / Repair Facility

☐ Upgrade Existing Machinery & Equipment

☒ Purchase New / Additional Machinery & Equipment

Current Production Capacity: N/A

Projected Production Capacity: N/A

Percent of Projected Increase in Production Capacity: N/A

Current Cost Per Unit to Produce: N/A

Projected Cost Per Unit to Produce: N/A

Percent of Projected Decrease in Cost Per Unit to Produce: N/A

XIX. PROJECTED DATES AND MILESTONES

Provide the estimated date for each category (90-day window and end project designations, exact date). If a category does not apply, leave blank.

90-Day Window	1/24/2013
Begin Construction	
Construction Complete	
Purchase Machinery & Equipment	
Begin Hiring New Employees	
Begin Operations	
Fully Operational	
End Project Designation	6/3/2018

Baker Hughes Oilfield Operations, Inc.

XX. PROJECTED CAPITAL INVESTMENT

Land	$0.00
Building Construction	$20,400,000.00
Labor on Construction	$20,400,000.00
Building Expansion/Renovation Costs	$0.00
Machinery & Equipment	$15,000,000.00
Other _____	$0.00
Total	$55,800,000.00

What percent of the projected capital investment is for routine and planned maintenance, including, but not limited to "turnarounds", required to maintain regular business operations? 0.00%

Provide a detailed description of each category of capital investment for the proposed project or activity.

This expansion is planned for its existing operations in Tomball, TX. The expansion will involve the development of an Education Center (40 classrooms, auditoriums, breakout rooms, simulation rooms, laboratory, cafeteria and office space) a five bay workshop, and two non-producing training wells with related surface equipment. This complex is planned to be a central facility for major corporate meetings and activities and a consolidated Western Hemisphere Education Center. The project will be an integrated facility to enhance the educational opportunities for both Baker Hughes personnel and customers and will develop skills and competencies necessary to support our customers. Proposed site improvements will include the following:

- Education Center –3 story classroom building 72,445 s.f.
- Workshop – 1 story, 36,000 s.f.
- Canteen, Lab & Auditorium – 1 story, 16,730 s.f.
- 156,000 s.f. yard with two training rigs (non-producing oil wells)

The company is proposing to spend approximately $55.8 million for this expansion. Buildings, parking and driveways, infrastructure and other amenities are estimated to cost close to $40 million. The training rigs and wells will cost an additional $7.7 million plus drilling costs of approximately $6.9 million. Equipment on site will primarily consist of pressure pumping and coiled tubing trucks so the value could be variable. Construction is anticipated to begin in the _____ Quarter of 2013 and is expected to be complete and operational by _____.

XXI. EXISTING JOBS AT THE QUALIFIED BUSINESS SITE

Attach a breakdown of types of existing full-time jobs by six-digit Standard Occupational Code and/or title, and the salary range or hourly rate for each *(Tab 12)*

Full-Time Jobs	629
Part-Time Jobs	2
Contract Jobs	0
Total Jobs at the Qualified Business Site	631

Baker Hughes Oilfield Operations, Inc.

XXII. FULL-TIME JOBS FOR BENEFIT

☒ **New Jobs**

Attach a breakdown of types of new jobs to be created by six-digit Standard Occupational Code and/or title, and the salary range or hourly rate for each *(Tab 13)*

Total Number of New Full-Time Jobs to be Created: 55

Total Amount of Annual Payroll for New Jobs: $2,200,000.00

☒ **Retained Jobs** *(check only if for benefit)*

Attach a breakdown of types of jobs to be retained for benefit by six-digit Standard Occupational Code and/or title, and the salary range or hourly rate for each *(Tab 14)*

Total Number of Jobs to be Retained for Benefit: 500

Total Amount of Annual Payroll for Retained Jobs: _____

Choose **all** that apply and include backup documentation

- ☐ Permanent employees will be permanently laid off (Chapter 2303.406(a)(4)(A))
- ☐ Business will permanently close down (Chapter 2303.406(a)(4)(B))
- ☐ Business will relocate out of Texas (Chapter 2303.406(a)(4)(C))
- ☒ Business is able to employ individuals in accordance with Section 2303.402 (Chapter 2303.406(a)(4)(D))
- ☐ Business facility has been legitimately destroyed or impaired due to fire, flood, tornado, hurricane, or any other natural disaster (Chapter 2303.406(a)(4)(E))

I have reviewed the request for the retained job benefit under the Texas Enterprise Zone Program, and verify that it meets the criteria outlined above, as required by statute. The backup documentation has been placed under *Tab 14* of this application.

Signature _____ Date _____
(Governing Body Liaison)

Printed Name _____ Title _____

Baker Hughes Oilfield Operations, Inc.

XXIII. COMMITMENT TO THE COMMUNITY

☒ Yes	☐ No	Commit to negotiate or cooperate in the achievement of the purposes of the Enterprise Zone Act.
☒ Yes	☐ No	Commit to hire under-skilled, inexperienced, disadvantaged or displaced workers who reside in an enterprise zone.
☒ Yes	☐ No	Commit to hire minority workers and to contract with minority-owned businesses.
☒ Yes	☐ No	Commit to provide technical and vocational job training for enterprise zone residents or economically disadvantaged employees.
☐ Yes	☒ No	Commit to provide child care for employees.
☐ Yes	☒ No	Commit to implement and contribute to a tutoring or mentoring program for area students.
☐ Yes	☒ No	Commit to work toward the prevention or reduction of juvenile crime activity.
☒ Yes	☐ No	Commit to make contributions to the well-being of the community, such as job training, or the donation of land for parks or other public purposes.

XXIV. ADDITIONAL COMMITMENTS

☒ Yes ☐ No Employee benefits provided (i.e., medical coverage, prescription drug coverage, dental plan, flexible spending accounts, life insurance, 401K, stock options, etc.)

No Additional Commitments are Anticipated ☐

Outline the company's additional commitments to the community by specific recipient and dollar value of anticipated contribution(s) **during the designation period**.

American Heart Association · Paper Heart sale yielded approximately $300
March of Dimes · donations approximately $300
JA Bowlathon · participants raised approximately $3,500
JDRF Event · participants raised approximately $2,500
Susan G. Komen · participants raised approximately $1,900
Local Tomball High School FFA charity ·$1,500

Estimated Annual Donation for Tomball - $10,000

Baker Hughes Oilfield Operations, Inc.

XXV. SOURCE OF FUNDING

The project will be financed by (check all that apply)

- ☒ Internal Sources
- ☐ External Sources

The Project received (check all that apply):

- ☐ Texas Enterprise Fund Grant
- ☐ Texas Emerging Technology Fund Grant
- ☐ Industrial Revenue Bonds
- ☐ Tax Increment Financing

Provide a brief narrative description of the method of financing the project *(do not attach financial statements)*

XXVI. PROPERTY ACCESS

Check the appropriate box below and provide a copy of the executed documents indicating property access *(Tab 15)*

- ☐ Lease Agreement
- ☐ Purchase Agreement
- ☐ Lease / Purchase Agreement
- ☒ Other Warranty Deed

Baker Hughes Oilfield Operations, Inc.

XXVII. STATUS OF PERMITS

☒ Pending ☐ Current ☐ No Permits Required

List any local, state or federal permits that are pending, along with the issuing agency and the expected date of receipt. Do **not** attach copies of permits.

Baker Hughes Oilfield Operations, Inc.

XXVIII. CONCURRENT DESIGNATION

This application for enterprise project status constitutes a concurrent designation ☐ Yes ☒ No
If yes, complete this section in its entirety and provide requested attachments

Provide a brief explanation of the capital investment and new and/or retained jobs for each designation, delineating what capital investment and jobs will apply to which designation with timelines for all. (Attach additional pages behind this page as needed.)

Breakdown of Concurrent Project Designations:

Attach a breakdown of types of jobs for benefit by six-digit Standard Occupational Code and/or title, and the salary range or hourly rate for each designation *(Tab 16)*

					Baseline Jobs
Number of Jobs at the 90-Day Window Date for the First Project Designation					
Date Approved	**Date Expires**	**Date Jobs* Certified**	**Capital Investment**	**New Jobs**	**Retained Jobs**
		TOTAL			

**Last certification. If no jobs have been certified, provide an explanation as to why not and when application for certification of jobs is expected to occur. Place the explanation behind this page.*

Baker Hughes Oilfield Operations, Inc.

XXIX. SELF-EVALUATION

Total Distress of the Area Score (max. 40 pts.)	14
Total Local Effort Score (max. 25 pts.)	25
Total Private Effort Score (max. 35 pts.)	33
TOTAL SCORE OF PROJECT (min. 60 pts.)	72

For internal use only: **Points Awarded for State Priority (max. 10 pts.)** _____

Provide backup documentation for **ALL** areas for which points are taken *(Tab 17)*

Distress of the Area (Qualified Business Site) (40%)

Jurisdiction Population _____

Population of nominating **Jurisdiction*** is less than 50,000 *(2010 decennial census)* Backup Attached ☐

☐ Yes 5 pts _____

County Population _____

Population of **County** is less than 50,000 *(2010 decennial census)* Backup Attached ☐

☐ Yes 5 pts _____

Poverty Level of **Distressed County** 16.80% Backup Attached ☐

☒	15.5% - 19.9% poverty *(2010 decennial census)*	2 pts	2
☐	20.0% - 29.9% poverty *(2010 decennial census)*	4 pts	_____
☐	30.0% - 39.9% poverty *(2010 decennial census)*	6 pts	_____
☐	40.0% - 49.9% poverty *(2010 decennial census)*	8 pts	_____
☐	50.0% poverty and above *(2010 decennial census)*	10 pts	_____

Poverty Level of **Block Group** _____ Backup Attached ☐

☐	20.0% - 29.9% poverty *(2010 decennial census)*	4 pts	_____
☐	30.0% - 39.9% poverty *(2010 decennial census)*	6 pts	_____
☐	40.0% - 49.9% poverty *(2010 decennial census)*	8 pts	_____
☐	50.0% poverty and above *(2010 decennial census)*	10 pts	_____

Baker Hughes Oilfield Operations, Inc.

Poverty Level of nominating **Jurisdiction***	12.10%			Backup Attached ☒
☐ 15.5% - 19.9% poverty *(2010 decennial census)*		2 pts		
☐ 20.0% - 29.9% poverty *(2010 decennial census)*		4 pts		
☐ 30.0% - 39.9% poverty *(2010 decennial census)*		6 pts		
☐ 40.0% - 49.9% poverty *(2010 decennial census)*		8 pts		
☐ 50.0% poverty and above *(2010 decennial census)*		10 pts		
Poverty Level of **County**	16.80%			Backup Attached ☒
☒ 15.5% - 19.9% poverty *(2010 decennial census)*		2 pts	2	
☐ 20.0% - 29.9% poverty *(2010 decennial census)*		4 pts		
☐ 30.0% - 39.9% poverty *(2010 decennial census)*		6 pts		
☐ 40.0% - 49.9% poverty *(2010 decennial census)*		8 pts		
☐ 50.0% poverty and above *(2010 decennial census)*		10 pts		
Unemployment Level for **County** *(most recent year)*	8.20%			Backup Attached ☒
☒ 5.0% - 9.9% unemployment		2 pts	2	
☐ 10.0% - 14.9% unemployment		4 pts		
☐ 15.0% - 19.9% unemployment		6 pts		
☐ 20.0% - 24.9% unemployment		8 pts		
☐ 25.0% and above unemployment		10 pts		
County Adult Population without High School Diploma or Equivalent *(2010 decennial census)*	22.40%			Backup Attached ☒
☐ 25.4% or above		10 pts		
State or Federally-Declared Disaster Area *(within the past 24 months)*				Backup Attached ☒
☒ Yes -- ☐ State ☒ Federal		10 pts	10	
Date Disaster Declared	7/27/2011			
Adversely Affected Defense Dependent Community *(BRAC** Impacted)*				Backup Attached ☐
☐ Yes		5 pts		

**If the nominating jurisdiction is a county, take points under both nominating jurisdiction and county, if earned.*
***Base Closure and Realignment Commission*

Total Distress of the Area Score (max. 40 pts.) 14

Baker Hughes Oilfield Operations, Inc.

Local Effort (25%)

Based on the Nominating Ordinance or Order *(incentive must be listed specifically in the nominating ordinance or order)*

Check local incentives offered and record points earned up to the maximum of 25 points

☐	Local Sales Tax Refund	2 pts	
☒	Tax Abatement	2 pts	2
☐	Tax Increment Financing	2 pts	
☒	Freeport Exemption	2 pts	2
☐	Economic Development Sales Tax (4A) Contribution	2 pts	
☒	Economic Development Sales Tax (4B) Contribution	2 pts	2
	Tax Deferrals, Tax Refunds or other Tax Incentives:		
	☐ _____	2 pts	
	☐ _____	2 pts	
☒	Zoning Changes / Variances	1 pt	1
☒	Building Code Exemptions	1 pt	1
☒	Impact / Inspection Fee Exemptions	2 pts	2
☒	Streamlined Permitting	1 pt	1
☒	Improved Police and/or Fire Protection	1 pt	1
☒	Community Crime Prevention Programs	1 pt	1
☒	Special Public Transportation Routes or Reduced Fares	1 pt	1
☒	Capital Improvements in Water and Sewer Facilities	1 pt	1
☒	Road Repair	1 pt	1
☒	Creation or Improvement of Parks	1 pt	1
☒	Low-Interest Loans for Housing Rehabilitation or New Construction	1 pt	1
☐	Transfer Abandoned Housing to Individuals or Community Groups	1 pt	
☒	Low-Interest Loans for Business	2 pts	2
☐	Use of Surplus School Buildings for Incubators	1 pt	
☒	Provision of Publicly Owned Land for Development Purposes	1 pt	1
☒	One-Stop Permitting, Problem Resolution Center or Ombudsmen	1 pt	1
☒	Promotion and Marketing Services	1 pt	1
☒	Job Training and Employment Services	1 pt	1
☒	Retraining Program	1 pt	1
☒	Literacy and Employment Skills Programs	1 pt	1
☒	Vocational Education	1 pt	1
☒	Customized Job Training	1 pt	1

Total Local Effort Score (max. 25 pts.) 25

Baker Hughes Oilfield Operations, Inc.

Private Effort (35%)

Commitment to the Community

☒	Negotiate or cooperate in the achievement of the purposes of the Enterprise Zone Act	3 pts	3
☒	Hire under-skilled, inexperienced, disadvantaged or displaced workers who reside in an enterprise zone	1 pt	1
☒	Hire minority workers and contract with minority-owned businesses	1 pt	1
☒	Provide technical/vocational training for enterprise zone residents and economically disadvantaged employees	1 pt	1
☒	Provide child care for employees	1 pt	1
☐	Implement or contribute to a tutoring or mentoring program for area students	1 pt	
☐	Participate in juvenile crime prevention program	1 pt	
☒	Contribute to the well-being of the community, such as job training, or donation of land for parks or other public purposes	1 pt	1

Subtotal of Commitments to the Community 8

Average Job Wage Level of Jobs Compared to County Average Weekly Wage (AWW) Backup Attached ☒

☒ Attached County Average Weekly Wage backup for Harris County for 2012 (year)

First Quarter	$1,338.00
Second Quarter	$1,164.00
Third Quarter	$1,154.00
Fourth Quarter	$1,330.00
TOTAL	$4,986.00 ÷ 4 = $1,246.50 *(County AWW)*

Calculate the average weekly wage in the formula below including only the new and/or retained jobs represented in this application for state benefit.

$43,834,500.00 *Total Annual Payroll* ÷ 500 *# of Jobs* = $87,669.00 *Avg. Annualized Wage* ÷ 52 = $1,686.00 *AWW*

County AWW	$1,246.50
110% of County AWW	$1,371.15
120% of County AWW	$1,495.80

Choose *One*

☐	AWW ≥ AWW for County	3 pts	
☐	AWW ≥ 110% of AWW for County	6 pts	
☒	AWW ≥ 120% of AWW for County	10 pts	10

Baker Hughes Oilfield Operations, Inc.

Number of Jobs for Benefit *(choose applicable category and range)*

☐	10 to 199 new jobs for benefit	2 pts	
☐	200 to 299 new jobs for benefit	4 pts	
☐	300 to 399 new jobs for benefit	6 pts	
☐	400 to 499 new jobs for benefit	8 pts	
☐	500 and Above new jobs for benefit	10 pts	
	--OR--		
☐	100 to 199 retained or new & retained jobs for benefit	1 pt	
☐	200 to 299 retained or new & retained jobs for benefit	2 pts	
☐	300 to 399 retained or new & retained jobs for benefit	3 pts	
☐	400 to 499 retained or new & retained jobs for benefit	4 pts	
☒	500 and Above retained or new & retained jobs for benefit	5 pts	5

Capital Investment *(choose applicable range)*

☐	$40,000 to $399,999	1 pt	
☐	$400,000 to $999,999	2 pts	
☐	$1,000,000 to $4,999,999	3 pts	
☒	$5,000,000 to $149,999,999	4 pts	4
☐	$150,000,000 to $249,999,999	5 pts	
☐	$250,000,000 and Above	6 pts	

Increase in Production Capacity *(choose applicable range)*

☐	5.0% - 9.9% increase in production capacity	1 pt	
☐	10.0% - 14.9% increase in production capacity	2 pts	
☐	15.0% - 19.9% increase in production capacity	3 pts	
☐	20.0% and above increase in production capacity	4 pts	
☐	All new *(no routine maintenance included)*	5 pts	

Decrease in Cost Per Unit to Produce *(choose applicable range)*

☐	5.0% - 9.9% decrease in cost per unit to produce	1 pt	
☐	10.0% - 14.9% decrease in cost per unit to produce	2 pts	
☐	15.0% - 19.9% decrease in cost per unit to produce	3 pts	
☐	20.0% and above decrease in cost per unit to produce	4 pts	

Baker Hughes Oilfield Operations, Inc.

Employee Benefits Provided Backup Attached ☐

☒	Employee benefits provided (i.e., medical coverage, prescription drug coverage, dental plan, flexible spending accounts, life insurance, 401K, stock options, etc.)	2 pt	2

Type of Jobs

☒	Jobs are Primary Jobs as defined in the Dev. Corp. Act, *as amended*	2 pt	2

Industry Cluster

☒	Business is a targeted industry cluster as listed on page 10	2 pt	2

Total Private Effort Score (max. 35 pts.) 33

Baker Hughes Oilfield Operations, Inc.

XXX. CERTIFICATION OF APPLICATION

Governing Body Liaison

Prefix _____ First Name _____ Last Name _____

Title _____

Organization Baker Hughes Oilfield Operations, Inc.

Street Address _____

Mailing Address _____

City _____ State TX Zip _____ - _____

Phone Number _____ Fax Number _____

Email Address _____

Community Website _____

To the best of my knowledge and belief, the information contained in this Enterprise Project Application is true and correct and I have read the Texas Enterprise Zone Act and the Enterprise Zone Program Rules and am familiar with the provisions contained therein, as evidenced by my signature below.

Signature _____ Date _____
(Governing Body Liaison)

Printed Name _____ Title _____

GIVEN under my hand and seal of office this _____ day of _____, _____

_____
Notary Public, State of Texas

(Notary Seal)

My commission expires _____

Baker Hughes Oilfield Operations, Inc.

XXXIa. QUALIFIED BUSINESS CERTIFICATION AND AGREEMENT

The nominated Enterprise Project hereby certifies and agrees that it:

1. is located in, or has committed to locate in City of Tomball, Texas, in Harris County, Texas; and
2. will maintain separate payroll and tax records of the business activity conducted at the qualified business site, or other information as required by local and state government units; and
3. commits to participate in local efforts to achieve development and revitalization of the area; and
4. understands that before obtaining a state benefit, the qualified business must submit to the Comptroller a certified report of the actual number of jobs created and/or retained and the capital investment made; and
5. understands that to be a qualified business eligible for enterprise project designation, twenty-five percent (25%) of the new or additional employees hired must be residents of an enterprise zone or economically disadvantaged persons if the qualified business site is located in an enterprise zone, or thirty-five percent (35%) if the qualified business site is located outside of an enterprise zone; and
6. commits that 35 percent of its new employees will be residents of an enterprise zone or economically disadvantaged persons; and
7. understands that the project must maintain the level of employment and the jobs for which a refund has been received to the end of the designation period or for at least three (3) years from the date of refund of state sales and use taxes, whichever is later, or it may become liable for recapture of refunded taxes and interest by the Texas Comptroller of Public Accounts (Comptroller); and
8. will report to the Comptroller the status and effectiveness of the designation; and
9. certifies that the project, or a branch, division, or department of the business, does not and will not knowingly employ an undocumented worker; and
10. understands that the state sales and use tax refund is subject to approval by the Comptroller and the requirements of the Tax Code and applicable Administrative Rules – specifically Section 151.429 of the Tax Code and Title 34 Texas Administrative Code, Section 3.329. Construction contracts must be "separated" (i.e. contract in which the agreed contract price is divided into a separately stated agreed contract price for incorporated materials and a separately stated agreed contract price for skill and labor) and not "lump-sum" in order to claim a refund of state sales tax.

This certification and agreement is effective from the date of designation through the date of expiration as an enterprise project.

To the best information and belief, the information contained in this Enterprise Project Application is true and correct and I, as primary business representative, have read the Texas Enterprise Zone Program Act and the Enterprise Zone Program Rules and am familiar with the provisions contained therein as evidenced by my signature below.

Signed _____
(Primary Business Representative)

Printed Name George P. Bernhardt

Title Managing Counsel

Date _____

GIVEN under my hand and seal of office this _____ day of _____, _____

_____
Notary Public, State of

My commission expires _____
(Notary Seal)

Baker Hughes Oilfield Operations, Inc.

XXXIb. QUALIFIED BUSINESS CERTIFICATION AND AGREEMENT

The nominated Enterprise Project hereby certifies and agrees that it:

1. is located in, or has committed to locate in City of Tomball, Texas, in Harris County, Texas; and
2. will maintain separate payroll and tax records of the business activity conducted at the qualified business site, or other information as required by local and state government units; and
3. commits to participate in local efforts to achieve development and revitalization of the area; and
4. understands that before obtaining a state benefit, the qualified business must submit to the Comptroller a certified report of the actual number of jobs created and/or retained and the capital investment made; and
5. understands that to be a qualified business eligible for enterprise project designation, twenty-five percent (25%) of the new or additional employees hired must be residents of an enterprise zone or economically disadvantaged persons if the qualified business site is located in an enterprise zone, or thirty-five percent (35%) if the qualified business site is located outside of an enterprise zone; and
6. commits that 35 percent of its new employees will be residents of an enterprise zone or economically disadvantaged persons; and
7. understands that the project must maintain the level of employment and the jobs for which a refund has been received to the end of the designation period or for at least three (3) years from the date of refund of state sales and use taxes, whichever is later, or it may become liable for recapture of refunded taxes and interest by the Texas Comptroller of Public Accounts (Comptroller); and
8. will report to the Comptroller the status and effectiveness of the designation; and
9. certifies that the project, or a branch, division, or department of the business, does not and will not knowingly employ an undocumented worker; and
10. understands that the state sales and use tax refund is subject to approval by the Comptroller and the requirements of the Tax Code and applicable Administrative Rules – specifically Section 151.429 of the Tax Code and Title 34 Texas Administrative Code, Section 3.329. Construction contracts must be "separated" (i.e. contract in which the agreed contract price is divided into a separately stated agreed contract price for incorporated materials and a separately stated agreed contract price for skill and labor) and not "lump-sum" in order to claim a refund of state sales tax.

This certification and agreement is effective from the date of designation through the date of expiration as an enterprise project.

To the best information and belief, the information contained in this Enterprise Project Application is true and correct and I, as the local business liaison, have read the Texas Enterprise Zone Program Act and the Enterprise Zone Program Rules and am familiar with the provisions contained therein as evidenced by my signature below.

Signed _____
(Local Business Representative)

Printed Name _____

Title _____

Date _____

GIVEN under my hand and seal of office this _____ day of _____, _____

_____
Notary Public, State of Texas

My commission expires _____
(Notary Seal)

Baker Hughes Oilfield Operations, Inc.

XXXII. PARTICIPATING CONSULTANT FORM

No Consultant Participating ☐

Complete the following information for each consultant involved with this project *(Attach copy of the Power of Attorney, if applicable – Tab 18)*

First Name Jesse D Last Name Broderick

Title Managing Member

Organization Sumit Credits, LLC

Street Address 30879 LA Hwy 16, Denham Springs, LA 70726

Mailing Address P.O. Box 910

City Watson State LA Zip 70786 -

Phone Number 225-664-2160 Fax Number 225-612-6606

Mobile Number 225-938-8301 Website www.sumitcredits.com

Email Address jbroderick@sumitcredits.com

☒ Application Preparer ☐ Other

Representing Baker Hughes Oilfield Operations, Inc.

Brief Description of Consultant's Role with Application Ensure that the application is complete with all information necessary to apply for the incentives.

I confirm that the above-named consultant has been retained to participate in this application process as outlined above.

Signature _____ Date _____
(Authorizing Participant)

Printed Name George P. Bernhardt Title Managing Counsel, RE

To the best of my knowledge and belief, the information contained in this Enterprise Project Application is true and correct.

Signature _____ Date _____
(Participating Consultant)

Printed Name Jesse D. Broderick Title Managing Partner

Baker Hughes Oilfield Operations, Inc.

City of Tomball

XXXIII. APPLICATION FEE MEMORANDUM (Enterprise Zone Program)

TO: Office of the Governor
Attn: Financial Services
Post Office Box 12878
Austin, Texas 78711

Subject: Submission of Texas Enterprise Zone Program Application Fee made payable to **Office of the Governor** for an Enterprise Project Application Submitted by City of Tomball on Behalf of Baker Hughes Oilfield Services, Inc. for the 06/01 Quarterly Application Round

Financial Services, please send this form along with a copy of the attached Non-Refundable Application Fee made payable to **Office of the Governor**, Interagency to the Economic Development and Tourism Division, Attn: Enterprise Zone Program Staff, Economic Development Bank for the 06/01 Enterprise Project Round submitted by City of Tomball on behalf of Baker Hughes Oilfield Services, Inc.

- ☒ $750 for an Enterprise Project
- ☐ $1,500 for a Double Jumbo Enterprise Project
- ☐ $2,250 for a Triple Jumbo Enterprise Project

If you have questions regarding this submission, please contact:

First Name Jesse Last Name Broderick

Title Managing Partner

Organization Sumit Credits, LLC

Street Address 30789 Highway 16, Suite D1, Denham Springs, LA 70726

Mailing Address PO Box 910

City Watson State LA Zip 70786 -

Phone Number (225) 664-2160 Fax Number (225) 612-6606

Email Address jbroderick@sumitcredits.com

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 6, 2013

Topic:

Appoint/Reappoint Members to the Tomball Economic Development Corporation Board for Terms Expiring May 31, 2013

Background:

The terms for the following TEDC board members expire May 31, 2013:

Gretchen Fagan
Steven Vaughan
Chad Degges.

Mr. Degges was appointed June 2012 to fill the vacant position left by Brad Hallmark; this reappointment would be to his first full term. Mr. Vaughan was appointed in 2003 and again in 2007; this would be his fourth consecutive term. The Mayor was appointed as the City's representative in 2005.

The City may appoint up to four Council members to the TEDC board; currently, only the mayor serves on the TEDC board and the rest of Council are ex-officio members. In addition to the above board members, the following individuals have expressed an interest in serving on the TEDC board:

Michele Beauvais (currently serving on the P&Z)
Mary Harvey (currently serving on the TAC)
William Harris
Rocky LeAnn Pilgrim (currently an alternate on the BOA)
Christine Roquemore (currently an alternate on the BOA)
Darrell Roquemore (currently serving on the P&Z))
Barbara Tague (currently serving on the P&Z)
Evelyn Torres (currently serving on the P&Z)
Jarmon Wolfe (currently an alternate on the BOA).

I would like to recommend that Steven Vaughan, Chad Degges, and myself be reappointed. Nominations will also be accepted at the Council meeting.

Copies of applications from those interested in serving on the TEDC board are attached for your consideration. Also provided is the attendance history of the board members for 2011-2013.

Origination:

Mayor

Recommendation:

Recommend the reappointment of Steven Vaughan, Chad Degges, and Gretchen Fagan.

Funding:

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

ACTION TAKEN

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

ATTACHMENTS:

Attendance History
Chad Degges
Steven Vaughan Application
Michele Beauvais Application
Mary Harvey Application
William Harris Application
Rocky Pilgrim Application
Christine Roquemore Application
Darrell Roquemore Application
Barbara Tague Application
Evelyn Torres Application
Jarmon Wolfe Application

Tomball Economic Development Corporation
Board of Directors Attendance History

1. **February 22, 2011**
   Gretchen Fagan - Present
   Steven Vaughan - Absent
   Richard Bruce - Present
   Gary Smith - Absent
   Bill Sumner – Present
   Vince O'Donnell – Absent (Excused)
   James Geer – Present

2. **March 4, 2011 - Special**
   Gretchen Fagan - Present
   Steven Vaughan - Present
   Richard Bruce - Present
   Gary Smith - Present
   Bill Sumner – Present
   Vince O'Donnell – Absent (Excused)
   James Geer – Present

3. **March 17, 2011 - Special**
   Gretchen Fagan - Present
   Steven Vaughan - Absent
   Richard Bruce - Present
   Gary Smith - Present
   Bill Sumner – Present
   Vince O'Donnell – Absent (Excused)
   James Geer – Absent

4. **May 3, 2011 - Special**
   Gretchen Fagan - Present
   Steven Vaughan - Present
   Richard Bruce - Present
   Gary Smith - Present
   Bill Sumner – Present
   Vince O'Donnell – Absent (Excused)
   James Geer – Present

5. **May 24, 2011**
   Gretchen Fagan - Present
   Steven Vaughan - Present
   Richard Bruce - Present
   Gary Smith - Absent
   Bill Sumner – Absent
   Vince O'Donnell – Absent (Excused)
   Brad Hallmark – Present

6. July 18, 2011 - Special

Gretchen Fagan - Present
Steven Vaughan - Absent
Richard Bruce - Present
Gary Smith - Present
Bill Sumner – Absent
Vince O'Donnell – Absent (Excused)
Brad Hallmark – Present

7. August 23, 2011

Gretchen Fagan - Present
Steven Vaughan - Present
Richard Bruce - Present
Gary Smith - Present
Bill Sumner – Present
Vince O'Donnell – Absent (Excused)
Brad Hallmark – Absent

8. October 18, 2011 - Special

Gretchen Fagan - Present
Steven Vaughan - Present
Richard Bruce - Present
Gary Smith - Present
Bill Sumner – Present
Vince O'Donnell – Present
Brad Hallmark – Present

9. November 15, 2011

Gretchen Fagan - Present
Steven Vaughan - Present
Richard Bruce - Present
Gary Smith - Present
Bill Sumner – Present
Vince O'Donnell – Present
Brad Hallmark – Absent

10. February 21, 2012

Gretchen Fagan - Present
Steven Vaughan - Present
Richard Bruce - Present
Lori Klein Quinn - Present
Bill Sumner – Present
Vince O'Donnell – Present
Brad Hallmark – Present

11. May 14, 2012 – Special Joint Meeting with City Council

Gretchen Fagan - Present
Steven Vaughan - Present
Richard Bruce - Absent
Lori Klein Quinn - Present
Bill Sumner – Present
Vince O'Donnell – Present
Brad Hallmark – Absent

12. May 22, 2012

Gretchen Fagan - Present
Steven Vaughan - Present
Richard Bruce - Present
Gary Smith - Present
Bill Sumner – Present
Vince O'Donnell – Present
Brad Hallmark – Present

13. July 2, 2013 (with Council)

Gretchen Fagan - Present
Steven Vaughan - Present
Richard Bruce - Present
Chad Degges - Present
Bill Sumner – Present
Vince O'Donnell – Absent - Excused
Lori Klein Quinn – Present

14. July 16, 2012 (with Council – no quorum)

Gretchen Fagan - Present
Steven Vaughan – Absent - Excused
Richard Bruce – Absent - Excused
Chad Degges - Present
Bill Sumner – Present
Vince O'Donnell – Absent - Excused
Lori Klein Quinn – Absent - Excused

15. August 6, 2012 (with Council)

Gretchen Fagan - Present
Steven Vaughan - Present
Richard Bruce - Present
Chad Degges - Present
Bill Sumner – Absent - Excused
Vince O'Donnell – Present
Lori Klein Quinn – Absent - Excused

16. August 21, 2012

Gretchen Fagan - Present
Steven Vaughan - Present

Richard Bruce - Present
Chad Degges - Present
Bill Sumner – Absent - Excused
Vince O'Donnell – Present
Lori Klein Quinn – Present

17. December 4, 2012
Gretchen Fagan - Present
Steven Vaughan - Absent - Excused
Richard Bruce - Present
Chad Degges - Present
Bill Sumner – Present
Vince O'Donnell – Present
Lori Klein Quinn – Present

18. December 17, 2012
Gretchen Fagan - Present
Steven Vaughan - Present
Richard Bruce - Present
Chad Degges - Present
Bill Sumner – Present
Vince O'Donnell – Present
Lori Klein Quinn – Present

19. January 21, 2013 (with Council)
Gretchen Fagan - Present
Steven Vaughan - Present
Richard Bruce - Present
Chad Degges - Present
Bill Sumner – Present
Vince O'Donnell – Present
Lori Klein Quinn – Present

CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2013 will expire in 2015.

Please Type of Print Clearly:

Date: 4/19/13

Name: Chad Degges

Phone:

Address:

Phone: 281-820-9002 (Home)

(Work)

City/State/Zip Tomball, TX 77377

Cell:

Email: cdegges@htstx.com

I have lived in Tomball 4 ½ years.

I am ___ am not ___ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: Sales Engineer at Heat Transfer Specialists
- VP Operations at HTS
- Managing Partner AW4 Properties
- Managing Partner of 5198 Zulu Inc

Professional and/or Community Activities: Tomball Little League Coach, Member Salem Lutheran, active in Boy Scout Troop 113 - Tomball

Additional Pertinent Information/References: Paul Bailey - IMG
713-622-1150

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions	Meeting Information
( ) Planning & Zoning Commission	Second Monday each month, 6 p.m.
( ) Board of Adjustments	To Be Announced; Evenings

Separate Legal Entities	Meeting Information
(✓) Tomball Economic Development Corporation	First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
( ) Tomball Hospital Board	Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees	Meeting Information
( ) Downtown Tomball Advisory Committee DTAC does not require Tomball residency	As called

****

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.

Chad Deggs
Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

Board Member Election on Disclosure

An appointed Board Member may choose whether or not to allow public access to the information in the custody of the City relating to the Board Member's home address, home telephone number, cellular and pager numbers (if not paid for by City), emergency contact information, personal email address, and information that reveals whether the person has family members.

Each Board Member shall state his/her choice in writing to the City Secretary's Office. If a Board Member elects not to allow public access to this information, the information is protected by Sections 552.024 and 552.117 of the Public Information Act and rulings of the Texas Attorney General. If a Board Member fails to report his/her choice, the information may be subject to public access.

If during the course of their term a Board Member wishes to close or open public access to the information, the individual may request in writing to the City Secretary's Office to close or open access as the case may be. A Board Member may request to close or open public access to the information by submitting a written request to the City Secretary's Office. Only the City Secretary's Office is allowed to disclose the information listed above.

(Please strike through any information that you do not wish to be made accessible to the public)

Please complete the information below and return
to the City Secretary's Office within fourteen days of receipt.

☐ I **DO** elect public access to my: (please indicate items you would like available, if any)

___ home address

___ home telephone number

___ personal email address

___ cell or pager numbers not paid for by the City

___ emergency contact information

___ information that reveals whether I have family members.

☑ I **DO NOT** elect public access to my home address, home telephone number, cell or pager numbers, emergency contact information, or any information that reveals whether I have family members.

Chad Degges
Board Member's Signature

4/19/13
Date

Chad Degges
Board Member's Printed Name

CITY OF TOMBALL

2009
APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. 2009 applications expire on December 31, 2009; a new application will be required in 2010.

Please Type of Print Clearly:

Date: April 3, 2009

Name: Steven L. Vaughan

Phone: _____ (Home)

Address: 13322 Wildwood

Phone: 281-413-4193 (Work)

Email: _____

I have lived in Tomball _18__ years. I am X___ am not ___ a U.S. Citizen

Occupation: Community Banking Consultant

Professional and/or Community Activities: _____

Banking and Finance and small business development

Additional Pertinent Information/References: member of organizing board of Tomball EDC

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions	Meeting Information
( ) Planning & Zoning Commission	Second Monday each month, 6 p.m.
( ) Board of Adjustments	To Be Announced; Evenings

Separate Legal Entities	Meeting Information
(X) Tomball Economic Development Corporation	First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
( ) Tomball Hospital Board	Fourth Wednesday each month, 4 p.m.

****

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.

Steven L. Vaughan

Digitally signed by Steven L. Vaughan
DN: cn=Steven L. Vaughan, c=US, email=svaughanster@gmail.com
Reason: I attest to the accuracy and integrity of this document
Date: 2009.04.03 10:48:24 -05'00'

Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2011 will expire in 2013.

Please Type of Print Clearly:

Date: 3/20/2011

Name: Michele Beauvais

Phone:

Address: 29502 Imperial Creek Dr.

Phone: 281-831-3332 (Home)

City/State/Zip Tomball, TX. 77377

(Work)

Cell:

Email:

I have lived in Tomball 4.5 years. I am ✓ am not ___ a U.S. Citizen

Occupation: Co owner of American Communications Construction, Interior Designer

Professional and/or Community Activities: Habitat for Humanity, A.A.R.S T.A.I.D

Additional Pertinent Information/References: Dana & Trevor Pugh, Ann Marie & Kwin McWillis, Laurel & Mark Norris,

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions	Meeting Information
(✓) Planning & Zoning Commission	Second Monday each month, 6 p.m.
(✓) Board of Adjustments	To Be Announced; Evenings
Separate Legal Entities	Meeting Information
(✓) Tomball Economic Development Corporation	First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
(✓) Tomball Hospital Board	Fourth Wednesday each month, 4 p.m.
Ad Hoc/Advisory Committees	
(✓) Downtown Tomball Advisory Committee	Meeting Information As called

****

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.

Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2011 will expire in 2013.

Please Type or Print Clearly:

Date: 2/15/11

Name: MARY HARVEY

Phone: _____

Address: 405 S. WALNUT

Phone: 2813518903 (Home)

City/State/Zip Tomball TX 77375

(Work)

Cell: _____

Email: GRANNYSKORNERTOMBALL@hotmail.com

I have lived in Tomball 15 years. I am ✓ am not ___ a U.S. Citizen

Occupation: OWN ANTIQUE BUSINESS

Professional and/or Community Activities: Chamber

Additional Pertinent Information/References: _____

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions	Meeting Information
( ) Planning & Zoning Commission	Second Monday each month, 6 p.m.
( ) Board of Adjustments	To Be Announced; Evenings

Separate Legal Entities	Meeting Information
( ) Tomball Economic Development Corporation	First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
( ) Tomball Hospital Board	Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees	Meeting Information
(/) Downtown Tomball Advisory Committee	As called

****

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.

Mary Harvey

Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2011 will expire in 2013.

Please Type of Print Clearly:

Date: 02 MAY 2011

Name: William A. Harris

Phone: _____ (Home)

Address: _____

Phone: _____ (Work)

City/State/Zip Tomball, TX 77375

Cell: _____

Email: _____

I have lived in Tomball 6 years.
NOTE: DTAC Board does not require Tomball residency

I am x ~~am not~~ a U.S. Citizen

Occupation: Private Security

Professional and/or Community Activities: AWANA Leader at Graceview Baptist Church
Architectural Control Committee member for Country Meadows HOA
Cubmaster (leader) Cubscout Pack - Boy Scouts of America

Additional Pertinent Information/References: _____

References available upon request.

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions	Meeting Information
(1) Planning & Zoning Commission	Second Monday each month, 6 p.m.
(3) Board of Adjustments	To Be Announced; Evenings

Separate Legal Entities	Meeting Information
(2) Tomball Economic Development Corporation	First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
(4) Tomball Hospital Board	Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees	
(5) Downtown Tomball Advisory Committee	Meeting Information
DTAC does not require Tomball residency	As called

****

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.

William A Harris

Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2011 will expire in 2013.

Please Type of Print Clearly:

Date: 06 May 12

Name: Rocky LeAnn Pilgrim

Phone: n/a

Address:

Phone: 281-516-7054 (Home)

City/State/Zip Tomball, TX 77375

(Work)

Cell:

Email:

I have lived in Tomball 7 years.
NOTE: DTAC Board does not require Tomball residency

I am x ~~am not~~ a U.S. Citizen

Occupation: Attorney

Professional and/or Community Activities: Active volunteer with Houston Volunteer Lawyers Program; volunteer at SIRE in Hockley (therapeutic riding program for disabled children and adults); adjunct professor for UHD criminal justice program

Additional Pertinent Information/References: Vitae attached.

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions	Meeting Information
(1) Planning & Zoning Commission	Second Monday each month, 6 p.m.
(4) Board of Adjustments	To Be Announced; Evenings

Separate Legal Entities	Meeting Information
(3) Tomball Economic Development Corporation	First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
( ) Tomball Hospital Board	Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees	Meeting Information
(2) Downtown Tomball Advisory Committee	As called
DTAC does not require Tomball residency	

****

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.

Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

ROCKY LEANN PILGRIM

P.O. BOX 1352
TOMBALL, TEXAS 77377

rocky@pilgrimlaw.com
281.516.7054

VITAE

ADMISSIONS AND CERTIFICATIONS:

State Bar of Texas — November 2003

United States District Court – Southern District of Texas — October 2004

EDUCATIONAL BACKGROUND:

Boston College Law School — *Newton, MA*
Juris Doctor — Aug. 2000 - May 2003

University of Texas – Pan American — *Edinburg, TX*
Bachelor of Arts, cum laude (Philosophy, English, Pol. Science) — Sept. 1995 - Aug. 1999

Mediation Training (A.A. White Dispute Resolution Center) — April 2007

PROFESSIONAL EXPERIENCE:

Pilgrim Law Office — *Tomball, TX*
Solo Practitioner *(including family law, estate planning, probate, business law)* — Nov. 2003 - present

University of Houston – Downtown — *Houston, TX*
Adjunct Professor (legal courses in criminal justice dept.) — Jan. 2004 - present

PROFESSIONAL ASSOCIATIONS/ACTIVITIES:

Texas Bar Association

Texas State Bar College

State Bar of Texas Pro Bono College

Phi Kappa Phi (honor society)

Gamma Beta Phi (honor/service society)

Houston Volunteer Lawyers Association (Equal Access Champion as volunteer lawyer)

PUBLICATIONS:

Jon Sorensen & Rocky Pilgrim, DEATH BY LETHAL INJECTION: CAPITAL PUNISHMENT IN TEXAS DURING THE MODERN ERA (University of Texas Press) (*2006*).

Jon Sorensen & Rocky Pilgrim, *Institutional Affiliation of Authors in the Top Criminal Justice Journals, 1995 – 1999*, 30 J. CRIM. JUSTICE 11 (2002).

Jon Sorensen, Don Wallace & Rocky Pilgrim, *Empirical Studies on Race and Death-Sentencing: A Decade After the GAO Report*, 37 CRIM. LAW BULLETIN 395 (2001).

Jon Sorensen & Rocky Pilgrim, *An Actuarial Risk Assessment of Violence Posed by Capital Murder Defendants*, 90 J. CRIM. LAW & CRIM. 1251 (2000).

PRESENTATIONS:

Essentials of Estate Planning and Probate. Presentation for the Asian Pacific Interest Section of the State Bar of Texas Annual Retreat 2012, Austin.

Measuring Capriciousness in Capital Punishment Systems, with J. Sorensen. Paper presented at SWACJ 2004, Houston.

What We Know about Capital Punishment: How Recent Empirical Evidence from Texas Challenges Criminological Wisdom, with J. Sorensen. Paper presented at ASC 2003, Denver.

Identifying Death Penalty Cases that Represent the "Worst of the Worst", with J. Sorensen. Paper presented at ACJS 2003, Boston.

How Jurors Think About "Dangerousness", with J. Sorensen. Paper presented at the conference, "The Law and Politics and the Death Penalty: Abolition, Moratorium or Reform?," sponsored by the Wayne Morse Center for Law and Politics, University of Oregon, Eugene, March 2002.

Predicting Prison Violence: A Comparison of Logistic Regression-Based and Proportional Hazard Models, with J. Sorensen. Paper presented at ACJS 2000, New Orleans.

Jury Deliberations Relating to Future Dangerousness, with J. Sorensen. Paper presented at ASC 1999, Toronto.

Assessing the Risk of Future Dangerousness Posed by Capital Defendants, with J. Sorensen. Paper presented at ACJS 1999, Orlando.

CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2011 will expire in 2013.

Please Type of Print Clearly:

Date: 5-9-2012

Name: Christine (Tina) Roquemore

Phone: _____ (Home)

Address: _____

Phone: _____ (Work)

City/State/Zip Tomball, Tx 77375

Cell: _____

Email: _____

I have lived in Tomball 9 years.

I am ✓ am not ___ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: I work part-time for the following businesses:
- Nonnie's Soda Fountain
- Ashelyan Manor
- Exquisite Reflections

Professional and/or Community Activities: Tomball Republican Women Club, Down Syndrome Assoc of Houston, Hidden Miracles Parent Network, Special Olympics of Texas.

Additional Pertinent Information/References: With a special needs daughter now in high school, my time to be involved has increased. My first choice for this time is to be more involved than just my attending City Council meetings.

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions	Meeting Information
(1) Planning & Zoning Commission	Second Monday each month, 6 p.m.
(2) Board of Adjustments	To Be Announced; Evenings

Separate Legal Entities	Meeting Information
(3) Tomball Economic Development Corporation	First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
( ) Tomball Hospital Board	Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees	Meeting Information
(4) Downtown Tomball Advisory Committee DTAC does not require Tomball residency	As called

****

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.

Christine Reguenos
Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2011 will expire in 2013.

Please Type of Print Clearly:

Date: MAY 10, 2012

Name: DARRELL E. ROQUEMORE

Phone:

Address:

Phone: 281.290.0856 (Home)

City/State/Zip TOMBALL, TX 77375

Cell: (Work)

Email:

I have lived in Tomball 9+ years.

I am X am not ___ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: MANAGER, COMPUTER BUSINESS SYSTEMS

Professional and/or Community Activities: ACTIVE MEMBER OF CIVIL AIR PATROL (US AIR FORCE AUXILIARY), SUNDAY SCHOOL TEACHER.

Additional Pertinent Information/References: MR & MRS DAVID TAGUE

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions	Meeting Information
(1) Planning & Zoning Commission	Second Monday each month, 6 p.m.
(2) Board of Adjustments	To Be Announced; Evenings

Separate Legal Entities	Meeting Information
(3) Tomball Economic Development Corporation	First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
( ) Tomball Hospital Board	Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees	Meeting Information
( ) Downtown Tomball Advisory Committee DTAC does not require Tomball residency	As called

****

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.

Darrell E. Ragsdale

Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2011 will expire in 2013.

Please Type of Print Clearly:

Date: May 16, 2012

Name: Barbara Tague

Phone:

Address: 503 Inwood St

Phone: — (Home)

City/State/Zip Tomball, Tx 77375

Cell: — (Work)

Email:

I have lived in Tomball 39 years.

I am Y am not ___ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: Retired

Professional and/or Community Activities: Planning & Zoning Commission, Tomball Area Local Emergency planning Committee - Sec/Treas, Board of Adjustments, Zoning Commission - Vice Chairman, Tomball CERT Program Manager/Coordinator - See attached

Additional Pertinent Information/References: See attached

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions	Meeting Information
(1) Planning & Zoning Commission	Second Monday each month, 6 p.m.
(2) Board of Adjustments	To Be Announced; Evenings

Separate Legal Entities	Meeting Information
(3) Tomball Economic Development Corporation	First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
(4) Tomball Hospital Board	Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees	Meeting Information
(4) Downtown Tomball Advisory Committee	As called
DTAC does not require Tomball residency	

****

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.

Barbara Jazzo

Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

BARBARA TAGUE

P.O. Box 20
Tomball, Texas
77377-0020
Home; 281-351-0904
Cell:

May 16, 2012

City of Tomball
401 Market Street
Tomball, Texas 77375

Attn: Honorable Mayor Gretchen Fagan
Mr. Rick Brown, City Council
Mr. Preston Dodson, City Council
Mr. Field Hudgens, City Council
Mr. Mark Stoll, City Council
Mr. Derek Townsend, City Council
Mr. George Shackelford, City Manager

Dear Mayor Fagan and City Council,

I would like to thank you for the opportunity to have served my first term on the Zoning and Planning Commission.
I would like to be considered for reappointment to the Planning and Zoning Commission so I can continue to serve the City of Tomball now and in the future.

My experience in serving on the Planning and Zoning Commission, Zoning Commission has given me the opportunity to understand the importance of the impact of the commission's decisions and recommendations on our community.

Through the Lone Star College Small Business Development affiliation with the Community Development Institute, I have completed 5 years in their program for my Professional Community Economic Development Certification. I have completed their basic 3 year course plus 2 years of Advanced Classes in Business Retention and Economic Investment, and Making Good Decisions on Incentives. I continue to do this so I can be aware of any new regulations and changes in government that could affect Tomball.

I would like to continue to serve the city with my experience on the Planning and Zoning Commissions and the PCED Certification classes and as a resident of Tomball.

Sincerely,

Barbara Tague

Barbara Tague

Cc. file

Barbara Tague
P O Box 20
Tomball, Texas 77377-0020

Home: 281-351-0904
Cell:
Email:

EXPERIENCE – PROFESSIONAL AND COMMUNITY

Harris County Citizen Corps, under the Office of the Harris County Office of Homeland Security and Emergency Management 2008

Administrative Assistant

- Administrative Assistant for the Harris County CERT (Community Emergency Response Team) Program, Division of the Harris County Citizen Corps.

Downtown Tomball Association

2002 - Present

President

- President and founding charter member
- Incorporated the organization as a 501 (6) C
- Served as secretary, Vice president and President
- Increased membership 50%
- Developed relationship with City of Tomball, Greater Tomball Chamber of Commerce
- Monthly column for the HCN – Tomball/Magnolia Potpourri newspaper for the DTA

Tomball Cert Coordinator **2006 – Present**

- Responsible for Tomball CERT program
- Promote CERT program throughout the community
- Represent CERT and DTA on TALEPC
- Assisted at Transtar during Hurricane Gustav and Ike
- Volunteer Coordinator for Tomball PODs – Hurricane IKE
- EOC Liaison for Tomball CERT program
- Member of Tomball Fire Corp – Tomball Fire Academy Alumni
- Coordinate CERT monthly training and meetings
- Harris County CERT Rodeo 2009 Committee - Administration and Finance Chair
- Harris County CERT Rodeo 2010 Committee Chairman

Tomball Area Local Emergency Planning Committee **2006 – Present**

- Secretary/Treasurer
- Administrative and financial duties
- Keep records of committee
- Record and distribute minutes
- Keep records of committee members
- Maintain bank account and financial records
- Liaison with Tomball CERT program and Fire Corp

City of Tomball Planning and Zoning Commission **June 2010 - Present**

President

- President and founding member
- Served as Treasurer, Vice president, Membership, and President
- Developed strategic plan for CVB
- Responsible for incorporation, constitution and bylaws.
- Design booths for tourism expos, business expo and travel shows

City of Tomball Board of Adjustments – Alternate No. 2 2009 – June, 2010

Appointed in March 2009

City of Tomball Zoning Commission 2006- 2008

Vice Chairman

- Developed City of Tomball Zoning Ordinances with Consultants, Sefko and Dunkin
- Designed Zoning Map and districts
- Chaired public hearings
- Spoke at organization meetings as representative of Zoning Commission

City of Tomball Centennial Commission 2004 – 2009

2nd Vice president

- Incorporated the commission as a 501 (6) C, oversaw trademarking of Centennial logo and licensing agreements
- Chairman – Publicity Committee
- Chairman – Grounds/Operations -Tomball Heartbeat Festival – 3 day festival with 20,000 in attendence.

Great Northwest Houston Convention and Visitors Bureau **2004-present**

President

- President and founding member
- Served as Treasurer, Vice president, Membership, and President
- Developed strategic plan for CVB
- Responsible for incorporation, constitution and bylaws.
- Design booths for tourism expos, business expo and travel shows

Tomball Independent School District Facility Study Finance Sub Committee 2006

- Member of Finance Sub Committee worked with TISD CFO.
- Tasked with the development of a plan for financing facilities for student and program growth for TISD
- Focus on TISD fiscal condition and future stability in the business environment.
- Recommendations were based on a consensus of the findings and conclusions regarding additional debt issuance.
- Developed various scenarios on varied amounts of bond issuances from $64M to $150M
- Recommended tax rate with M & O, I & S breakdown

Red Awning Antiques/ HADL Enterprises 1996 – 2006

- Owner of 15 dealer antique co-op
- Responsible for all aspects of business from payroll to merchandising
- Bought and sold estates

Patriot Kennels 1981 – Present

- Handled and show dogs throughout the United States, both as a breeder/owner and as a professional handler.

Barbara A. Tague, Pet Stylist 1988 - 2002

- Affiliated with Tomball Veterinary Clinic
- Retired with 2000 clients
- Specialized in geriatric, difficult and large animals,
- Member of IPGA and IPGA - Texas State Representative, Proctor for certification of Master Groomers, taught IPGA seminars

PROFESSIONAL/ COMMUNITY ACTIVITIES

Harris County Republican Party Precinct 529 Chairman **Elected 2008, 2010, 2012**
Candidate

- Harris County Republican Party Finance Committee – Roots Program Sub-Committee Chair, Chairman of the Small Donor Program
- Texas Federation of Republican Women – 2009 State Convention Logistics Chairman
- Texas Federation of Republican Women – 2010 – 2013 Board of Directors
    - *Special Committee Chairman* – 2011-2013 State Convention Coordinator
    - 2013 Convention Site Selection Committee Member
    - 2015 Convention Site Selection Committee Co-Chairman
- Tomball Republican Women – Founder and President 2010-present
- Greater Houston Council of Federated RW – 3rd Vice president/ Special Events 2009, 2010, Newsletter Editor-2012
- Tomball Pachyderm Club – Board of Directors2006 – 2012 , Vice president 2010 -2012
- Delegate Precinct Convention 2008,2010
- Attended Senatorial District 7 Convention – 2008, 2010,2012
- Delegate to Republican State Convention - 2008, 2010, 2012
- Tomball Liaison to Ted Cruz for Attorney General Campaign, 2010-2012
- Tomball Liaison for Congressman McCaul Campaign, 2008,2010,2012

- Greater Tomball Chamber of Commerce – Government and Legislative Committee –
    - State and Federal legislative sub- committee chairman
- Greater Tomball Chamber of Commerce – Mobility and Transportation Committee
- Greater Tomball Chamber of Commerce – Miss Tomball Pageant Committee, Chairman's Ball Committee, Tomball Night Committee
- 249 Partnership
- Tomball Area Development Group

- Tomball Local Emergency Planning Committee – Secretary/Treasurer
- Tomball CERT (Community Emergency Response Team) Coordinator
- Harris County CERT Rodeo 2009 Administrative/ Finance Chairman
- Harris County CERT Rodeo 2010 Chairman
- Tomball Fire Academy Alumni, Class I – 2008 – Fire Corps member
- Hurricane IKE – Supervised PODS and coordinated over 300 volunteers for and with Tomball Fire Department at the Tomball PODs for Tomball Local Emergency Planning Committee, Harris County OEM, FEMA and State Representative Debbie Riddle. Also Tomball Community Volunteer Clean Up Program. Supervised the CERT response teams during Hurricane IKE.
- Mission Tomball – volunteer
- Tri County Fires - Coordinated the volunteers for the Tri County Fire Donation Site – Tomball Fire Dept.

PROFESSIONAL MEMBERSHIPS

- Texas Federated Republican Women – Patron 2009-2010
- National Association of Republican Women
- Texas Festival and Events Association
- Texas Tourism Industry Association
- American Spaniel Club
- Texas Downtown Association
- Great Northwest Houston Convention and Visitors Bureau
- Greater Tomball Area Chamber of Commerce
- CYFair Houston Chamber of Commerce
- Leadership North Houston Alumni
- BREI Association (Business Retention, Economic and Investment Assn)

CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2012 will expire in 2014.

Please Type of Print Clearly:

Date: May 18, 2012

Name: Evelyn Torres - Chervenak

Phone: _____ (Home)

Address: 111 McPhail

Phone: _____ (Work)

City/State/Zip Tomball Tx 77375

Cell: _____

Email: _____

I have lived in Tomball 5 years.

I am ✓ am not ___ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: Accountant

Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

_____

_____

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions	Meeting Information
(X) Planning & Zoning Commission	Second Monday each month, 6 p.m.
( ) Board of Adjustments	To Be Announced; Evenings
Separate Legal Entities	Meeting Information
(X) Tomball Economic Development Corporation	First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
(X) Tomball Hospital Board	Fourth Wednesday each month, 4 p.m.
Ad Hoc/Advisory Committees	Meeting Information
( ) Downtown Tomball Advisory Committee	As called
DTAC does not require Tomball residency	

****

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.

Evelyn T. Chevenock

Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2011 will expire in 2013.

Please Type of Print Clearly:

Date: 1/24/12

Name: Jarmon Wolfe

Phone:

Address: 504 Kane

Phone: 832-868-6069 (Home)

City/State/Zip Tomball, TX 77375

(Work)

Cell:

Email:

I have lived in Tomball 11 years. I am X am not ___ a U.S. Citizen

Occupation: Currently Unemployed

Professional and/or Community Activities: DTAC

Additional Pertinent Information/References:

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions	Meeting Information
1 (X) Planning & Zoning Commission	Second Monday each month, 6 p.m.
2 (X) Board of Adjustments	To Be Announced; Evenings

Separate Legal Entities	Meeting Information
(3) Tomball Economic Development Corporation	First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
(4) Tomball Hospital Board	Fourth Wednesday each month, 4 p.m.

****

Tourism Board as resident

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.

J. C. Wolf

Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 6, 2013

Topic:

Appoint Member to the Planning and Zoning Commission for Term Expiring June 1, 2013

Background:

The term for Lori Wallace, Planning and Zoning Commission member, will expire June 1, 2013.

Ms. Wallace has advised us that she does not wish to be reappointed. The following individuals (shown in alphabetical order) have expressed an interest in serving on the Planning and Zoning Commission and are not currently serving on another City board:

William Harris
Rocky LeAnn Pilgrim (currently an alternate on the BOA)
Christine Roquemore (currently an alternate on the BOA)
Mark Walicki.

Mayor Fagan recommends the appointment of Mark Walicki; nominations may also be made during the Council meeting.

Copies of applications from those interested in serving on the P&Z Commission are attached for your consideration.

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	☐ 1ST ☐ 2ND	

ATTACHMENTS:

Michele Beauvais Application

William Harris Application
Rocky Pilgrim Application
Christine Roquemore Application
Mark G. Walicki

CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2011 will expire in 2013.

Please Type of Print Clearly:

Date: 3/20/2011

Name: Michele Beauvais

Phone:

Address: 29502 Imperial Creek Dr.

Phone: 281-831-3332 (Home)

City/State/Zip Tomball, TX. 77377

(Work)

Cell:

Email:

I have lived in Tomball 4.5 years. I am ✓ am not ___ a U.S. Citizen

Occupation: Co owner of American Communications Construction, Interior Designer

Professional and/or Community Activities: Habitat for Humanity, A.A.R.S T.A.I.D

Additional Pertinent Information/References: Dana & Trevor Pugh, Ann Marie & Kwin McWillis, Laurel & Mark Norris,

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions	Meeting Information
(✓) Planning & Zoning Commission	Second Monday each month, 6 p.m.
(✓) Board of Adjustments	To Be Announced; Evenings
Separate Legal Entities	Meeting Information
(✓) Tomball Economic Development Corporation	First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
(✓) Tomball Hospital Board	Fourth Wednesday each month, 4 p.m.
Ad Hoc/Advisory Committees	
(✓) Downtown Tomball Advisory Committee	Meeting Information As called

****

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.

Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2011 will expire in 2013.

Please Type of Print Clearly:

Date: 02 MAY 2011

Name: William A. Harris

Phone: _____ (Home)

Address: _____

Phone: _____ (Work)

City/State/Zip Tomball, TX 77375

Cell: _____

Email: _____

I have lived in Tomball 6 years.
NOTE: DTAC Board does not require Tomball residency

I am x ~~am not~~ a U.S. Citizen

Occupation: Private Security

Professional and/or Community Activities: AWANA Leader at Graceview Baptist Church
Architectural Control Committee member for Country Meadows HOA
Cubmaster (leader) Cubscout Pack - Boy Scouts of America

Additional Pertinent Information/References: _____

References available upon request.

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions	Meeting Information
(1) Planning & Zoning Commission	Second Monday each month, 6 p.m.
(3) Board of Adjustments	To Be Announced; Evenings

Separate Legal Entities	Meeting Information
(2) Tomball Economic Development Corporation	First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
(4) Tomball Hospital Board	Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees	
(5) Downtown Tomball Advisory Committee	Meeting Information
DTAC does not require Tomball residency	As called

****

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.

William A Harris

Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2011 will expire in 2013.

Please Type of Print Clearly:

Date: 06 May 12

Name: Rocky LeAnn Pilgrim

Phone: n/a

Address:

Phone: 281-516-7054 (Home)

City/State/Zip Tomball, TX 77375

(Work)

Cell:

Email:

I have lived in Tomball 7 years.
NOTE: DTAC Board does not require Tomball residency

I am x ~~am not~~ a U.S. Citizen

Occupation: Attorney

Professional and/or Community Activities: Active volunteer with Houston Volunteer Lawyers Program; volunteer at SIRE in Hockley (therapeutic riding program for disabled children and adults); adjunct professor for UHD criminal justice program

Additional Pertinent Information/References: Vitae attached.

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions	Meeting Information
(1) Planning & Zoning Commission	Second Monday each month, 6 p.m.
(4) Board of Adjustments	To Be Announced; Evenings

Separate Legal Entities	Meeting Information
(3) Tomball Economic Development Corporation	First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
( ) Tomball Hospital Board	Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees	Meeting Information
(2) Downtown Tomball Advisory Committee	As called
DTAC does not require Tomball residency	

****

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.

Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

ROCKY LEANN PILGRIM

P.O. BOX 1352
TOMBALL, TEXAS 77377

rocky@pilgrimlaw.com
281.516.7054

VITAE

ADMISSIONS AND CERTIFICATIONS:

State Bar of Texas	November 2003
United States District Court – Southern District of Texas	October 2004

EDUCATIONAL BACKGROUND:

Boston College Law School *Juris Doctor*	*Newton, MA* Aug. 2000 - May 2003
University of Texas – Pan American *Bachelor of Arts, cum laude* (Philosophy, English, Pol. Science)	*Edinburg, TX* Sept. 1995 - Aug. 1999
Mediation Training (A.A. White Dispute Resolution Center)	April 2007

PROFESSIONAL EXPERIENCE:

Pilgrim Law Office *Solo Practitioner (including family law, estate planning, probate, business law)*	*Tomball, TX* Nov. 2003 - present
University of Houston – Downtown *Adjunct Professor* (legal courses in criminal justice dept.)	*Houston, TX* Jan. 2004 - present

PROFESSIONAL ASSOCIATIONS/ACTIVITIES:

Texas Bar Association

Texas State Bar College

State Bar of Texas Pro Bono College

Phi Kappa Phi (honor society)

Gamma Beta Phi (honor/service society)

Houston Volunteer Lawyers Association (Equal Access Champion as volunteer lawyer)

PUBLICATIONS:

Jon Sorensen & Rocky Pilgrim, DEATH BY LETHAL INJECTION: CAPITAL PUNISHMENT IN TEXAS DURING THE MODERN ERA (University of Texas Press) (*2006*).

Jon Sorensen & Rocky Pilgrim, *Institutional Affiliation of Authors in the Top Criminal Justice Journals, 1995 – 1999*, 30 J. CRIM. JUSTICE 11 (2002).

Jon Sorensen, Don Wallace & Rocky Pilgrim, *Empirical Studies on Race and Death-Sentencing: A Decade After the GAO Report*, 37 CRIM. LAW BULLETIN 395 (2001).

Jon Sorensen & Rocky Pilgrim, *An Actuarial Risk Assessment of Violence Posed by Capital Murder Defendants*, 90 J. CRIM. LAW & CRIM. 1251 (2000).

PRESENTATIONS:

Essentials of Estate Planning and Probate. Presentation for the Asian Pacific Interest Section of the State Bar of Texas Annual Retreat 2012, Austin.

Measuring Capriciousness in Capital Punishment Systems, with J. Sorensen. Paper presented at SWACJ 2004, Houston.

What We Know about Capital Punishment: How Recent Empirical Evidence from Texas Challenges Criminological Wisdom, with J. Sorensen. Paper presented at ASC 2003, Denver.

Identifying Death Penalty Cases that Represent the "Worst of the Worst", with J. Sorensen. Paper presented at ACJS 2003, Boston.

How Jurors Think About "Dangerousness", with J. Sorensen. Paper presented at the conference, "The Law and Politics and the Death Penalty: Abolition, Moratorium or Reform?," sponsored by the Wayne Morse Center for Law and Politics, University of Oregon, Eugene, March 2002.

Predicting Prison Violence: A Comparison of Logistic Regression-Based and Proportional Hazard Models, with J. Sorensen. Paper presented at ACJS 2000, New Orleans.

Jury Deliberations Relating to Future Dangerousness, with J. Sorensen. Paper presented at ASC 1999, Toronto.

Assessing the Risk of Future Dangerousness Posed by Capital Defendants, with J. Sorensen. Paper presented at ACJS 1999, Orlando.

CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2011 will expire in 2013.

Please Type of Print Clearly:

Date: 5-9-2012

Name: Christine (Tina) Roquemore

Phone: _____ (Home)

Address: _____

Phone: _____ (Work)

City/State/Zip Tomball, Tx 77375

Cell: _____

Email: _____

I have lived in Tomball 9 years.

I am ✓ am not ___ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: I work part-time for the following businesses:
- Nonnie's Soda Fountain
- Ashelynn Manor
- Exquisite Reflections

Professional and/or Community Activities: Tomball Republican Women Club, Down Syndrome Assoc of Houston, Hidden Miracles Parent Network, Special Olympics of Texas.

Additional Pertinent Information/References: With a special needs daughter now in high school, my time to be involved has increased. My first choice for this time is to be more involved than just my attending City Council meetings.

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions	Meeting Information
(1) Planning & Zoning Commission	Second Monday each month, 6 p.m.
(2) Board of Adjustments	To Be Announced; Evenings

Separate Legal Entities	Meeting Information
(3) Tomball Economic Development Corporation	First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
( ) Tomball Hospital Board	Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees	Meeting Information
(4) Downtown Tomball Advisory Committee DTAC does not require Tomball residency	As called

****

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.

Christine Reguenos
Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2013 will expire in 2015.

Please Type of Print Clearly:

Date: 4-30-13

Name: MARK G. WALICKI

Phone: _____ (Home)

Address: _____

Phone: N/A (Work)

City/State/Zip TOMBALL, TX, 77375

Cell: _____

Email: _____

I have lived in Tomball 15 years.

I am X am not ___ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: RETIRED SENIOR SPECIAL AGENT FOR THE DRUG ENFORCEMENT ADMINISTRATION 25 YEARS

Professional and/or Community Activities: LICENSED TEXAS REAL ESTATE AGENT

Additional Pertinent Information/References: _____

_____

_____

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions	Meeting Information
(X) Planning & Zoning Commission	Second Monday each month, 6 p.m.
( ) Board of Adjustments	To Be Announced; Evenings

Separate Legal Entities	Meeting Information
( ) Tomball Economic Development Corporation	First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
( ) Tomball Hospital Board	Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees	Meeting Information
( ) Downtown Tomball Advisory Committee DTAC does not require Tomball residency	As called

****

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.

Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

Board Member Election on Disclosure

An appointed Board Member may choose whether or not to allow public access to the information in the custody of the City relating to the Board Member's home address, home telephone number, cellular and pager numbers (if not paid for by City), emergency contact information, personal email address, and information that reveals whether the person has family members.

Each Board Member shall state his/her choice in writing to the City Secretary's Office. If a Board Member elects not to allow public access to this information, the information is protected by Sections 552.024 and 552.117 of the Public Information Act and rulings of the Texas Attorney General. If a Board Member fails to report his/her choice, the information may be subject to public access.

If during the course of their term a Board Member wishes to close or open public access to the information, the individual may request in writing to the City Secretary's Office to close or open access as the case may be. A Board Member may request to close or open public access to the information by submitting a written request to the City Secretary's Office. Only the City Secretary's Office is allowed to disclose the information listed above.

(Please strike through any information that you do not wish to be made accessible to the public)

Please complete the information below and return
to the City Secretary's Office within fourteen days of receipt.

☐ I **DO** elect public access to my: (please indicate items you would like available, if any)

___ home address

___ home telephone number

___ personal email address

___ cell or pager numbers not paid for by the City

___ emergency contact information

___ information that reveals whether I have family members.

☒ I **DO NOT** elect public access to my home address, home telephone number, cell or pager numbers, emergency contact information, or any information that reveals whether I have family members.

Mark Walicki
Board Member's Signature

4-30-13
Date

MARK G. WALICKI
Board Member's Printed Name

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 6, 2013

Topic:

Adopt Resolution No. 2013-18, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Sixth Annual Homecoming Parade and Pep Rally, to be held at the Tomball Depot, Sponsored by the Tomball Independent School District and the Tomball High School Student Council, on Wednesday, October 16, 2013

Background:

The Tomball High School Student Council requests Council's support for its Sixth Annual Homecoming Parade and Pep Rally, to be held on Wednesday, October 16, 2013 from 6:30 p.m. until 8:00 p.m.

Current plans, pending TxDOT approval, are that the parade will form at Tomball Intermediate School and proceed down Main Street (FM 2920) to the Depot at 201 South Elm, where the community-wide pep rally will begin at 7:00 p.m. and the entire event should conclude by 8:00 p.m.. Should TxDOT deny approval of the original route, an alternate route would be used to bring the parade down Malone and Market Streets to the Depot; however, approval from TxDOT has been granted the last four years and approval is expected.

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

Origination:

Tomball High School Student Council Officers and Mrs. Dio

Recommendation:

Approval of Resolution No. 2013-18

Funding:

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

City Secretary

ACTION TAKEN

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

ATTACHMENTS:

Resolution No. 2013-18
THS Request Letter

RESOLUTION NO. 2013-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, SUPPORTING THE SIXTH ANNUAL HOMECOMING PARADE AND PEP RALLY, TO BE HELD AT THE TOMBALL DEPOT, SPONSORED BY THE TOMBALL INDEPENDENT SCHOOL DISTRICT AND THE TOMBALL HIGH SCHOOL STUDENT COUNCIL, ON WEDNESDAY, OCTOBER 16, 2013.

* * * * * * * * *

WHEREAS the Tomball Independent School District and the Tomball High School Student Council will undertake the Sixth Annual Homecoming Parade and Pep Rally, to be held in the City of Tomball on Wednesday, October 16, 2013 from 6:30 p.m. until 8:00 p.m.; and

WHEREAS the parade will form at Tomball Intermediate School and proceed down Main Street (FM 2920) to the Depot; and

WHEREAS a community-wide pep rally that will include the Cougar Pride Band, Cougar Charms Drill Team, and Cheerleaders will be held at the Depot immediately following the parade, during which the Homecoming Court will be announced; and

WHEREAS the Tomball Independent School District and the TISD Student Council desire and request the support and endorsement of the City of Tomball, including use of the Depot, in this community-wide effort;

NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body endorses and supports the efforts of the Tomball Independent School District and the TISD Student Council in promoting and undertaking the Homecoming Parade and Pep Rally and pledge to encourage this effort.

PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 6TH DAY OF MAY, 2013.

_____
GRETCHEN FAGAN, Mayor

ATTEST:

_____
DORIS SPEER, City Secretary

April 11, 2013

Dear City Council,

The Tomball High School Student Council has requested to hold our 6th Annual Homecoming Parade and Community Pep-Rally on Wednesday, October 16, 2013. The parade would start at 6:30 PM in front of Tomball Intermediate School, proceeding down 2920 (Main Street) to the Historical Train Depot (approx. 7 PM). The parade will have floats and groups walking, including the Homecoming court along with various clubs and sports at Tomball High School. The community pep-rally would begin at 7 PM at the Train Depot, where we will use the stage to introduce the Homecoming Court. We feel the event will be ending no later than 8:00 PM. Thank you for helping us make this another outstanding homecoming to remember.

Sincerely,

Tomball High School
Student Council Officers & Mrs. Dio

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 6, 2013

Topic:

Approve Resolution No. 2013-19, a Resolution of the City Council of the City of Tomball Texas, Adopting the Maximum Ponding Depth of the 1% AEP Storm Map and the Maximum Ponding Depth 0.2% AEP Storm Map as Attached to this Resolution and Designating such Areas to be Flood-Prone Areas Pursuant to Section 38-6(b) of the Tomball Code of Ordinances

Background:

City Council adopted Ordinance No. 2010-16, Flood Damage Prevention, on October 4, 2010. In Section 38-6(b), "the City Engineer with approval of the City Council by resolution may designate by maps certain other areas to be flood-prone based on flood history or other characteristics that indicate a potential for future flooding events". As part of the Master Drainage Plan, Rydan & Associates, with their subconsultant AECOM, developed the Maximum Ponding Depth of the 1% and 0.2% AEP (Annual Exceedence Probability) Storm Maps for the City of Tomball and most of the ETJ. Attached in your packet are the 1% and 0.2% storm maps, Ordinance No. 2010-16, and the technical memo regarding the methodology used to determine the storm events.

Origination:

Engineering Division

Recommendation:

Engineering recommends approval of Resolution No. 2013-19

Funding:

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

Lori Lakatos, Engineering Division

ACTION TAKEN

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

ATTACHMENTS:

Resolution No. 2013-19
Ordinance 2010-16 - Flood Damage Prevention
Maximum Ponding Depth 1% AEP Storm Map
Maximum Ponding Depth 0.2% AEP Storm Map
Technical Memo

RESOLUTION NO. 2013-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL TEXAS ADOPTING THE MAXIMUM PONDING DEPTH 1% AEP STORM MAP AND THE MAXIMUM PONDING DEPTH 0.2% AEP STORM MAP AS ATTACHED TO THIS RESOLUTION AND DESIGNATING SUCH AREAS TO BE FLOOD-PRONE AREAS PURSUANT TO SECTION 38-6(b) OF THE TOMBALL CODE OF ORDINANCES.

* * * * *

WHEREAS, the City of Tomball has adopted Flood Damage Prevention regulations contained in Chapter 38 of the City of Tomball Code of Ordinances; and

WHEREAS, Section 38-6(b) of such regulations allows the City Council to designate certain areas to be flood-prone based on flood history or other characteristics that indicate a potential for future flooding events; and

WHEREAS, the City Council desires to designate those areas shown on the Maximum Ponding Depth 1% AEP Storm Map and the 0.2% Maximum Ponding Depth AEP Storm Map, attached hereto as Exhibits "A" and "B" respectively, as flood-prone areas; now, therefore,

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

Section 1. The facts recited in the preamble hereto are hereby found to be true and correct.

Section 2. Pursuant to the authority contained in Section 38-6(b) of the Code of Ordinances of the City of Tomball, Texas, the City Council hereby adopts the Maximum Ponding Depth 1% AEP Storm Map and the 0.2% Maximum Ponding Depth AEP Storm Map attached hereto as Exhibits "A" and "B" and incorporated herein as if set forth at length. The City Council further designates the areas depicted on Exhibits "A" and "B" to be flood-prone areas for purposes of Chapter 38 of the Code of Ordinances.

PASSED AND ADOPTED this ____ day of _____, 2013.

_____
Gretchen Fagan, Mayor

DRAFT

Attest:

_____
DORIS SPEER, City Secretary

DRAFT

ORDINANCE 2010-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 38. FLOOD DAMAGE PREVENTION BY PROVIDING FOR THE DESIGNATION OF ADDITIONAL FLOOD HAZARD AREAS, REQUIRING THE MITIGATION OF FILL IN FLOOD-PRONE AREAS, PROHIBITING NEW DEVELOPMENT IN THE FLOODWAY, ALTERING APELLATE PROCEDURES, AND MAKING OTHER RELATED CHANGES; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN $2,000 FOR VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SAVINGS AND SEVERABILITY; PROVIDING FOR PUBLICATION; AND MAKING OTHER PROVISIONS AND FINDINGS RELATED THERETO.

* * * * * * * * * *

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

SECTION 1. Chapter 38, Flood Damage Prevention, of the Code of Ordinances of the City of Tomball, Texas, is amended to read:

"Chapter 38

FLOOD DAMAGE PREVENTION
ARTICLE I. IN GENERAL

Sec. 38-1. Statutory authorization.

The Legislature of the State of Texas has in the Flood Control Insurance Act and Texas Water Code (including Section 16.315) delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City of Tomball, Texas, does ordain as follows:

Sec. 38-2. Findings of fact.

(a) The flood hazard areas of the City of Tomball, Texas are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(b) These flood losses are created by the cumulative effect of obstructions in floodplains, which increase flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, or otherwise protected from flood damage

Sec. 38-3. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(a) Protect human life and health;

(b) Minimize expenditure of public money for costly flood control projects;

(c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) Minimize prolonged business interruptions;

(e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

(f) Help maintain a stable tax base by providing for the sound use and development of the flood-prone area in such a manner as to minimize future flood blight areas;

(g) Ensure that potential buyers are notified that property is in a flood-prone area; and

(h) Ensure that those who occupy the flood-prone area assume responsibility for their actions.

Sec. 38-4. Methods of reducing flood losses.

In order to accomplish its purposes, this chapter uses the following methods:

(a) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;

(b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(d) Control filling, grading, dredging, and other development which may increase flood damage; and

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other lands.

Sec. 38-5. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted, to give them the meaning they have in common usage and to give this chapter it's most reasonable application.

Accessory structure - means a structure which is located on the same parcel of property as the principle structure, the use of which is incidental to the use of the principle structure, and which is not to be used for human habitation. Types of accessory structures include, but are not limited to, detached garages, boathouses, small pole barns and storage sheds.

Addition - means any alteration to an existing structure that increases its footprint.

Appeal - means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

Area of future conditions flood hazard - means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

Area of shallow flooding - means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

Area of special flood hazard – is the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base flood - means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) – The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the "base flood."

Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall - means open wood lattice, insect screening or any other suitable building material approved by the City Engineer which is not part of the structural support of the associated structure and which is intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the structure or damage to the structural integrity of the structure on which breakaway walls are used.

Construction site permit – means a permit issued to a developer by the city for site work and or construction of water, sanitary, or natural gas mains.

Conveyance – means the flow of water during the base flood with a velocity that is greater than one foot per second or a depth that is greater than one foot.

Crawlspace - is an enclosed area below the lowest floor of a building formed when the foundation walls are used to elevate the lowest floor above the base flood elevation.

Critical facilities - includes facilities that materially affect the public health and welfare. Such facilities include, but are not be limited to:

(1) Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood;

(2) Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood;

(3) Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during and after a flood; and

(4) Structures or facilities that produce, use, treat, store, or dispose of highly volatile, flammable, explosive, toxic, and/or water-reactive materials.

Critical feature - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development - means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, clearing, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. Fences or fence-type walls located within the floodplain are included within this definition.

Development permit - means a permit issued under the provisions of this chapter for any development of a site located within a flood-prone area. The term shall also include a permit for the placement of a recreational vehicle for more than 180 days in Zone AE.

Elevated building – means, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Elevation certificate - means a statement from an engineer or surveyor licensed by the State of Texas on the most current FEMA form certifying that the lowest floor of the structure has been elevated at least as high as required by this chapter.

Existing construction - means for the purposes of determining flood insurance rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the City of Tomball.

Expansion to an existing manufactured home park or subdivision -means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Fill - means any material that is placed in an area and increases the elevation of that area or displaces water volume.

Flood or flooding - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) the overflow of inland or tidal waters; and/or

(2) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood elevation study - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) – see *Flood elevation study*

Flood protection system - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood proofing – means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood proofing certificate – means a certificate issued by a registered professional engineer licensed in the State of Texas which states that he has developed and/or reviewed the structural design, specifications, and plans for the construction of the structure or improvements covered by the certificate and that the design and methods of construction are in accordance with accepted standards of practice for meeting the following requirements:

(1) The flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and

(2) Together with attendant utility and sanitary facilities, the structures are designed so that below the base flood level the structures are watertight with walls impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

Floodplain or flood-prone area - means any land area, including the special flood hazard area, susceptible to being inundated by water from any source (see definition of flooding).

Floodplain management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodway - see *Regulatory floodway*

Functionally dependent use - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure – means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior or

(b) Directly by the Secretary of the Interior in states without approved programs.

Levee - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter found at section 38-42(d).

Manufactured home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City of Tomball and includes any subsequent improvements to such structures.

New development- means the initial construction of a structure.

New manufactured home park or subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the City of Tomball.

Recreational vehicle - means a vehicle which is:

(1) built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projections;

(3) designed to be self-propelled or permanently towable by a light duty truck; and

(4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

Regulatory floodway -means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Repetitive loss - means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before damage occurred.

Special flood hazard area or special area – means the land in the floodplain within the city, that is subject to a one percent or greater chance of flooding in any given year and is designated on the FIRM as Zone AE.

Start of construction – (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a

manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure – means, for flood plain management purposes, a walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial damage - means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement - means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(1) Before "start of construction" of the improvement or repair; or

(2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term includes repetitive loss, as defined in this section; "substantial damage", regardless of the actual repair work performed, but does not include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a "historical structure" provided that the alteration will not preclude the structure's continued designation as a "historical structure".

Utilities - means all building utilities including, but not limited to, electrical, heating, ductwork, ventilating, plumbing, air conditioning equipment, and any other service facilities.

Variance - means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter. (See Sec. 38-30 of this chapter and Section 60.6 of the National Flood Insurance Program regulations.)

Violation - means the failure of a structure or other development to be fully compliant with the City of Tomball's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine area.

Sec. 38-6. General provisions.

(a) *Lands to which this chapter applies*. This chapter shall apply to all flood-prone areas within the jurisdiction of the City of Tomball, Texas.

(b) *Basis for establishing flood-prone areas.* The special flood hazard area identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study for Harris County, Texas," dated June 18, 2007, with accompanying Flood Insurance Rate Maps, dated June 18, 2007, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. In addition to the special flood hazard area, the City Engineer with approval of the City Council by resolution may designate by maps certain other areas to be flood-prone based on flood history or other characteristics that indicate a potential for future flooding events.

(c) *Compliance.* No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.

(d) *Penalties for noncompliance.* Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this chapter 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.

(e) *Abrogation and greater restrictions.* This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(f) *Interpretation.* In the interpretation and application of this chapter, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit or repeal any other powers granted under State statutes.

(g) *Warning and disclaimer of liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the flood-prone areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Tomball, any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

ARTICLE II. ADMINISTRATION.

Sec. 38-26. Establishment of development permit.

(a) *In general.* No building permit, development permit, construction site permit or other permit required for a structure or development shall be issued, and no plat shall be approved, unless the applicant demonstrates that the permit or plat meets the applicable requirements of this chapter, or unless a variance, excepting such structure or development from the provisions of this chapter, is granted under the terms of this chapter.

(b) *Development permit required.* A development permit shall be obtained before construction or development begins within any special flood hazard area established in section 38-6(b) or within any other flood-prone area designated by the City Engineer. The permit shall be for all structures including manufactured homes, as set forth in the “Definitions,” and for all

development including fill and other activities, also as set forth in the "Definitions."

(c) *Application for development permit.* Application for a development permit shall be made on forms furnished by the Department of Public Works and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) The existing topography and the location, dimensions, and elevation of any proposed alterations;

(2) Existing and proposed structures;

(3) The location of the proposed alterations in relation to special flood hazard areas;

(4) Elevation in relation to mean sea level, of the lowest floor (including basement) of all new and substantially improved structures;

(5) Elevation in relation to mean sea level to which any nonresidential structures will be or have been floodproofed.

(6) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 38-42(b);

(7) If the site is adjacent to a watercourse or drainage channel, the description of how that watercourse will be impacted as a result of proposed development;

(8) Base flood elevations from effective FIRM data for all structures and substantial improvements; and

(9) Each sheet in the plans on which elevations are marked shall include the vertical datum and adjustment, consistent with the effective FIRM, along with the FIRM benchmark and site benchmark used for vertical control.

(d) *Elevation certificate.* The permit applicant for development of a structure is required to provide the City Engineer with a signed FEMA elevation certificate at three stages during the application and construction process.

(1) When the permit application is submitted;

(2) Prior to forming/ pouring the lowest floor of the structure; and

(3) Prior to receiving the final inspection (photographs required on final certificate).

(e) *Engineering analyses*. Based on the nature of the proposed development, the City Engineer may require the permit applicant to submit one or more of the following studies:

(1) Fill Mitigation Analysis;

(2) Hydraulic Impact Analysis;

(3) Hydrologic Impact (Overland Flow Path & Ponding) Analysis; and or,

(4) Any other technical analysis deemed necessary by the City Engineer in order to protect the community from the impacts of potential flooding events.

Permit applicants are encouraged to discuss proposed development plans with the City Engineer prior to submitting an application in order to determine which analyses may be required to support the application. Technical analyses shall be certified by a professional engineer licensed in the State of Texas.

(f) *Permit approval or denial*. Approval or denial of a development permit by the City Engineer shall be based on all of the provisions of this chapter and the following relevant factors:

(1) The danger to life and property due to flooding or erosion damage;

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(3) The danger that materials may be swept onto other lands to the injury of others;

(4) The compatibility of the proposed use with existing and anticipated development;

(5) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(8) The necessity to the facility of a waterfront location, where applicable; and

(9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

Sec. 38-27. Designation of the Floodplain Administrator.

The City Engineer is hereby appointed Floodplain Administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (Emergency Management and Assistance – National Flood Insurance Program Regulations) pertaining to floodplain management by granting or denying development permit applications in accordance with its provisions.

Sec. 38-28. Duties and responsibilities of the Floodplain Administrator.

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:

(a) *Permit review.*

(1) Review all development permit applications to determine that the requirements of this chapter have been satisfied.

(2) Review all development permit applications to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(3) Review all development permit applications to determine if the proposed development is located in the regulatory floodway. If located in the regulatory floodway, assure that the encroachment provisions of section 38-44 are met.

(4) Review all development permit applications to ensure that the proposed building site projects, including the placement of manufactured homes, will be reasonably safe from flooding.

(b) *Use of other base flood data (in A Zones).* When base flood elevation data has not been provided in accordance with section38-6(b), **Basis for establishing flood-prone areas**, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer sections 38-42, **Specific standards**, and 38-44, **Floodways**.

(c) *Information to be obtained and maintained.*

(1) Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in section 38-28(b), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(2) For all new or substantially improved flood proofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in section 38-28(b):

(i) Verify and record the actual elevation (in relation to mean sea level), and

(ii) Maintain the flood proofing certifications required in section 38-26(c) (6).

(3) Maintain for public inspection all records pertaining to the provisions of this chapter.

(d) *Alteration of watercourses.*

(1) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(e) *Interpretation of FIRM boundaries.* Make interpretations where needed, as to exact location of the boundaries of the special flood hazard area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 38-30.

(f) *FIRM revision – encroachments*. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE and AH on a community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first completes all of the provisions required by Section 65.12.

Sec. 38-29. Plat approval; issuance.

(a) Any person who is required or elects to obtain a plat shall also comply with the provisions of this chapter, if applicable.

(b) When a person files an application for approval of a plat, the approval of the plat is subject to the approval of a drainage plan for the property that is the subject of the plat application if the property is located in whole or in part in a flood-prone area within the city. The drainage plan shall include the base flood elevation data for the property certified as true and correct on the face of the drainage plan by a registered professional engineer licensed in the State of Texas.

(c) The City Engineer shall review the drainage plan and determine whether the development will be reasonably safe from flooding and whether such proposed development is:

(1) Consistent with the need to minimize flood damage within the flood-prone area;

(2) To be constructed so that all public utility facilities including, but not limited to, sanitary sewer, gas, water and electrical systems are located and constructed so as to minimize flood damage from the base flood;

(3) To be constructed so that drainage is provided to reduce exposure of such development to flood hazards; and

(4) Would comply with the applicable requirements of Article III of this chapter.

(d) If the proposed development satisfies the criteria in subsection (c) of this section, the City Engineer shall approve the drainage plan and shall so notify the City Planning and Zoning Commission in writing.

(e) The City Planning and Zoning Commission shall not approve a final plat until the City Engineer has approved the drainage plan for that site.

Sec. 38-30. Variance procedures.

(a) *Appeal board.*

(1) The Appeal Board, as established by City Council, shall hear and decide appeals and requests for variances from the requirements of this chapter.

(2) The Appeal Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

(3) In passing upon such applications, the Appeal Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

(i) The danger that materials may be swept onto other lands to the injury of others;

(ii) The danger to life and property due to flooding or erosion damage;

(iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) The importance of the services provided by the proposed facility to the community;

(v) The necessity to the facility of a waterfront location, where applicable;

(vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(vii) The compatibility of the proposed use with existing and anticipated development;

(viii) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

(ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(x) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

(xi) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(4) Upon consideration of the factors of section 38-30(a)(3) and the purposes of this chapter, the Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(5) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(b) *Conditions for variances*.

(1) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in section 38-30(a)(3) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.

(2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

(3) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances shall only be issued upon:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant;

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 38-30(a)(3), or conflict with existing local laws or ordinances.

(6) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

(7) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except section 38-30(b)(1), and otherwise complies with sections 38-41(a) and (b) of the General standards.

(8) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Section 38-30 (b) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(9) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(c) *Appeal of decision.* All decisions of the Board of Adjustments are final and binding and may not be appealed to City Council. However, any

person aggrieved by a decision of the Board of Adjustments may present a verified petition that states that the decision of Board is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition must be presented to a court of appropriate jurisdiction within ten calendar days after the date the Board's decision is filed in the office of the Secretary of the Board.

(d) *Notice of decision.* The Secretary shall give notice of the decision and the right of appeal of the decision to each party personally, by mail or by email not later than the third day after the date of the decision.

ARTICLE III. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 38-41. General standards.

In the flood-prone area, the following standards are required:

(a) *Anchoring.*

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

(2) All manufactured homes must likewise be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrostatic and hydrodynamic loads including the effects of buoyancy, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques.)

(b) *Site drainage*. Drainage pathways are required around structures to guide floodwaters around such structures.

(c) *Construction materials and methods.*

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(d) *Utilities.*

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(e) *Standards for subdivisions.*

(1) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be consistent with the need to minimize flood damage;

(2) All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet Floodplain Development Permit requirements of this chapter

(3) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;

(4) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and,

(5) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

(f) *Review of building permits*. Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (Section 38-28(b)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

(g) *Mitigation of Fill*. Fill in the flood-prone area must be mitigated to ensure that the storage volume of such area is not diminished by development. A development permit applicant must submit a Fill Mitigation Analysis demonstrating that the proposed development, if constructed, will not result in a decrease in storage volume within the flood-prone area.

Sec. 38-42. Specific standards.

(a) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least 1.5 feet above the base flood elevation. A registered professional engineer or land surveyor shall submit a FEMA Elevation Certificate to the Floodplain Administrator that verifies that the standard of this paragraph is satisfied.

(b) *Nonresidential construction*. New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either meet the specific standards for residential construction, or, together with attendant utility and sanitary facilities, shall:

(1) Be floodproofed to at least 1.5 feet above the base flood level so that the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in section 38-28(c)(2);

(4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in section 38-42(d);

(5) Applicants floodproofing nonresidential buildings are advised that flood insurance premiums may be based on rates that are greater than those established for buildings with the first floor elevated to the same level.

(c) *Critical facility.* Construction of new critical facilities shall be, to the extent possible, located outside the limits of the flood-prone area. Construction of new critical facilities shall be permissible within the flood-prone area if no feasible alternative site is available. Critical facilities constructed within the flood-prone area shall have the lowest floor elevated, or the structure shall be flood-proofed to an elevation, at least 1.5 feet above the elevation of the 500-year (0.2% probability) flood event or three feet above the highest adjacent grade of the building site if flood elevation data is not available. Additionally, flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access to and from the critical facility must be assured under all circumstances. The City Engineer will review and approve all plans for access routes for critical facilities located in the flood-prone area.

(d) *Enclosures.* Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a professional engineer licensed in the state of Texas or must meet or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Below grade crawlspaces shall be designed in accordance with FEMA Technical Bulletin 11-01, "*Crawlspace Construction for Buildings Located in Special Flood Hazard Areas*", FIA-TB-11, or revisions to this document.

(5) Below grade, crawlspaces are prohibited at sites where the velocity of floodwaters exceeds five (5) feet per second.

(6) All building utility systems within the crawlspace shall be elevated above base flood elevation or be designed so that floodwaters cannot enter or accumulate within the system component during flood conditions.

(7) The interior of a crawlspace below the base flood elevation must not be more than 2 feet below the lowest adjacent exterior grade (LAG) and the height of the below grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation must not exceed 4 feet at any point.

(8) Below grade, crawlspaces constructed in accordance with the requirements listed in this subsection shall not be considered basements. However, applicants who construct buildings that have below grade crawlspaces are hereby advised that such buildings may have higher flood insurance premiums than buildings that have crawlspaces with interior elevations at or above the lowest adjacent grade. In addition, the building design must include adequate provision for drainage from the crawlspace following a flooding event.

(e) *Manufactured homes*.

(1) All manufactured homes to be placed or substantially improved on sites:

(i) Outside of a manufactured home park or subdivision;

(ii) In a new manufactured home park or subdivision;

(iii) In an expansion to an existing manufactured home park or subdivision; or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood; shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at 1.5 feet above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

(2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within the flood-prone area that are not subject to the above manufactured home provisions shall be elevated so that either:

(i) The lowest floor of the manufactured home is elevated at 1.5 feet above the base flood elevation, or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

(f) *Recreational vehicles.* Recreational vehicles placed on sites are required to either:

(1) be on the site for fewer than 180 consecutive days;

(2) be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

(3) meet the requirements of section 38-42(e) and the elevation and anchoring requirements for manufactures homes.

(g) *Accessory structures.* Accessory structures shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters; shall be anchored to prevent floatation which may result in damage to other structures; and service utilities such as electrical and heating equipment shall be elevated or floodproofed.

(h) *Breakaway walls.* Breakaway walls must be designed so that if carried downstream they will not cause damage to any other structure. Breakaway walls must have a design safe loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty pounds per square foot (either by design or when so required by city or state codes) may be permitted only if a registered professional engineer certifies that the proposed design meets the following conditions

(1) Wall collapse shall result from a water load less than that which would occur during the base flood; and,

(2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100 year mean recurrence interval).

Sec. 38-43. Before regulatory floodway.

In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the city of Tomball's FIRM unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Sec. 38-44. Regulatory Floodway.

The regulatory floodway is the designated area within Zone AE of the special flood hazard area established in section 38-6(b). Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(a) Prohibit new private development in the regulatory floodway. Improvements to existing structures which do not propose an expansion of the existing footprint of such structures may be permitted if all other requirements of this section are fulfilled.

(b) Concerning public development, prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer, licensed by the state of Texas, is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. This requirement may be satisfied by a Conditional Letter of Map Revision issued by the Federal Emergency Management Agency.

(c) Require that the bottom of the lowest horizontal member supporting the proposed structure, including bridges, be elevated at least 18 inches above the base flood elevation.

(d) If sections 38-44(b and c) are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article III hereof, Provisions for flood hazard reduction.

Sec. 38-45. Standards for shallow flooding areas (AO/AH Zones).

Located within the special flood hazard area established in Section 38-6(b) are areas designated as shallow flooding.. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. In these areas, the following provisions apply:

(a) New construction and substantial improvements of residential structures and manufactured homes within AO/AH zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, 1.5 feet or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).

(b) New construction and substantial improvements of nonresidential structures within AO/AH zones shall either:

(1) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, 1.5 feet or more above the depth number specified on the FIRM (at least two feet, if no depth number is specified); or

(2) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in section 38-42(b) (3).

(c) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures

(d) Recreational vehicles placed on sites within AO/AH Zones on the community's FIRM must either:

(1) be on the site for fewer than 180 consecutive days,

(2) be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect

type utilities and security devices, and has no permanently attached additions; or

(3) Meet the requirements of section 38-45 above and the elevation and anchoring requirements for manufactured homes."

SECTION 2. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION 3. It is the intent of the City that this Ordinance shall comply in all respects with the applicable provisions of the United States Constitution, the Texas Constitution, and the Charter of the City of Tomball. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 4. Any person, firm or corporation that knowingly violates any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Tomball, Texas, and, upon conviction, shall be punished by a fine not to exceed two thousand ($2,000.00) dollars for each offense.

SECTION 5. This Ordinance shall take effect immediately from and after its passage and the publication of the caption hereof, as provided by law and the City's home rule Charter.

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 SEPTEMBER 2010.

COUNCILMAN QUINN	AYE
COUNCILMAN STOLL	AYE
COUNCILMAN BROWN	AYE
COUNCILMAN TOWNSEND	AYE
COUNCILMAN DODSON	AYE

SECOND READING:

READ, PASSED AND ADOPTED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF OCTOBER 2010.

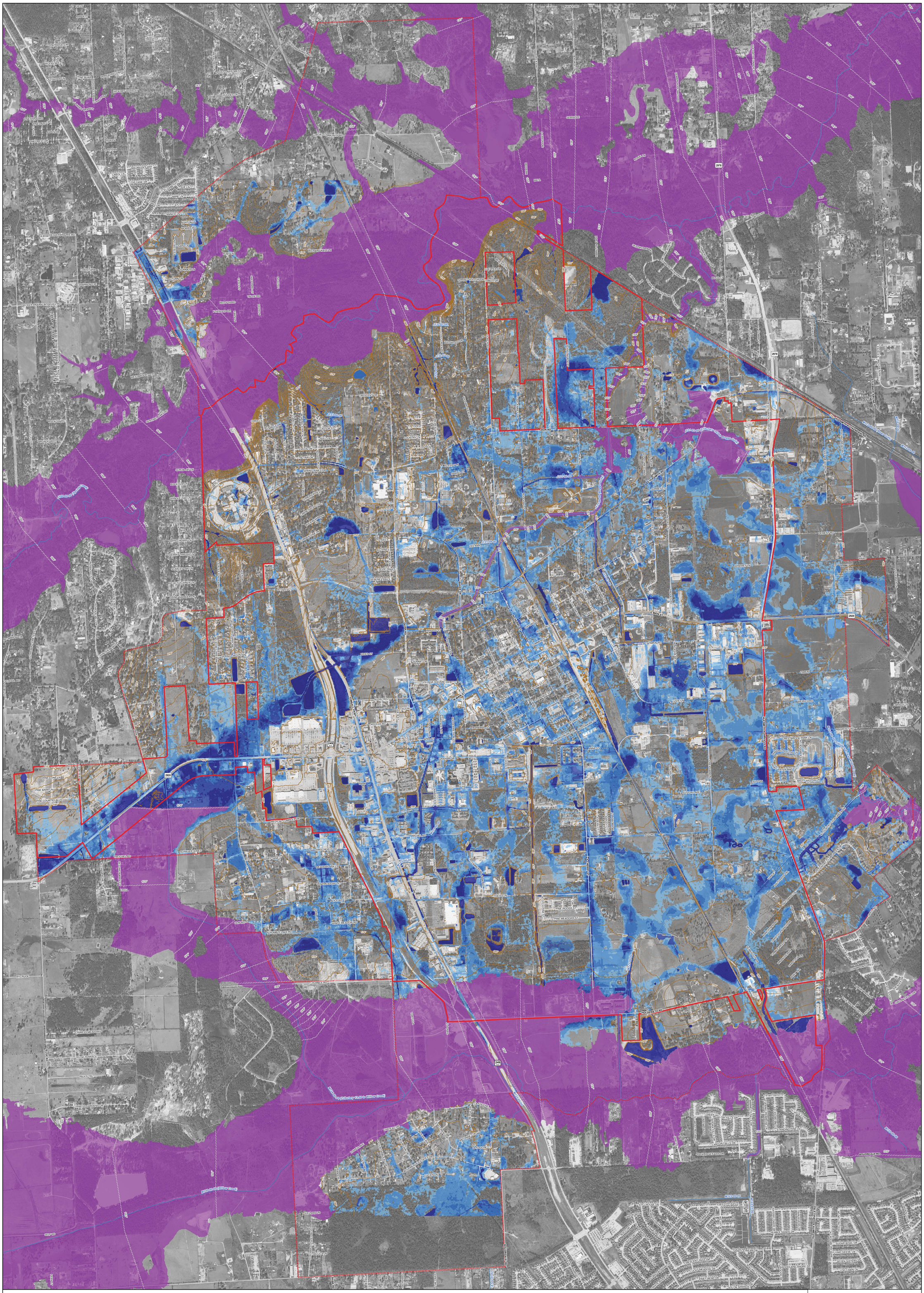
COUNCILMAN QUINN	AYE
COUNCILMAN STOLL	AYE
COUNCILMAN BROWN	AYE
COUNCILMAN TOWNSEND	AYE
COUNCILMAN DODSON	AYE

Gretchen Fagan
Gretchen Fagan, Mayor

ATTEST:

Doris Speer
Doris Speer, City Secretary

EXHIBIT A



Legend

- Tomball City Limits
- Tomball ETJ
- Effective 1% Floodplain
- Channel
- Base Flood Elevations (BFE)
- **1% Water Surface Elevation Contours (WSE)**
- Index
- Intermediate

Depth in Feet

- 0.25 - 0.5
- 0.5 - 1.0
- 1.0 - 1.5
- 1.5 - 2.0
- Above 2.0

RYDAN & Associates LLC
12514 Bent Pine Drive, Cypress, TX 77429

City of Tomball, Texas
Department of Public Works
Master Drainage Plan

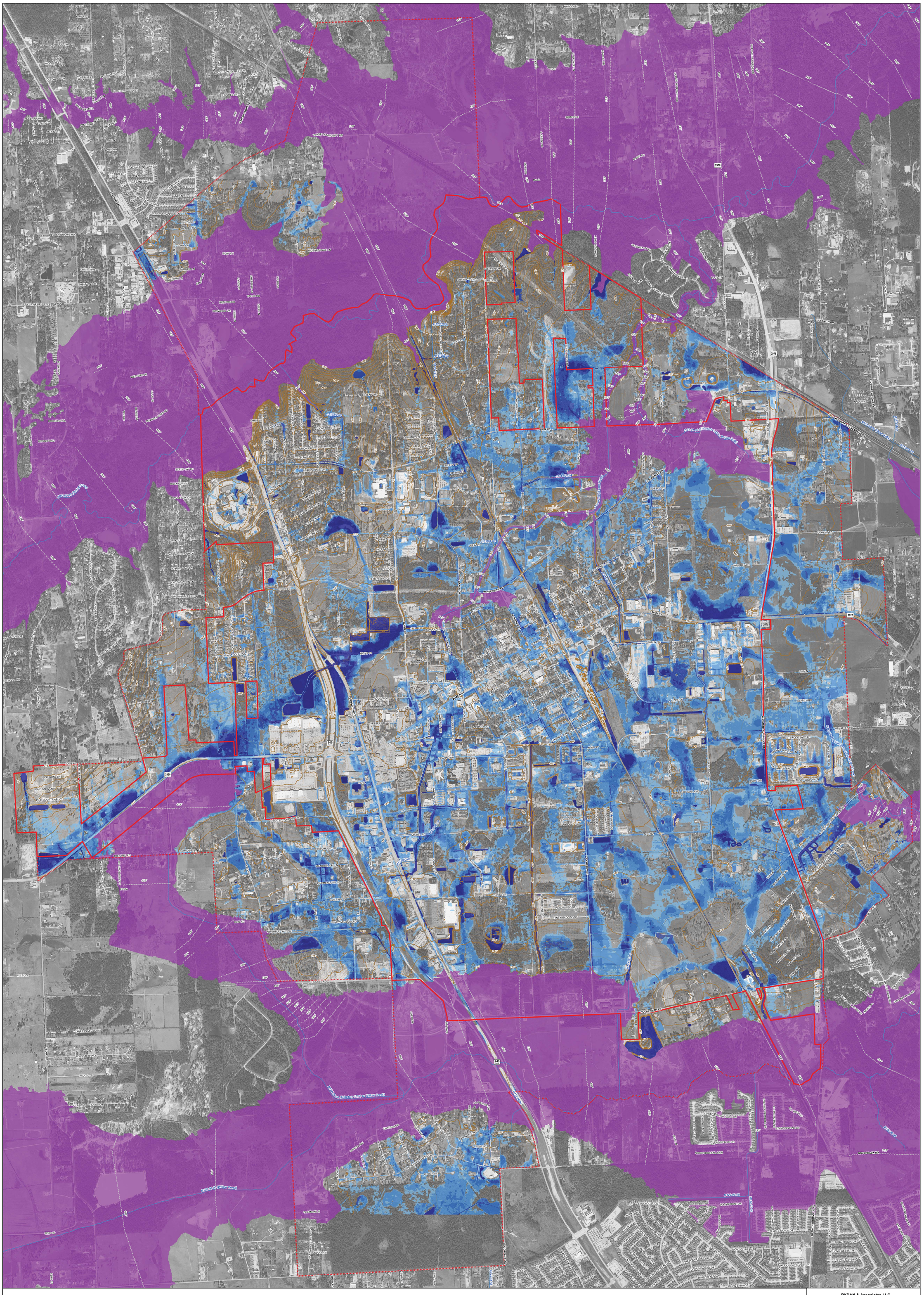
Maximum Ponding Depth
1% AEP Storm

AECOM Technical Services, Inc
5757 Woodway, Suite 101 West
Houston, Texas 77057-1599
www.aecom.com
TBPE Reg. No. F-3580

Date	April, 2013	Job No. 60221371	Exhibit	1

Path: P:_PWP\60221371_Tomball_Drainage_Plan\400_Technical\Exhibits\WSE_100yr_Apr2013.mxd

EXHIBIT B


M100-00-00 (Spring Creek)
M122-00-00 (Tributary 13.50 to Willow Creek)
M122-00-00 (Tributary 13.50 to Willow Creek)
M100-00-00 (Willow Creek)
M122-00-00
M122-00-00
M122-00-00

AECOM
5757 Woodway
Suite 101 West
Houston, TX 77057
www.aecom.com

713.780.4100 tel
713.267.3110 fax

Memorandum

To	John Laser, P.E.	Page	1
CC	Lori Lakatos, P.E.		
Subject	Deliverables Tomball Master Drainage Plan AECOM Job No. 60221371		
From	Anthony Holder, P.E., CFM		
Date	April 4, 2013		

This document outlines the methodology and summarizes the results of the two-dimensional model of the area surrounding the City of Tomball, including most of the City's Extraterritorial Jurisdiction. The objective of the two-dimensional modeling was to identify floodprone areas outside the regulatory floodplain and to estimate peak water surface elevations for the 100-year storm (500-year storm for critical facilities) to be utilized in establishing minimum first floor elevations.

The two-dimensional modeling was performed using software called MIKE 21, by the DHI Group. The MIKE 21 model allows water to fall on a surface, collecting, and flowing as the topography indicates. Because the model cannot include all the detail of the roadside ditch and culvert system that drains most of the City without a large amount of detail and expense, several assumptions were made to simplify the model.

The major MIKE 21 modeling assumptions included: (1) roadside ditch culverts are blocked or have insufficient capacity, requiring water to flow over the roads; (2) the subsurface storm sewer systems along State Highway 249 and FM 2920 are surcharged and do not provide significant relief from flooding; and (3) infiltration losses can be applied uniformly across modeled area.

Rainfall patterns and infiltration losses were estimated using the HEC-HMS model for Spring Creek as the starting point. A weighted average percent impervious cover for the City of Tomball was prepared, and used in the infiltration loss calculations. The HEC-HMS model was executed to determine the rainfall and infiltration losses. The excess rainfall from HEC-HMS was then converted into the proper units for the MIKE 21 model and applied to each cell in the grid.

The MIKE 21 modeling effort was completed using the original 2008 LiDAR dataset as its starting point, with a vertical adjustment of +0.34 ft to account for subsidence, based on the 2011 Non-Uniform Spatial Adjustment LiDAR prepared by HCFCD. The resulting elevations are on the NAVD 1988, 2001 Adjustment.

While the LiDAR provides elevation data every five feet, the modeled grid cell size was 15 ft by 15 ft, which was the minimum practical grid cell size. The base grid data developed from LiDAR contains obstructions to flow, where ditches are crossed by roads. Ditches under roads typically are not processed into the LiDAR data, unlike many of the larger channels in the county. The ditches and HCFCD channels that needed to be represented in the model were added by modifying the base grid data and adding culverts, as required by the MIKE 21 model. In the final results, some of the areas

near culverts will appear somewhat larger and deeper than they are in the real world, due to these changes.

To account for drainage projects that are currently funded or underway, some new features were 'burned' into the base grid data. The features burned into the grid are M125-00-00 at State Highway 249, M121 West, the storm sewer trunk line improvements along Quinn Road into J131-00-00, and the M124 Regional Upstream Detention Pond. The burn-in process simply lowers the grid elevations along the channel, based on the elevations from the construction plans. Culverts were added at proposed roadway crossings, where appropriate.

The final results of the analysis are a maximum depth grid and a maximum water surface elevation grid for each storm. The maximum water surface elevation grid was rounded up to the nearest 0.1 ft. In addition, the depth grid has been smoothed to eliminate isolated areas that showed water depths. Contours have been created based on the maximum water surface elevation grid, to assist in determining appropriate structure finished floor elevations. Where this information is to be utilized in setting the minimum finished floor elevation, the depth grid and water surface elevation should both be consulted to confirm the applicability of the model results at the specific location.

As with any model of a large area using remotely sensed data (e.g., LiDAR), there may be areas where the model's results do not properly represent real-world conditions. In addition, the LiDAR elevations have root mean square errors of +/- 0.22 ft in the vertical direction (RMSEz). Site survey of surrounding terrain may be appropriate to assist in setting protection elevations.

The depth and water surface elevation grids have been clipped to the effective floodplain boundaries (100-yr and 500-yr, as appropriate). Inside the regulatory floodplain, the FIS model results should be utilized.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 6, 2013

Topic:

Discussion of Request from LS Development for City of Tomball Assistance with the Acquisition of Rights-of-Way and Easements for Water and Sanitary Sewer Main Extensions to the Raleigh Creek Subdivision

Background:

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

The acquisition includes a 10 foot right-of-way and 20 foot utility easement along Zion Road and a 15 foot right-of-way with an abutting 20 foot utility easement along Neal Road. In December 2012, at the request of LS Development, the City sent request of the dedication letters to the four property owners for the utility easements and rights-of-way, of which none were granted.

LS Development is seeking further assistance from the City of Tomball to obtain the utility easements and rights-of-way and is willing to fund the acquisitions up to the appraised values and is requesting that the City commence with the normal purchase or condemnation process.

This item is being brought to City Council as a discussion item in an effort to obtain direction for staff.

Attached is the letter request from LS Development, vicinity map, exhibits for the properties that are affected by the proposed acquisition and a copy of the Raleigh Creek Section One Preliminary Plat.

Origination:

Jim Spurlin, LS Development

Recommendation:

N/A

Funding:

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

Craig T. Meyers, Community Development Department

ACTION TAKEN

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

ATTACHMENTS:

Letter Request from LS Development
Raleigh Creek Map
Easement and Right-of-Way Exhibits
Raleigh Creek Section One Preliminary Plat Page1 of 3
Raleigh Creek Section One Preliminary Plat Page 2 of 3
Raleigh Creek Section One Preliminary Plat Page 3 of 3

April 24, 2013

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

Re: Property Acquisition for Water/Sewer Service for Raleigh Creek, Tomball, Texas

Dear Mr. Shackelford:

Pursuant to our previous discussions and actions, we request that the City begin the acquisition process for small portions of land for easements and rights-of-way on four (4) lots that will contain water and sanitary sewer lines to serve the new Raleigh Creek project.

The City has previously requested dedication of the property from the four (4) owners. No owner has chosen to dedicate the property, so acquisition through normal purchase or condemnation is necessary.

Since funding of the acquisition is necessary, we undertook the cost and time of four (4) appraisals (attached). We are prepared to pay the amounts identified in the appraisals.

We request that the City begin this process as soon as possible, as we will soon have preliminary construction plans complete for submittal to the City for review/approval. Following City approval of the plans, we will bid and construct the project and will require water/sewer service to serve the new lots.

Thank you for your assistance.

Sincerely,

Jim Spurlin
LS Development

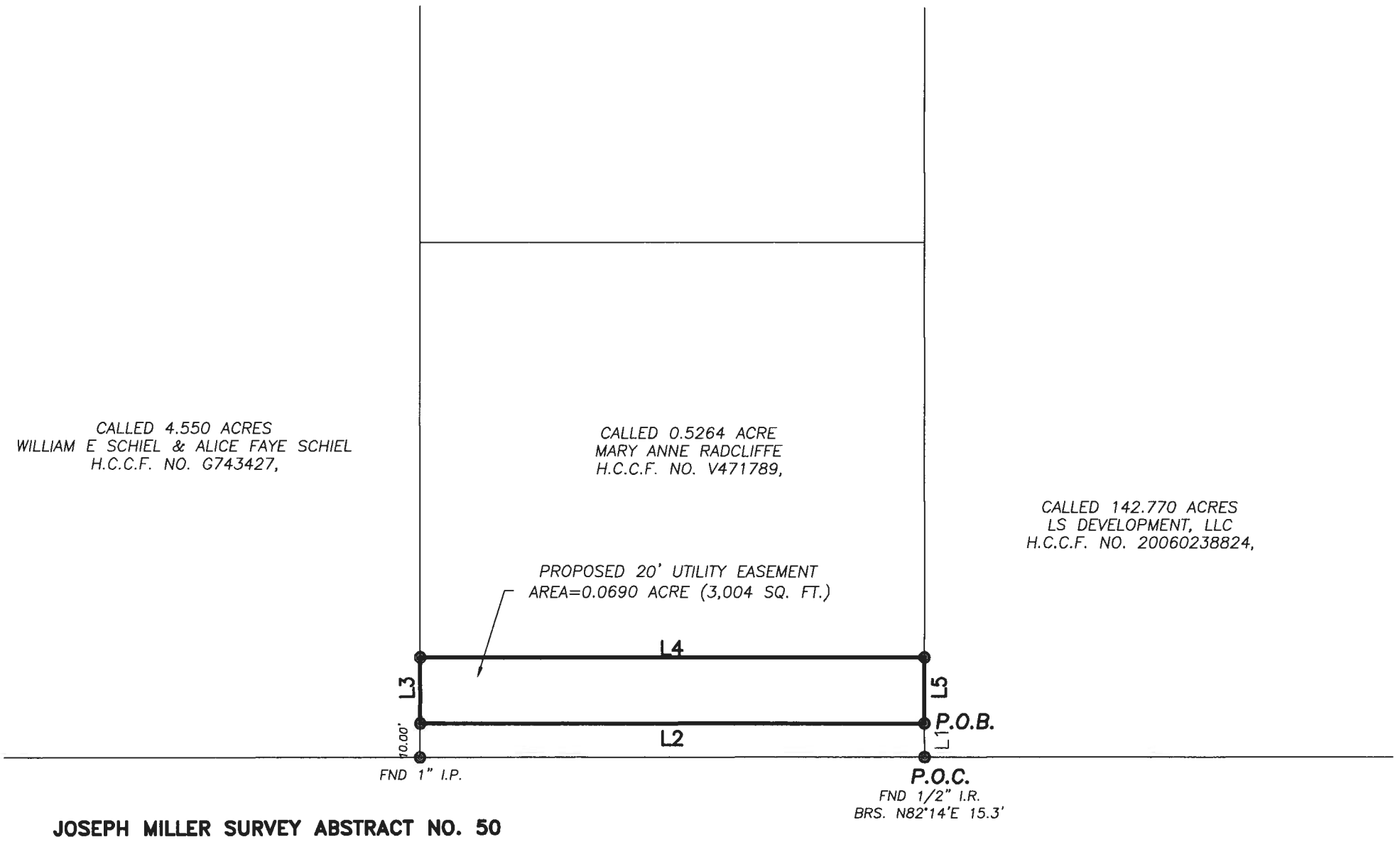
10423 Huffsmith
Tomball, Texas 77375
Phone: 713-201-7573

Raleigh Creek Subdivision
Land Acquisition

N
W E
S

0 312.5 625 Feet

SCALE: 1" = 40'



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

NOTES:
1. BEARINGS BASED ON REPLAT CROFOOT FARMS FILM CODE NO. 630283, H.C.M.R..

2. SURVEYOR HAS NOT ABSTRACTED SUBJECT PROPERTY. THERE MAY BE EASEMENTS, BUILDING LINES AND OTHER MATTERS OF RECORD NOT SHOWN HEREON.

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

CERTIFICATION

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

STATE OF TEXAS
REGISTERED
GEORG R. LARDIZABAL
6051
PROFESSIONAL
LAND SURVEYOR

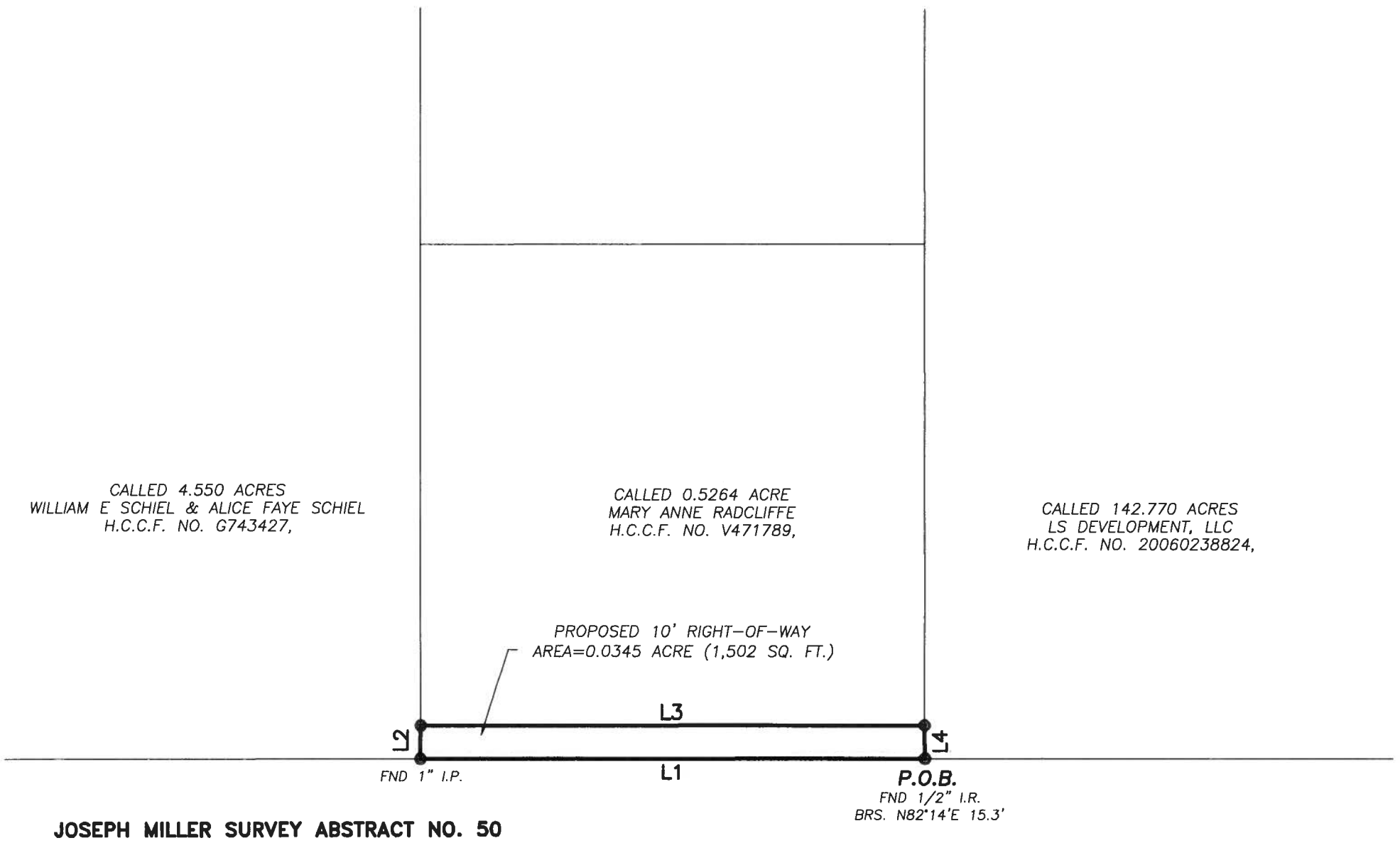
08/20/17

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

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

N
W E
S
GGC SURVEY,PLLC
TEL. (832)729-7256
4419 Zimmerly Court
Sugar Land, Texas 77479 D.D.

SCALE: 1" = 40'



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

NOTES:
1. BEARINGS BASED ON REPLAT CROFOOT FARMS FILM CODE NO. 630283, H.C.M.R..

2. SURVEYOR HAS NOT ABSTRACTED SUBJECT PROPERTY. THERE MAY BE EASEMENTS, BUILDING LINES AND OTHER MATTERS OF RECORD NOT SHOWN HEREON.

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

CERTIFICATION

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

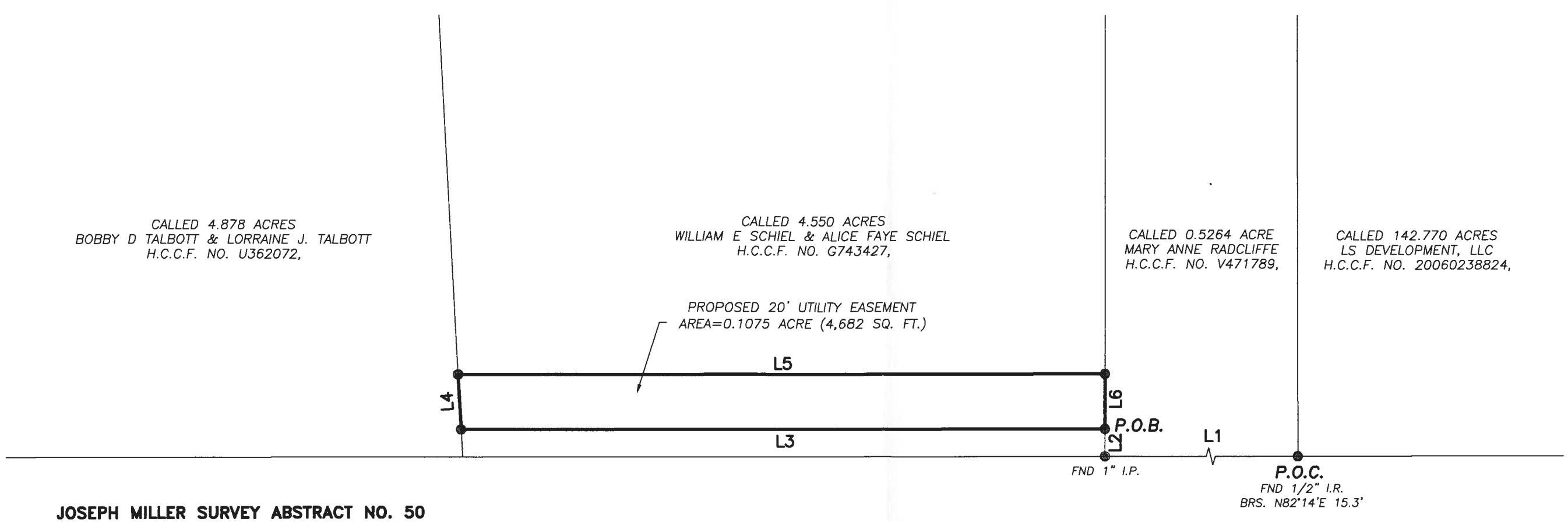
STATE OF TEXAS REGISTERED GEORG R. LARDIZABAL 6051 PROFESSIONAL LAND SURVEYOR

08/20/12

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

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

N W E S
GGC SURVEY,PLLC
TEL. (832)729-7256
4419 Zimmerly Court
Sugar Land, Texas 77479 D.D.



SCALE: 1" = 40'

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

NOTES:
1. BEARINGS BASED ON REPLAT CROFOOT FARMS FILM CODE NO. 630283, H.C.M.R..

2. SURVEYOR HAS NOT ABSTRACTED SUBJECT PROPERTY. THERE MAY BE EASEMENTS, BUILDING LINES AND OTHER MATTERS OF RECORD NOT SHOWN HEREON.

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

CERTIFICATION

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

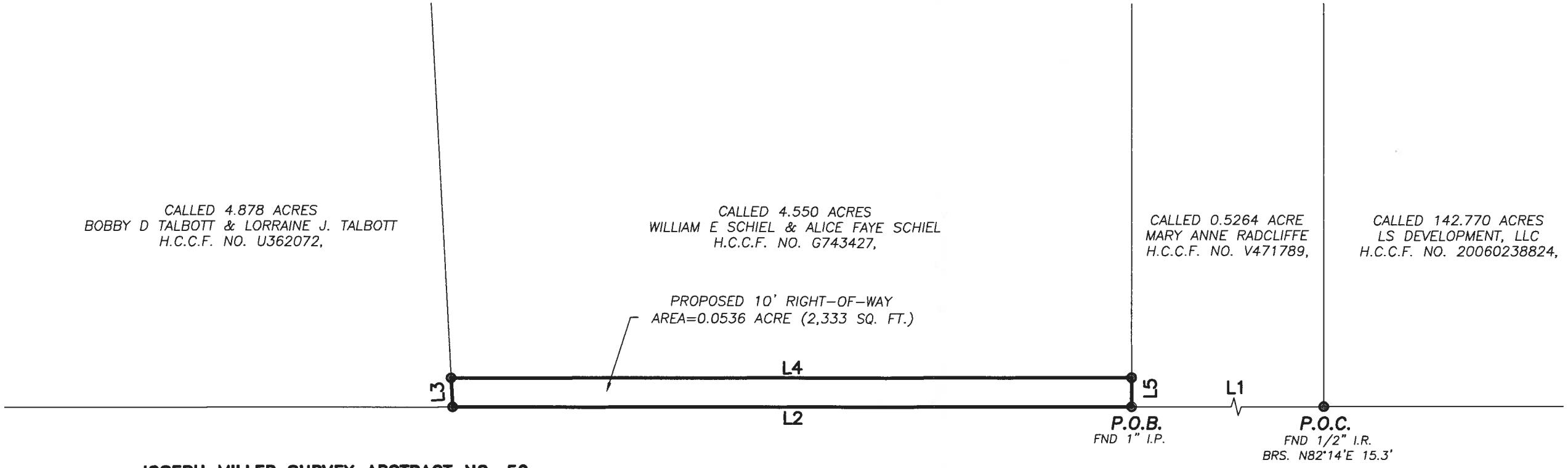
STATE OF TEXAS
REGISTERED
GEORG R. LARDIZABAL
6051
PROFESSIONAL
LAND SURVEYOR

08/20/12

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

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

N
W E
S
GGC SURVEY,PLLC
TEL. (832)729-7256
4419 Zimmerly Court
Sugar Land, Texas 77479 D.D.



SCALE: 1" = 40'

LINE TABLE		
LINE	LENGTH	BEARING
L1	150.20	S89°57'13"W
L2	233.00	S89°57'13"W
L3	10.01	N03°08'47"W
L4	233.54	N89°57'13"E
L5	10.00	S00°02'47"E

NOTES:
1. BEARINGS BASED ON REPLAT CROFOOT FARMS FILM CODE NO. 630283, H.C.M.R..

2. SURVEYOR HAS NOT ABSTRACTED SUBJECT PROPERTY. THERE MAY BE EASEMENTS, BUILDING LINES AND OTHER MATTERS OF RECORD NOT SHOWN HEREON.

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

CERTIFICATION

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

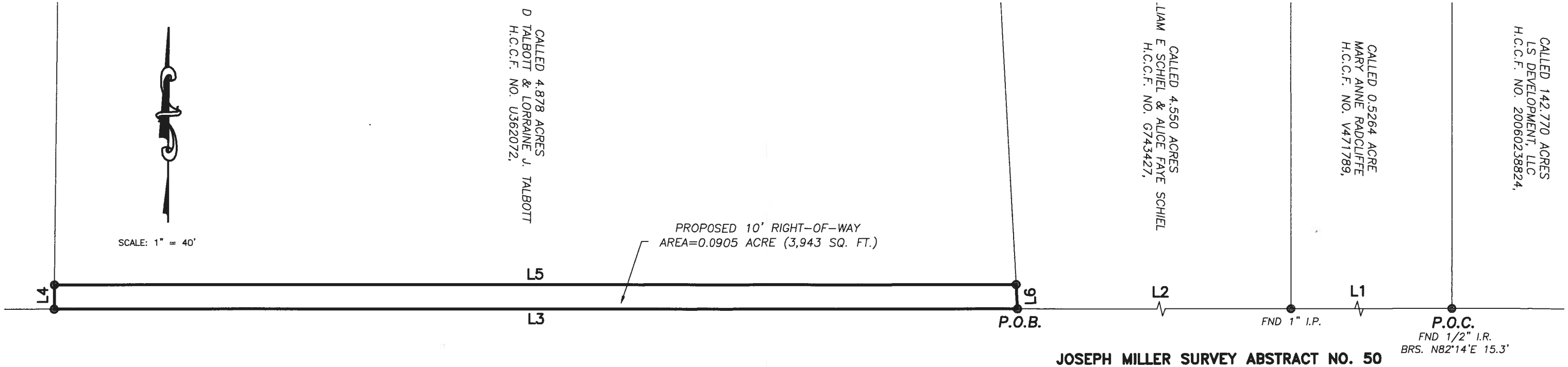
STATE OF TEXAS
REGISTERED
GEORG R. LARDIZABAL
6051
PROFESSIONAL
LAND SURVEYOR

08/20/12

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

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

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



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

NOTES:
1. BEARINGS BASED ON REPLAT CROFOOT FARMS FILM CODE NO. 630283, H.C.M.R..

2. SURVEYOR HAS NOT ABSTRACTED SUBJECT PROPERTY. THERE MAY BE EASEMENTS, BUILDING LINES AND OTHER MATTERS OF RECORD NOT SHOWN HEREON.

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

CERTIFICATION

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

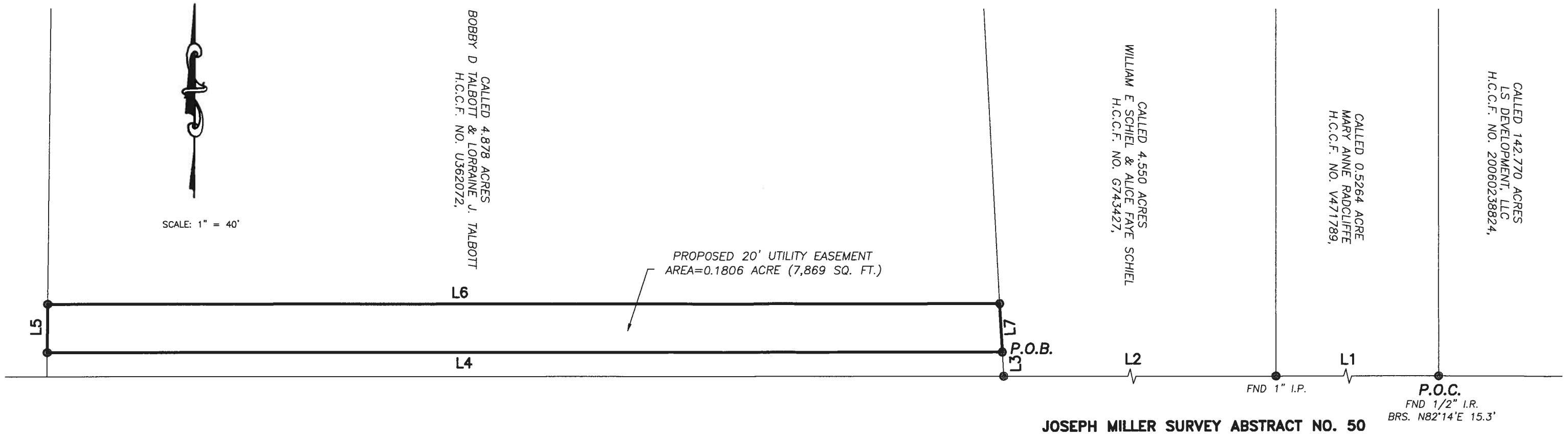
STATE OF TEXAS
REGISTERED
GEORG R. LARDIZABAL
6051
PROFESSIONAL
LAND SURVEYOR

08/20/12

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

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

N
W E
S
GGC SURVEY,PLLC
TEL. (832)729-7256
4419 Zimmerly Court
Sugar Land, Texas 77479 D.D.



LINE TABLE		
LINE	LENGTH	BEARING
L1	150.20	S89°57'13"W
L2	233.00	S89°57'13"W
L3	10.01	N03°08'47"W
L4	394.06	S89°57'13"W
L5	20.00	N00°24'48"E
L6	392.81	N89°57'13"E
L7	20.03	S03°08'47"E

NOTES:
1. BEARINGS BASED ON REPLAT CROFOOT FARMS FILM CODE NO. 630283, H.C.M.R..

2. SURVEYOR HAS NOT ABSTRACTED SUBJECT PROPERTY. THERE MAY BE EASEMENTS, BUILDING LINES AND OTHER MATTERS OF RECORD NOT SHOWN HEREON.

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

CERTIFICATION

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

STATE OF TEXAS
REGISTERED
GEORG R. LARDIZABAL
6051
PROFESSIONAL
LAND SURVEYOR

08/20/12

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

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

N
W E
S
GGC SURVEY,PLLC
TEL. (832)729-7256
4419 Zimmerly Court
Sugar Land, Texas 77479 D.D.

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

JOSEPH MILLER SURVEY ABSTRACT NO. 50
RALPH HUBBARD SURVEY ABSTRACT NO. 383

P.O.C.

P.O.B.

L1

L2

L3

L4

L5

L6

L7

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

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

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

FND 3/8" I.R.

LOT 2

LOT 1

LOT 15

LOT 21

LOT 27

LOT 33

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

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

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

LOT 1

LOT 2

142.10'

60.04'

50.00'

15.00'

FND 3/8" I.R.

FND 3/8" I.R.

FND 3/8" I.R.

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

SCALE: 1" = 100'

NOTES:
1. BEARINGS BASED ON REPLAT CROFOOT FARMS FILM CODE NO. 630283, H.C.M.R..

2. SURVEYOR HAS NOT ABSTRACTED SUBJECT PROPERTY. THERE MAY BE EASEMENTS, BUILDING LINES AND OTHER MATTERS OF RECORD NOT SHOWN HEREON.

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

CERTIFICATION

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

STATE OF TEXAS
REGISTERED
GEORG R. LARDIZABAL
6051
PROFESSIONAL
LAND SURVEYOR

08/20/12

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

EXHIBIT OF
PROPOSED 20' UTILITY EASEMENT
RALPH HUBBARD SURVEY
ABSTRACT NO. 383 HARRIS COUNTY, TX

N
W
E
S

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

JOSEPH MILLER SURVEY ABSTRACT NO. 50
RALPH HUBBARD SURVEY ABSTRACT NO. 383

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

P.O.B.

L6

L2

L1

FND 3/8" I.R.

PROPOSED 10' RIGHT-OF-WAY

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

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

LOT 2

LOT 1

PROPOSED 15' RIGHT-OF-WAY

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

L5

L3

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

LOT 15

LOT 21

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

LOT 27

L4

LOT 1

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

FND 3/8" I.R.

142.10'

LOT 2

60.04'

50.00'

15.00'

FND 3/8" I.R.

FND 3/8" I.R.

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

SCALE: 1" = 100'

NOTES:
1. BEARINGS BASED ON REPLAT CROFOOT FARMS FILM CODE NO. 630283, H.C.M.R..

2. SURVEYOR HAS NOT ABSTRACTED SUBJECT PROPERTY. THERE MAY BE EASEMENTS, BUILDING LINES AND OTHER MATTERS OF RECORD NOT SHOWN HEREON.

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

CERTIFICATION

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

STATE OF TEXAS
REGISTERED
GEORG R. LARDIZABAL
6051
PROFESSIONAL
LAND SURVEYOR

08/20/17

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

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

N
W E
S

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

SEE PAGE 2 OF 3

SEE PAGE 3 OF 3

SEE PAGE 2 OF 3

WYNDFIELD COURT

SHERBORNE CASTLE COURT

DURHAM CREEK LANE

RALEIGH CREEK DRIVE

FORT ISABELLA COURT

ZION ROAD

Reserve K
13.8541 Ac.
603,483.19 SF

Reserve H
4.1626 Ac.
181,321.64 SF

Reserve E
0.1130 Ac.
4,920.42 SF

Reserve G
21.7486 Ac.
947,370.06 SF

H. L. & P. EASEMENT
HCCFN H180397
HCCFN H180398

50' MOBIL PIPE LINE CO. EASEMENT HCCFN J820737

40' Drainage Easement

Shaded Zone "X"

Zone "AE"

Fnd. 1" Iron Pipe

Fnd. 1/2" I.R.

S86°49'52"W 150.19'

S87°58'16"W 161.69'

S87°58'16"W 199.52'

S88°22'47"W 1178.45'

Fnd. Wooden Fence corner

S00°25'56"E 2050.26'

S42°54'05"W 30.55'

S61°58'26"W 106.23'

S42°16'15"W 86.79'

S38°34'41"W 84.09'

S69°01'07"W 83.07'

N69°01'07"E 83.76'

N49°50'32"W 129.71'

S51°00'55"E 125.78'

N41°46'07"E 69.84'

N41°32'18"E 153.16'

N46°13'03"W 303.77'

S48°24'59"E 771.45'

S48°24'59"E 1105.41'

N48°24'59"W 845.98'

S41°35'01"W 1058.99'

N41°35'01"E 1400.69'

S87°32'44"W 391.80'

S01°58'34"E 1782.64'

N00°20'43"W 1777.41'

N00°20'43"W 740.07'

S87°34'08"E 210.43'

S87°34'08"E 205.67'

N87°34'08"W 536.94'

S87°34'08"E 536.94'

S87°34'08"E 194.45'

N87°34'08"W 194.45'

N15°34'09"E 224'

S88°34'45"W 70.02'

N84°12'15"W 121.32'

N87°11'13"E 135.03'

S87°11'13"W 135.03'

S77°17'05"E 112.48'

S04°00'10"E 75.97'

N21°09'45"W 71.69'

N85°53'09"W 4.69'

S82°43'33"E 144'

S87°58'16"W 122.29'

S87°58'16"W 139.5'

S87°58'16"W 176.2'

S87°58'16"W 161.71'

S87°58'16"W 161.73'

S87°58'16"W 161.75'

S87°58'16"W 161.77'

S87°58'16"W 161.8'

S87°58'16"W 161.82'

S87°58'16"W 161.84'

S87°58'16"W 164.65'

S87°58'16"W 170.43'

S87°58'16"W 165.31'

S87°58'16"W 159.02'

S87°58'16"W 171.18'

S87°58'16"W 171.11'

S87°58'16"W 171.04'

S87°58'16"W 170.97'

S87°58'16"W 170.9'

S87°58'16"W 170.83'

S87°58'16"W 170.77'

S87°58'16"W 170.7'

S87°58'16"W 170.49'

S87°58'16"W 151.32'

S87°58'16"W 144'

S87°58'16"W 147.71'

S87°58'16"W 147.71'

S87°58'16"W 129.71'

S87°58'16"W 125.78'

S87°58'16"W 153.16'

S87°58'16"W 69.84'

S87°58'16"W 303.77'

S87°58'16"W 771.45'

S87°58'16"W 1105.41'

S87°58'16"W 845.98'

S87°58'16"W 1058.99'

S87°58'16"W 1400.69'

S87°58'16"W 1777.41'

S87°58'16"W 740.07'

S87°58'16"W 536.94'

S87°58'16"W 194.45'

S87°58'16"W 1782.64'

S87°58'16"W 391.80'

S87°58'16"W 1178.45'

S87°58'16"W 2050.26'

S87°58'16"W 386.64'

S87°58'16"W 154.32'

S87°58'16"W 73.64'

S87°58'16"W 58.91'

S87°58'16"W 285.8'

S87°58'16"W 154.52'

S87°58'16"W 118.11'

S87°58'16"W 74.21'

S87°58'16"W 154.52'

S87°58'16"W 75.84'

S87°58'16"W 250.09'

S87°58'16"W 302.26'

S87°58'16"W 174.26'

S87°58'16"W 79.46'

S87°58'16"W 121.46'

S87°58'16"W 75.22'

S87°58'16"W 75.22'

S87°58'16"W 75.22

PRELIMINARY PLAT
RALEIGH CREEK
SECTION ONE

A SUBDIVISION OF 142.8407 ACRES IN THE JOSEPH MILLER SURVEY, ABSTRACT NUMBER 50, HARRIS COUNTY, TEXAS

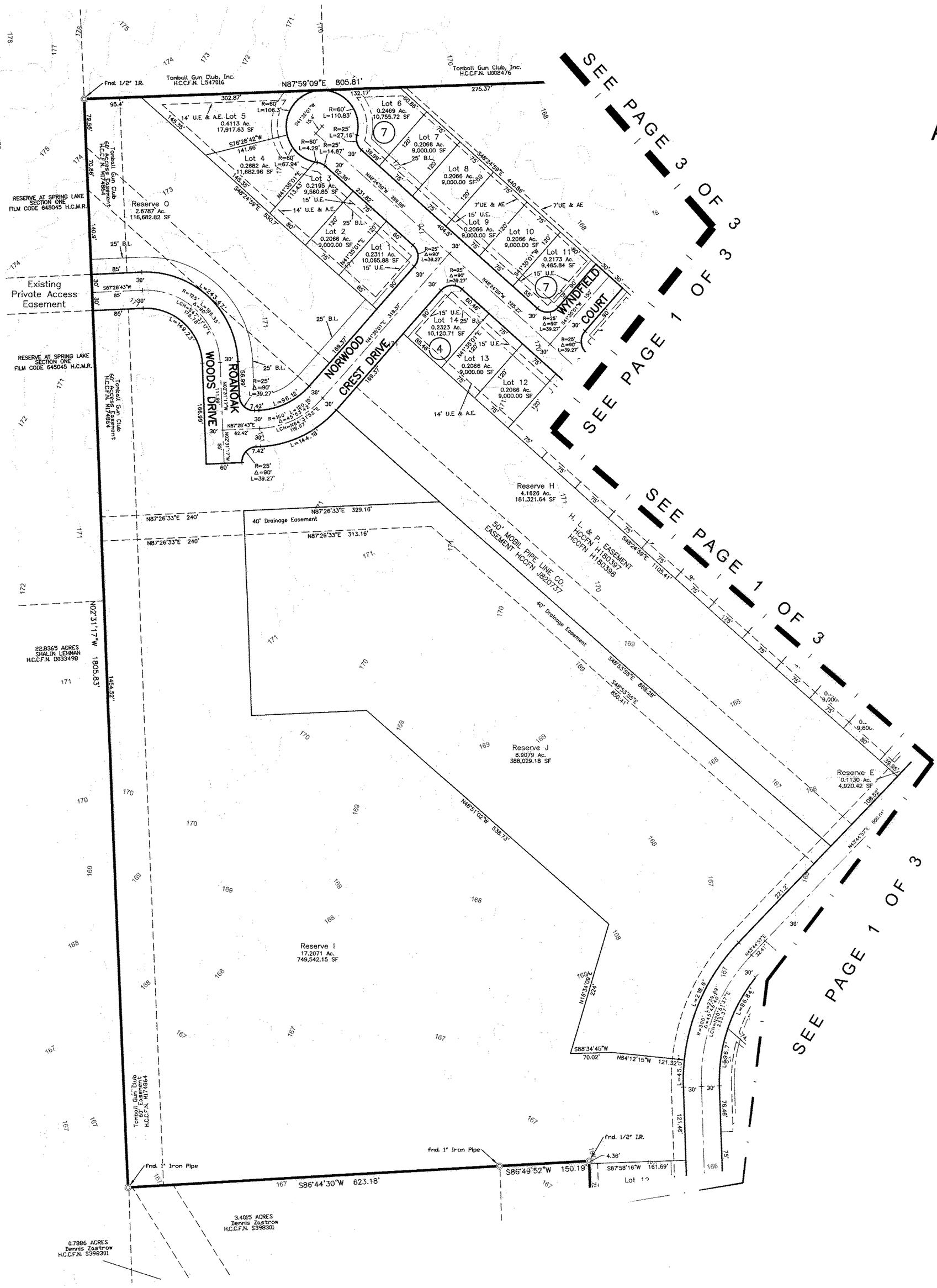
February 2013

10 Blocks
94 Lots
15 Reserves

Owner:
L.S. Development, LLC
10423 Huffsmith Rd.
Tomball Texas, 77375
713-201-7573

Surveyor:
Atkinson Engineers
15425 North Freeway, Suite 140
Houston, Texas 77090
281-872-7600

Engineer:
DPK Engineering LLC
32719 Windsor Terrace
Fulshear, Texas 77441
281-346-2616



All bearings shown hereon are based on grid north of the U.S. State Plane Coordinate System, Texas South Central Zone. NAD 1983 Datum

GRAPHIC SCALE
0 100' 200' 300' 400'

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, L S DEVELOPMENT, LLC., acting by and through, JIM SPURLIN, President and ALISON SPURLIN, Secretary, being officers of L S DEVELOPMENT, LLC., hereinafter referred to a owners of the 142.8635 Acre Tract described in the above and foregoing plat of RALEIGH CREEK, SECTION ONE, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, sucessors and assigns to warrant and forever defend the title to the land so dedicated.

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

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net opening area of sufficient size to permit the free flow of water without backwater and in no instance have drainage opening of less than one and three quarters square feet (18–inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

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

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

L S DEVELOPMENT, LLC.

IN TESTIMONY WHEREOF, L S DEVELOPMENT, LLC., has caused these presents to be signed by JIM SPURLIN, its President, thereunto authorized, attested by its Secretary, ALISON SPURLIN, and its common seal hereunto affixed this _____ day of _____, 20____.

By:_____ By:_____
JIM SPURLIN, President ALISON SPURLIN, Secretary

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared JIM SPURLIN and ALISON SPURLIN, President and Secretary respectively of L S Development, LLC., known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE
this _____ day of _____, 20____.

Notary Public In and For the State of Texas
My Commission Expires:_____

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

_____
Neil M. Atkinson
Registered Professional Land Surveyor
Texas Registration No. 5897

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of RALEIGH CREEK, SECTION ONE in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this_____ day of __, 20____.

By:_____ By:_____
Lori Wallace, Chairman
Evelyn Chervenak, Vice Chairman

APPROVED
Lori E. Lakatos
ACTING CITY ENGINEER
3/4/13

I, Neil M. Atkinson, do hereby certify that all existing encumbrances, such as various types of easements both public and private, fee strips, and all significant topographical features which would affect the physical development of the property illustrated on this plat are accurately identified and located and further certify that this plat represents all of the contiguous land which the owner owns or has a legal interest in, except the additional land to the North and west that was shown on the overall preliminary plat.

_____
Neil M. Atkinson
Registered Professional Land Surveyor No. 5897

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

By:_____ By:_____
George Shackelford, City Manager
Lori Lakatos, P.E., Acting City Engineer

This is to certify that the City accepts the Planning Commission's authorized approval and acceptance of all dedicated public easements in conformance with the laws of the State of Texas and the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this _____ day of _____, 20____.

By:_____ By:_____
Gretchen Fagan, Mayor
Doris Speer, City Secretary

I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with it's certificate of authentication was filed for registration in my office on _____, 20____ at _____ o'clock_____, and duly recorded on _____, 20____, at _____o'clock____, and under film code number _____of the map records of Harris County for said County.

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

Stan Stanart
County Clerk of
Harris County, Texas

By:_____
Deputy

PRELIMINARY PLAT
RALEIGH CREEK
SECTION ONE

A SUBDIVISION OF 142.8407 ACRES IN THE JOSEPH MILLER SURVEY, ABSTRACT NUMBER 50, HARRIS COUNTY, TEXAS

February 2013

10 Blocks
94 Lots
15 Reserves

Owner:
L.S. Development, LLC
10423 Huffsmith Rd.
Tomball Texas, 77375
713-201-7573

Surveyor:
Atkinson Engineers
15425 North Freeway, Suite 140
Houston, Texas 77090
281-872-7600

Engineer:
DPK Engineering LLC
32719 Windsor Terrace
Fulshear, Texas 77441
281-346-2616

All bearings shown hereon are based on grid north of the U.S. State Plane Coordinate System, Texas South Central Zone. NAD 1983 Datum

GRAPHIC SCALE
0 100' 200' 300' 400'

SEE PAGE 2 OF 3
SEE PAGE 1 OF 3

ACCEPTED
Acting City Engineer
3/4/13

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 6, 2013

Topic:

Award Job Order Proposal for the Construction of the Depot Restroom Building to KBR, for a Not to Exceed Price of $183,000.00.

Background:

As reviewed during the March 18, 2013 Council meeting, Public Works has solicited a job order proposal from KBR (Kellog Brown and Root), who holds the TCPN AJOC Statewide Contract, for the construction of the Depot Restroom Building.

Attached is the job order proposal submitted by KBR for a Not to Exceed price of $183,000.00. Total funding for the project of $205,500.00 includes;

- 75k in current budget (parks-system expansion)
- 25k from H-GAC
- 25k from TEDC
- 22.5k savings from Depot siding project
- 27k savings from facilities maintenance budget – based on current projections vs project estimates
- 31k savings from combined roof replacement project estimates

The recommended job order proposal is based on a per sq. ft. building cost of $113.00 for the 1,619 sq. ft. building, while the city's architect/engineering project estimate was based on a building cost of $125.00 - $130.00 per sq. ft. Therefore, Public Works has confirmed this proposal to be extremely competitive and beneficial for the City.

Public Works recommends award of the job order proposal to KBR for the Not to Exceed price of $183,000.00.

KBR's job order proposal #R5087 is attached for Council review.

Origination:

Public Works

Recommendation:

Public Works recommends award of the job order proposal to KBR for the Not to Exceed price of $183,000.00.

Funding: Yes

Account Number: 100-153-6409

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

David Kauffman, Director of Public Works

ACTION TAKEN

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

ATTACHMENTS:

KBR Job Order Proposal R5087

KBR

8121 Broadway Street, Suite 200 • Houston, TX 77061-1340
Office: 713.980.3250 • Fax: 713.980.3258

March 12, 2013
Letter No.: 13-3394-CB
File No.: 731

David Kaufman
City of Tomball
Public Works Director
501 James St.
Tomball, Texas 77375

Subject: Job Order Proposal for RFP# TCPN-SWIII-04-0993 NTE
Project Location: City of Tomball Railroad Depot
Project Title: Install New Restroom Building

Dear Mr. Kaufman:

The **Not to Exceed** price is not the final cost for the project. KBR will provide a detailed line item estimate per the TCPN Contract and RS Means 2013 Facilities Construction Cost Data which will be a definitive final cost. KBR will provide the final cost as the final scope is identified price proposal for the above subject RFP. The proposal is based on the City of Tomball provided drawings and scope with reference to applicable standards and acceptable construction practices.

Work to be performed under the terms and conditions of the TCPN Contract.

.

The **Not to Exceed** price for the job **$183,000.00**

The proposed project duration is **60** days after notice to proceed.
The proposal is valid for **30** days.

Please direct any questions to Craig Broz at (713) 980-3250.

Sincerely,

Craig Broz
Area Project Manager
Attachments: Scope

Reference: TCPN Statewide Contract JOC III No. R5087
(http://www.tcpn.org/apps/t_vendor_detail.aspx?VID=87)

Funding Approval _____ Date: _____

Customer PO# _____
Price is accepted as a lump sum fixed firm price and the incorporated scope of work becomes the controlling document taking precedence over line item estimate detail

This proposal includes data that shall not be disclosed outside of addressee and shall not be duplicated, used or disclosed – in whole or part – for any purpose other than to evaluate this proposal

KBR - TCPN Statewide III
Contract No. R5087
RFP No. TCPN-SWIII-04-0993 Rev. #1
City of Tomball
Construct New Restroom Facility

Outline

The intent of this project is to provide all labor, materials and equipment to build a new public restroom facility located at the Railroad Dept Plaza for the City of Tomball. All work shall be in accordance with all OSHA standards, applicable federal, state and local building codes and regulations and standard construction practices.

KBR Scope of Work

- Strip site and haul off spoils.
- Pull no cost permits from the City of Tomball to facilitate inspections by the city.
- Furnish and install 18" of compacted select fill for new building pad.
- Install (24) each 18" straight shafted drilled piers with 16" x 30" grade beams
- Install vapor barrier under slab on grade.
- Install 5.5" thick slab on grade. Install 694 square feet of sidewalk around perimeter of restroom building.
- Furnish and install new split face CMU wainscoat around perimeter of new building Furnish and install new wood framing as per drawings
- Furnish and install hollow metal doors and frames with hardware.
- Furnish and install solid phenolic toilet partitions with toilet accessories as shown.
- Paint exterior doors and frames, exterior Hardi-siding, trim and interior of restroom building.
- Furnish and install plastic laminate treated plywood counter tops as shown.
- Furnish and install porcelain restroom fixtures as shown
- Furnish and install bi-level drinking fountain, mop sink and 20 gallon water heater
- Furnish and install floor drains two in plumbing chase and one in utility room
- Furnish and install one hose bid at the exterior of the building.
- Furnish and install armor-flex insulation.
- Furnish and install 100 amp single phase service and panel with necessary circuitry for the new building.
- Furnish and install 2 new emergency exit lights with bug eyes.
- Furnish and install 5 vandal proof fluorescent strip fixtures.
- Furnish and install 1 GFCI for the new drinking fountain and 1 GFCI in each restroom.
- Furnish and install one circuit for the water heater.

KBR General Notes and Clarifications

- Proposal allows standard work hours.
- Proposal is based on free and uninterrupted access to work areas.
- All work shall be in accordance with all OSHA Standards, applicable federal, state, and local codes, and regulations and good construction practices.
- KBR will include all materials, equipment, and labor in his bid to complete the scope of work.
- KBR shall remove from site all spoils, equipment, materials from site after completion of this project.
  Proposal is based on using Kohler plumbing fixtures in lieu of Toto fixtures and manual flush valves
- **Proposal is based on deleting furthest most grade beam around perimeter of the building under the outside edge of sidewalk per discussion with city**
-

This proposal includes data that shall not be disclosed outside of addressee and shall not be duplicated, used, or disclosed – in whole or part – for any purpose other than to evaluate this proposal.

KBR Exclusions

- Permit fees and after hour inspection costs.
- Materials testing. (Should be handle by the city as a third party inspection).
- Landscaping.
- Handling or removal of any hazardous material.
- Davis-Bacon, Prevailing Wages and/or Certified Payrolls.
- Hidden or unforeseen conditions.
- Any work not specifically described in the SOW.

This proposal includes data that shall not be disclosed outside of addressee and shall not be duplicated, used, or disclosed – in whole or part – for any purpose other than to evaluate this proposal.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 6, 2013

Topic:

Consider and Authorize the City Manager to Execute the Texas Department of State Health Services First Responder Organization Administrator Information Form and the First Responder Organization Agreement between the City of Tomball Fire Department and Northwest EMS.

Background:

Over the past several years, the Tomball Fire Department has responded to assist Northwest EMS with life-threatening calls such as heart attacks, respiratory distress, and falls. In the past, the Department has provided limited assistance under the direction of the Northwest EMS paramedic. As TFD has added a significant number of firefighters, our response times have improved and our units are arriving on the scene much sooner than previously. TFD full-time firefighters are highly motivated and trained, including some who have completed paramedic training. With several of our firefighters trained to that level and arriving on the scene earlier into the incident, it became apparent that TFD should be working under a set of protocols and through a medical director.

We engaged Northwest EMS in a discussion which resulted in an agreement with both Northwest EMS and its Medical Director, Dr. Andrew Kretschmer, to allow TFD to operate under their Basic Life Support (BLS) protocols. These protocols provide guidance to the procedures which can be implemented prior to the arrival of the Northwest EMS paramedics.

None of these procedures are invasive, as TFD will be operating only under the basic life support protocols, but it will allow the administration of oxygen, glucose, and other life-saving procedures based on the assessment of the patient.

Origination:

Fire Department

Recommendation:

Staff recommends approval

Funding:

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

Randy Parr, Fire Chief

ACTION TAKEN

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

ATTACHMENTS:

First Responder Agreement
First responder Org Admin Info

FIRST RESPONDERS ORGANIZATION AGREEMENT BETWEEN Northwest Rural Emergency Medical Services AND the City of Tomball Fire Department

This Agreement is executed by and between Northwest Rural Emergency Medical Services a Non-profit 501c3 organization and licensed emergency medical service (EMS) provider, (EMS) and The City of Tomball Fire Department (FRO). In consideration of the premises; and of the covenants and conditions of this agreement, the parties mutually agree as follows:

1. **FRO Service**: During the term of this agreement, the FRO will :
   a. routinely respond to emergency situations.
   b. utilize personnel who are emergency medical services (EMS) certified by the Texas Department of State Health Services,
   c. provide on-scene patient care, and
   d. not transport patients.
   e. provide service on a 24 hour per day, seven day per week basis
2. **FRO Response:**
   a. FRO shall be dispatched to respond to a pre-determined list of emergency medical incidents to assist EMS in its response.
   b. FRO shall familiarize itself with EMS protocols. Such protocols will be approved by the medical director of the EMS.
   c. FRO shall be held to the same standards of professional ethics, behavior, demeanor, and patient care as the EMS.
   d. FRO shall terminate a response if requested by the EMS dispatcher or responding EMS personnel to terminate said response.
   e. FRO shall only provide basic life support ("BLS") care.
   f. Cancellation of the EMS response shall be at the discretion of the EMS.
   g. After EMS has arrived on the scene, FRO personnel shall transfer supervision of patient care to the EMS responders.
   h. FRO personnel may, upon the request of EMS personnel, accompany the patient to the determined facility in EMS provider's vehicles.

3. **FRO Supplies:**
   a. FRO shall only use supplies approved by the EMS. FRO shall provide all initial equipment and supplies.
   b. The EMS will attempt to provide replacement supplies to FRO after each response when available. To the extent the EMS supplies replacement supplies to FRO after being used by FRO, the EMS shall bill the patients for the supplies in accordance with the EMS's fee schedule and third-party payer agreements. FRO shall provide such documentation as the EMS requests to enable the EMS to successfully collect charges for said supplies, and the FRO assigns any rights to collect such supplies to the EMS.
   c. FRO shall not carry advanced life support ("ALS") supplies.
4. **FRO Certification**- All persons responding on behalf of the FRO shall be certified to at least the Emergency Medical Technician - Basic level'
5. **Patient Care and Employee Time Reporting Procedures**-The EMS shall approve the FRO patient care report form. The FRO shall ensure patient care report forms are available at every scene, properly filled out for every patient.
6. **Process for Assessment of Care provided by FRO Personnel-** FRO shall follow EMS's assessment protocol. The EMS will provide the FRO with written assessment protocols.
7. **Patient Confidentiality**-FRO personnel shall comply with Texas Health & Safety Code§§ 773.09 I - 773.096 with respect to the confidentiality of the identity, treatment, and condition of all patients, and FRO shall release information concerning said identity, treatment or condition of a patient only if such release is authorized by the EMS Attorney.
8. **No Third-Party beneficiaries**-This agreement is not intended to benefit any third party, and no party other than the signatories to this agreement shall have any right to enforce any provision of this agreement.
9. **Notices**-All notices and communications permitted or required to be given under this Agreement are to be mailed by certified mail, return -receipt requested, to the following addresses:

EMS: Northwest Rural EMS
29530 Quinn Rd
Tomball, Texas 77375

FRO: City of Tomball
401 Market
Tomball, Texas 77375

10. **Assignment**-The FRO may not assign, sublet or transfer any rights under or interest this agreement without the written consent of the EMS.
11. **Independent Contractor**-In performing services under this Agreement, the relationship between City and FRO is that of independent contractor and, by the execution of this Agreement, does not change the independent contractor status of either party. No term or provision of this Agreement or act of either party in the

performance of this Agreement shall be constituted as making either party or an officer, agent or employee of that party the employee or agent of the other party.

12. **Venue**-This Agreement is governed and constructed according to the laws of the State of Texas. The venue for any action or claim arising out of this Agreement is Harris County, Texas.
13. **Modifications to Agreement** - This instrument contains the entire Agreement between the parties relating to the rights granted and the obligations assumed. Any modifications concerning this Agreement are of no force and effect unless in writing and executed by both parties.
14. **Term and Termination**- This Agreement shall be effective upon execution and shall remain in full force and effect unless and until terminated by either party with or without cause upon 90 days written notice in accordance with Section 10 herein.
15. **Severability**- If any provision of the Agreement shall be held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to serve the purposes and objectives of both parties.

EXECUTED, this ____day of _____, 2013.

EMS: Northwest Rural EMS:

_____
Raul Reyes, Director

_____
Andrew Kretschmer, M.D.
Medical Director

FRO: City of Tomball

_____
George Shackelford, City Manager

_____
Randall F. Parr, Fire Chief

_____
Joe Miller, III, Administrator

TEXAS DEPARTMENT OF STATE HEALTH SERVICES
FIRST RESPONDER ORGANIZATION
ADMINISTRATOR INFORMATION FORM
Rev 20110819

Submit this form to:
EMS Compliance & QA - MC 1979, PO Box 149347, Austin, TX 78714-9347
For assistance, contact the appropriate regional DSHS EMS staff.
See http://www.dshs.state.tx.us/emstraumasystems/EMSComplianceRegOfcList.pdf for contact information

Section 1 – First Responder Organization Name and Administrator Information

Name of Legal Entity:	City of Tomball				Provider/FRO ID#
Entity Assumed or Operating Name:	Tomball Fire Department				
Administrator Name:	Joseph W. Miller, III	Certification Level: (if applicable)	EMT-P	ID #: (if applicable)	47499
Mailing Address:	1200 Rudel	Physical Address:	1200 Rudel		
City, State, Zip:	Tomball, TX 77375	City, State, Zip:	Tomball, TX 77375		
Home/Cell Phone:	(281) 541-3996	Business Phone:	(281) 351-7101		
Email:	jmiller@ci.tomball.tx.us	Business Fax:	(281) 357-4714		

Section 2 – Owner and Administrator Signature and Date

On behalf of the above named legal entity, to the Texas Department of State Health Services, I hereby affirm and declare that all information submitted on this form and attached supplemental documents are true and correct. It is understood that any false information given or misrepresentation made in this application or other requested documents may result in revocation or denial of license. I have read, understand, and agree to abide by Chapter 773 of the Texas Health and Safety Code and Title 25 of the Texas Administrative Code, Chapter 157.

Printed name of Person with signature authority	Signature of Owner/Person with signature authority
George Shackelford, City Manager	
Printed Name of Administrator	Signature of Administrator
Joseph W. Miller, III	

Section 3 – Notary Statement

THE STATE OF TEXAS

COUNTY OF_____

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and under oath, acknowledged to me that he/she signed the same for the purpose and consideration therein expressed.

Given under my hand and seal on this _____day of _____ , 20_____

(SEAL)

	Print Name	Signature

With a few exceptions, you have the right to request and be informed about information that the State of Texas collects about you. You are entitled to receive

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 6, 2013

Topic:

Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.071 – Private Consultation with Attorney in Closed Meeting regarding Pending Litigation and Attorney-Client Matters that the Duty of the Attorney Requires be Held in Closed Session.
- Sec. 551.072 – Deliberations Regarding Real Property

Background:

Origination:

City Manager

Recommendation:

N/A

Funding:

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

City Secretary

ACTION TAKEN

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