

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



MONDAY, SEPTEMBER 17, 2012

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, September 17, 2012 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 Wayne Graumann, Salem Lutheran Church

3.0 Pledges to U.S. and Texas Flags

- Led by Members of the Tomball High School Student Council

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

5.0 Reports and Announcements

- **September 24, 2012 – Public Hearing on Proposed Tax Rate – 5 p.m.**
- **September 29, 2012 – *Bugs, Brew & Barbecue, VW Show and MusicFest* – 9:00 a.m.-6:00 p.m.**
- **October 1, 2012 – Vote on Proposed Tax Rate – 6 p.m.**
- **October 2, 2012 – *Annual National Night Out at the Depot* – 6:00-8:00 p.m.**
- **October 8, 2012 – Vote on Proposed Tax Rate – 5 p.m.**
- **October 13, 2012 - *2nd Saturday at the Depot —“Zomball in Tomball”* – 5:00 p.m.**
- **October 27, 2012 – *Tomball Bluegrass Festival* – 11:30 a.m.-6:00 p.m.**
- ***Walk Tomball!* – Every Saturday at 8:00 a.m. at the Depot**
- Reports by City staff and members of council about items of community interest on which no action will be taken

6.0 Approve the Minutes of the Following Meetings:

- September 4, 2012 - Special City Council and Planning and Zoning Commission Meeting
- September 4, 2012 - Regular City Council Meeting

7.0 Old Business:

- 7.1 Approve, on Second Reading, Resolution No. 2012-22-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation’s Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and Stripes LLC to make direct Incentives to, or expenditures for, assistance with infrastructure costs related to the development and construction of a commercial building to be located at the northwest corner of S.H. 249 and Holderrieth Road in Tomball, Texas. The estimated amount of expenditures for such Project is \$21,000.
- 7.2 Approve, on Second Reading, Resolution No. 2012-23-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation’s Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and Baker Hughes Incorporated, to make direct incentives to, or expenditures for, assistance with infrastructure costs for the promotion of new or expanded business development related to the construction of a commercial facility to be located at the northeast corner of FM 2920 and FM 2978 in the City of Tomball’s extraterritorial jurisdiction (ETJ). The estimated amount of expenditures for such Project is \$912,889.00.
- 7.3 Adopt, on Second Reading, Ordinance No. 2012-30, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Zoning Ordinance by amending Section 43.8 (“Temporary Structures & Uses”) allowing governmental entities and publicly funded school districts to utilize temporary buildings under certain conditions; Providing for penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof; Making findings of fact; and providing for other related matters.

7.4 Adopt on Second Reading, Ordinance No. 2012-31, an Ordinance of the City of Tomball, Texas Temporarily Suspending the Collection of Impact Fees for the Development of Commercial Properties for the Area of the City known as Old Town Tomball, that Area being bounded by Fannin Street, Houston Street, the Railroad Tracks, and Pine Street and including the properties that front on Fannin and Houston Streets adjacent to such area; Providing for Mandatory Review of this Suspension; and Providing for Severability

7.5 Discussion regarding Regulation of Left-Turns on FM 2920 During Specific Hours

8.0 New Business:

8.1 Conduct First Public Hearing on the Proposed 2012 Tax Rate and Announce that the Second Public Hearing will be held on September 24, 2012 at 5:00 p.m.

8.2 Announce that the Vote on the Proposed 2012 Tax Rate will be held on October 1, 2012 at 6:00 p.m. and October 8, 2012 at 5:00 p.m.

8.3 Approve Resolution No. 2012-24, a Resolution of the City Council of the City of Tomball, Texas for the Designation of a Representative and Alternate for the Houston-Galveston Area Council 2013 General Assembly

8.4 Approve a Development Agreement between the City of Tomball and Stripes, LLC to Participate with the Over-Sizing Cost of Water, Sanitary Sewer, and Gas Facility Extensions along Holderrieth Road

8.5 Award Contract for COT Project Bid Number 2012-09, Elm and Fannin Street Parking Lots, E&P Project Number 2010-10032, to Project Management Group, LLC (PMG) in the Amount of \$519,506.10

8.6 Authorize Engineering and Planning Department to Negotiate and Prepare Professional Services Agreement with CLR, Inc. for Design of Medical District Sidewalks

8.7 Consideration to approve **ZONING CASE P12-459**: Request by Craig and Sindija Schneider to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 4.24 acres of land, legally described as Tract 1 R/S 10, Abstract 730, J.S. Smith Survey, within the City of Tomball, Harris County, Texas, generally located northerly of East Hufsmith Road, easterly of Snook Lane, from the Single-Family Estate Residential-20 District to the Agricultural District.

- Conduct a Public Hearing on **ZONING CASE P12-459**
- Adopt on First Reading, Ordinance No. 2012-33, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Zoning Ordinance by changing the zoning district classification of approximately 4.24 acres of land, legally described as Tract 1 R/S 10, Abstract 730, J.S. Smith Survey, within the City of Tomball, Harris County, Texas, from the

Single-Family Estate Residential-20 District to the Agricultural District; said property being generally located northerly of East Hufsmith Road, easterly of Snook Lane; providing for the amendment of the official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

- 8.8 Consideration to approve **ZONING CASE P12-468**: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 6.93 acres of land, legally described as Lot 2, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District to the Light Industrial District.

- Conduct a Public Hearing on **ZONING CASE P12-468**
- Adopt on First Reading, Ordinance No. 2012-34, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Zoning Ordinance by changing the zoning district classification of approximately 6.93 acres of land, legally described as Lot 2, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District; said property being generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road; providing for the amendment of the official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

- 8.9 Consideration to approve **ZONING CASE P12-469**: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 17.63 acres of land, legally described as Tract 4B, Abstract 70, Elizabeth Smith Survey, Tract R20-A, Abstract 632, C.M. Pillot Survey, Lot 384, Tomball Outlots, and Tract 385A, Tomball Outlots within the City of Tomball, Harris County, Texas, generally located northerly of Holderrieth Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District, Single-Family Estate Residential-20, and Light Industrial Districts to the Light Industrial District.

- Conduct a Public Hearing on **ZONING CASE P12-469**
- Adopt on First Reading, Ordinance No. 2012-35, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Zoning Ordinance by changing the zoning district classification of approximately 17.63 acres of land, legally described as Tract 4B, Abstract 70, Elizabeth Smith Survey, Tract R20-A, Abstract 632, C.M. Pillot Survey, Lot 384, Tomball Outlots, and Tract 385A, Tomball Outlots within the City of Tomball, Harris County, Texas, from the Agricultural, Single-Family Estate Residential-20, and Light Industrial Districts to the Light Industrial District; said property being generally located northerly of

Holderrieth Road, westerly of Hufsmith-Kohrville Road; providing for the amendment of the official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

- 8.10 Consideration to approve **ZONING CASE P12-481**: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 5.61 acres of land, legally described as Lot 4, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District to the Light Industrial District.

- Conduct a Public Hearing on **ZONING CASE P12-481**
- Adopt on First Reading, Ordinance No. 2012-36, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Zoning Ordinance by changing the zoning district classification of approximately 5.61 acres of land, legally described as Lot 4, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District; said property being generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road; providing for the amendment of the official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

- 8.11 Appoint Presiding Municipal Court Judge

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

- Sec. 551.072 – Deliberations Regarding Real Property
- Sec. 551.074 – Deliberations Regarding Personnel Matters - Evaluation of City Manager

- 8.13 Consideration and Possible Action regarding Amendments to and Extension of the Employment Contract for George Shackelford, City Manager

- 9.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall,

City of Tomball, Texas, a place readily accessible to the general public at all times, on the 13th day of September 2012 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: September 17, 2012

Topic:

- Led by Pastor Wayne Graumann, Salem Lutheran Church

Background:

Origination:

Recommendation:

Funding:

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

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: September 17, 2012

Topic:

- Led by Members of the Tomball High School Student Council

Background:

Origination:

Recommendation:

Funding:

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

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

Regular City Council

Agenda Item

Meeting Date: September 17, 2012

Data Sheet

Topic:

- September 24, 2012 – Public Hearing on Proposed Tax Rate – 5 p.m.
- September 29, 2012 – *Bugs, Brew & Barbecue, VW Show and MusicFest* – 9:00 a.m.-6:00 p.m.
- October 1, 2012 – Vote on Proposed Tax Rate – 6 p.m.
- October 2, 2012 – *Annual National Night Out at the Depot* – 6:00-8:00 p.m.
- October 8, 2012 – Vote on Proposed Tax Rate – 5 p.m.
- October 13, 2012 - *2nd Saturday at the Depot —“Zomball in Tomball”* – 5:00 p.m.
- October 27, 2012 – *Tomball Bluegrass Festival* – 11:30 a.m.-6:00 p.m.
- *Walk Tomball!* – Every Saturday at 8:00 a.m. at the Depot
- Reports by City staff and members of council about items of community interest on which no action will be taken

Background:

Origination:

Various

Recommendation:

N/A

Funding:

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

City Secretary

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

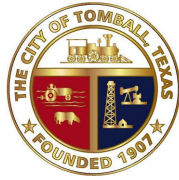
ATTACHMENTS:

Public Hearing on Proposed Tax Rate

Bugs, Brew & Barbecue, VW Show and MusicFest

Tomball Bluegrass Festival

**NOTICE OF PUBLIC HEARINGS AT
SPECIAL AND REGULAR COUNCIL MEETINGS
CITY OF TOMBALL, TEXAS**



**MONDAY, SEPTEMBER 17, 2012
6:00 P.M.**

and

**MONDAY, SEPTEMBER 24, 2012
5:00 P.M.**

Notice is hereby given that **PUBLIC HEARINGS** will be held by the Tomball City Council, as the Governing Body of the City of Tomball, at a Special Council Meeting on Monday, September 17, 2012 at 6:00 p.m., and at a Regular Council Meeting on Monday, September 24, 2012 at 5:00 p.m., at City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following:

Public Hearing on Tax Revenue Increase for
Proposed 2012 Tax Rate of \$0.341455/\$100 Assessed Value
for the City of Tomball, Texas.

Persons interested in the above-proposed 2012 Tax Rate for the City of Tomball, Texas will be given an opportunity to be heard.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5th day of September 2012 by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer
Doris Speer
City Secretary, TRMC

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

TOMBALL, TEXAS

SEPTEMBER 29TH

2012

9A.M. - 6P.M.



BUGS, BREW AND BARBECUE

VWs, Texas Craft Beer, Barbecue & Bands

TOMBALL BLUEGRASS FESTIVAL



OCTOBER 27, 2012
11:30 A.M. TO 6 P.M.

BANDS, FOOD, VENDORS AND A KID'S PLAY ZONE!
AT THE HISTORIC DOWNTOWN DEPOT. CALL 281-351-5484

VISIT WWW.FACEBOOK.COM/TOMBALLTEXANFORFUN

Regular City Council

Agenda Item

Data Sheet

Meeting Date: September 17, 2012

Topic:

Approve the Minutes of the Following Meetings:

- September 4, 2012 - Special City Council and Planning and Zoning Commission Meeting
- September 4, 2012 - Regular City Council Meeting

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

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

ATTACHMENTS:

Draft Minutes - September 4, 2012 - Special City Council and Planning and Zoning Commission Meeting

Draft Minutes - September 4, 2012 - Regular City Council Meeting

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

TUESDAY, SEPTEMBER 4, 2012



4:00 P.M.

1.0 Call to Order

Mayor Fagan announced that no quorum of Council was present.

The Planning and Zoning Commission meeting was called to order by Evelyn Torres-Chervenak, Vice Chair. Other Planning and Zoning Commissioners present:

Michelle Beauvais, Commissioner
Darrell Roquemore, Commissioner

Others present:

Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren Smith
City Planner – Rebeca Guerra
Assistant City Engineer – Lori Lakatos
Assistant City Planner – Rodney Schmidt

draft

2.0 No public comments were received.

3.0 New Business:

3.1 Consideration was given by the Planning and Zoning Commission to **ZONING CASE P12-477**: City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 43.8 (“Temporary Structures & Uses”) by allowing governmental entities and public school districts to utilize temporary buildings under certain conditions.

- Vice Chair Torres-Chervenak called the Public Hearing on **ZONING CASE P12-477** to order at 4:01 p.m; no public

comments being received, Vice Chair Torres-Chervenak closed the Public Hearing at 4:04 p.m.

Motion was made by Commissioner Roquemore, second by Commissioner Beauvais, to approve **ZONING CASE P12-477**: City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 43.8 (“Temporary Structures & Uses”) by allowing governmental entities and public school districts to utilize temporary buildings under certain conditions.

Motion carried unanimously.

- 3.2 Motion was made by Commissioner Beauvais, second by Commissioner Roquemore, to adjourn.

Motion carried unanimously.

Meeting adjourned.

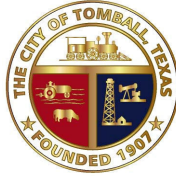
PASSED AND APPROVED this 17th day of September 2012.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

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MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



draft

**TUESDAY, SEPTEMBER 4, 2012
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 Stoll
Councilman Dodson
Councilman Hudgens
Councilman Townsend

Excused Absence: Councilman Brown

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Marketing Director – Mike Baxter
City Planner – Rebeca Guerra
Assistant City Engineer – Lori Lakatos
Assistant City Planner – Rodney Schmidt
Community Events Coordinator – Rosalie Dillon
Kelly Violette – TEDC Executive Director

2.0 Invocation

- Led by Tara Dorroh, Chaplain, International Fellowship of Chaplains

3.0 Pledges to U. S. and Texas Flags

- Led by Anna Liu and Courtlynn Noack, Tomball High School Student Council Members

4.0 The following public comments were received:

Tim Miller 16416 Surrey Lane, 77355 Liberty Tax Service	-	Expressed his opposition to the proposed changes to the City's sign ordinance regarding prohibition of "wind feathers" and "human wavers".
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5.0 Presentations: Mayor Fagan presented the following:

- Presentation of Certificates of Appreciation to HEB, Buffalo Wild Wings, Cisco's Salsa Company, Rey Rueda, TISD Student Council, and Tomball Bible Church for their participation in and support of the 2012 **Tomball Kids Club at MLK, Jr. Park**
- Proclamation - ***"Texting & Driving – It Can Wait Day"***- **September 19, 2012** to the Shelli Ralls-Brinkley and the Herbie Martinez families.

6.0 Reports and Announcements:

- September 8, 2012 – **Second Saturday at the Depot – 6:30 p.m.**
- **September 17, 2012 at 6 p.m. – Public Hearing on Proposed Tax Rate**
- **September 24, 2012 at 5 p.m. – Public Hearing on Proposed Tax Rate**
- **September 29, 2012 – Bugs, Brew & Barbecue, VW Show and MusicFest – 9:00 a.m.-6:00 p.m.**
- **October 27, 2012 – Tomball Bluegrass Festival – 11:30 a.m.-6:00 p.m.**
- ***Walk Tomball!*** – Every Saturday at 8:00 a.m. at the Depot
- Reports by City staff and members of council about items of community interest on which no action will be taken

7.0 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve the minutes of the August 20, 2012 City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2012-25, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Plan by Changing the Future Land Use Classification of Approximately 1.28 Acres of Land, Legally Described as Tract 1, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, from High Density

Draft

Residential to Employment/Office; said Property being Generally Located on the Southwestern Corner of Michel Road and Johnson Road; Providing for the Amendment of the Comprehensive Plan of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

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

Motion carried unanimously.

- 8.2 Motion was made by Councilman Dodson, second by Councilman Stoll, to approve, on Second Reading, Ordinance No. 2012-26, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 1.28 Acres of Land, Legally Described as Tract 1, Meadow Lark Hill (Unrecorded), Within The City Of Tomball, Harris County, Texas, From the Duplex Residential District to the Office District; said Property being Generally Located on the Southwestern Corner of Michel Road and Johnson Road; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

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

Motion carried unanimously.

9.0 New Business:

- 9.1 Motion was made by Councilman Townsend, second by Councilman Dodson, to approve, on First Reading, Resolution No. 2012-22-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and Stripes LLC to make direct Incentives to, or expenditures for, assistance with infrastructure costs related to the development and construction of a commercial building to be located at the northwest corner of S.H. 249 and

Draft

Holderrieth Road in Tomball, Texas. The estimated amount of expenditures for such Project is \$21,000.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve, on First Reading, Resolution No. 2012-23-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and Baker Hughes Incorporated, to make direct incentives to, or expenditures for, assistance with infrastructure costs for the promotion of new or expanded business development related to the construction of a commercial facility to be located at the northeast corner of FM 2920 and FM 2978 in the City of Tomball's extraterritorial jurisdiction (ETJ). The estimated amount of expenditures for such Project is \$912,889.00. Vote was as follows:

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

Motion carried, 3 votes Aye, 1 vote Nay

- 9.3 Motion was made by Councilman Dodson, second by Councilman Stoll, to approve the Tomball Economic Development Corporation (TEDC) Fiscal Year 2012-2013 Budget.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve Request from Salem Ministries for City Support of the "4 Their Lives" Run Fundraiser, to be Held on Saturday, October 13, 2012, through In-Kind Services Provided by the City of Tomball.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve New Dates for the Public Hearings on the Proposed Tax Rate for 2012 and Set October 1, 2012 at 6:00 p.m. and October 8, 2012 at 5 p.m. as the Dates for the Votes to Adopt the Tax Rate.

Motion carried unanimously.

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- 9.6 Rebecca Guerra presented staff report on **ZONING CASE P12-477**: City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 43.8 (“Temporary Structures & Uses”) by allowing governmental entities and public school districts to utilize temporary buildings under certain conditions.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P12-477** at 7:05 p.m.; receiving no public comments, Mayor Fagan closed the public hearing at 7:05 p.m.
- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2012-30 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2012-30, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Zoning Ordinance by amending Section 43.8 (“Temporary Structures & Uses”) allowing governmental entities and publicly funded school districts to utilize temporary buildings under certain conditions; Providing for penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof; Making findings of fact; and providing for other related matters. Vote was as follows:

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

A tie resulting, Mayor Fagan cast vote: Aye

Motion carried, 3 votes Aye, 1 vote Nay.

- 9.7 Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance No. 2012-31 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt on First Reading, Ordinance No. 2012-31, an Ordinance of the City of Tomball, Texas Temporarily Suspending the Collection of Impact Fees for the Development of Commercial Properties for the Area of the City known as Old Town Tomball, that Area being bounded by Fannin Street, Houston Street, the Railroad Tracks, and Pine Street and

Draft

including the properties that front on Fannin and Houston Streets adjacent to such area; Providing for Mandatory Review of this Suspension; and Providing for Severability.

Motion was made by Councilman Stoll, second by Councilman Townsend, to amend Ordinance No. 2012-31 by changing the review period in Section 3 from 150 days to 90 days and to adopt on First Reading, Ordinance No. 2012-31, an Ordinance of the City of Tomball, Texas Temporarily Suspending the Collection of Impact Fees for the Development of Commercial Properties for the Area of the City known as Old Town Tomball, that Area being bounded by Fannin Street, Houston Street, the Railroad Tracks, and Pine Street and including the properties that front on Fannin and Houston Streets adjacent to such area; Providing for Mandatory Review of this Suspension; and Providing for Severability, as amended. Vote was as follows:

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

Motion carried unanimously.

9.8 No Executive Session was held.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 17th day of September 2012.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: September 17, 2012

Topic:

Approve, on Second Reading, Resolution No. 2012-22-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and Stripes LLC to make direct Incentives to, or expenditures for, assistance with infrastructure costs related to the development and construction of a commercial building to be located at the northwest corner of S.H. 249 and Holderrieth Road in Tomball, Texas. The estimated amount of expenditures for such Project is \$21,000.

Background:

All expenditures of the Tomball Economic Development Corporation (TEDC) sales tax revenue must first be approved as a "Project of the Corporation." At its regular meeting on August 21, 2012, the TEDC Board of Directors did take formal action to approve, as a Project of the TEDC, an agreement with Stripes LLC, for assistance with infrastructure costs related to the development and construction of a new commercial building (a convenience store and gasoline facility) proposed for a 1.4 acre site located at the northwest corner of State Highway 249 and Holderrieth Road in the City of Tomball. The Tomball City Council has final approval authority over all projects and agreements of the TEDC.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Approval of Resolution No. 2012-22-TEDC on Second Reading

Funding: Yes

Account Number: Grant Funds Available

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

City Secretary

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

ATTACHMENTS:

Resolution No. 2012-22-TEDC - Stripes LLC

TEDC Memo

Stripes Request Letter

Stripes Economic Impact Model

Stripes Performance Agreement

RESOLUTION NO. 2012-22-TEDC

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING AND APPROVING THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION'S PROJECT TO EXPEND FUNDS IN ACCORDANCE WITH AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE CORPORATION AND STRIPES LLC TO PROMOTE AND DEVELOP A NEW OR EXPANDED BUSINESS ENTERPRISE; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the Tomball Economic Development Corporation (the "TEDC"), created pursuant to the Development Corporation Act, now Chapter 501 of the Texas Local Government Code, as amended (the "Act"), desires to adopt projects and provide incentives for economic development within the City; and

WHEREAS, the Board of Directors of the TEDC had adopted as a specific project the expenditure of the estimated amount of Twenty-One Thousand Dollars (\$21,000) found by the Board to be required or suitable to promote a new business development by Stripes LLC.; and

WHEREAS, pursuant to the Act, the TEDC may not undertake such project without the approval of Tomball City Council; and

WHEREAS, City Council finds and determines that such project promotes new or expanded business development and is in the best interests of the citizenry; now, therefore,

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

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

Section 2. The City Council hereby authorizes and approves the adoption, by the Board of Directors of the Tomball Economic Development Corporation, as a specific project for the economic development of the City, an expenditure of the estimated amount of Twenty-One Thousand Dollars (\$21,000) to Stripes LLC., in accordance with an economic development agreement by and between the TEDC and Stripes LLC, to promote and develop a new or expanded business enterprise, to be located at the northwest corner of State Highway 249 and Holderrieth Road in Tomball, Texas.

Section 3. In the event any clause, phrase, provision, sentence, or part of this Resolution 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 Resolution 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.

PASSED AND APPROVED on first reading this 4th day of September 2012.

PASSED, APPROVED, AND RESOLVED on second and final reading this 17th day of September 2012.

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



TO: Honorable Mayor and City Council

FROM: Kelly Violette, Executive Director

MEETING DATE: September 4, 2012

SUBJECT: Stripes LLC Agreement

On August 1, 2012, the Tomball Economic Development Corporation (TEDC) received a request from Richard Hatch, Senior Counsel, Susser Holdings Corporation, for grant funding assistance related to infrastructure improvements associated with a new Stripes convenience store and gasoline facility proposed for a 1.4 acre site located at the northwest corner of State Highway 249 and Holderrieth Road in the City of Tomball.

The project involves the construction of a 4,833 square foot commercial building on the site with an estimated value of \$2,500,000.00. The development will necessitate the extension of utilities along S.H. 249 and Holderrieth Road. The utilities will consist of 12-inch water and sanitary sewer lines and a 6-inch gas line along the S.H. 249 frontage and a 12-inch waterline and 30-inch sanitary sewer line along the Holderrieth frontage. The minimum requirements for utilities to service the development are 8-inch water and sewer lines, and a 6-inch gas line. However, the City of Tomball is requiring that the utilities be oversized to account for future development further north and west of the proposed site.

Susser Holdings Corporation is requesting grant funding assistance from the TEDC for infrastructure costs associated with extending utilities along the S.H. 249 frontage only. The Engineer's Opinion of Probable Construction Cost for the utilities along the S.H. 249 frontage is \$52,052.77. The cost breakdown is included in the proposed agreement as "Exhibit C."

Additionally, due to the costs associated with oversizing the utilities along the Holderrieth Road frontage, Susser Holdings Corporation has submitted a request to the City's Engineering Department for a development agreement with the City of Tomball for reimbursement of the costs directly related to the oversizing of the water and sanitary sewer lines along the Holderrieth Road frontage. It has been the City's policy and practice to enter into oversizing agreements with developers obligating them to construct oversized utilities in return for the City agreeing to reimburse the developer for the developer's costs directly related to the oversizing portion of such facilities. The development agreement will be brought to City Council for consideration on September 17, 2012.

The attached TEDC agreement proposes grant funding in an amount not to exceed \$21,000, which is 40% of the estimated construction costs associated with the extension of utilities along the S.H. 249 frontage only.

Although this project does not create primary jobs, it does promote the development and expansion of business enterprise, which is considered a permissible project as outlined in Texas Economic Development Legislation. Additionally, the extension of utilities for this site opens up approximately 780 acres to the north and west of the subject site for future development if utility extensions are made on Holderrieth Road and SH 249.



Richard J. Hatch, Jr.
Senior Counsel

Tel: 361.693.3646
Fax: 361.693.3725
rhatch@susser.com

August 21, 2012

Ms. Kelly Violette, AICP
Executive Director
Tomball Economic Development Corporation
29201 Quinn Road, Suite B
Tomball, Texas 77375

**VIA EMAIL
AND UPS**

Re: NWC of SH 249 and Holderrieth, Tomball, Harris County,
Texas (the Property)

Dear Ms. Violette:

I am writing on behalf of Stripes LLC to request funding assistance for improvements necessary for the construction and development of a Stripes convenience store with gasoline facilities at the above referenced location. Stripes LLC is a Texas limited liability company, and a subsidiary of Susser Holdings Corporation listed on the NASDAQ under the symbol SUSS. Susser Holdings Corporation is a third-generation family led business with approximately 1,100 company-operated or contracted locations. The Company operates 545 convenience stores in Texas, New Mexico and Oklahoma under the Stripes® banner. Restaurant service is available in more than 337 of its stores, with 323 offering food service under the proprietary Laredo Taco Company® brand. The Company also supplies branded motor fuel to 567 independent dealers through its wholesale fuel division, Susser Petroleum Company. A business update dated June 19, 2012 may be viewed on our web page at www.susser.com under the tab Investor Relations. The link to the business update is under Events and Presentations.

Stripes is under contract with RK McGaughy, Trustee (c/o Pete Terpstra) to purchase approximately 1.4 acres (the Property) at the northwest corner of SH 249 and Holderrieth. The Property is in the plat process and is to be identified as Lot 1, Block 1 of proposed Point South Business Park. Stripes anticipates closing on the Property at the end of September 2012; however, closing is conditional on plat recordation and satisfactory Agreements with "the Tomball EDC" and a Development Agreement with the City of Tomball.

Stripes intends to construct a convenience store with gasoline facilities at the location as shown on the site plan included in the enclosed letter from Jacobs Engineering. In order to develop the site, the City of Tomball has requested Stripes to oversize the water and sanitary sewer service along Holderrieth. In addition, the City has requested Stripes to extend utilities along SH 249. Jacobs Engineering's letter with cost estimates outlining the scope of this work is enclosed. The estimate for the additional work requested by the City of Tomball is \$105,200.00.



Ms. Kelly Violette
August 21, 2012
Page 2

Stripes is requesting assistance for the eligible amount from TEDC for the SH 249 Frontage Work.

The proposed building would be approximately 4,833 square feet and would include a Laredo Taco Company, Stripes proprietary food service. The total capital investment for this project will be in excess of \$2.5 million and would employ 18 to 20 people (full time and part time) with an annual payroll in excess of \$200,000.00. Annual taxable sales are anticipated between \$1,000,000.00 and \$1.5 million.

Stripes requests that the Tomball Economic Development Corporation provide funding for infrastructure as outlined above. Please contact me if you have any questions or need additional information.

Very truly yours,



Richard J. Hatch, Jr.

RHJ/ic

Enclosures

L:\REAL ESTATE - STRIPES\Cedarwood Sites\Tomball\SH 249 & Holderrieth\kelly violette ltr - 249 & Holderrieth 08-21-2012.doc

cc: Mr. Gene Clancy
Stripes LLC
P.O. Box 9036
Corpus Christi, Texas 78469

VIA EMAIL

Mr. Mike Harp
Cedarwood Development, Inc.
222 Pennbright, Suite 109
Houston, Texas 77090

VIA EMAIL

August 15, 2012

Tomball, TX Economic Development Corporation
29201 Quinn Road, Suite B
Tomball, TX 77375
Attention: Ms. Kelly Violette

**Subject: Stripes Gas Station – NWC of SH 249 and Holderrieth
Request for Reimbursement Associated with Proposed Utilities to Serve
Stripes Development**

Dear Ms. Violette:

Stripes LLC ("Stripes") is proposing a 4,833 SF gas station with a convenience store at the northwest corner of State Highway 249 and Holderrieth Road. On behalf of Stripes, Jacobs Engineering Group Inc. respectfully requests your assistance with financial reimbursement for the utilities that are proposed to serve the development for reasons elucidated below.

The Stripes development consists of approximately 1.40 acres. The development will require water, sewer, and gas service from the City of Tomball, consisting of a minimum 8-inch water and sewer lines, and a 6-inch gas line. The existing utilities located at the southeast corner of the site will be extended to and through the site development property within easements along the north side of the future Holderrieth Road extension (southern boundary of the property). The costs associated with the utility extensions and an accompanying exhibit are shown on Exhibits A and A-1, enclosed herewith.

Preliminary discussions with the City of Tomball Engineer, Ms. Lori Lakatos, indicated that the utility extensions would have to be sized to account for future development further west of the proposed site. In particular, the 8-inch water line would have to be increased to a 12-inch waterline and the 8-inch sanitary sewer would have to be upsized to a 30-inch sewer (and installed deeper); the gas line size would remain the same. The costs associated with the utilities sized in accordance with City of Tomball's requirements, as well as an exhibit, are shown on Exhibits B and B-1, and also enclosed herewith.

In addition to the size of the utilities, the Ms. Lakatos stipulated that the utilities will also have to be installed along the State Highway 249 property frontage. These utilities will consist of 12-inch water and sanitary sewer lines and a 6-inch gas line, and they will have to be extended to the property boundary's northernmost limit along SH 249. The costs and an exhibit that reflects this City requirement are shown on Exhibits C and C-1.

In order to obtain City of Tomball approval, the development will require the construction of the utilities outlined in Exhibits B and C. Stripes is requesting financial reimbursement on the basis that the size and additional construction of the utilities described therein exceed the minimum requirements necessary to serve the proposed development. Since the development will only require the utilities outlined in Exhibits A, we request that the Tomball Economic Development Corporation cover the marginal difference between with the construction costs of Exhibits B and C versus the costs in Exhibit A. Based on the costs estimates, this amount is approximately

\$105,200. Please note that this amount also includes soft costs associated with the engineering design and permitting of the utilities along the SH 249 frontage only.

Stripes has invested a great deal of effort to establish the feasibility of the site for the proposed gas station. They hope to garner your support and partnership, and contribute to the growth of the Tomball economy.

If you have any questions or need additional information, please do not hesitate to call me at 281.776.2104 or via e-mail at richard.bard@jacobs.com.

Sincerely,

Jacobs Engineering Group Inc.



Richard Bard, E.I.T.

Attachments: (6) Exhibits A, A-1, B, B-1, C, C-1

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Stripes NWC of SH 249 & Holderrieth, Tomball, TX

Utility Extensions

Engineer's Opinion of Probable Construction Cost

Exhibit A

Based on Minimum Required Utility Sizes Along Holderrieth ONLY

BY: HES
CHECKED BY: MI
DATE: 6/21/2012

Item	Description	Units	Quantity	Unit Price	Total
<u>General</u>					
1	Mobilization and Demobilization	LS	1	\$2,046.62	\$ 2,046.62
2	Traffic Control Plan along SH 249	EA	1	\$3,000.00	\$ 3,000.00
TOTAL					\$ 5,046.62
<u>Sanitary</u>					
1	8-Inch Sanitary Sewer Pipe, 8'-10' Depth, Open Cut	LF	329	\$ 25.00	\$ 8,225.00
2	4-Foot Diameter Manhole	EA	3	\$2,000.00	\$ 6,000.00
3	Connect 8" Sanitary to Existing Manhole	EA	1	\$3,500.00	\$ 3,500.00
4	Trench Safety System, All Depths	LF	329	\$ 0.15	\$ 49.35
TOTAL					\$ 17,774.35
<u>Water</u>					
1	8" PVC Water Pipe, C-900, All Depths, Open Cut	LF	300	\$ 20.00	\$ 6,000.00
2	Fire Hydrant Assembly Including Tee Gate Valve & Box	EA	1	\$2,800.00	\$ 2,800.00
3	8" AWWA Gate Valve and Box	EA	1	\$ 900.00	\$ 900.00
4	8" Plug and Clamp with 2" Blow Off Assembly	EA	1	\$ 450.00	\$ 450.00
5	Remove Exist. WL Plug&Clamp and Connect Prop. WL	EA	1	\$ 350.00	\$ 350.00
6	Trench Safety	LF	300	\$ 0.15	\$ 45.00
TOTAL					\$ 10,545.00
<u>Gas</u>					
1	6-Inch Poly Gas Line, Open Cut	LF	304	\$ 17.50	\$ 5,320.00
2	Trench Safety	LF	304	\$ 0.15	\$ 45.60
TOTAL					\$ 5,365.60
<u>Erosion Control</u>					
1	Filter Fabric Fencing	LF	350	\$ 4.50	\$ 1,575.00
TOTAL					\$ 1,575.00
PROJECTED CONSTRUCTION COST					\$ 40,306.57
10% Contingencies					\$ 4,030.66
Construction Materials Testing					\$ 1,000.00
GRAND TOTAL					\$45,337.23



Stripes NWC of SH 249 & Holderrieth, Tomball, TX

Utility Extensions

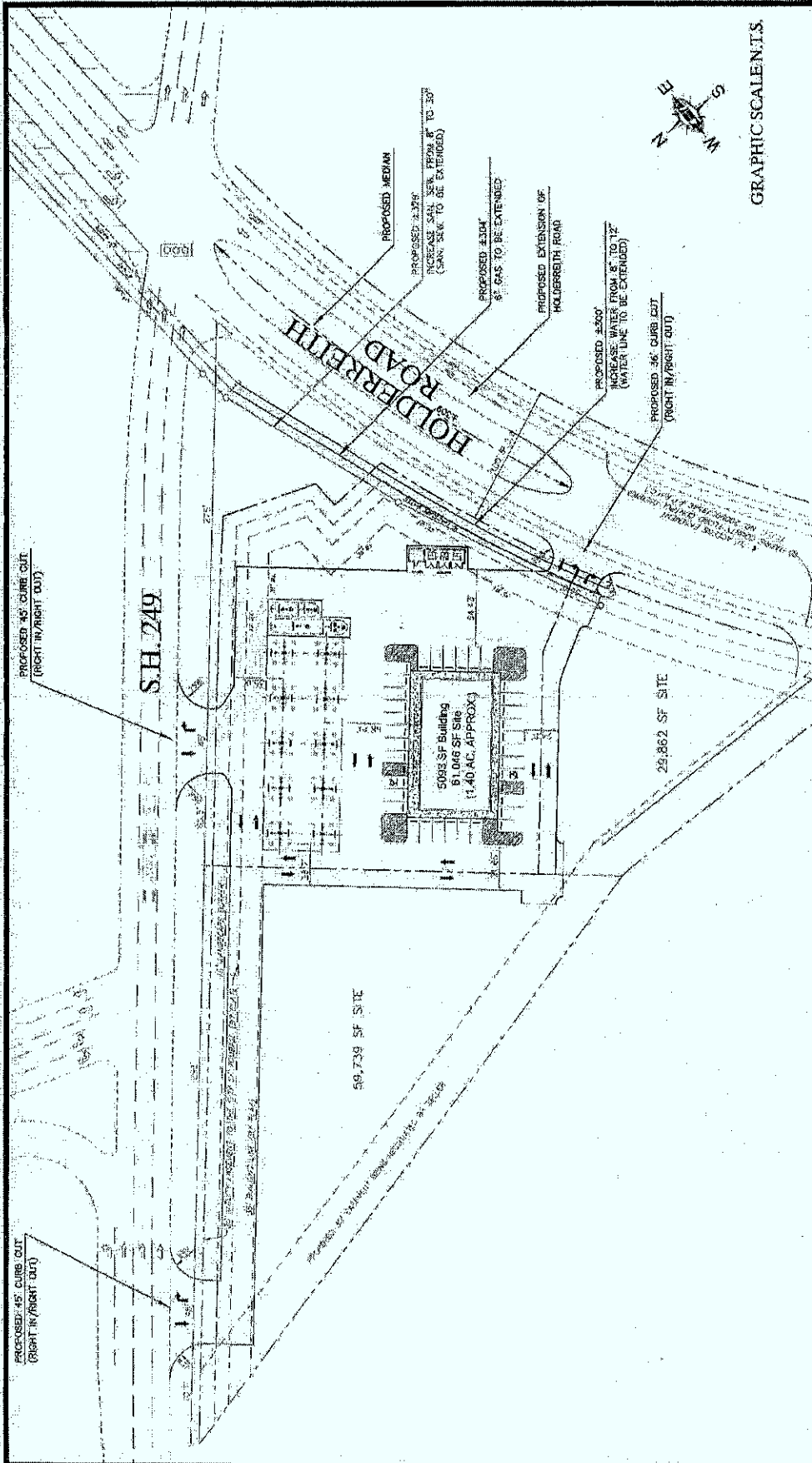
Engineer's Opinion of Probable Construction Cost

Exhibit B

Based on City of Tomball Requirements Along Holderrieth ONLY

BY: HES
 CHECKED BY: MI
 DATE: 6/21/2012

<u>Item</u>	<u>Description</u>	<u>Units</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total</u>
<u>General</u>					
1	Mobilization and Demobilization	LS	1	\$4,781.12	\$ 4,781.12
2	Traffic Control Plan along SH 249	EA	1	\$3,000.00	\$ 3,000.00
TOTAL					\$ 7,781.12
<u>Sanitary</u>					
1	30-Inch Sanitary Sewer Pipe, 18'-20' Depth, Open Cut	LF	329	\$ 150.00	\$ 49,350.00
2	4-Foot Diameter Manhole	EA	3	\$2,000.00	\$ 6,000.00
3	Connect 30" Sanitary to Existing Manhole	EA	1	\$5,000.00	\$ 5,000.00
4	Trench Safety System, All Depths	LF	329	\$ 0.15	\$ 49.35
TOTAL					\$ 60,399.35
<u>Water</u>					
1	12" PVC Water Pipe, C-900, All Depths, Open Cut	LF	300	\$ 27.00	\$ 8,100.00
2	Fire Hydrant Assembly Including Tee Gate Valve & Box	EA	1	\$2,800.00	\$ 2,800.00
3	12" AWWA Gate Valve and Box	EA	1	\$1,700.00	\$ 1,700.00
4	12" Plug and Clamp with 2" Blow Off Assembly	EA	1	\$ 500.00	\$ 500.00
5	Remove Exist. WL Plug&Clamp and Connect Prop. WL	EA	1	\$ 350.00	\$ 350.00
6	Trench Safety	LF	300	\$ 0.15	\$ 45.00
TOTAL					\$ 13,495.00
<u>Gas</u>					
1	6-Inch Poly Gas Line, Open Cut	LF	304	\$ 17.50	\$ 5,320.00
2	Trench Safety	LF	304	\$ 0.15	\$ 45.60
TOTAL					\$ 5,365.60
<u>Erosion Control</u>					
1	Filter Fabric Fencing	LF	350	\$ 4.50	\$ 1,575.00
TOTAL					\$ 1,575.00
PROJECTED CONSTRUCTION COST					\$ 88,616.07
10% Contingencies					\$ 8,861.61
Construction Materials Testing					\$ 1,000.00
GRAND TOTAL					\$98,477.68



SH 249 & Holderbereth Road
Tomball, Texas
EXHIBIT "B-1"
CITY REQUIREMENT TO OVERSIZE UTILITIES
DATE: JUNE 21, 2012

STIPES

SHEET 2 OF 3

REVISION	DATE



Stripes NWC of SH 249 & Holderrieth, Tomball, TX

Utility Extensions

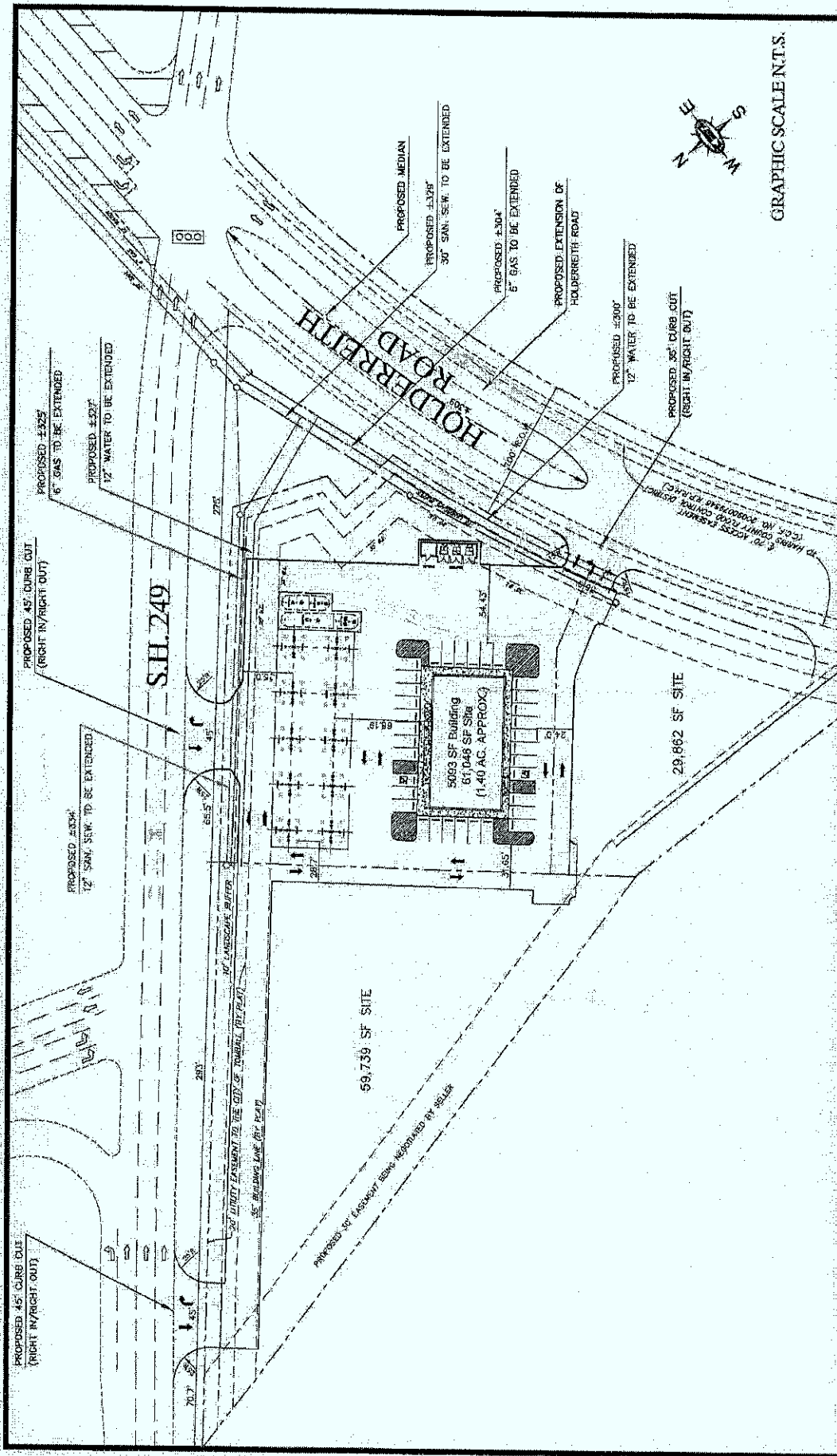
Engineer's Opinion of Probable Construction Cost

Exhibit C

Based on City of Tomball Requirements Along SH 249 Frontage ONLY

BY: HES
 CHECKED BY: MI
 DATE: 6/21/2012

<u>Item</u>	<u>Description</u>	<u>Units</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total</u>
<u>General</u>					
1	Mobilization and Demobilization	LS	1	\$1,889.47	\$ 1,889.47
TOTAL					\$ 1,889.47
<u>Sanitary</u>					
1	12-Inch Sanitary Sewer Pipe, 8'-10' Depth, Open Cut	LF	334	\$ 32.00	\$ 10,688.00
2	4-Foot Diameter Manhole	EA	2	\$2,000.00	\$ 4,000.00
4	Trench Safety System, All Depths	LF	334	\$ 0.15	\$ 50.10
TOTAL					\$ 14,738.10
<u>Water</u>					
1	12" PVC Water Pipe, C-900, All Depths, Open Cut	LF	327	\$ 27.00	\$ 8,829.00
2	Fire Hydrant Assembly Including Tee Gate Valve & Box	EA	1	\$2,800.00	\$ 2,800.00
3	12" AWWA Gate Valve and Box	EA	1	\$1,700.00	\$ 1,700.00
4	12" Plug and Clamp with 2" Blow Off Assembly	EA	1	\$ 500.00	\$ 500.00
6	Trench Safety	LF	327	\$ 0.15	\$ 49.05
TOTAL					\$ 13,878.05
<u>Gas</u>					
1	6-Inch Poly Gas Line, Open Cut	LF	325	\$ 17.50	\$ 5,687.50
2	Trench Safety	LF	325	\$ 0.15	\$ 48.75
TOTAL					\$ 5,736.25
<u>Erosion Control</u>					
1	Filter Fabric Fencing	LF	350	\$ 4.50	\$ 1,575.00
TOTAL					\$ 1,575.00
PROJECTED CONSTRUCTION COST					\$ 37,816.87
10% Contingencies					\$ 3,781.69
Engineering and Permitting (25%)					\$ 9,454.22
Construction Materials Testing					\$ 1,000.00
GRAND TOTAL					\$52,052.77





S.H. 249 & Holderreith Road
Tomball, Texas
EXHIBIT "C-1"
CITY REQUESTED UTILITIES ALONG S.H. 249
DATE: JUNE 21, 2012

SHEET 3 OF 3

REVISIONS	
NO.	DESCRIPTION

STRIPES, LLC
NWC SH 249 & Holderrieth Road

TOMBALL ECONOMIC DEVELOPMENT CORPORATION

CITY OF TOMBALL ECONOMIC IMPACT MODEL

Average Annual Wage Assessment:

<u>Number of Employees</u>		<u>Average Hourly Wage</u>	<u>Average Weekly Wages</u>	<u>Total Annual Wages (52 wks.per Yr.)</u>
Existing:	0			
Prospective:	20	9.85		
TOTAL:	20	9.85	7,880	409,760
Federal Income and FICA Taxes at 28% deducted				114,733
Fixed payments for rent, insurance, etc. at 25%				102,440
Net Disposable Annual Income				192,587

Total Return to Local Government by Annual Payroll:

Local Sales Tax Rate of 2% on Fixed Payments:	2,049
Average Multiplier effect of the Dollar turning over 3.5 times to Calculate the Total Annual Local Sales Tax Impact:	7,171

Annual Sales Tax Impact:

<u>Value of Retail Sales</u>	<u>Sales Tax</u>	
1,500,000	2.00%	30,000

Estimated Property Tax Impact:

<u>Value of Property and Improvements</u>	<u>Tomball Tax Rate (per \$100)</u>	
2,500,000	0.34146	8,536
Annual Economic Impact of Facility		45,707
Economic Impact over a Five Year Period		228,536

AGREEMENT

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

This Agreement (the “Agreement”) is made and entered into by and between the **Tomball Economic Development Corporation**, an industrial development corporation created pursuant to the Development Corporation Act, now Chapter 501 et seq of the Texas Local Government Code, located in Harris County, Texas (the “TEDC”), and Stripes LLC, a subsidiary of Susser Holdings Corporation, (the “Company”), 4525 Ayers Street, Corpus Christi, Texas, 78415.

WITNESSETH:

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

WHEREAS, the Company proposes to develop approximately 1.4 acres of land within the City, located at the northwest corner of S.H. 249 and Holderrieth Road in Tomball, Texas 77375 (the “Property”), more particularly described in Exhibit “A,” attached hereto and made a part hereof; and

WHEREAS, such development shall include the construction of a 4,833 square foot convenience store and gasoline facility (the “Improvements”) on the site, and more particularly described in Exhibit “B,” attached hereto and made a part hereof; and

WHEREAS, the TEDC agrees to provide to the Company the sum of up to Twenty One Thousand Dollars (\$21,000.00), or an amount equal to forty percent (40%) of actual construction costs if less than the sum stated above, to assist in the construction of certain targeted infrastructure necessary to promote and develop a new business enterprise on the Property. The infrastructure found by the Board of Directors of TEDC to be required to develop the Property are site utilities along the S.H. 249 frontage only (the “Infrastructure Improvements”), identified and described in Exhibit “C,” attached hereto and made a part hereof; and

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

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

1.

The Company covenants and agrees that it will construct and maintain on the Property a 4,833 square foot convenience store and gasoline facility (the “Improvements”) identified and described in Exhibit “B,” attached hereto and made a part hereof. In conjunction with the development of the Property, the Company further agrees to construct the Improvements contemplated by this Agreement, in accordance with the requirements of the ordinances of the City and the plans and specifications approved by the City. The Company further represents and agrees that it will certify the costs of the construction of such Infrastructure Improvements to the TEDC prior to construction.

2.

Construction of the Improvements on the Property, including construction of the Infrastructure Improvements, must commence within 180 days from the Effective Date of this Agreement (the "Date"). The construction of the Improvements to the Property, including construction of the Infrastructure Improvements, shall be completed, and all necessary occupancy permits from the City shall be obtained within eighteen (18) months from the Date of this agreement. Extensions of these deadlines due to extenuating circumstances or uncontrollable delay may be granted by the Board of Directors of the TEDC at its sole discretion.

3.

The Company further covenants and agrees that the Improvements described in Paragraph 1 hereof will be occupied and that the convenience store and gasoline facility will be maintained on the Property for a term of at least five (5) years.

4.

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

5.

In consideration of the Company's representations, promises, and covenants, TEDC agrees to reimburse the Company for the actual cost of the Infrastructure Improvements up to the amount of Twenty One Thousand Dollars (\$21,000.00), or an amount equal to forty percent (40%) of actual construction costs if less than the sum stated above. The TEDC agrees to reimburse the Company for such amount within thirty (30) days of receipt of a letter from the Company

requesting such payment and including: (a) certification of the actual costs of constructing the Infrastructure Improvements; (b) a copy of the City's occupancy permit for the Improvements to the Property; (c) verification from the City acknowledging that all necessary plats, permits, plans, and specifications have been received, reviewed, and approved; (d) verification that the Infrastructure Improvements have been constructed in accordance with the approved plans and specifications; (e) an affidavit stating that all contractors and subcontractors providing work and/or materials in the construction of the Infrastructure Improvements have been paid and any and all liens and claims regarding such work have been released; and, (f) Proof of payment to all contractors and subcontractors providing work and/or materials in the construction of the Infrastructure Improvements, proof of payment must include copies of canceled checks and/or credit card receipts and copies of paid invoices from all contractors and subcontractors.

6.

It is understood and agreed by the parties that, in the event of a default by the Company on any of its obligations under this Agreement, the Company shall reimburse the TEDC the full amount paid to the Company by the TEDC, with interest at the rate equal to the 90-day Treasury Bill plus one-half percent ($\frac{1}{2}\%$) per annum, within thirty (30) days after the TEDC notifies the Company of the default. It is further understood and agreed by the parties that if the Company, or any owner or lessee of the Improvements, is convicted of a violation under 8 U.S.C. Section 1324a(f), the Company will reimburse the TEDC the full amount paid to the Company, with interest at the rate equal to the 90-day Treasury Bill plus one-half percent ($\frac{1}{2}\%$) per annum, within thirty (30) days after the TEDC notifies the Company of the violation.

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

such funds. Such reimbursement shall be due and payable thirty (30) days after the Company receives written notice of default.

It is understood and agreed by the parties that, in the event of a default by the TEDC on any of its obligations under this Agreement, the Company's sole and exclusive remedy shall be limited to either a) the termination of this Agreement or b) a suit for specific performance.

7.

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

8.

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

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

If to Company: Susser Holdings Corporation
 (Stripes LLC)
 4525 Ayers Street
 Corpus Christi, Texas, 78415
 Attn: Richard J. Hatch Jr., Senior Counsel

9.

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

10.

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

11.

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

12.

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

13.

In the event any one or more words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement, or the application thereof to any person, firm, corporation, or

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

14.

Personal Liability of Public Officials: To the extent permitted by law, no director, officer, employee or agent of the TEDC, and no officer, employee or agent of the City of Tomball, shall be personally responsible for any liability arising under or growing out of this Agreement.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties on
this _____ day of _____ 2012 (the “Effective Date”).

SUSSER HOLDINGS CORPORATION

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
Name: _____
Title: _____

**TOMBALL ECONOMIC DEVELOPMENT
CORPORATION**

By: _____
Name: Gretchen Fagan
Title: President, Board of Directors

ATTEST:

By: _____
Name: _____
Title: Secretary, Board of Directors

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____
2012, by Richard Hatch, Senior Counsel, Susser Holdings Corporation, for and on behalf of said
company.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____
2012, by _____, President of the Board of Directors of the Tomball
Economic Development Corporation, for and on behalf of said Corporation.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

Exhibit “A”

Legal Description of Property

1.40 acres of land out of Lot 1, Block 1 of proposed Point South Business Park Subdivision, a 3.9078 acre tract out of the Claude Pillot Survey, Abstract No. 632, situated in the City of Tomball, Harris County, Texas, (the “Property”)

Exhibit “B”

Description of Improvements

Construction of a 4,833 square foot convenience store and gasoline facility on approximately 1.4 acres of land located at the northwest corner of S.H. 249 and Holderrieth Road, Tomball, Texas.

Exhibit "C"

Description of Infrastructure Improvements

Stripes NWC of SH 249 & Holderrieth, Tomball, TX

Utility Extensions

Engineer's Opinion of Probable Construction Cost

Exhibit C

Based on City of Tomball Requirements Along SH 249 Frontage ONLY

BY: HES

CHECKED BY: MI

DATE: 6/21/2012

Item	Description	Units	Quantity	Unit Price	Total
<u>General</u>					
1	Mobilization and Demobilization	LS	1	\$1,889.47	\$ 1,889.47
TOTAL					\$ 1,889.47
<u>Sanitary</u>					
1	12-Inch Sanitary Sewer Pipe, 8'-10' Depth, Open Cut	LF	334	\$ 32.00	\$ 10,688.00
2	4-Foot Diameter Manhole	EA	2	\$2,000.00	\$ 4,000.00
4	Trench Safety System, All Depths	LF	334	\$ 0.15	\$ 50.10
TOTAL					\$ 14,738.10
<u>Water</u>					
1	12" PVC Water Pipe, C-900, All Depths, Open Cut	LF	327	\$ 27.00	\$ 8,829.00
2	Fire Hydrant Assembly Including Tee Gate Valve & Box	EA	1	\$2,800.00	\$ 2,800.00
3	12" AWWA Gate Valve and Box	EA	1	\$1,700.00	\$ 1,700.00
4	12" Plug and Clamp with 2" Blow Off Assembly	EA	1	\$ 500.00	\$ 500.00
6	Trench Safety	LF	327	\$ 0.15	\$ 49.05
TOTAL					\$ 13,878.05
<u>Gas</u>					
1	6-Inch Poly Gas Line, Open Cut	LF	325	\$ 17.50	\$ 5,687.50
2	Trench Safety	LF	325	\$ 0.15	\$ 48.75
TOTAL					\$ 5,736.25
<u>Erosion Control</u>					
1	Filter Fabric Fencing	LF	350	\$ 4.50	\$ 1,575.00
TOTAL					\$ 1,575.00
PROJECTED CONSTRUCTION COST					\$ 37,816.87
10% Contingencies					\$ 3,781.69
Engineering and Permitting (25%)					\$ 9,454.22
Construction Materials Testing					\$ 1,000.00
GRAND TOTAL					\$52,052.77

Regular City Council

Agenda Item

Data Sheet

Meeting Date: September 17, 2012

Topic:

Approve, on Second Reading, Resolution No. 2012-23-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and Baker Hughes Incorporated, to make direct incentives to, or expenditures for, assistance with infrastructure costs for the promotion of new or expanded business development related to the construction of a commercial facility to be located at the northeast corner of FM 2920 and FM 2978 in the City of Tomball's extraterritorial jurisdiction (ETJ). The estimated amount of expenditures for such Project is \$912,889.00.

Background:

All expenditures of the Tomball Economic Development Corporation (TEDC) sales tax revenue must first be approved as a "Project of the Corporation." At its regular meeting on August 21, 2012, the TEDC Board of Directors did take formal action to approve, as a Project of the TEDC, an agreement with Baker Hughes Incorporated for the promotion of new or expanded business development related to the construction of a new commercial facility (a Western Hemisphere Education Center proposed for a 50 acre site located at the northeast corner of FM 2920 and FM 2978 in the City's Extraterritorial Jurisdiction). The Tomball City Council has final approval authority over all projects and agreements of the TEDC.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Approval of Resolution No. 2012-23-TEDC on second reading

Funding: Yes

Account Number: Grant Funds Available

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

City Secretary

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

ATTACHMENTS:

Resolution No. 2012-23-TEDC_Baker Hughes

TEDC Memo

Baker Hughes Request Letter

Baker Hughes Economic Report - Summary

Baker Hughes Economic Report - Full Report

TEDC-Baker Hughes Performance Agreement

RESOLUTION NO. 2012-23-TEDC

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING AND APPROVING THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION'S PROJECT TO EXPEND FUNDS IN ACCORDANCE WITH AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE CORPORATION AND BAKER HUGHES INCORPORATED TO PROMOTE AND DEVELOP A NEW OR EXPANDED BUSINESS ENTERPRISE; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the Tomball Economic Development Corporation (the "TEDC"), created pursuant to the Development Corporation Act, now Chapter 501 of the Texas Local Government Code, as amended (the "Act"), desires to adopt projects and provide incentives for economic development within the City; and

WHEREAS, the Board of Directors of the TEDC had adopted as a specific project the expenditure of the estimated amount of Nine Hundred Twelve Thousand, Eight Hundred Eighty-Nine Dollars (\$912,889), to be paid annually in increments of \$182,578 for a period of five years, found by the Board to be required or suitable to promote a new business development by Baker Hughes Incorporated; and

WHEREAS, pursuant to the Act, the TEDC may not undertake such project without the approval of Tomball City Council; and

WHEREAS, City Council finds and determines that such project promotes new or expanded business development and is in the best interests of the citizenry; now, therefore,

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

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

Section 2. The City Council hereby authorizes and approves the adoption, by the Board of Directors of the Tomball Economic Development Corporation, as a specific project for the economic development of the City, an expenditure of the estimated amount of Nine Hundred Twelve Thousand, Eight Hundred Eighty-Nine Dollars (\$912,889), to be paid annually in increments of \$182,578 for a period of five years, to Baker Hughes Incorporated, in accordance with an economic development agreement by and between the TEDC and Baker Hughes Incorporated, to promote and develop a new or expanded business enterprise, to be located at the northeast corner of FM 2920 and FM 2978 in the City of Tomball's extraterritorial jurisdiction (ETJ).

Section 3. In the event any clause, phrase, provision, sentence, or part of this Resolution 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 Resolution 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.

PASSED AND APPROVED on first reading this 4th day of September 2012.

PASSED, APPROVED, AND RESOLVED on second and final reading this 17th day of September 2012.

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



TO: Honorable Mayor and City Council

FROM: Kelly Violette
Executive Director

MEETING DATE: September 4, 2012

SUBJECT: Baker Hughes Oilfield Operations, Inc. Agreement

On August 8, 2012, the Tomball Economic Development Corporation (TEDC) received a request from George Bernhardt, Managing Counsel – Global Real Estate, Baker Hughes Oilfield Operations, Inc., for grant funding assistance related to infrastructure improvements associated with a new Western Hemisphere Education Center proposed for a 50 acre site located at the northeast corner of FM 2920 and FM 2978 in the City’s Extraterritorial Jurisdiction (ETJ).

The proposed project involves the development of a 72,445 square foot 3-story education building, a 36,000 square foot workshop, a 16,730 square foot canteen, lab & auditorium, and a 156,000 square foot yard with two training rigs. The project will be an integrated facility to enhance the educational opportunities for Baker Hughes personnel and customers. The facility expects to have an average headcount of 5,500 trainee-days per month or 66,000 per year.

The estimated capital investment for this project is \$54 million. Baker Hughes is currently negotiating the purchase of the site, which is located outside the City limits, and will submit a request for annexation upon completion of the property acquisition. Baker Hughes has also indicated that it will request a ten-year tax abatement from the City of Tomball.

Baker Hughes is requesting grant funding assistance from the TEDC for infrastructure costs associated with the development of this site. The eligible infrastructure and site improvements for this project total \$3,635,406.

The attached agreement proposes grant funding in an amount not to exceed \$912,889, to be paid annually in increments of \$182,578 for a period of five years. The incentive was calculated based upon 30 percent of the project’s net benefit to the City (over a five year term. The estimated annual rate of return on the incentive is 86% with a payback period

of 1.3 years. This grant amount is consistent with economic development incentives offered by regional organizations for this scale of project.

An economic impact analysis was prepared, on behalf of the Tomball Economic Development Corporation, by Impact DataSource and is attached for review.



Baker Hughes Incorporated

George P. Bernhardt

Managing Counsel – Global Real Estate

August 8, 2012

Kelly Violette
Tomball Economic Development Corporation
P.O. Box 820
Tomball TX 77377-0820

Re: Baker Hughes Request for Development Assistance, Tomball, Texas

Dear Ms. Violette:

As you are aware, Baker Hughes Oilfield Operations, Inc., a California corporation, is considering locating a new training center in your city to replace our current location in Houston. With the current low natural gas prices it will be difficult to justify relocating to a new facility unless we can decrease our expected expenses associated with the construction of our proposed facility. Accordingly we are submitting this Grant Assistance Application to the Tomball Economic Development Corporation per your instructions for infrastructure assistance grants and other possible assistance. Per the grant assistance application instructions we are hereby supplying the following required information:

1. **Intent.** As you know, Baker Hughes Oilfield Operations, Inc. is a major employer in Tomball through our BJ Services product line. We have placed a contract on land near our existing facility for the proposed project and intend to construct the project on this site if adequate funding is provided.

2. **Applicant Information.**

Baker Hughes Oilfield Operations, Inc.
2929 Allen Parkway, Suite 2100
Houston, Texas 77019
CEO of Parent Company: Martin Craighead
Contacts for Project:

George Bernhardt george.bernhardt@bakerhughes.com Tel: 713-439-8061
Ralph Crabtree ralph.crabtree@bakerhughes.com Tel: 281-413-6790

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

3. **Type of Business and Project Description**

The Applicant is a global leader in the oilfield services industry. The proposed project includes 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. It will replace a smaller facility currently located at W.W. Thorne in Houston.

A proposed site plan is attached to this letter for your information.

4. **NAICS Code**. N/A. There is no NAICS code associated with this project as it will be used for training purposes only. No manufacturing or services to third parties will be carried out from this location.

5. **Exact Location & Size of Property**. As shown on the attached site plan, the property is located at the intersection of FM 2920 and Huffsmith-Kohrville Road. The project site is approximately 50 acres including room for expansion. The initial project site will be approximately 19 acres.

6. **Value of Property**. We would estimate the value of the land at approximately \$3.3 million. Current estimates for construction are in the vicinity of \$28 million.

7. **Value of Equipment/Inventory**. We would anticipate the following taxable equipment and inventory:

- Training Wells - \$7.7 million
- Information Technology - \$2 million
- Furniture - \$2 million

8. **Deed to the Property**. The property is under contract and has not yet been purchased.

9. **Square Footage of Buildings**. Current proposed construction is as follows:

- 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)

10. **Estimated Value of Capital Improvements**. The property is currently undeveloped land. An outline of our construction budget is attached to this application.

Kelly Violette
August 8, 2012
Page 3

Additionally, we will spend \$7.7 million to purchase the training wells and an additional \$6.9 million to drill the wells.

11. **Project Start Date**. Late 2012 or early 2013.
12. **Project Completion Date**. Thirteen months after start date.
13. **Site and Construction Plans**. At this point construction plans have not yet been completed. The site plan is attached to this application.
14. **New Jobs and Wages; Trainees**.

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. Overall average is \$66,000 plus benefits. Benefits average approximately 30% of base salary.

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.

Very truly yours,

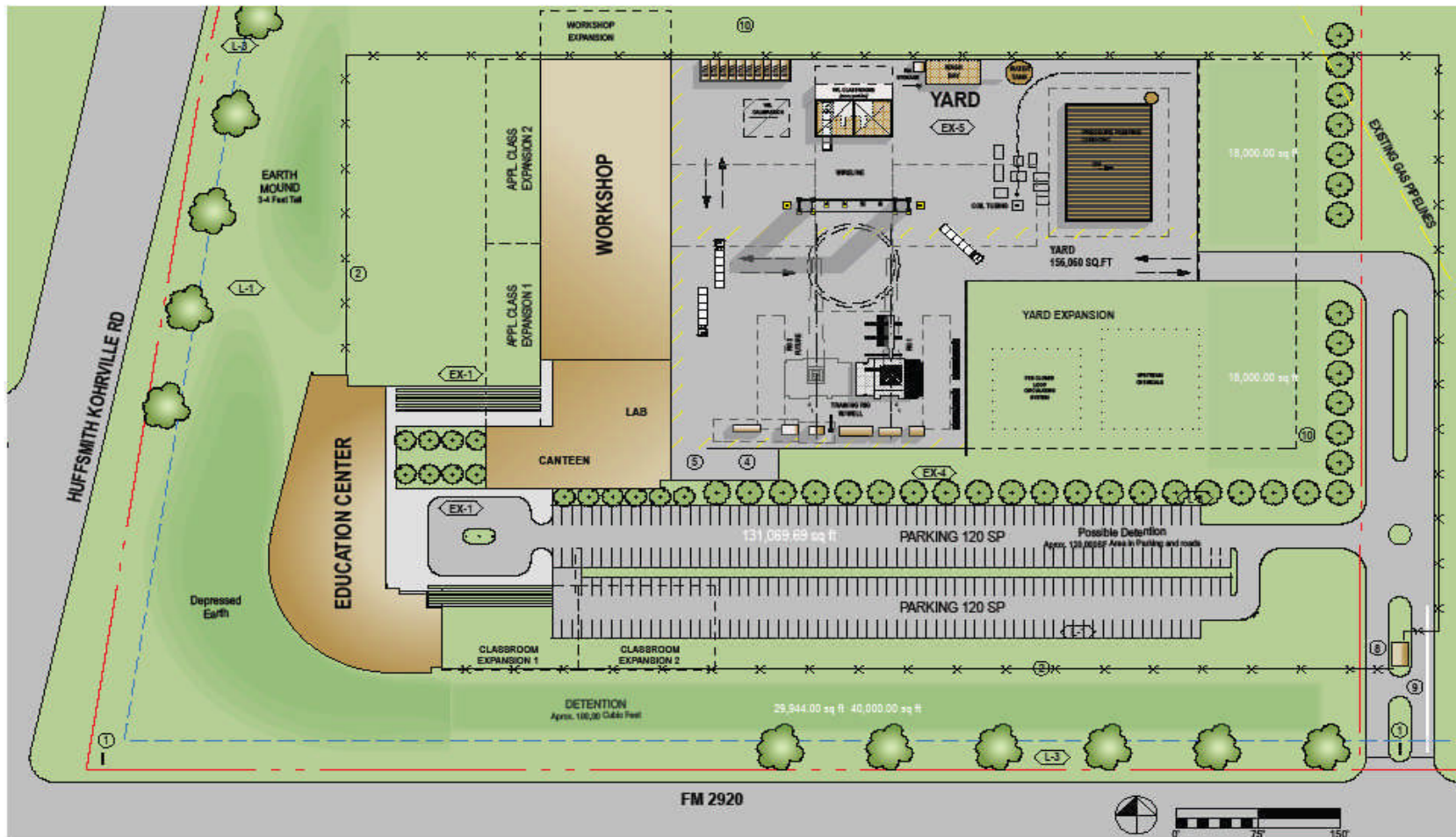


George P. Bernhardt
Managing Counsel – Global Real Estate

Enclosures

Construction Cost Summary

Item	Description	Building Total	Shop Building Total	Yard Total	Project Total
1	General Conditions	\$ 386,552	\$ 250,634	\$ 239,848	\$ 877,034
2	Site Work	\$ 89,303	\$ 176,100	\$ 3,994,675	\$ 4,260,077
3	Site Utilities	\$ -	\$ -	\$ 1,235,000	\$ 1,235,000
4	Landscaping and Irrigation	\$ -	\$ -	\$ 297,500	\$ 297,500
5	Concrete	\$ 369,100	\$ 529,280	\$ -	\$ 898,380
6	Structural Steel	\$ 1,147,975	\$ 863,680	\$ -	\$ 2,011,655
7	Carpentry	\$ 293,000	\$ 55,000	\$ -	\$ 348,000
8	Thermal and Moisture	\$ 342,488	\$ 526,695	\$ -	\$ 869,183
9	Doors Frames & Hardware (Exterior Only)	\$ 143,000	\$ 103,750	\$ -	\$ 246,750
10	Glass and Glazing	\$ 2,451,175	\$ 772,800	\$ -	\$ 3,223,975
11	Finishes	\$ 1,610,495	\$ 926,811	\$ -	\$ 2,537,306
12	Specialties	\$ 221,700	\$ 87,350	\$ -	\$ 309,050
13	Special Construction	\$ -	\$ 793,200	\$ -	\$ 793,200
14	Conveying Systems	\$ 60,000	\$ 185,000	\$ -	\$ 245,000
15	Mechanical (Chilled Water / Elect. Heat HVAC)	\$ 2,548,860	\$ 1,373,089	\$ -	\$ 3,921,949
16	Electrical	\$ 1,076,035	\$ 754,039	\$ -	\$ 1,830,074
	Subtotal	\$ 10,739,682	\$ 7,397,427	\$ 5,767,023	\$ 23,904,132
	Architectural Fee	\$ 732,983	\$ 504,874	\$ 393,599	\$ 1,631,457
	Contractor Fee	\$ 573,633	\$ 395,115	\$ 308,031	\$ 1,276,779
	Base Building Construction Budget	\$ 12,046,299	\$ 8,297,416	\$ 6,468,653	\$ 26,812,368
		\$ 166.27	\$ 153.66	\$ 21.21	
Added Items					
	IT & Security Conduits and Cable Tray	268,045			\$ 268,044.53
	Pumping services Canopy and Foundation	288,000			\$ 288,000.00
	Off Site Water/Sewer/Gas	307,966			\$ 307,966.05
	Second Rig Foundation	127,928			\$ 127,927.80
		\$ 991,938			
					\$ 27,804,307



PROGRAM AREAS

EDUCATION CENTER	79,545 SF
WORKSHOP	26,907 SF
WORKSHOP CLASSROOMS	9,093 SF
CANTEN + AUDITORIUMS	9,630 SF
TOTAL:	125,175 SF

BUILDING AREAS

3-STORY CLASSROOM BUILDING	72,445 SF
1-STORY (NEXT TO WORKSHOP)	16,730 SF
TILT-WALL WORKSHOP	36,000 SF
TOTAL:	125,175 SF

PAVING

YARD	156,060 SF
EDUCATION PARKING + ROAD	131,069 SF
EDUCATION WALKS + FLATWORK	16,140 SF
TOTAL:	304,269 SF

EXPANSION

CLASSROOMS 1 (+16)	21,000 SF
CLASSROOMS 2 (+16)	26,300 SF
APPLIED CLASSROOMS 1 & 2 (+12each)	10,800 SF
WORKSHOP (+1 Bays)	6,000 SF
YARD (CONCRETE)	68,231 SF

SITE PLAN NOTES

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

SITE PLAN LEGEND

- L-1 LANDSCAPE LEVEL 1
- L-2 LANDSCAPE LEVEL 2
- L-3 LANDSCAPE LEVEL 3 - TREES
- EX-1 HARDSCAPE AREA 1
- EX-2 ATHLETIC COURT
- EX-3 CONCRETE WALK
- EX-4 REINF CONCRETE PARKING AREA & DRIVE
- EX-5 HEAVY DUTY REINF CONCRETE YARD PAVING



2777 Allen Parkway, Suite 460
Houston, Texas
77019
713.487.3400 ph
713.554.3077 fx



Western Hemisphere
Education Center

WHEC Site 1:100

7/20/12

12049

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

An Executive Summary of the Economic Impact of Baker Hughes in Tomball, Texas

August 18, 2012

Prepared for:

Tomball Economic Development Corporation
P.O. Box 820
Tomball, TX 77377

Prepared by:

Impact DataSource
4709 Cap Rock Drive
Austin, Texas 78735
(512) 892-0205
Fax (512) 892-2569
www.impactdatasource.com



An Executive Summary of the Projected Economic Impact from Baker Hughes

Introduction

This report presents the results of an economic impact analysis performed by Impact DataSource, Austin, Texas. The analysis was to determine the impact that a Baker Hughes expansion in Tomball, Texas, will have on the economy of the Tomball area and the costs and benefits for local taxing districts over the first ten years.

Description of the Facility

Baker Hughes plans an education center on a 50 acre site for its Tomball facility.

The firm will invest about \$43 million in the center: \$3.3 million for land, \$28 million for buildings and other real property improvements, and \$11.7 million in business personal property.

The facility expects to have numerous out-of-town visitors -- about 50,000 annual visitor days.

The facility expects to have up to 50 workers with average annual salaries of \$40,000 for support personnel and \$80,000 for trainers.

The Estimated Economic Impact of the Facility over the Next Ten Years

The facility will have the following economic impact on the Tomball area over the next ten years:

Economic Impact over the Next Ten Years	
Total number of permanent direct and indirect jobs to be created	79
Number of direct and indirect workers who move to the city	18
Number of residents that the facility will bring to the city	54
Number of new residential properties to be built in the city	4
Number of new students for Tomball ISD	12
Salaries to be created for direct and indirect workers	\$49,267,970
Taxable sales and purchases created in the City	\$100,285,018
The value of residential property to be built for direct and indirect workers who move to the city	\$716,450
The facility's assets that will be added to local tax rolls	\$43,250,000

Costs and Benefits for Local Taxing Districts over the Next Ten Years

Local taxing districts can expect costs and benefits over the next ten years from the facility, as scheduled below, beginning with the additional revenues to be received.

Additional Revenues for Local Taxing Districts

Local taxing districts can expect to receive the following revenues over the next 10 years from the facility, its employees and workers in indirect jobs created in the community.

Additional Revenues For Local Taxing Districts Over the Next Ten Years of the Facility's Operation					
	Sales Taxes	Property Taxes	Utilities	Utility Franchise Fees	Building Permits and Fees
City of Tomball	\$2,005,700	\$145,796	\$576,831	\$91,152	\$50,000
Harris County	\$0	\$167,023			
Tomball ISD		\$5,467,371			
Lone Star College System		\$486,435			
Total	\$2,005,700	\$6,266,625	\$576,831	\$91,152	\$50,000

	Hotel Occupancy Taxes	Other Taxes and User Fees	Additional State and Federal School Funding	Total Additional Revenues
City of Tomball	\$5,560,282	\$11,826		\$8,441,587
Harris County		\$9,855		\$176,878
Tomball ISD			\$603,573	\$6,070,944
Lone Star College System				\$486,435
Total	\$5,560,282	\$21,680	\$603,573	\$15,175,844

Additional Costs for Local Taxing Districts

Local taxing districts will incur the following costs over the next 10 years, as a result of the facility and direct and indirect employees.

Costs for Local Taxing Districts Over the Next 10 Years of the Facility's Operation					
	Costs of Services to New Residents	Costs of Providing Monthly Utility Services	Costs of Educating New Students	Reduction in State School Funding as a Result of Property being Added to Local Tax Rolls	Total
City of Tomball	\$59,128	\$547,990			\$607,118
Harris County	\$19,709				\$19,709
Tomball ISD			\$570,041	\$4,060,327	\$4,630,368
Lone Star College System					\$0
Total	\$78,838	\$547,990	\$570,041	\$4,060,327	\$5,257,196

Additional Net Benefits

The additional public benefits less additional public costs will result in the following net benefits for the City, County and other local taxing districts over the next ten years of the facility's operation:

Net Benefits for Local Taxing Districts Over the Next 10 Years of the Facility's Operation			
	Benefits	Costs	Net Benefits
City of Tomball	\$8,441,587	\$607,118	\$7,834,469
Harris County	\$176,878	\$19,709	\$157,168
Tomball ISD	\$6,070,944	\$4,630,368	\$1,440,576
Lone Star College System	\$486,435	\$0	\$486,435
Total	\$15,175,844	\$5,257,196	\$9,918,648

Taxes to be Abated

The City of Tomball and Harris County are considering abating taxes on the firm's real property improvements and personal property at the following percentages:

Percentage of Taxes to be Abated	
Year 1	100%
Year 2	100%
Year 3	100%
Year 4	100%
Year 5	100%
Year 6	100%
Year 7	100%
Year 8	100%
Year 9	100%
Year 10	100%

If taxes are abated as proposed, the following property taxes will be abated for the facility:

Property Taxes to be Abated for the Facility			
	City	County	Total
Year 1	\$131,563	\$150,718	\$282,280
Year 2	\$126,284	\$144,670	\$270,954
Year 3	\$125,492	\$143,764	\$269,256
Year 4	\$123,715	\$141,728	\$265,443
Year 5	\$122,064	\$139,836	\$261,900
Year 6	\$120,453	\$137,990	\$258,443
Year 7	\$118,883	\$136,192	\$255,075
Year 8	\$117,355	\$134,442	\$251,797
Year 9	\$119,466	\$136,860	\$256,327
Year 10	\$121,621	\$139,329	\$260,951
Total	\$1,226,896	\$1,405,529	\$2,632,426

Analysis of Possible Incentives for the Facility

In addition to tax abatement, the City/EDC may consider other incentives for the facility.

Incentives could be the following:

Net benefits for the city over five years after taxes abated	\$3,042,965
Percent	30%
Incentives equal to 30% of net benefits for the city over five years	\$912,889

Financial incentives that may be offered the facility may be considered as investments that the City/EDC is making in the facility. If this is the case, rate of return on investment and payback period may be calculated on this investment.

Rate of return on investment is the City's average annual rate of return from additional revenues that the City will receive on the investment of incentives that the City/EDC may make in the facility. Payback period is the number of years that it will take the City to recover the costs of incentives from the additional revenues that it will receive from the facility.

Average annual rates of return on investment each year over the next ten years and payback periods for the possible levels of incentives are shown below.

Rates of Return and Payback Periods Possible City Incentives		
Incentives	Annual Rate of Return	Payback Period (In years)
\$912,889	86%	1.3

A Report of the Economic Impact of Baker Hughes in Tomball, Texas

August 18, 2012

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A Report of the Projected Economic Impact from Baker Hughes

Introduction

This report presents the results of an economic impact analysis performed by Impact DataSource, Austin, Texas. The analysis was to determine the impact that a Baker Hughes expansion in Tomball, Texas, will have on the economy of the Tomball area and the costs and benefits for local taxing districts over the first ten years.

Description of the Facility

Baker Hughes plans an education center on a 50 acre site for its Tomball facility.

The firm will invest about \$43 million in the center: \$3.3 million for land, \$28 million for buildings and other real property improvements, and \$11.7 million in business personal property.

The facility expects to have numerous out-of-town visitors -- about 50,000 annual visitor days.

The facility expects to have up to 50 workers with average annual salaries of \$40,000 for support personnel and \$80,000 for trainers.

How the facility will impact the economy of the area is discussed next.

The Estimated Economic Impact of the Facility over the First Ten Years

The facility will have the following economic impact on the Tomball area over the first ten years:

Economic Impact over the First Ten Years	
Total number of permanent direct and indirect jobs to be created	79
Number of direct and indirect workers who will move to the City	18
Number of new residents in the City	54
Number of new residential properties to be built in the City	4
Number of new students expected in Tomball ISD	12
Salaries to be paid to direct and indirect workers	\$49,267,970
Taxable sales and purchases expected in the City	\$100,285,018
The value of new residential property to be built for direct and indirect workers who move to the City by Year 10	\$716,450
The facility's assets added to local tax rolls	\$43,250,000

How this economic activity translates into additional costs and benefits for local taxing districts is discussed next.

Costs and Benefits for Local Taxing Districts over the First Ten Years

Local taxing districts can expect costs and benefits over the first ten years from the facility, as scheduled below, beginning with the additional revenues to be received.

Additional Revenues for Local Taxing Districts

Local taxing districts can expect to receive the following revenues over the first 10 years from the facility, its employees and workers in indirect jobs created in the community.

Additional Revenues For Local Taxing Districts Over the First Ten Years of the Facility's Operation					
	Sales Taxes	Property Taxes	Utilities	Utility Franchise Fees	Building Permits and Fees
City of Tomball	\$2,005,700	\$145,796	\$576,831	\$91,152	\$50,000
Harris County	\$0	\$167,023			
Tomball ISD		\$5,467,371			
Lone Star College System		\$486,435			
Total	\$2,005,700	\$6,266,625	\$576,831	\$91,152	\$50,000

	Hotel Occupancy Taxes	Other Taxes and User Fees	Additional State and Federal School Funding	Total Additional Revenues
City of Tomball	\$5,560,282	\$11,826		\$8,441,587
Harris County		\$9,855		\$176,878
Tomball ISD			\$603,573	\$6,070,944
Lone Star College System				\$486,435
Total	\$5,560,282	\$21,680	\$603,573	\$15,175,844

Additional Costs for Local Taxing Districts

Local taxing districts will incur the following costs over the first 10 years, as a result of the facility and direct and indirect employees.

Costs for Local Taxing Districts Over the First 10 Years of the Facility's Operation					
	Costs of Services to New Residents	Costs of Providing Monthly Utility Services	Costs of Educating New Students	Reduction in State School Funding as a Result of Property being Added to Local Tax Rolls	Total
City of Tomball	\$59,128	\$547,990			\$607,118
Harris County	\$19,709				\$19,709
Tomball ISD			\$570,041	\$4,060,327	\$4,630,368
Lone Star College System					\$0
Total	\$78,838	\$547,990	\$570,041	\$4,060,327	\$5,257,196

Additional Net Benefits

The additional public benefits less additional public costs will result in the following net benefits for the City, County and other local taxing districts over the first ten years of the facility's operation:

Net Benefits for Local Taxing Districts Over the First 10 Years of the Facility's Operation			
	Benefits	Costs	Net Benefits
City of Tomball	\$8,441,587	\$607,118	\$7,834,469
Harris County	\$176,878	\$19,709	\$157,168
Tomball ISD	\$6,070,944	\$4,630,368	\$1,440,576
Lone Star College System	\$486,435	\$0	\$486,435
Total	\$15,175,844	\$5,257,196	\$9,918,648

Discounted Cash Flow for Local Taxing Districts

The discounted cash flow over the first ten years for each local taxing district from the new facility is as follows:

Discounted Cash Flow Over the First Ten Years	
City of Tomball	\$5,695,790
Harris County	\$117,439
Tomball ISD	\$1,088,692
Lone Star College System	\$367,752
Total	\$7,269,672

The above discounted cash flow or present value of net benefits is a way of expressing in today's dollars, dollars to be paid or received in the future. Today's dollar and a dollar to be received or paid at differing times in the future are not comparable because of the time value of money. The time value of money is the interest rate or each taxing entity's discount rate. This analysis uses a discount rate of 6% to make the dollars comparable -- by expressing them in today's dollars or in present value.

Net Benefits to be Received by the City from (1) the Facility and (2) New Workers

The City of Tomball will receive benefits from spending and investments by the facility and from spending by new workers. These benefits, over the first ten years, are shown below for these two categories.

Schedule of Benefits for the City from the Facility and From New Workers			
	Benefits from:		Total Benefits
	The Facility	New Workers	
Additional revenues:			
Sales taxes	\$1,857,896	\$147,804	\$2,005,700
Property taxes	\$123,382	\$22,414	\$145,796
Utility revenues	\$328,492	\$248,340	\$576,831
Utility franchise fees	\$75,775	\$15,377	\$91,152
Hotel occupancy taxes	\$5,560,282		\$5,560,282
Other taxes and user fees		\$11,826	\$11,826
Building permits and fees	\$50,000		\$50,000
Total additional revenues	\$7,995,826	\$445,761	\$8,441,587
Additional costs:			
Costs of providing utilities	\$312,067	\$235,923	\$547,990
Costs of providing municipal services for new residents		\$59,128	\$59,128
Total additional costs	\$312,067	\$295,051	\$607,118
Net benefits	\$7,683,759	\$150,709	\$7,834,469
Percent of total net benefits for the City	98%	2%	

Taxes to be Abated

The City of Tomball and Harris County are considering abating taxes on the firm's real property improvements and personal property at the following percentages:

Percentage of Taxes to be Abated	
Year 1	100%
Year 2	100%
Year 3	100%
Year 4	100%
Year 5	100%
Year 6	100%
Year 7	100%
Year 8	100%
Year 9	100%
Year 10	100%

If taxes are abated as proposed, the following property taxes will be abated for the facility:

Property Taxes to be Abated for the Facility			
	City	County	Total
Year 1	\$131,563	\$150,718	\$282,280
Year 2	\$126,284	\$144,670	\$270,954
Year 3	\$125,492	\$143,764	\$269,256
Year 4	\$123,715	\$141,728	\$265,443
Year 5	\$122,064	\$139,836	\$261,900
Year 6	\$120,453	\$137,990	\$258,443
Year 7	\$118,883	\$136,192	\$255,075
Year 8	\$117,355	\$134,442	\$251,797
Year 9	\$119,466	\$136,860	\$256,327
Year 10	\$121,621	\$139,329	\$260,951
Total	\$1,226,896	\$1,405,529	\$2,632,426

An analysis of possible incentives that the City may consider for the facility is next.

Analysis of Possible Incentives for the Facility

In addition to tax abatement, the City may consider other incentives for the facility.

Incentives could be the following:

Net benefits for the city over five years after taxes abated	\$3,042,965
Percent	30%
Incentives equal to 30% of net benefits for the city over five years	\$912,889

Financial incentives that may be offered the facility may be considered as investments that the City is making in the facility.

Four calculations analyzing possible investments were made -- net benefits, discounted cash flow, rate of return on investment and payback period. Net benefits and discounted cash flow for the City are scheduled above. Rate of return on investment and payback period are discussed and scheduled below.

Rate of return on investment is the City's average annual rate of return from additional revenues that the City will receive on the investment of incentives that the City may make in the facility. Payback period is the number of years that it will take the City to recover the costs of incentives from the additional revenues that it will receive from the facility.

Average annual rates of return on investment each year over the first ten years and payback periods for the possible levels of incentives are shown below.

Rates of Return and Payback Periods Possible City Incentives		
Incentives	Annual Rate of Return	Payback Period (In years)
\$912,889	86%	1.3

Discussion of State Aid for the School District

This analysis seeks to calculate the impact on the school district's finances from the facility by generally, and at a summary level, mimicking the district's school funding formula.

According to the Texas Education Agency, any property added to local tax rolls and local taxes that this generates reduces state funding equivalent to local taxes collected for maintenance and operations. The school district retains local taxes received for debt services and corresponding state funding is not reduced.

However, according to the Texas Education Agency, the school district will receive state aid for each new child that moves to the District. The additional revenues for the school district are calculated in this analysis.

Conduct of the Analysis

This analysis was conducted by Impact DataSource using data, rates and information supplied by the firm and the City of Tomball. In addition, Impact DataSource used certain estimates and assumptions.

Using this data, the economic impact from the facility and the costs and benefits for the City of Tomball, Harris County, Tomball ISD, and Lone Star College System were calculated for a ten year period.

In addition to the direct economic impact of the facility and its employees, spin-off or indirect and induced benefits were also calculated. Indirect jobs and salaries are created in new or existing area firms, such as maintenance companies and service firms, that may supply goods and services to the facility. In addition, induced jobs and salaries are created in new or existing local businesses, such as retail stores, gas stations, banks, restaurants, and service companies that may supply goods and services to new workers and their families.

To estimate the indirect and induced economic impact of the facility and its employees on the Tomball area, regional economic multipliers were used. Regional economic multipliers for Texas and areas of the state are included in the US Department of Commerce's Regional Input-Output Modeling System (RIMS II).

Two types of regional economic multipliers were used in this analysis: an employment multiplier and an earnings multiplier.

An employment multiplier was used to estimate the number of indirect and induced jobs created and supported in the Tomball area. An earnings multiplier was used to estimate the amount of salaries to be paid to workers in these new indirect and induced jobs. The multipliers show the estimated number of indirect and induced jobs created for every one direct job at the facility and the amount of salaries paid to these workers for every dollar paid to a direct worker at the facility. The multipliers used in this analysis are below:

Employment multiplier	0.5836
Earnings multiplier	\$0.6530

About Impact DataSource

Impact DataSource is an eighteen-year-old Austin economic consulting, research and analysis firm. The firm has conducted economic impact analyses of numerous projects in Texas and 25 other states. In addition, the firm has developed economic impact analysis computer programs for several clients, including the New Mexico Economic Development Department.

The firm's principal, Jerry Walker, performed this economic impact analysis. He is an economist and has Bachelor of Science and Master of Business Administration degrees in accounting and economics from Nicholls State University, Thibodaux, Louisiana.

Data used in the analysis, along with schedules of the results of calculations, are on the following pages.

Data and Rates Used in this Analysis

Local Tax Rates:

City of Tomball sales tax rate	2.0%
Harris County sales tax rate	0.0%

City of Tomball hotel occupancy tax rate	7%
--	----

Property tax rates, per \$100 of valuation:

City of Tomball	\$0.341455
Harris County	\$0.391170
Tomball ISD:	
M&O	\$1.010000
I&S	\$0.350000
Total	\$1.360000
Lone Star College System	\$0.121000

Some City Rates:

Annual marginal cost of providing municipal services, excluding utilities, to each new household	\$300
--	-------

Estimated annual other taxes and user fees to be collected by the city from each new household -- those revenues that are in addition to sales and property taxes, utilities and utility franchise fees	\$60
---	------

Annual increase expected in the city's other revenues and marginal costs	2%
--	----

The city's estimated annual water, wastewater and garbage collection billings per household	\$1,260
---	---------

Utility Service	Estimated Monthly Billing	Estimated Annual Billing (Monthly billing x 12)
Water	\$40	\$480
Wastewater	\$40	\$480
Solid waste	\$25	\$300

The city's cost of providing water, wastewater and solid waste services, as a percent of utility billings	95%
---	-----

Annual increase expected in city-owned utility billings	2%
---	----

The city's utility franchise fee percentages:

Electricity, estimated as a percent of electricity billings	2%
Natural gas	4%
Cable	4%
Telephone monthly line access charge:	
Residential	\$1.31
Non-residential	\$2.93

Annual utility franchise fees collected from utility providers for each household in the city as detailed below \$74.52

Utility Service	Estimated Monthly Billing	Utility Franchise Fee Percentage	Monthly Utility Franchise Fee Collections	Estimated Annual Utility Franchise Fee Collections (Monthly collections x 12)
Electricity	\$85	2%	\$1.70	\$20.40
Natural gas	\$40	4%	\$1.60	\$19.20
Cable	\$40	4%	\$1.60	\$19.20
Telephone	1 line	\$1.31	\$1.31	\$15.72

Some County Rates:

Annual marginal cost of providing county services to each new household	\$100
Annual miscellaneous taxes and user fees to be collected from each new household, those county revenues other than property and sales taxes	\$50
Annual increase expected in other county revenues and marginal costs	2%

Some School District Rates:

Estimated annual state, federal and other funding received by the district for each child enrolled	\$4,500
Average annual cost of providing services to each child in the district	\$8,500
Average annual cost for each new child, as a percent of average annual cost	50%
Annual marginal cost of providing services to each new child	\$4,250

Other Community Rates:

Expected inflation rate over the first ten years	3.0%
Discount rate used in analysis to compute discounted cash flows	6%
Percent of a typical worker's salary that will be spent on taxable goods and services	30%
Average taxable value of a new single family residence in the community that will be built for some individuals moving to the city	\$166,526
Percent annual increase in the taxable value of residential property and commercial real property on local tax rolls over the first ten years	2%

Depreciation rates:

To estimate the annual taxable or depreciable value of furniture, fixtures and equipment at the facility being analyzed in this analysis, this analysis uses straight line depreciation, an ten year life and a 20% residual value. Therefore, property taxes on the facility's furniture, fixtures and equipment are calculated on the following percentages of the costs of such equipment purchased each year:

Year 1	90%
Year 2	80%
Year 3	70%
Year 4	60%
Year 5	50%
Year 6	40%
Year 7	30%
Year 8	20%
Year 9	20%
Year 10	20%

The Facility's Investments, Assets and Construction:

The investments at the facility each year at the facility:

	Land improvements	Buildings and Other Real Property	Furniture, Fixtures, and Equipment	Total
Year 1	\$3,300,000	\$28,000,000	\$11,700,000	\$43,000,000
Year 2	\$0	\$0	\$0	\$0
Year 3	\$0	\$0	\$250,000	\$250,000
Year 4	\$0	\$0	\$0	\$0
Year 5	\$0	\$0	\$0	\$0
Year 6	\$0	\$0	\$0	\$0
Year 7	\$0	\$0	\$0	\$0
Year 8	\$0	\$0	\$0	\$0
Year 9	\$0	\$0	\$0	\$0
Year 10	\$0	\$0	\$0	\$0
Total	\$3,300,000	\$28,000,000	\$11,950,000	\$43,250,000

The facility's taxable inventories:

Year 1	\$0
Year 2	\$0
Year 3	\$0
Year 4	\$0
Year 5	\$0
Year 6	\$0
Year 7	\$0
Year 8	\$0
Year 9	\$0
Year 10	\$0

Estimated annual increase in the volume and value of inventories 5%

Spending During Construction:

Estimated spending for construction:

Year 1	\$28,000,000
Year 2	\$0
Year 3	\$0
Year 4	\$0
Year 5	\$0
Year 6	\$0
Year 7	\$0
Year 8	\$0
Year 9	\$0
Year 10	\$0

Percent of construction costs for:

Materials	60%
Labor	40%

Estimated percent of construction materials that will be purchased in the city and be subject to sales tax	60%
--	-----

Percent of taxable spending by construction workers that will be in the city	30%
--	-----

Estimated percent of furniture, fixtures and equipment that will be purchased in the city and be subject to sales tax	30%
---	-----

Estimated building permits and fees to be paid to the city:

Year 1	\$50,000
Year 2	\$0
Year 3	\$0
Year 4	\$0
Year 5	\$0
Year 6	\$0
Year 7	\$0
Year 8	\$0
Year 9	\$0
Year 10	\$0

Activities During the Facility's Operations:

The facility's taxable sales subject to sales tax in the city:

Year 1	\$0
Year 2	\$0
Year 3	\$0
Year 4	\$0
Year 5	\$0
Year 6	\$0
Year 7	\$0
Year 8	\$0
Year 9	\$0
Year 10	\$0

Expected annual increase in taxable sales after the first year 0%

Estimated annual utilities at the facility:

	Water	Wastewater	Solid Waste	Electricity	Natural Gas	Cable	Telephone
Year 1	\$6,000	\$6,000	\$18,000	\$180,000	\$60,000	\$0	\$60,000
Year 2	\$6,120	\$6,120	\$18,360	\$183,600	\$61,200	\$0	\$61,200
Year 3	\$6,242	\$6,242	\$18,727	\$187,272	\$62,424	\$0	\$62,424
Year 4	\$6,367	\$6,367	\$19,102	\$191,017	\$63,672	\$0	\$63,672
Year 5	\$6,495	\$6,495	\$19,484	\$194,838	\$64,946	\$0	\$64,946
Year 6	\$6,624	\$6,624	\$19,873	\$198,735	\$66,245	\$0	\$66,245
Year 7	\$6,757	\$6,757	\$20,271	\$202,709	\$67,570	\$0	\$67,570
Year 8	\$6,892	\$6,892	\$20,676	\$206,763	\$68,921	\$0	\$68,921
Year 9	\$7,030	\$7,030	\$21,090	\$210,899	\$70,300	\$0	\$70,300
Year 10	\$7,171	\$7,171	\$21,512	\$215,117	\$71,706	\$0	\$71,706
Annual increase	2%	2%	2%	2%	2%	2%	2%

Estimated number of telephone lines at the facility 25

Percent of utility usage for manufacturing and processing activities and not subject to sales tax 0%

The facility's estimated local taxable purchases of materials, supplies and services for its operations:

Year 1	\$1,500,000
Year 2	\$1,575,000
Year 3	\$1,653,750
Year 4	\$1,736,438
Year 5	\$1,823,259
Year 6	\$1,914,422
Year 7	\$2,010,143
Year 8	\$2,110,651
Year 9	\$2,216,183
Year 10	\$2,326,992

Expected annual increase in taxable purchases after the first year 5%

The facility's total taxable purchases and taxable utilities:

	Taxable Purchases of Supplies, Materials and Services	Utilities Subject to Sales Tax			Total
		Utilities Subject to Sales Tax	Percent Taxable	Taxable Utilities	
Year 1	\$1,500,000	\$300,000	100%	\$300,000	\$1,800,000
Year 2	\$1,575,000	\$306,000	100%	\$306,000	\$1,881,000
Year 3	\$1,653,750	\$312,120	100%	\$312,120	\$1,965,870
Year 4	\$1,736,438	\$318,362	100%	\$318,362	\$2,054,800
Year 5	\$1,823,259	\$324,730	100%	\$324,730	\$2,147,989
Year 6	\$1,914,422	\$331,224	100%	\$331,224	\$2,245,647
Year 7	\$2,010,143	\$337,849	100%	\$337,849	\$2,347,992
Year 8	\$2,110,651	\$344,606	100%	\$344,606	\$2,455,256
Year 9	\$2,216,183	\$351,498	100%	\$351,498	\$2,567,681
Year 10	\$2,326,992	\$358,528	100%	\$358,528	\$2,685,520

Number of existing and new workers hired at the facility each year:

Year 1	50
Year 2	0
Year 3	0
Year 4	0
Year 5	0
Year 6	0
Year 7	0
Year 8	0
Year 9	0
Year 10	0
Total	50

Number of new workers who will move to the city to take job at the facility:

Estimated percent of total new workers moving to the city	30%
Year 1	15
Year 2	0
Year 3	0
Year 4	0
Year 5	0
Year 6	0
Year 7	0
Year 8	0
Year 9	0
Year 10	0
Total	15

Average annual salaries of workers at the facility	\$52,000
--	----------

Percent of expected increase in employee salaries after year 1	3.0%
--	------

Multipliers for calculating the number of indirect and induced jobs and earnings in the area:

Earnings	0.6530
Employment	0.5836

This cost-benefit analysis uses the above multipliers to project the indirect and induced benefits in the community as a result of the direct economic activity. The employment multiplier shows the number of spin-off jobs what will be created from each direct job. Similarly, the earnings multiplier estimates the salaries and wages to be paid to workers in these spin-off jobs for each \$1 paid to direct workers.

Percent employees to be hired in spin-off jobs created at the facility who will move to the city to take a job	10%
--	-----

Percent of workers who move to the community that will buy a new home or require that new residential property be built for them	20%
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The number of people in a typical worker's household	3
--	---

The number of school children in a typical worker's household	0.65
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Percent of retail shopping by a typical worker in the city	50%
--	-----

Visitors to the Facility from Out-of-Town:

Estimated number of annual out-of-town visitors to the facility	6,250
Total visitor days	50,000
Average annual increase in the number of out-of-town visitors to the facility	10%
Average number of days that each of these visitors will stay in the city	8
Average number of nights that some of these visitors will stay in a motel in the city	8
Estimated average daily retail spending by each visitor in the city	\$60
Estimated daily motel room rate in the city	\$85

Schedules Showing the Results of Economic Impact Calculations

Number of local jobs added each year and worker salaries to be paid:

Year	Direct Jobs	Indirect Jobs	Total Jobs	Direct Salaries	Indirect Salaries	Total Salaries
1	50	29	79	\$2,600,000	\$1,697,670	\$4,297,670
2	0	0	0	\$2,678,000	\$1,748,600	\$4,426,600
3	0	0	0	\$2,758,340	\$1,801,058	\$4,559,398
4	0	0	0	\$2,841,090	\$1,855,090	\$4,696,180
5	0	0	0	\$2,926,323	\$1,910,743	\$4,837,065
6	0	0	0	\$3,014,113	\$1,968,065	\$4,982,177
7	0	0	0	\$3,104,536	\$2,027,107	\$5,131,643
8	0	0	0	\$3,197,672	\$2,087,920	\$5,285,592
9	0	0	0	\$3,293,602	\$2,150,558	\$5,444,160
10	0	0	0	\$3,392,410	\$2,215,074	\$5,607,485
Total	50	29	79	\$29,806,086	\$19,461,884	\$49,267,970

Number of direct and indirect workers and their families who will move to the area and their children who will attend local public schools:

Year	New Workers Moving to the Area	Total New Residents	Total New Students
1	18	54	12
2	0	0	0
3	0	0	0
4	0	0	0
5	0	0	0
6	0	0	0
7	0	0	0
8	0	0	0
9	0	0	0
10	0	0	0
Total	18	54	12

Number of new residential properties that may be built in the city for direct and indirect workers who will move to the community:

Year	New Residential Properties
1	4
2	0
3	0
4	0
5	0
6	0
7	0
8	0
9	0
10	0
Total	4

Local taxable spending on which sales taxes will be collected:

Year	Local Construction Workers' Spending and Furniture, Fixtures and Equipment	Direct and Indirect Workers' Spending	Visitors' Spending	Taxable Sales at the Facility	The Facility's Local Purchases and Taxable Utilities	Total
1	\$14,598,000	\$644,651	\$3,000,000	\$0	\$1,800,000	\$20,042,651
2	\$0	\$663,990	\$3,399,000	\$0	\$1,881,000	\$5,943,990
3	\$75,000	\$683,910	\$3,851,067	\$0	\$1,965,870	\$6,575,847
4	\$0	\$704,427	\$4,363,259	\$0	\$2,054,800	\$7,122,486
5	\$0	\$725,560	\$4,943,572	\$0	\$2,147,989	\$7,817,121
6	\$0	\$747,327	\$5,601,067	\$0	\$2,245,647	\$8,594,041
7	\$0	\$769,746	\$6,346,009	\$0	\$2,347,992	\$9,463,748
8	\$0	\$792,839	\$7,190,029	\$0	\$2,455,256	\$10,438,124
9	\$0	\$816,624	\$8,146,303	\$0	\$2,567,681	\$11,530,607
10	\$0	\$841,123	\$9,229,761	\$0	\$2,685,520	\$12,756,404
Total	\$14,673,000	\$7,390,196	\$56,070,067	\$0	\$22,151,755	\$100,285,018

Local spending by visitors on lodging by out-of-town visitors and out-of-town truckers:

Year	Spending on Lodging
1	\$4,250,000
2	\$4,815,250
3	\$5,455,678
4	\$6,181,283
5	\$7,003,394
6	\$7,934,846
7	\$8,990,180
8	\$10,185,874
9	\$11,540,595
10	\$13,075,494
Total	\$79,432,595

Taxable value of new residential property built for direct and indirect workers who move to the community and the value of the facility's property on local tax rolls:

Year	New Residential Property	Value of Property at the Facility on Local Tax Rolls	Total Taxable Property
1	\$599,494	\$41,830,000	\$42,429,494
2	\$611,483	\$40,350,000	\$40,961,483
3	\$623,713	\$40,185,520	\$40,809,233
4	\$636,187	\$39,733,810	\$40,369,998
5	\$648,911	\$39,320,127	\$39,969,038
6	\$661,889	\$38,919,729	\$39,581,619
7	\$675,127	\$38,532,884	\$39,208,011
8	\$688,630	\$38,159,861	\$38,848,491
9	\$702,402	\$38,853,939	\$39,556,341
10	\$716,450	\$39,562,397	\$40,278,848

Schedules Showing the Results of Costs and Benefits Calculations

Costs and Benefits for the City of Tomball:

Benefits:

Sales tax collections:

Year	During Construction and Purchases of Furniture, Fixtures and Equipment	On Direct and Indirect Workers' Spending	On Visitors' Spending	Taxable Sales at the Facility	The Facility's Local Purchases and Taxable Utilities	Total
1	\$291,960	\$12,893	\$60,000	\$0	\$36,000	\$400,853
2	\$0	\$13,280	\$67,980	\$0	\$37,620	\$118,880
3	\$1,500	\$13,678	\$77,021	\$0	\$39,317	\$131,517
4	\$0	\$14,089	\$87,265	\$0	\$41,096	\$142,450
5	\$0	\$14,511	\$98,871	\$0	\$42,960	\$156,342
6	\$0	\$14,947	\$112,021	\$0	\$44,913	\$171,881
7	\$0	\$15,395	\$126,920	\$0	\$46,960	\$189,275
8	\$0	\$15,857	\$143,801	\$0	\$49,105	\$208,762
9	\$0	\$16,332	\$162,926	\$0	\$51,354	\$230,612
10	\$0	\$16,822	\$184,595	\$0	\$53,710	\$255,128
Total	\$293,460	\$147,804	\$1,121,401	\$0	\$443,035	\$2,005,700

Property tax collections on:

Year	New Residential Property	Property at the Facility			Total
		Taxes Collected	Taxes Abated	Total Taxes After Abatement	
1	\$2,047	\$142,831	\$131,563	\$11,268	\$13,315
2	\$2,088	\$137,777	\$126,284	\$11,493	\$13,581
3	\$2,130	\$137,215	\$125,492	\$11,723	\$13,853
4	\$2,172	\$135,673	\$123,715	\$11,958	\$14,130
5	\$2,216	\$134,261	\$122,064	\$12,197	\$14,413
6	\$2,260	\$132,893	\$120,453	\$12,441	\$14,701
7	\$2,305	\$131,572	\$118,883	\$12,690	\$14,995
8	\$2,351	\$130,299	\$117,355	\$12,943	\$15,295
9	\$2,398	\$132,669	\$119,466	\$13,202	\$15,601
10	\$2,446	\$135,088	\$121,621	\$13,466	\$15,913
Total	\$22,414	\$1,350,278	\$1,226,896	\$123,382	\$145,796

Costs and benefits for the City of Tomball - Continued

Utilities and utility franchise fees collected by the city from new residents and from the facility:

Year	Utilities	Utility Franchise	Total
		Fees	
1	\$52,680	\$8,220	\$60,900
2	\$53,734	\$8,407	\$62,141
3	\$54,808	\$8,598	\$63,406
4	\$55,904	\$8,793	\$64,698
5	\$57,023	\$8,994	\$66,016
6	\$58,163	\$9,198	\$67,361
7	\$59,326	\$9,408	\$68,734
8	\$60,513	\$9,623	\$70,136
9	\$61,723	\$9,843	\$71,566
10	\$62,957	\$10,068	\$73,025
Total	\$576,831	\$91,152	\$667,984

Other city revenues, including hotel occupancy taxes, other taxes and user fees collected from new residents and building permits on construction at the facility:

Year	Hotel Occupancy Taxes	Other Taxes and User Fees	Building Permits and Fees	Total Other Revenues
1	\$297,500	\$1,080	\$50,000	\$348,580
2	\$337,068	\$1,102	\$0	\$338,169
3	\$381,897	\$1,124	\$0	\$383,021
4	\$432,690	\$1,146	\$0	\$433,836
5	\$490,238	\$1,169	\$0	\$491,407
6	\$555,439	\$1,192	\$0	\$556,632
7	\$629,313	\$1,216	\$0	\$630,529
8	\$713,011	\$1,241	\$0	\$714,252
9	\$807,842	\$1,265	\$0	\$809,107
10	\$915,285	\$1,291	\$0	\$916,575
Total	\$5,560,282	\$11,826	\$50,000	\$5,622,107

Costs and benefits for the City of Tomball - Continued

Costs:

The costs of providing municipal services and utility services to new residents:

Year	Cost of Services to New Residents	Costs of Utilities	Total Costs
1	\$5,400	\$50,046	\$55,446
2	\$5,508	\$51,047	\$56,555
3	\$5,618	\$52,068	\$57,686
4	\$5,731	\$53,109	\$58,840
5	\$5,845	\$54,171	\$60,017
6	\$5,962	\$55,255	\$61,217
7	\$6,081	\$56,360	\$62,441
8	\$6,203	\$57,487	\$63,690
9	\$6,327	\$58,637	\$64,964
10	\$6,453	\$59,810	\$66,263
Total	\$59,128	\$547,990	\$607,118

Net Benefits for the City of Tomball:

Year	Benefits	Costs	Net Benefits	Cumulative Net Benefits
1	\$823,648	\$55,446	\$768,202	\$768,202
2	\$532,771	\$56,555	\$476,216	\$1,244,418
3	\$591,797	\$57,686	\$534,111	\$1,778,529
4	\$655,114	\$58,840	\$596,274	\$2,374,803
5	\$728,178	\$60,017	\$668,161	\$3,042,965
6	\$810,575	\$61,217	\$749,358	\$3,792,322
7	\$903,533	\$62,441	\$841,092	\$4,633,414
8	\$1,008,445	\$63,690	\$944,755	\$5,578,169
9	\$1,126,886	\$64,964	\$1,061,922	\$6,640,091
10	\$1,260,641	\$66,263	\$1,194,378	\$7,834,469
Total	\$8,441,587	\$607,118	\$7,834,469	

Benefits for Harris County:

Sales tax collections on spending:

Year	During Construction and Purchases of Furniture, Fixtures and Equipment	On Direct and Indirect Workers' Spending	On Visitors' Spending	Taxable Sales at the Facility	The Facility's Local Purchases and Taxable Utilities	Total
1	\$0	\$0	\$0	\$0	\$0	\$0
2	\$0	\$0	\$0	\$0	\$0	\$0
3	\$0	\$0	\$0	\$0	\$0	\$0
4	\$0	\$0	\$0	\$0	\$0	\$0
5	\$0	\$0	\$0	\$0	\$0	\$0
6	\$0	\$0	\$0	\$0	\$0	\$0
7	\$0	\$0	\$0	\$0	\$0	\$0
8	\$0	\$0	\$0	\$0	\$0	\$0
9	\$0	\$0	\$0	\$0	\$0	\$0
10	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

Miscellaneous taxes and user fees to be collected from new residents:

Year	Misc. Taxes and User Fees
1	\$900
2	\$918
3	\$936
4	\$955
5	\$974
6	\$994
7	\$1,014
8	\$1,034
9	\$1,054
10	\$1,076
Total	\$9,855

Costs and benefits for Harris County, continued

Property tax collections on:

Year	New Residential Property	Property at the Facility		Total Taxes After Abatement	Total
		Taxes Collected	Taxes Abated		
1	\$2,345	\$163,626	\$150,718	\$12,909	\$15,254
2	\$2,392	\$157,837	\$144,670	\$13,167	\$15,559
3	\$2,440	\$157,194	\$143,764	\$13,430	\$15,870
4	\$2,489	\$155,427	\$141,728	\$13,699	\$16,187
5	\$2,538	\$153,809	\$139,836	\$13,973	\$16,511
6	\$2,589	\$152,242	\$137,990	\$14,252	\$16,841
7	\$2,641	\$150,729	\$136,192	\$14,537	\$17,178
8	\$2,694	\$149,270	\$134,442	\$14,828	\$17,522
9	\$2,748	\$151,985	\$136,860	\$15,124	\$17,872
10	\$2,803	\$154,756	\$139,329	\$15,427	\$18,230
Total	\$25,678	\$1,546,875	\$1,405,529	\$141,346	\$167,023

Costs of providing county services to new residents:

Year	Costs of County Services
1	\$1,800
2	\$1,836
3	\$1,873
4	\$1,910
5	\$1,948
6	\$1,987
7	\$2,027
8	\$2,068
9	\$2,109
10	\$2,151
Total	\$19,709

Costs and benefits for Harris County, continued

Total Benefits for the County:

Year	Benefits	Costs	Net Benefits	Cumulative Net Benefits
1	\$16,154	\$1,800	\$14,354	\$14,354
2	\$16,477	\$1,836	\$14,641	\$28,994
3	\$16,806	\$1,873	\$14,934	\$43,928
4	\$17,142	\$1,910	\$15,232	\$59,160
5	\$17,485	\$1,948	\$15,537	\$74,697
6	\$17,835	\$1,987	\$15,848	\$90,545
7	\$18,192	\$2,027	\$16,165	\$106,709
8	\$18,555	\$2,068	\$16,488	\$123,197
9	\$18,927	\$2,109	\$16,818	\$140,015
10	\$19,305	\$2,151	\$17,154	\$157,168
Total	\$176,878	\$19,709	\$157,168	

Costs and Benefits for the Tomball ISD:

Benefits, including property taxes and additional state and federal school funding:

Year	Property Tax Collections on:			Additional State School Funding	Total
	New Residential Property	The Facility's Property	Total Collections		
1	\$8,153	\$568,888	\$577,041	\$52,650	\$629,691
2	\$8,316	\$548,760	\$557,076	\$54,230	\$611,306
3	\$8,482	\$546,523	\$555,006	\$55,856	\$610,862
4	\$8,652	\$540,380	\$549,032	\$57,532	\$606,564
5	\$8,825	\$534,754	\$543,579	\$59,258	\$602,837
6	\$9,002	\$529,308	\$538,310	\$61,036	\$599,346
7	\$9,182	\$524,047	\$533,229	\$62,867	\$596,096
8	\$9,365	\$518,974	\$528,339	\$64,753	\$593,092
9	\$9,553	\$528,414	\$537,966	\$66,695	\$604,662
10	\$9,744	\$538,049	\$547,792	\$68,696	\$616,489
Total	\$89,274	\$5,378,096	\$5,467,371	\$603,573	\$6,070,944

Costs of educating children of new workers who move to the district:

Year	Cost of Educating New Students
1	\$49,725
2	\$51,217
3	\$52,753
4	\$54,336
5	\$55,966
6	\$57,645
7	\$59,374
8	\$61,155
9	\$62,990
10	\$64,880
Total	\$570,041

Reduction in State aid to the school district as a result of new residential property for the facility's employees and the facility's property being added to the school district's tax rolls:

Year	Reduction in State Aid for the School District
1	\$428,538
2	\$413,711
3	\$412,173
4	\$407,737
5	\$403,687
6	\$399,774
7	\$396,001
8	\$392,370
9	\$399,519
10	\$406,816
Total	\$4,060,327

Net Benefits for the School District:

Year	Benefits	Costs	Net Benefits	Cumulative Net Benefits
1	\$629,691	\$478,263	\$151,428	\$151,428
2	\$611,306	\$464,928	\$146,378	\$297,806
3	\$610,862	\$464,927	\$145,935	\$443,742
4	\$606,564	\$462,073	\$144,491	\$588,233
5	\$602,837	\$459,653	\$143,184	\$731,417
6	\$599,346	\$457,419	\$141,927	\$873,343
7	\$596,096	\$455,375	\$140,721	\$1,014,064
8	\$593,092	\$453,525	\$139,567	\$1,153,631
9	\$604,662	\$462,509	\$142,152	\$1,295,783
10	\$616,489	\$471,696	\$144,792	\$1,440,576
Total	\$6,070,944	\$4,630,368	\$1,440,576	

Property tax collections:

Year	New Residential Property	Property at the Facility		Total Taxes After Abatement	Total
		Taxes Collected	Taxes Abated		
1	\$725	\$50,614	\$0	\$50,614	\$51,340
2	\$740	\$48,824	\$0	\$48,824	\$49,563
3	\$755	\$48,624	\$0	\$48,624	\$49,379
4	\$770	\$48,078	\$0	\$48,078	\$48,848
5	\$785	\$47,577	\$0	\$47,577	\$48,363
6	\$801	\$47,093	\$0	\$47,093	\$47,894
7	\$817	\$46,625	\$0	\$46,625	\$47,442
8	\$833	\$46,173	\$0	\$46,173	\$47,007
9	\$850	\$47,013	\$0	\$47,013	\$47,863
10	\$867	\$47,871	\$0	\$47,871	\$48,737
Total	\$7,943	\$478,492	\$0	\$478,492	\$486,435

AGREEMENT

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

This Agreement (the “Agreement”) is made and entered into by and between the **Tomball Economic Development Corporation**, an industrial development corporation created pursuant to the Development Corporation Act, now Chapter 501 et seq of the Texas Local Government Code, located in Harris County, Texas (the “TEDC”), and **Baker Hughes Oilfield Operations, Inc.**, a California Corporation, (the “Company”), 2929 Allen Parkway, Suite 2100, Houston, Texas 77019.

WITNESSETH:

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

WHEREAS, the Company is in the process of acquiring a 50 acre tract of land within the City’ Extraterritorial Jurisdiction (ETJ), located at the northeast corner of FM 2920 and FM 2978 (the “Property”), more particularly described in Exhibit “A,” attached hereto and made a part hereof; and

WHEREAS, the Company proposes to expend approximately \$54,000,000 to develop a Western Hemisphere Education Center, consisting of a 72,445 square foot 3-story Education Center, a 36,000 square foot Workshop, a 16,730 square foot Canteen, Laboratory and

Auditorium, and a 156,000 square foot yard with two training rigs (the “Improvements”) on the site, and more particularly described in Exhibit “B,” attached hereto and made a part hereof; and

WHEREAS, the Company proposes to create forty-five (45) new employment positions at the Property in conjunction with the development at the Property; and

WHEREAS, the TEDC agrees to provide to the Company the sum of up to Nine Hundred Twelve Thousand Eight Hundred Eighty Nine Dollars (\$912,889), to be paid annually in increments of \$182,578 for a period of five years, to assist in the construction of the Improvements and the addition of the forty-five (45) new employees at the Property; and

WHEREAS, this expenditure is found by the Board of Directors of the TEDC to be required or suitable for the promotion and development of new or expanded business enterprises, and in furtherance of creation and retention of primary jobs; and

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

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

1.

The Company covenants and agrees that it will construct the Improvements and operate and maintain the proposed business on the Property for a term of at least ten (10) years, and will for such term, create and maintain forty-five (45) new jobs on the Property at the prevailing wage. In conjunction with the development of the Property, the Company further agrees to construct the Improvements contemplated by this Agreement, in accordance with the requirements of the ordinances of the City and the plans and specifications approved by the City.

The Company further represents and agrees that it will certify the costs of the construction of such Infrastructure Improvements to the TEDC prior to construction.

2.

The Company also covenants and agrees that construction of the Improvements must commence within 180 days from the Effective Date of this Agreement (the “Date”). The construction of the Improvements to the Property shall be completed, and all necessary occupancy permits from the City shall be obtained within eighteen (18) months from the Date of this agreement. Extensions of these deadlines, due to any extenuating circumstance or uncontrollable delay, may be granted at the sole discretion of the Board of Directors of the TEDC.

3.

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

4.

The Company further covenants and agrees, contemporaneous with its execution of this Agreement, to petition the City of Tomball, Texas, in accordance with the requirements of the Texas Local Government Code, as amended, requesting and consenting to the City’s annexation of the Property into the boundaries of the City. The Company understands and agrees that such petition and consent shall be irrevocable and binding on the Company, its successors and assigns, and any subsequent purchasers of the Property so long as this Agreement is in effect.

5.

In consideration of the Company's representations, promises, and covenants, TEDC agrees to grant to the Company the sum of Nine Hundred Twelve Thousand Eight Hundred Eighty Nine Dollars (\$912,889), to be paid annually in increments of \$182,578 for a period of five years, to fund a portion of the cost of the Improvements and the addition of the forty-five (45) new employees on the Property. The TEDC agrees to distribute the first payment to the Company within thirty (30) days of receipt of a letter from the Company certifying completion of the project (the "Completion Date") and requesting such payment and including: (a) proof that the Company has added the number of employees indicated above to its business operations on the Property, as evidenced by copies of Texas Workforce Commission form C-3, Internal Revenue Service Form 941, or other sufficient documentation; (b) certification of the actual costs of constructing the Infrastructure Improvements; (c) a copy of the City's occupancy permit for the Improvements to the Property; (d) verification from the City acknowledging that all necessary plats, permits, plans, and specifications have been received, reviewed, and approved; (e) verification that the Infrastructure Improvements have been constructed in accordance with the approved plans and specifications; (f) an affidavit stating that all contractors and subcontractors providing work and/or materials in the construction of the Infrastructure Improvements have been paid and any and all liens and claims regarding such work have been released; and, (g) proof of payment to all contractors and subcontractors providing work and/or materials in the construction of the Infrastructure Improvements, proof of payment may include copies of canceled checks and/or credit card receipts and/or copies of electronic transfer evidence. Each year thereafter for the duration of the term, the Company shall submit a request for disbursement to the Corporation along with proof that the Company has retained the number

of employees indicated above at its business operations on the Property, as evidenced by copies of Texas Workforce Commission form C-3 or Internal Revenue Service Form 941. Requests for disbursements shall be made annually within thirty (30) days of the Completion date.

6.

It is understood and agreed by the parties that, in the event of a default by the Company on any of its obligations under this Agreement, the Company shall reimburse the TEDC the full amount paid to the Company by the TEDC, with interest at the rate equal to the 90-day Treasury Bill plus one-half percent ($\frac{1}{2}\%$) per annum, within forty-five (45) days after the TEDC notifies the Company of the default, unless such default is cured within such forty-five (45) day period. It is further understood and agreed by the parties that if the Company, or any owner or lessee of the Improvements, is convicted of a violation under 8 U.S.C. Section 1324a(f), the Company will reimburse the TEDC the full amount paid to the Company, with interest at the rate equal to the 90-day Treasury Bill plus one-half percent ($\frac{1}{2}\%$) per annum, within thirty (30) days after the TEDC notifies the Company of the violation.

The Company shall also reimburse the TEDC for any and all reasonable attorney's fees and costs incurred by the TEDC as a result of any action required to obtain reimbursement of such funds. Such reimbursement shall be due and payable thirty (30) days after the Company receives written notice of default accompanied by copies of all applicable invoices.

It is understood and agreed by the parties that, in the event of a default by the TEDC on any of its obligations under this Agreement, the Company's sole and exclusive remedy shall be limited to either a) the termination of this Agreement or b) a suit for specific performance.

7.

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

8.

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

If to City:	Tomball Economic Development Corporation 401 W. Market Street Tomball, Texas 77375 Attn: President, Board of Directors
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If to Company:	Baker Hughes Oilfield Operations, Inc. 2929 Allen Parkway, Suite 2100 Houston, Texas 77019 Attn: George P. Bernhardt Managing Counsel – Global Real Estate
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9.

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

10.

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

11.

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

12.

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

13.

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

14.

Personal Liability of Public Officials: To the extent permitted by law, no director, officer, employee or agent of the TEDC, and no officer, employee or agent of the City of Tomball, shall be personally responsible for any liability arising under or growing out of this Agreement.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties on this _____ day of _____ 2012 (the "Effective Date").

BAKER HUGHES OILFIELD OPERATIONS, INC.

By: _____
Name: _____
Title: Vice President

ATTEST:

By: _____
Name: _____
Title: _____

TOMBALL ECONOMIC DEVELOPMENT CORPORATION

By: _____
Name: Gretchen Fagan
Title: President, Board of Directors

ATTEST:

By: _____
Name: _____
Title: Secretary, Board of Directors

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the ____ day of _____
2012, by _____, Vice President, Baker Hughes Oilfield
Operations, Inc. for and on behalf of said company.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the ____ day of _____
2012, by _____, President of the Board of Directors of the Tomball
Economic Development Corporation, for and on behalf of said Corporation.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

METES AND BOUNDS DESCRIPTION
3.144 ACRES
JESSE PRUITT SURVEY, ABSTRACT NUMBER 629
HARRIS COUNTY, TEXAS

Being a tract or parcel containing 3.144 acres (136,942 square feet) of land situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas; being the remainder of Lot 463 of Tomball Townsite a plat of subdivision as recorded in Volume 2, Page 65 of the Harris County Map Records, Harris County, Texas; and being all that certain called 3.1378 acre tract conveyed to Mary McGill Criner Adickes, Trustee by deed recorded under Harris County Clerk's File (H.C.C.F.) Number H271449, Harris County, Texas; said 3.144 acre tract being more particularly described as follows (bearings are referenced to the Texas State Plane Coordinate System, South Central Zone (NAD83));

BEGINNING at a concrete monument found marking the intersection of the east right-of-way (R.O.W.) line of Farm-to-Market (F.M.) 2978 (width varies) as delineated by said Tomball Townsite and widened by instrument recorded under H.C.C.F. Numbers C863322, D0011520 and D012567 with the north R.O.W. line of F.M. 2920 (called 120-foot wide R.O.W.) as recorded in Volume 3637, Page 23, Volume 3637, Page 25 and Volume 3711, Page 281 of the Harris County Deed Records (H.C.D.R.), said concrete monument marking the southwest corner of said 3.1378 acre tract and the herein described tract;

THENCE, Northerly, along said east R.O.W. line of F.M. 2978, a distance of 701.86 feet (called 700.75 feet) along the arc of a curve to the right, having a radius of 5,669.65 feet (called 5,667.32 feet), a central angle of $07^{\circ}05'34''$ (called $07^{\circ}05'04''$) and a chord which bears North $06^{\circ}04'17''$ East, 701.41 feet (called North $08^{\circ}34'00''$ East, 700.30 feet) to a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set marking a point of tangency and the beginning of a 120-foot wide R.O.W.

THENCE, North $09^{\circ}37'04''$ East (called North $12^{\circ}06'32''$ East, 60.74 feet), along said east R.O.W. line of F.M. 2978, a distance of 59.49 feet to a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set in the south line of an un-named 30-foot wide roadway as delineated by the aforesaid Tomball Townsite subdivision, said iron rod marking the northwest corner of said called 3.1378 acre tract and the herein described tract;

THENCE, North $87^{\circ}24'15''$ East (called North $89^{\circ}55'28''$ East, 114.45 feet), departing said east R.O.W. line of F.M. 2978, along the south line of said 30-foot wide roadway and along the north line of said called 3.1378 acre tract, a distance of 114.65 feet to a 1-inch iron pipe found marking the common northerly corner of Lot 463 and Lot 464, said iron pipe marking the northeast corner of said called 3.1378 acre tract and the herein described tract;

Exhibit "A"

METES AND BOUNDS DESCRIPTION

3.144 ACRES

PAGE 2 OF 2

THENCE, South $02^{\circ}35'23''$ East (called South $00^{\circ}04'10''$ East, 751.10 feet), along the common line of said Lot 463 and Lot 464 and along the east line of said called 3.1378 acre tract, a distance of 751.47 feet to a 3/4-inch iron pipe found in the aforesaid north R.O.W. line of F.M. 2920 and marking the southeast corner of said called 3.1378 acre tract and the herein described tract;

THENCE, South $87^{\circ}23'15''$ West (called South $89^{\circ}51'50''$ West, 232.41 feet), along said north R.O.W. line of F.M. 2920 and along the south line of said called 3.1378 acre tract, a distance of 232.85 feet to the POINT OF BEGINNING and containing 3.144 acres (136,942 square feet) of land. This description is based on the Land Title Survey and plat made by Terra Surveying Company, Inc., dated April 29, 2009, Job Number 1849-0901-S.

Compiled by: Robert Gabler, R.P.L.S.

Terra Surveying Co. Inc.

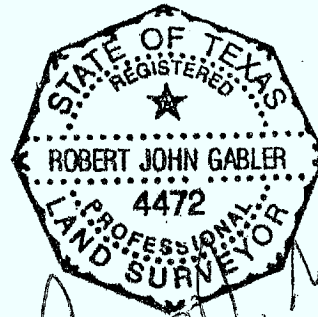
3000 Wilcrest, Suite 210

Houston, Texas 77042

May 5, 2009

Project Number 1849-0901-S

18490901 MB3-144ac.doc



METES AND BOUNDS DESCRIPTION
50.157 ACRES
JESSE PRUITT SURVEY, ABSTRACT NUMBER 629
HARRIS COUNTY, TEXAS

Being a tract or parcel containing 50.157 acres (2,184,840 square feet) of land situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas; being all of Lots 448, 449, 460 and 461, and being the remainder portion of Lots 447, 459, 462, 464, 465 and 466 of Tomball Townsite a plat of subdivision as recorded in Volume 2, Page 65 of the Harris County Map Records, Harris County, Texas; and being the same Lots conveyed to Margaret L. Johlke Collins, Dora M. Johlke Wilson, Adell G. Johlke Dietz, Roy A. Johlke and Freda Johlke as recorded under Harris County Clerk's File (H.C.C.F.) Numbers E429742, E429743, D327144 and D958742, Harris County, Texas, and recorded in Volume 2384, Page 177 Harris County Deed Records (H.C.D.R.); and being that portion of an un-named 30-foot wide roadway (calculated 0.6104 acres) lying between Lots 459 through 466 as delineated on said Tomball Townsite plat of subdivision; said 50.157 acre tract being more particularly described as follows (bearings are referenced to the Texas State Plane Coordinate System, South Central Zone (NAD83));

COMMENCING for reference at a concrete monument found marking the intersection of the east right-of-way (R.O.W.) line of Farm-to-Market (F.M.) 2978 (width varies) as delineated by said Tomball Townsite subdivision and as widened by instrument recorded under H.C.C.F. Numbers C863322, D001520 and D012567 with the north R.O.W. line of F.M. 2920 (called 120-foot wide R.O.W.) as recorded in Volume 3637, Page 23, Volume 3637, Page 25 and Volume 3711, Page 281 of the Harris County Deed Records (H.C.D.R.), said concrete monument marking the southwest corner of that certain called 3.1378 acre tract as recorded under H.C.C.F. Number H271449;

THENCE, Northerly, along said east R.O.W. line of F.M. 2978, a distance of 701.86 feet along the arc of a curve to the right, having a radius of 5,669.65 feet, a central angle of $07^{\circ}05'34''$ and a chord which bears North $06^{\circ}04'17''$ East, 701.41 feet to a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set marking a point of tangency and the beginning of a 120-foot wide R.O.W.

THENCE, North $09^{\circ}37'04''$ East, continuing along said east R.O.W. line of F.M. 2978, a distance of 59.49 feet to a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set in the south line of the aforesaid un-named 30-foot wide roadway as delineated by the aforesaid Tomball Townsite subdivision, said iron rod marking the northwest corner of said called 3.1378 acre tract and marking the most westerly southwest corner and POINT OF BEGINNING of the herein described tract;

THENCE, North $09^{\circ}37'04''$ East, continuing along said east R.O.W. line of F.M. 2978, a distance of 1,268.95 feet to a concrete monument found marking the beginning of a curve to the left;

Exhibit "A"

METES AND BOUNDS DESCRIPTION

50.157 ACRES

PAGE 2 OF 3

THENCE, Northerly, continuing along said east R.O.W. line of F.M. 2978, a distance of 461.28 feet along the arc of said curve to the left, having a radius of 3,879.77 feet, a central angle of $06^{\circ}48'43''$ and a chord which bears North $06^{\circ}12'43''$ East, 461.00 feet to a concrete monument found marking the intersection of said east R.O.W. line of F.M. 2978 with the south R.O.W. line of Dement Road (called 30-foot wide) according to said Tomball Townsite subdivision (width varies as monumented and fenced), said concrete monument marking the northwesterly corner of the herein described tract;

THENCE, North $87^{\circ}01'25''$ East, along said south R.O.W. line of Dement Road as fenced, a distance of 722.63 feet to a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set in the common line of the aforesaid Lot 449 and Lot 450 of said Tomball Townsite subdivision and marking the northeasterly corner of the herein described tract;

THENCE, South $02^{\circ}12'38''$ East, departing said south R.O.W. line of Dement Road, along the common line of said Lot 449 and 450 as fenced and along the west line of that certain called 0.367 acre tract and that certain called 1.681 acre tract as recorded under H.C.C.F. Number 20080008347, a distance of 849.59 feet to a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set in the north line of that certain called 23.5935 acre tract as recorded under H.C.C.F. Number 20070522269 marking the common southerly corner of said Lot 449 and 450 and marking an angle point in the east line of the herein described tract;

THENCE, South $87^{\circ}25'48''$ West, along the south line of said Lot 449 and along the north line of said called 23.5935 acre tract, a distance of 5.22 feet to a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set marking the northwest corner of said called 23.5935 acre tract, marking the northeast corner of the aforesaid Lot 462 and marking an angle point in the east line of the herein described tract, from which a found 1/2-inch iron rod bears North $87^{\circ}25'48''$ East, 213.99 feet;

THENCE, South $02^{\circ}30'40''$ East, along the west line of said called 23.5935 acre tract and along the east line of said Lot 462, a distance of 1,602.24 feet to a 5/8-inch iron rod found in the aforesaid north R.O.W. line of F.M. 2920, said iron rod marking the southwest corner of said called 23.5935 acre tract and the southeast corner of the herein described tract;

THENCE, South $87^{\circ}23'15''$ West, along said north R.O.W. line of F.M. 2920, a distance of 933.79 feet to a 3/4-inch iron pipe found in the common line of the aforesaid Lot 464 and 463, marking the southeast corner of the aforesaid called 3.1378 acre tract and marking the most southerly southwest corner of the herein described tract;

Exhibit "A"

METES AND BOUNDS DESCRIPTION

50.157 ACRES

PAGE 3 OF 3

THENCE, North 02°35'23" West, departing said north R.O.W. line of F.M. 2920, along the common line of said Lot 464 and 463 and along the east line of said called 3.1378 acre tract, a distance of 751.47 feet to a 1-inch iron pipe found in the south line of the aforesaid un-named 30-foot wide roadway as delineated by the aforesaid Tomball Townsite subdivision, said iron pipe marking the common northerly corner of said Lot 464 and 463, marking the northeast corner of said called 3.1378 acre tract and marking an interior corner of the herein described tract;

THENCE, South 87°24'15" West, along the south line of said 30-foot wide roadway and along the north line of said called 3.1378 acre tract, a distance of 114.65 feet to the POINT OF BEGINNING and containing 50.157 acres (2,184,840 square feet) of land. This description is based on the Land Title Survey and plat made by Terra Surveying Company, Inc., dated April 29, 2009, Job Number 1849-0901-S.

Compiled by: Robert Gabler, R.P.L.S.

Terra Surveying Co. Inc.

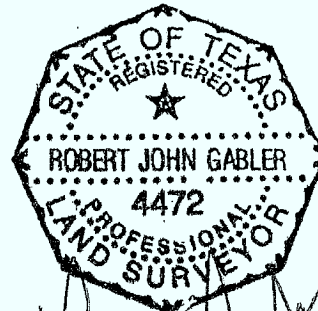
3000 Wilcrest, Suite 210

Houston, Texas 77042

May 6, 2009

Project Number 1849-0901-S

18490901 MB50-157ac.doc



A handwritten signature in black ink, appearing to read "Robert J. Gabler", written over the bottom portion of the professional seal.

Exhibit “B”

Description of Improvements

Project Description

The proposed project includes 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 Construction

- 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)

Regular City Council

Agenda Item

Data Sheet

Meeting Date: September 17, 2012

Topic:

Adopt, on Second Reading, Ordinance No. 2012-30, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Zoning Ordinance by amending Section 43.8 ("Temporary Structures & Uses") allowing governmental entities and publicly funded school districts to utilize temporary buildings under certain conditions; Providing for penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof; Making findings of fact; and providing for other related matters.

Background:**Origination:**

Tomball Independent School District

Recommendation:

N/A

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

City Secretary

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

ATTACHMENTS:

Ordinance No. 2012-30

P12-477 Staff Report

TISD Request Letter

ORDINANCE NO. 2012-30

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY AMENDING SECTION 43.8 (“TEMPORARY STRUCTURES & USES”) ALLOWING GOVERNMENTAL ENTITIES AND PUBLICLY FUNDED SCHOOL DISTRICTS TO UTILIZE TEMPORARY BUILDINGS UNDER CERTAIN CONDITIONS; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

WHEREAS, the City of Tomball has requested that the Comprehensive Zoning Ordinance be amended to allow governmental entities and publicly funded school districts to utilize temporary buildings under certain conditions; and

WHEREAS, the Planning & Zoning Commission and the City Council of the City of Tomball, Texas, have published notice and conducted hearings regarding the request to amend Section 43.8 of the City’s Comprehensive Zoning Ordinance; and

WHEREAS, the Planning & Zoning Commission recommended in its final report that the City Council approve the amendments to Section 43.8 of the Comprehensive Zoning Ordinance; and

WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

WHEREAS, after consideration of all testimony given at the public hearing and after considering the input of the City staff, the Planning & Zoning Commission recommended the changes set forth in this ordinance, and

WHEREAS, having considered the recommendation of the Planning & Zoning Commission, the City Council has determined to adopt their recommendation and to amend the City’s Comprehensive Zoning Ordinance as provided herein;

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

Section 1. The City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

Section 2. Section 43.8 of the Comprehensive Zoning Ordinance of the City of Tomball, Texas is hereby amended by adding to the existing text the language underscored below:

43.8 TEMPORARY STRUCTURES & USES:

Any Temporary Use, Structure or Building permitted under this ordinance shall comply with all applicable Development Standards and Setback requirements in the District in which the Temporary Use, Structure or Building is located, unless otherwise specified herein.

1. Temporary Construction Office - Temporary construction offices, including trailers and modular offices, are permitted on or adjacent to any site during which construction is undertaken pursuant to a valid building permit. Temporary construction offices may be occupied for office or security purposes, or may be used for storage of equipment and material used during construction of the site. Upon completion or abandonment of construction or expiration of the building permit, the temporary construction office shall be removed at the owner's expense.
2. Temporary Real Estate Field Office - Temporary real estate sales offices, including trailers and modular offices, shall be permitted in accordance with Section 38 "Use Regulations" when incidental to a residential development. Temporary sales offices shall be located and developed in compliance with the following standards:
 - a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold or leased; and on a property whereon a recorded plat exists and a valid permit for construction has been issued;
 - b. Parking shall be permitted on the lot in which the office is located or on an adjacent lot;
 - c. Permitted temporary real estate sales offices shall not be used as any type of dwelling;
 - d. Use of the temporary real estate sales office for the sale or lease of residential sites or projects located off-site is prohibited; and
 - e. All temporary real estate sales offices shall be removed within thirty (30) days after the sale of the last dwelling unit in the development, or within thirty (30) days after twelve (12) continuous months of no construction or sales activity.
3. Model Home (including Sales Office)- Model homes with or without a sales office shall be permitted in accordance with Section 38 "Use Regulations" when incidental to a residential development. Model Homes shall be located and developed in compliance with the following standards:
 - a. The model home shall be located within the boundaries of the subdivision or tract of land where the real property to be sold or leased is situated;

- b. Parking shall be permitted on the lot in which the model home is located or on an adjacent lot;
 - c. The model home shall be designed as a permanent structure and shall comply with the provisions of this Ordinance, all applicable Building Codes of the City of Tomball, and State law;
 - d. All exterior lighting shall be limited to typical household exterior lighting. The use of commercial grade ground mounted floodlights and search lights are prohibited; and.
 - e. The model home shall cease operation within thirty (30) days after the sale of the last dwelling unit in the development, at which time the model home shall be vacated and a building permit issued to return the model home to its intended residential use only.
- 4. There shall be no permanent use of temporary buildings or temporary structures.
 - 5. Temporary signage and flagpoles advertising the sale of property within the residential development shall not be prohibited provided they comply with the sign ordinance, are permitted, and are maintained at least ten feet away from all lot lines.”
 - 6. Temporary buildings shall be permitted for governmental entities and public school districts with the following conditions:
 - a. Governmental entities and public school districts may have temporary buildings for a time period not to exceed two (2) years for each temporary building.
 - b. City Council may approve by resolution two (2) year extensions for each temporary building.
 - c. The use of the temporary building(s) must be to further the core mission of the governmental entity or public school district.
 - d. Each temporary building must be located on property owned or under lease by the governmental entity or public school district.

Section 3. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same

notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 4. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 5. This Ordinance shall become effective fourteen days after the final reading and adoption of this Ordinance when the caption hereof is caused to be published once in the official newspaper of the City, by the City Secretary, as required by law. The City Secretary is directed to publish the caption of this Ordinance in the City's official newspaper within 14 days after the passage of the ordinance.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF SEPTEMBER 2012.

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

SECOND READING:

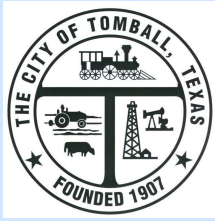
READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF SEPTEMBER.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Text Amendment Staff Report

Planning & Zoning Commission Hearing Date: September 4, 2012

ZONING CASE P12-477: City-initiated text amendment to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) to amend Section 43.8 (“Temporary Structures & Uses”) by allowing governmental entities and public school districts to utilize temporary buildings under certain conditions.

BACKGROUND

Tomball Independent School District (TISD) has been in discussions with the City of Tomball to allow temporary buildings on their campuses beginning in May of 2011. Section 43.8.4 of the Zoning Ordinance states, “There shall be no permanent use of temporary buildings or temporary structures.” Section 45 of the Zoning Ordinance defines a “Temporary Building” as “Any nonresidential prefabricated structure which is not originally manufactured or constructed at its use site, required on-site installation of utilities and/or foundation.”

The City has previously considered amending Section 43.8 of the Zoning Ordinance to allow governmental entities and publicly funded school districts to have temporary buildings on their sites, with certain conditions, but has not moved forward with a stand alone text amendment in hopes of addressing this issue, along with numerous others, through a comprehensive Zoning Ordinance revision scheduled for 2013. However, on June 28, 2012, the City inadvertently issued a permit to “A Bargain, Inc.” to move two portable buildings from TISD’s former administration building at 221 West Main Street to Tomball Junior High School located at 30403 Quinn Road.

ANALYSIS

Governmental entities and public school districts nationwide have been faced with ever expanding demands for services while facing budget reductions and the prospect of a continually sluggish economy. TISD, for example, faces an exceptional challenge of educating a rapidly growing population with fewer funds coming in from the State of Texas. To overcome this challenge, TISD has employed modular classrooms across its district, including within the City of Tomball.

TISD has had modular buildings in Tomball for several years. One was placed at Tomball High School in 2003, five were moved to Tomball Elementary School in 2000, 2001, and 2006, and three were placed at Tomball Junior High School (in addition to the two placed in June 2012) in 1999. There are no known code-related issues associated with the TISD’s modular buildings in Tomball with the exception of the two moved in June of 2012.

City staff recommends revising Section 43.8 (“Temporary Buildings”) of the Zoning Ordinance by adding language permitting temporary buildings for governmental entities and public school districts only with the following conditions:

- Governmental entities and public school districts may have temporary buildings for a time period not to exceed two years for each temporary building;
- City Council may approve by resolution two year extensions for each temporary building;
- The use of the temporary building(s) must be to further the core mission of the governmental entity or public school district; and
- Each temporary building must be located on property owned or under lease by the governmental entity or public school district.

This revision would permit temporary buildings for the governmental entity or public school district while they gather appropriate funding to plan and construct a permanent structure. The City Council would then be able to approve extensions in cases where the two year limit per temporary building is not sufficient. In this way, there would be a greater likelihood that the temporary building is germane to the core mission of the governmental entity or public school district and guarantee that the temporary building is placed on publicly owned or leased land and not a nuisance to the community.

PROPOSED AMENDMENTS

Section 43.8 “Temporary Buildings”

6. Temporary buildings shall be permitted for governmental entities and public school districts with the following conditions:

- A. Governmental entities and public school districts may have temporary buildings for a time period not to exceed two (2) years for each temporary building;
- B. City Council may approve by resolution two (2) year extensions for each temporary building;
- C. The use of the temporary building(s) must be to further the core mission of the governmental entity or public school district; and
- D. Each temporary building must be located on property owned or under lease by the governmental entity or public school district.

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on August 20, 2012; no public comments have been received.

RECOMMENDATION

Approval of the proposed amendments.



JOHN NEUBAUER
Superintendent

Tomball Independent School District

310 South Cherry Street
Tomball, Texas 77375
Website: tomballisd.net

May 15, 2012

George Shachelford
City Manager
The City of Tomball
501 James Street
Tomball, TX 77375

PHONE
(281) 357-3100
FAX
(281) 357-3128

Mr. Shackelford:

Tomball Independent School District (TISD) would like to be placed on the next available City Council agenda to receive a resolution allowing two additional temporary buildings to be utilized at Tomball Junior High School (30403 Quinn Road, Tomball, Texas 77375). Upon a favorable resolution from City Council, TISD will begin the site plan and building permit approval process through the City of Tomball.

Ordinance 2012-30 allows City Council to permit temporary buildings for public school districts for a period not to exceed two years for each temporary building provided the temporary building furthers the core mission of the public school district and the temporary building is located on property owned or under lease by the public school district. The subject buildings are located on property owned by TISD and will further the core mission of TISD by providing classroom space to house additional classes. The additional classroom space is required to add additional teachers. These classrooms will not be used to add additional student capacity.

Should you have any questions please give me a call.

Sincerely,

Gary Hutton
Director of Construction/Operations
Tomball Independent School District

cc John Neubauer
Mark Tiedt
David Schuelke

Regular City Council

Agenda Item

Meeting Date: September 17, 2012

Data Sheet

Topic:

Adopt on Second Reading, Ordinance No. 2012-31, an Ordinance of the City of Tomball, Texas Temporarily Suspending the Collection of Impact Fees for the Development of Commercial Properties for the Area of the City known as Old Town Tomball, that Area being bounded by Fannin Street, Houston Street, the Railroad Tracks, and Pine Street and including the properties that front on Fannin and Houston Streets adjacent to such area; Providing for Mandatory Review of this Suspension; and Providing for Severability

Background:

A request for information has been made by City Council regarding the Impact Fees associated with water and wastewater and the possibility of issuing a moratorium on the collection of fees for limited area or purpose.

Impact fees are charges on new development to help fund the costs of designing, acquiring land, and constructing major capital improvements necessary to serve new growth. Impact fees also help recover the cost of constructing oversized facilities and expanding existing facilities. Through impact fees, a builder pays only the share of the costs needed to provide improvements based on the demand their new development places on the overall system. Impact fees cannot be used to fund operation or maintenance costs, or to cure system deficiencies generated by existing development.

Impact fees were adopted by the City of Tomball in 1984 Ordinance No. 84-17 with specified capital recovery rates. Prior to 1984, there were meter and tap fees assessed, but it is undetermined if they included impact fees. Currently, Tomball charges three types of development impact fees: water, wastewater, and drainage. The amount of the fee charged is based upon the amount of "impact" that an individual development will have on the City's capital facilities. The greater the demand a development places on these systems, the greater the fee the City will assess. Fees for each facility type are calculated, assessed and collected independently. The impact fee rates charged are substantially lower than the actual cost of serving new growth. The general public bears the remaining costs not charged to new development.

Impact fees must be adopted pursuant to and in compliance with the procedures established in Chapter 395 of the Texas Local Government Code.

This includes the adoption of a professionally prepared Capital Improvements Plan (CIP) and related land use assumptions (LUA). These documents are used to calculate the fee itself. The full fee is evaluated by a representative advisory committee and undergoes a public hearing and review process before the City Council. The CIP, LUA, and professional prepared fee scheduled must be updated regularly.

Tomball's current update of those required documents, "The Infrastructure Master Plan and Impact Fee Determination 2007-2017" was adopted as the City's Capital Improvements Plan in May 2009 by Ordinance No. 2009-12 and amended Sec. 156. Schedule of Maximum Capital

Recovery Fees of Charter 82.

Water and Wastewater Impact Fees for the City of Tomball are based on Living Unit Equivalents (LUE) which corresponds to the demand from one single family household served by a 3/4-inch meter. When the impact fees determination was presented the CIPAC recommended a 20% increase over the previous impact fees. City Council chose to implement the increase with 5% each year. The fees adopted in Ordinance No. 2009-12 are as follows for water and wastewater (only):

	Calculate Maximum Allowable Fee	Reduced Fee Effective: June 1, 2009	Reduced Fee Effective: June 1, 2010	Reduced Fee Effective: June 1, 2011	Reduced Fee Effective: June 1, 2012
Water: Per LUE	\$2,000.54	\$1,162.98	\$1,218.36	\$1,273.74	\$1,329.12
Wastewater: Per LUE	\$4,523.54	\$1,446.57	\$1,515.46	\$1,584.34	\$1,653.23
Note: All new development or change in use will be required to calculate the living unit equivalent (LUE) and pay the greater value between the minimum meter size impact fee or the calculated LUEs.					

The FY2013 budget includes funds to study infrastructure needs and recalculate the related impact fees.

The following are example of recent permitted projects that have incurred and paid impact fees:

New Development	Type	LUEs	Water	Wastewater	
Frey's Backyard Café	Restaurant, Fast Food	7.374	\$9,392.56	\$11,682.92	
Rio Frio Ice Company	Ice Maker	1.000	\$1,273.74	\$0.00	
Tomball Professional Plaza	Office	14.48	\$20,379.84	\$25,349.44	
Redevelopment					
Reno's Wine Cellar	Club, Tavern, or Lounge	2.898	\$3,691.29	\$4,594.41	Credit from existing use 1 LUE
Subway Sandwich Shop	Restaurant, Fast Food	4.690	\$6,233.57	\$7,753.65	Master meter credits already used
Frosted	Restaurant, Fast Food	0.00	\$0.00	\$0.00	No change in LUEs do to use

Note that the "discharge criteria sheet" provides for a service unit equivalent (SUE), which equates to 315 gpd. The designer will be required to convert to the 370 gpd LUE basis. For example, a Hotel, Motel type of development has a SUE of 0.251000 per room. Assuming the Hotel, Motel has a proposed design of 100 rooms, the development will have an impact of 25.1000 SUEs. The designer shall convert the SUEs to LUEs, as shown in the following example:

Convert by ratio:

$$\frac{315}{370} = \frac{25.1000}{X}$$

Solve for X: $370 \times 25.1 = 315 \times (X)$

Therefore X: $= \frac{370 \times 25.1}{315} = \mathbf{29.48 \text{ LUEs}}$

The LUE determination shall be included in table form and shown on the “utility plan”, included as part of the site plan submittal. The cost per LUE fee is posted at the Permits Office and will be calculated at the time of permit application. *(Note that the Master Plan and the demand rate per LUE is subject to periodic required updates.)*

Impact fees are a common and recommended “best practice” for financing infrastructure. More than 60% of cities across the county impose some type of impact fee. Many cities, like Tomball, also use impact fees as part of their economic development incentives. Currently, as noted above, Tomball offers a 54% (34% water/63% sewer) reduction of impact fees to all developments.

The City could consider additional impact fee related incentives to encourage development:

- in target areas
- of target markets (specific business types)
- that meets other goals (ex. redevelopment that meets additional design standards, business with job creation thresholds)

Some incentives include:

- offsets (development mitigates impact through land donation, capital improvement construction, etc)
- payment plans
- waivers (full or partial, broad or focused)
- refunds (after certain benchmarks achieved)
- combinations of incentives
- indirect incentives (other economic development incentives, like grant programs)

Incentives can be issued:

- automatically (usually done for limited time or purpose)
- by application on case-by-case basis (more common to encourage target development)
- with benchmarks (business must develop by certain timeframe, be open for certain time period, etc)

City's don't typically waive the complete impact unless other economic impacts or other goals of community offset the additional infrastructure burden or unless the complete waiver is offered for a limited time or limited to purpose to encourage rapid development in target areas or markets.

On September 4, 2012, Council adopted Ordinance No. 2012-31 on first reading, with an amendment reducing the 150-day review period to a 90-day review period.

Origination:

Mayor Fagan

Recommendation:

N/A

Funding:

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

City Secretary

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

ATTACHMENTS:

Ordinance No. 2012-31 - Impact Fee Suspension

Special Council Meeting Agenda - May 11, 2009

Infrastructure Master Plan and Impact Fees Agenda Item - May 18, 2009

ORDINANCE NO. 2012-31

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS
TEMPORARILY SUSPENDING THE COLLECTION OF IMPACT FEES
FOR THE DEVELOPMENT OF COMMERCIAL PROPERTIES FOR
THE AREA OF THE CITY KNOWN AS OLD TOWN TOMBALL, THAT
AREA BEING BOUNDED BY FANNIN STREET, HOUSTON STREET,
THE RAILROAD TRACKS, AND PINE STREET AND INCLUDING THE
PROPERTIES THAT FRONT ON FANNIN AND HOUSTON STREETS
ADJACENT TO SUCH AREA; PROVIDING FOR MANDATORY
REVIEW OF THIS SUSPENSION; AND PROVIDING FOR
SEVERABILITY**

* * * * *

WHEREAS, on or about May 18, 2009 the City Council of the City of Tomball, Texas adopted a Capital Improvements Plan and Impact Fees for Water, Wastewater, and Drainage Utilities; and

WHEREAS, the City Council desires to suspend the collection of Impact Fees for the development of commercial properties for a portion of the City to enable the City Council to evaluate the impact fees in that portion of the City; and

WHEREAS, the City Council finds the suspension of Impact Fees for the specified area of the City to be in the best interest of the health, safety and welfare of the citizens of the City of Tomball; now, therefore,

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

SECTION 1. The facts and matters contained in the preamble are hereby found to be true and correct.

SECTION 2. The collection of Impact Fees for Water, Wastewater, and Drainage Utilities for the development of commercial properties for the area of the City known as Old Town Tomball that area being bounded by Fannin Street, Houston Street, the Railroad Tracks,

and Pine Street, and including the properties that front on Fannin and Houston Streets adjacent to this area is hereby suspended for a period of 180 days, or until such time as Council, by ordinance, reinstitutes the collection of such Impact Fees.

SECTION 3. Within **90** days of the effective date of this Ordinance, the City Council shall review the collection of Impact Fees for Water, Wastewater and Drainage Utilities within the area described herein.

SECTION 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

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 4TH DAY OF SEPTEMBER 2012.

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

SECOND READING:

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

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

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



MONDAY, MAY 11, 2009

5:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, May 11, 2009 at 5:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- 1.0 Call to Order
- 2.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*
- 3.0 Workshop Session:
 - 3.1 Workshop Session to Prepare to Adopt on May 18, 2009, on First Reading, Ordinance No. 2009-12, an Ordinance amending the Code of Ordinances of the City of Tomball, Texas, by Adopting the Infrastructure Master Plan and Impact Fee Determination 2007-2017 as the City's Capital Improvements Plan; Amending Sec. 156. Schedule of Maximum Capital Recovery Fees of Chapter 82. Utilities Thereof, Establishing Impact Fees for Water, Wastewater

and Drainage Utilities; and Containing other Provisions Relating to the Subject

4.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 7th day of May 2009 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.

Special City Council
Agenda Item
Data Sheet

Meeting Date: May 11, 2009

Topic:

Background:

Origination:

Recommendation:

Funding:

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

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

Special City Council

Agenda Item

Data Sheet

Meeting Date: May 11, 2009

Topic:

Workshop Session to Prepare to Adopt on May 18, 2009, on First Reading, Ordinance No. 2009-12, an Ordinance amending the Code of Ordinances of the City of Tomball, Texas, by Adopting the Infrastructure Master Plan and Impact Fee Determination 2007-2017 as the City's Capital Improvements Plan; Amending Sec. 156. Schedule of Maximum Capital Recovery Fees of Chapter 82. Utilities Thereof, Establishing Impact Fees for Water, Wastewater and Drainage Utilities; and Containing other Provisions Relating to the Subject

Background:

In review, on December 15, 2008, Lockwood Andrews and Newnam, Inc. presented to Council the Infrastructure Master Plan and Impact Fee Determination 2007-2017 as the City's Capital Improvements Plan. City Council adopted a summary calendar for the adoption of impact fees under Chapter 395, Texas Local Government Code, as follows:

I. Preparation of Land Use Assumption/Capital Improvements Plan (CIP) (395.014, .015, .041, .0411, and .0455)

- A. Select Professional Engineer to Prepare CIP (Council approved 02/05/07)
- B. City Council Considers and Receives CIP (12/15/08) (CIP posted to web page on 01/09/09)

II. City Council Calls Public Hearing on CIP by Resolution 2009-02 that: (01/5/09)

- A. Establishes the CIP public hearing date (.042.) (02/16/09)
- B. Orders written copies of CIP be made available through City Secretary prior to CIP published notice dates (.043.) (before 01/17/09)
- C. Establishes CIP published notice dates:
 - 1. More than 30 days before CIP hearing: certified mail to persons requesting notice (.044(a)) (before 01/17/09)
 - 2. More than 30 days before CIP hearing: newspaper notice (.044(b)) (before 01/17/09) – send to Tribune on 1/6 to run 01/12/09 for Public Hearing on 2/16/09 (35 days notice)
- D. Establishes form of CIP notice (.044(c))
- E. Appoints Capital Improvements Advisory Committee (.058.) (Resolution 2009-02-C to correct the Public Hearing Date to 02/16/09 and appointed Michael Chambers to CIPAC)

III. Public Hearing on CIP. (02/16/09)

- A. Staff presents evidence regarding CIP
- B. Receive public comments on CIP

IV. City Council Approves CIP by Resolution 2009-06 that: (03/02/09)

- A. Is adopted within 30 days of Public Hearing on CIP (.045(b)) (before 03/18/09)
- B. Established public hearing date on impact fees (.047) (05/04/09)
- C. Orders written copies of proposed impact fees be made available through City Secretary prior to impact fees published notice dates (before 04/04/09)
- D. Established impact fees published notice dates:
 - 1. More than 30 days before impact fees hearing: certified mail to persons requesting notice (.049(a)) (before 04/04/09)
 - 2. More than 30 days before impact fees hearing: newspaper notice (.049(b)) (before 04/04/09) – send to Tribune on 03/03/09 to run 3/9/09 or on 03/10/09 to run 03/16/09 for Public Hearing on 05/04/09 (56 or 49 days' notice, respectively)
- E. Established form of impact fees notice (.049(c))
- F. Orders Capital Improvements Advisory Committee to file written comments at least five days prior to impact fees public hearing (.050) (before 04/29/09)

VI. Advisory Committee Action

- A. Advisory Committee meetings (March/April 09) (Meetings conducted 03/19/09 and concluded on 04/13/09)
- B. Advisory Committee provide written comments at least five days prior to impact fees hearing (.050) (before 04/29/09) CIPAC recommendations provided to Council on 04/16/09 in weekly updates

VII. Impact Fee Public Hearing. (05/04/09)

- A. Staff presented evidence regarding impact fees
- B. Advisory Committee presented written comments regarding impact facts
- C. Received public comments on impact fees

VIII. City Council Approves Ordinance Imposing Impact Fees

- A. First reading of ordinance (5/4/09 or 5/18/09) (Council tabled for Workshop)
- B. Second reading of ordinance within 30 days of impact fees public hearing (.051) – needs to be on 5/18/09 (05/25/09 or 06/1/09 but before 6/3/09 – these would be special called meetings – we need to make the 5/4 and 5/18 meetings work)

On March 9, 2009, the Capital Improvements Plan Advisory Committee (CIPAC) reviewed the 2007-2017 City of Tomball Infrastructure Master Plan and Impact Fee Determination and power-point presentation information prepared by Lockwood, Andrews and Newnam, Inc. and City staff. On April 13, 2009, the CIPAC met again to finalize impact fee recommendations. The CIPAC voted unanimously to recommend a 20% increase for water, sewer, and drainage impact fees and to present recommendations to City Council for consideration:

	CURRENT	PROPOSED
Water	\$1,107.60	\$1,329.12
Sewer	\$1,377.69	\$1,653.23
Drainage:		
M118:	\$4,184.73	\$5,021.68
M121E:	\$4,747.57	\$5,697.08
M121W:	\$3,681.56	\$4,417.87
M125:	\$ 444.42	\$ 533.30

These recommendations were forwarded to City Council on April 16 in the City Manager's Weekly Update and placed on the draft agenda for future consideration, then placed on the May 4, 2009 City Council regular meeting for approval consideration or to determine an impact fee not exceeding the maximum amount identified in the Infrastructure Master Plan and Impact Fee Determination 2007-2017. Local Government Code 395.015 presents that the impact fee may not exceed the amount determined but Council may adopt a lesser amount.

During the May 4, 2009 Council Meeting, Council requested a workshop to further discuss the CIPAC recommendation and Infrastructure Master Plan and Impact Fee Determination 2007-2017. In addition, Council requested Local Government Code clarification on the following: 1.) Is it allowable to revisit the impact fees in a year and to change the impact fee without having to do the full in-depth study? 2.) May the Council approve impact fees in increments?

The City Attorney provided the following clarification concerning Chapter 395 of Local Government Code, summarized as follows:

1. The impact fee statute contemplates that the advisory committee constantly monitors impact fees. See Chapter 395, Texas Local Government Code, and especially Sec. 395.058(c)(4) which provides that the committee will "file semiannual reports with respect to capital improvements plan and report any perceived inequities in implementing the plan or imposing the impact fee", and in Sec. 395.058 (c)(5) the committee will "advise (the City Council) of the need to update or revise the land use assumptions, capital improvements plan, and impact fee".

2. The City may always reduce the impact fees. See Sec. 395.021.

3. The City may provide in its initial adoption of the impact fees for an automatic escalation of the impact fees, or the City may tie the increase/decrease of impact fees to an index (like the consumer price index), so long as the fees do not exceed the amount found by the engineers to be the maximum reasonable fee. Therefore, the City could provide for a base fee with an escalation of 2% per year.

4. A city may not, however, increase impact fees in the future by an unknown amount (i.e, if the increase is not clearly provided in the original adoption of the fees) unless the City complies with the notice provisions for updating the fee found in Sec. 395-.052 through 395.057, or the City adopts new fees in accordance with the Chapter.

Origination:

Engineering and Planning

Recommendation:

Discuss impact fees and CIPAC recommendation.

Funding:

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

Engineering and Planning

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

ATTACHMENTS:

CIPAC Agenda Packet 3-9-09

Final CC and CIPAC Recommendation Letters and Exhibits

Ordinance No. 2009-12

**NOTICE OF
CAPITAL IMPROVEMENT PLAN ADVISORY COMMITTEE MEETING
CITY OF TOMBALL, TEXAS**

MONDAY, MARCH 9, 2009



6:30 P.M.

Notice is hereby given of a meeting of the City of Tomball Capital Improvement Plan Advisory Committee, to be held on Monday, March 9, 2009 at 6:30 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.

- 1.0 Call to Order
- 2.0 Public Comments and Receipt of Petitions *(At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Commission discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.)*
- 3.0 Reports and Announcements

Discussion/Action of the Following Items:
- 4.0 New Business:
 - 4.1 Presentation and Discussion of Land Use Assumptions and Capital Improvements Plan (the "CIP") for Water, Wastewater, Drainage, and Roadway Facilities; *Consideration of Written Comments to be Provided to the City Council*; in accordance with Chapter 395, Texas Local Government Code; Making Other Findings and Providing Details Related Thereto.
 - 4.2 Discuss and Establish schedule to submit comments to City Council on May 4, 2009.
- 5.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **5th day of March 2009** by 5:00 p.m., and remained posted for at least 72 continuous hours proceeding the scheduled time of said meeting.

Brandy Pate
Brandy Pate, Administrative Assistant

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.

CITY OF TOMBALL

MEMORANDUM

Date: March 4, 2009

To: Capital Improvement Plan (CIP) Advisory Committee

From: Engineering & Planning Department

Subject: CIP Advisory Committee Meeting, March 9, 2009

The CIP Advisory Committee is required to review the City of Tomball Infrastructure Master Plan and Impact Fee Determination and provide written comments to the City Council. A Public Hearing and possible action regarding these comments will be heard at the City Council meeting on May 4, 2009. The Committee is hereby requested to determine a schedule to conclude and submit their comments to City Council.

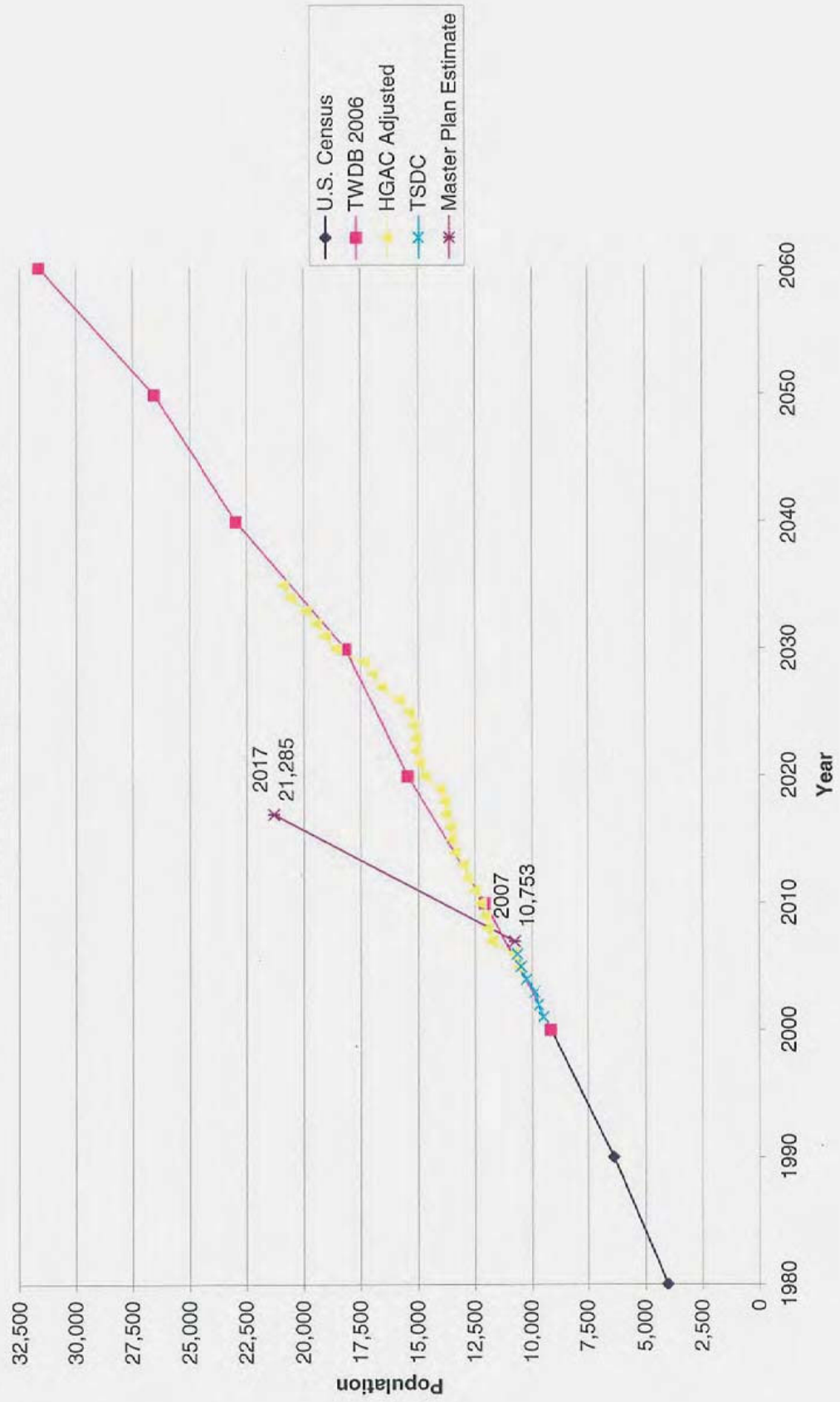
The 2007-2017 City of Tomball Infrastructure Master Plan and Impact Fee Determination estimates the growth within the City limits and City's extraterritorial jurisdiction (ETJ) from 2007-2017 and at ultimate buildout, determines the infrastructure needed to accommodate that growth, and estimates costs and impact fees related to the infrastructure improvements. The Infrastructure Master Plan guides the growth and sequencing of the City's water, wastewater, drainage, roadway and parks infrastructure systems, which typically occurs both from a conversion of undeveloped properties to a developed state and from redevelopment of an existing land use and current land use. The ETJ plays a significant factor in the projected growth as this is the area that may one day be annexed into the City limits and become eligible for City services. The study presents the projected development of the land within the City limits and ETJ and the corresponding demand on the infrastructure systems along with projected improvements to meet those demands.

City Council will act on approving and adopting the land use assumptions and capital improvements plan for water, wastewater, drainage, park and roadway facilities, as prepared by Lockwood, Andrews & Newnam, Inc., P.E., using generally accepted engineering and planning practices in accordance with Section 305.014 of the Texas Local Government Code. A public hearing will be held on Monday, May 4, 2009 to allow public input into the imposition of impact fees.

We strongly encourage you to view the Infrastructure Master Plan and Impact Fee Determination on the City of Tomball website at <http://www.ci.tomball.tx.us/>. A copy of the power-point presentation presented by Lockwood, Andrews & Newnam, Inc. has been included in your packet.

For staff to include in the City Council May 4th, 2009 agenda, Engineering and Planning is requesting that the Committee return written comments to Brandy Pate, Engineering & Planning Administrative Assistant no later than April 24, 2009. If you have any questions or require additional information, please contact our office at 281-290-1405.

Exhibit 3-1
City of Tomball Population Projections



Population Projections

- 2000 Census within City Limits = 9,089
- Estimated 2007 Population within City Limits = 10,753
- Estimated 2007 Population for City and ETJ = 14,386
- Estimated 2017 Population within City Limits = 21,285
- Estimated 2017 Population for City and ETJ = 26,325

SUMMARY OF IMPACT FEES			
Facility	Current Existing Impact Fees	Proposed Impact Fees (Maximum)*	Difference
Water and Sewer Impact Fees Per LUE			
Water	\$1,107.60	\$2,000.54	\$892.94
Sewer	\$1,377.69	\$4,523.54	\$3,145.85
Total Water and Sewer	\$2,485.29	\$6,524.08	\$4,038.79
Drainage Impact Fees Per Acre			
M118	\$4,184.73	\$6,023.90	\$1,839.17
M121E	\$4,747.57	\$6,828.71	\$2,081.14
M121W	\$3,681.56	\$4,985.14	\$1,303.58
M125	\$444.42	\$574.40	\$129.98

* Note: LGC 395.015 presents that the impact fee may not exceed the amount determined. Council may adopt a lesser amount, based on an understanding of projected population growth.

INFRASTRUCTURE MASTER PLAN AND IMPACT FEE DETERMINATION 2007-2017



PRESENTED BY:
LOCKWOOD, ANDREWS &
NEWNAM, INC.

AUGUST 12, 2008

Master Plan Topics of Discussion

- Plan Objectives
- Land Use Projections
- Population Projections
- Water System
- Wastewater System
- Drainage System
- Traffic and Transportation
- Parks
- Maximum Impact Fee Determination



Plan Objectives

- Estimate Growth within City Limits and ETJ from 2007 to 2017 and at Ultimate Buildout.
- Determine Infrastructure Needs to Accommodate Growth.
- Estimate the Cost and Impact Fees Related to Infrastructure Improvements.



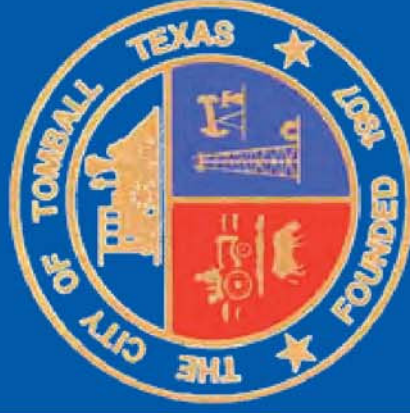
Plan Objectives

- Steps Used to Develop Master Plan
 - Estimate Land Use by Category for 2007 within City and ETJ.
 - Estimate the 2007 Population within the City and ETJ.
 - Estimate Future Land Use within the City and ETJ during the Study Period.
 - Estimate the Future Population and Service Needs as a Result of Land Use Changes.



Plan Objectives

- Steps Used to Develop Master Plan (Cont'd)
 - Determine the Infrastructure Improvements Needed.
 - Estimate the Cost of the Infrastructure Improvements.
 - Determine the Capital Recovery Fees for Infrastructure Improvements.



Land Use Projections

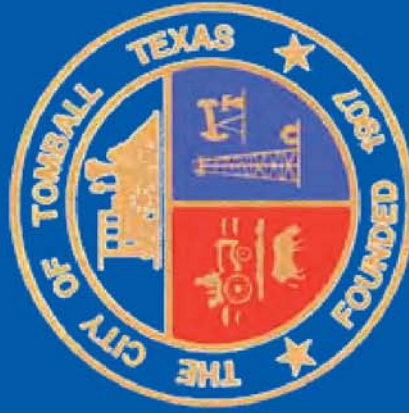
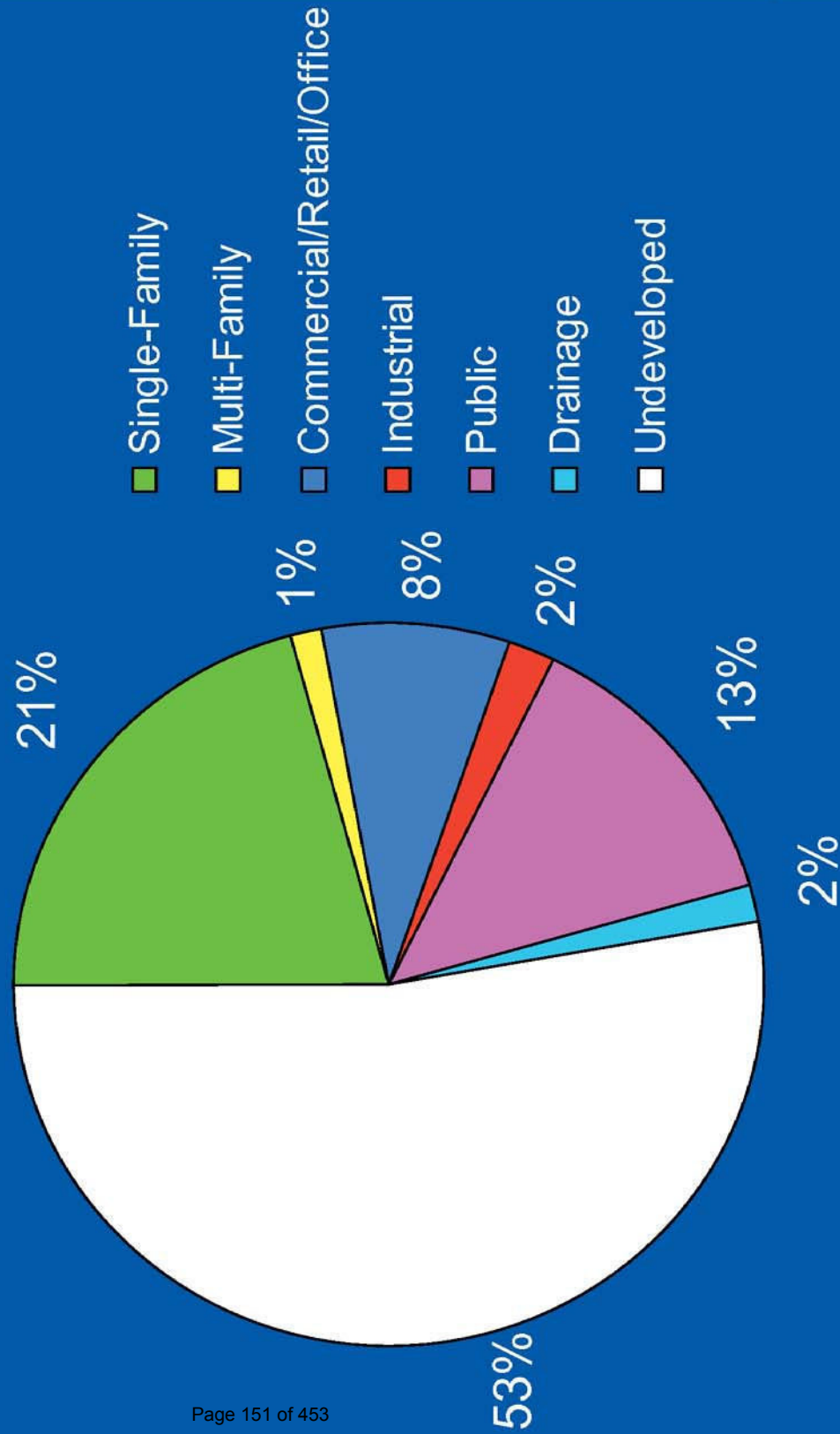
2007 and 2017

- City Limit Area = 7,429 acres
- City Limit and ETJ Area = 13,334 acres
- Land Use Categories:
 - Single-Family
 - Multi-Family
 - Commercial/Retail/Office
 - Industrial
 - Public
 - Drainage



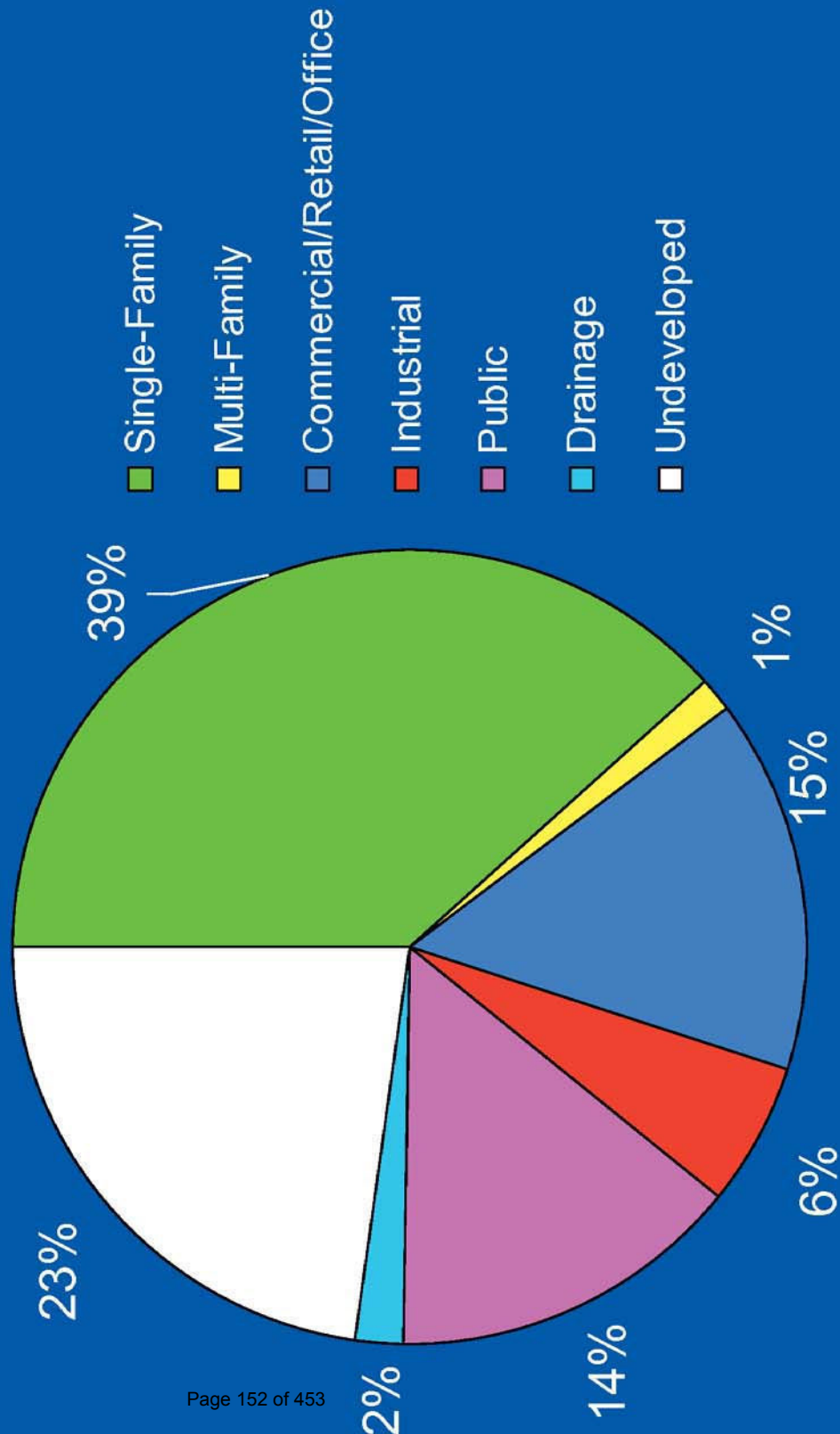
Land Use Projections

2007 Land Uses by Area within City Limits

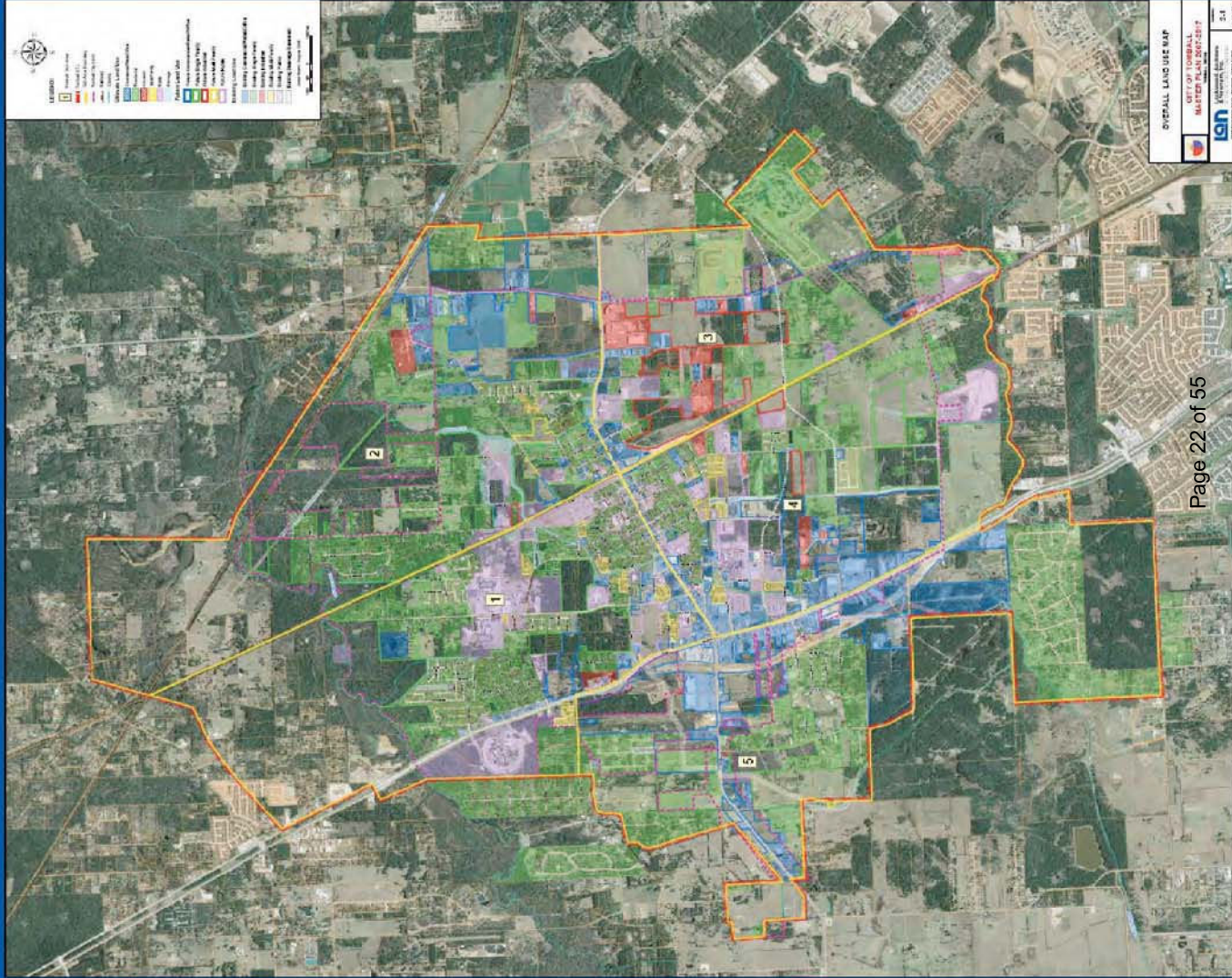
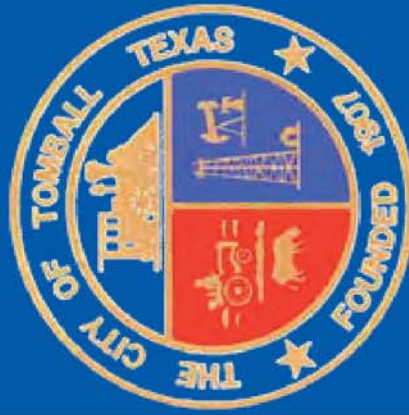


Land Use Projections

2017 Land Uses by Area within City Limits



Land Use Projections



Population Projections

- 2000 Census within City Limits = 9,089
- Estimated 2007 Population within City Limits = 10,753
- Estimated 2007 Population for City and ETJ = 14,386
- Estimated 2017 Population within City Limits = 21,285
- Estimated 2017 Population for City and ETJ = 26,325



Water System

Existing System, 2007

- Pine Street Water Plant
 - Well 1 = 544 gpm
 - Well 2 = 1,689 gpm
 - Well 3 = 559 gpm
 - Ground Storage = 400,000 gal.
 - Elevated Storage = 750,000 gal.
 - Booster Pump Capacity = 4,315 gpm
- Baker Street Water Plant
 - Well 1 = 889 gpm
 - Ground Storage = 200,000 gal.
 - Booster Pump Capacity = 1,600 gpm
- Ulrich Road Elevated Storage Tank
 - Elevated Storage = 500,000 gal.



Water System

- Existing 2007 Water Demand
 - Within City Limits = 816 million gallons
- Projected 2017 Water Demand
 - Within City Limits = 1,381 million gallons
 - Within City Limits and ETJ = 1,860 million gallons



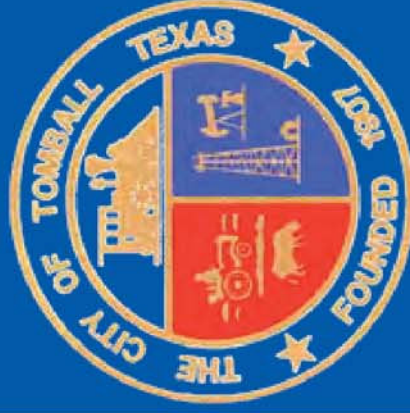
Water System

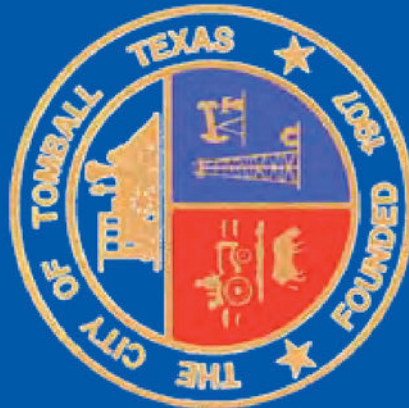
- Additional Capacity Required to Meet TCEQ Requirements for the City and ETJ through 2017:
 - Wells = 5,000 gpm
 - Firm Booster Capacity = 7,000 gpm
 - Total Storage = 1,300,000 gal.
 - Elevated Storage = 500,000 gal.
 - Ground Storage = 800,000 gal.



Water System

- Existing Water Distribution System
 - 86 miles of 1.5 inch to 12 inch Diameter Water Lines
- Proposed Water Lines, 2007 to 2017
 - 12 inch = 80,900 linear feet = 15.3 miles
 - 8 inch = 13,700 linear feet = 2.6 miles



[illegible]

Water System

- Estimated Cost to Improve Water System through 2017
 - Additional Well Capacity = \$5,000,000
 - Additional Booster Pump Capacity = \$560,000
 - Additional Ground Storage Tanks = \$550,000
 - Additional Elevated Storage Tank = \$1,000,000
 - Additional Distribution Lines = \$10,364,700
 - Total = \$17,474,700



Wastewater System

- North Wastewater Treatment Plant
 - Existing Capacity, 2007 = 1.5 million gallons per day (MGD)
 - Average Daily Flow in 2006 = 0.64 MGD
 - Projected Demand for 2017 (City and ETJ) = 1.94 MGD
 - Expansion Needed = 1.50 MGD in 2013



Wastewater System

- South Wastewater Treatment Plant
 - Existing Capacity, 2007 = 1.5 million gallons per day (MGD)
 - Average Daily Flow in 2006 = 0.86 MGD
 - Projected Demand for 2017 (City and ETJ) = 2.08 MGD
 - Expansion Needed = 1.50 MGD in 2010



Wastewater System

- Existing Collection System, 2007
 - 54.5 miles of gravity sewer lines ranging from 4 inches to 36 inches in diameter
 - 9 Lift Stations
- Proposed Gravity Sanitary Sewer Lines, 2007 to 2017
 - 18 inch = 25,600 linear feet
 - 15 inch = 11,100 linear feet
 - 12 inch = 13,400 linear feet
 - 10 inch = 9,900 linear feet
 - 8 inch = 11,600 linear feet
- Proposed Force Mains, 2007 to 2017
 - 8 inch = 4,800 linear feet
 - 6 inch = 7,100 linear feet
- Proposed Lift Stations = 4



LEGEND

- Sanitary Sewer Line
- Sanitary Sewer Manhole
- Sanitary Sewer Service Area
- Sanitary Sewer District
- Sanitary Sewer District 1
- Sanitary Sewer District 2
- Sanitary Sewer District 3
- Sanitary Sewer District 4
- Sanitary Sewer District 5
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- Sanitary Sewer District 99
- Sanitary Sewer District 100

Scale

0 100 200 300 400 500 600 700 800 900 1000 Feet

North Arrow

SANTARY SEWER SYSTEM SHOWING SERVICE AREAS

CITY OF TOMPALL

MASTER PLAN 2022-2027

Page 33 of 55

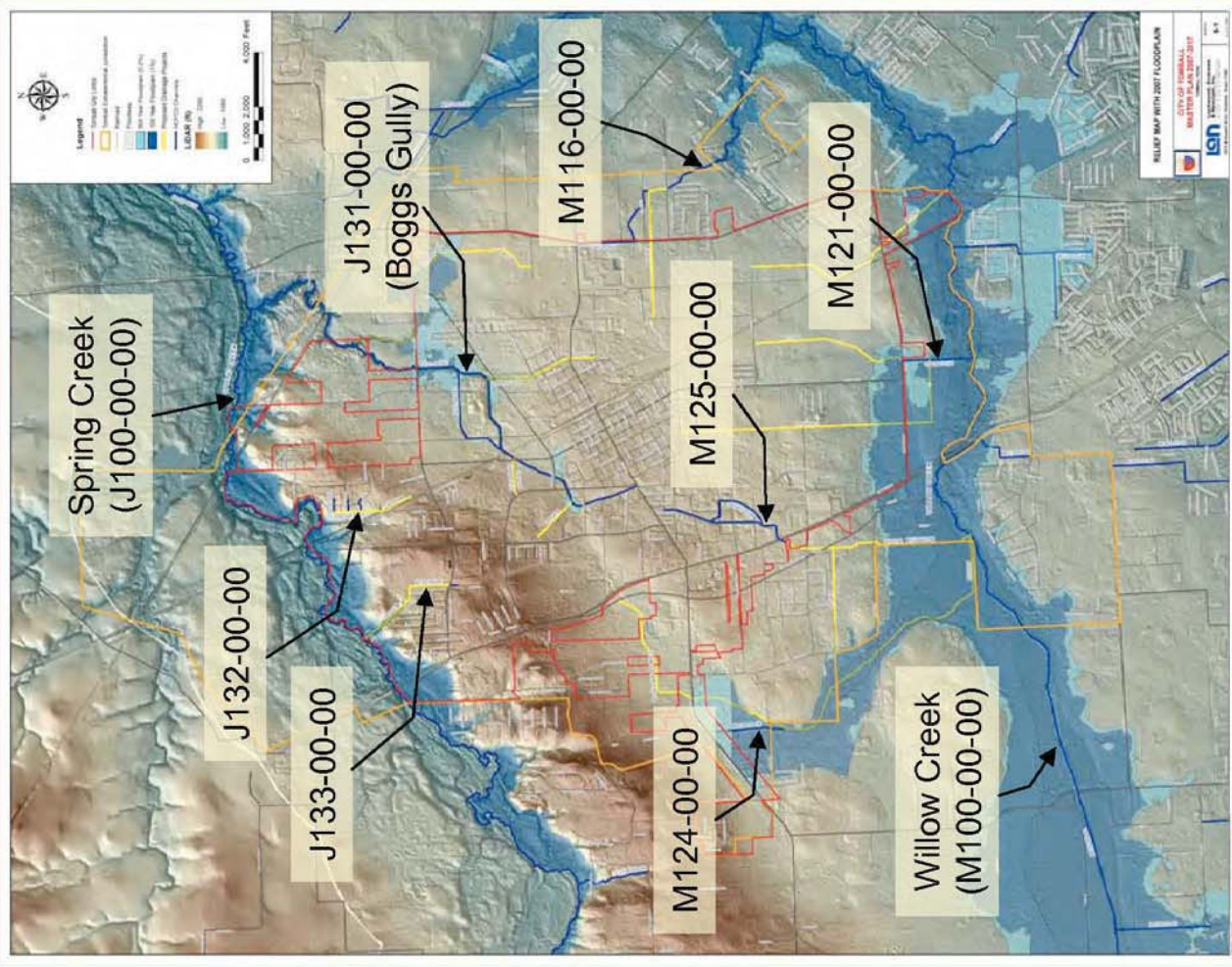


Wastewater System

- Estimated Cost to Improve Wastewater System through 2017
 - North Wastewater Treatment Plant
 - Expansion (1.5 MGD) = \$9,000,000
 - Aeration System Rehab = \$200,000
 - Clarifier Rehab = \$150,000
 - Electrical Rehab = \$100,000
 - South Wastewater Treatment Plant
 - Expansion (1.5 MGD) = \$9,000,000
 - Odor Control System = \$200,000
 - SCADA System = \$300,000
 - Fine Screen = \$100,000
 - Proposed Lift Stations = \$800,000
 - Proposed Sanitary Sewer Lines = \$10,110,000
 - Total = \$29,960,000



Tomball's Existing Drainage System



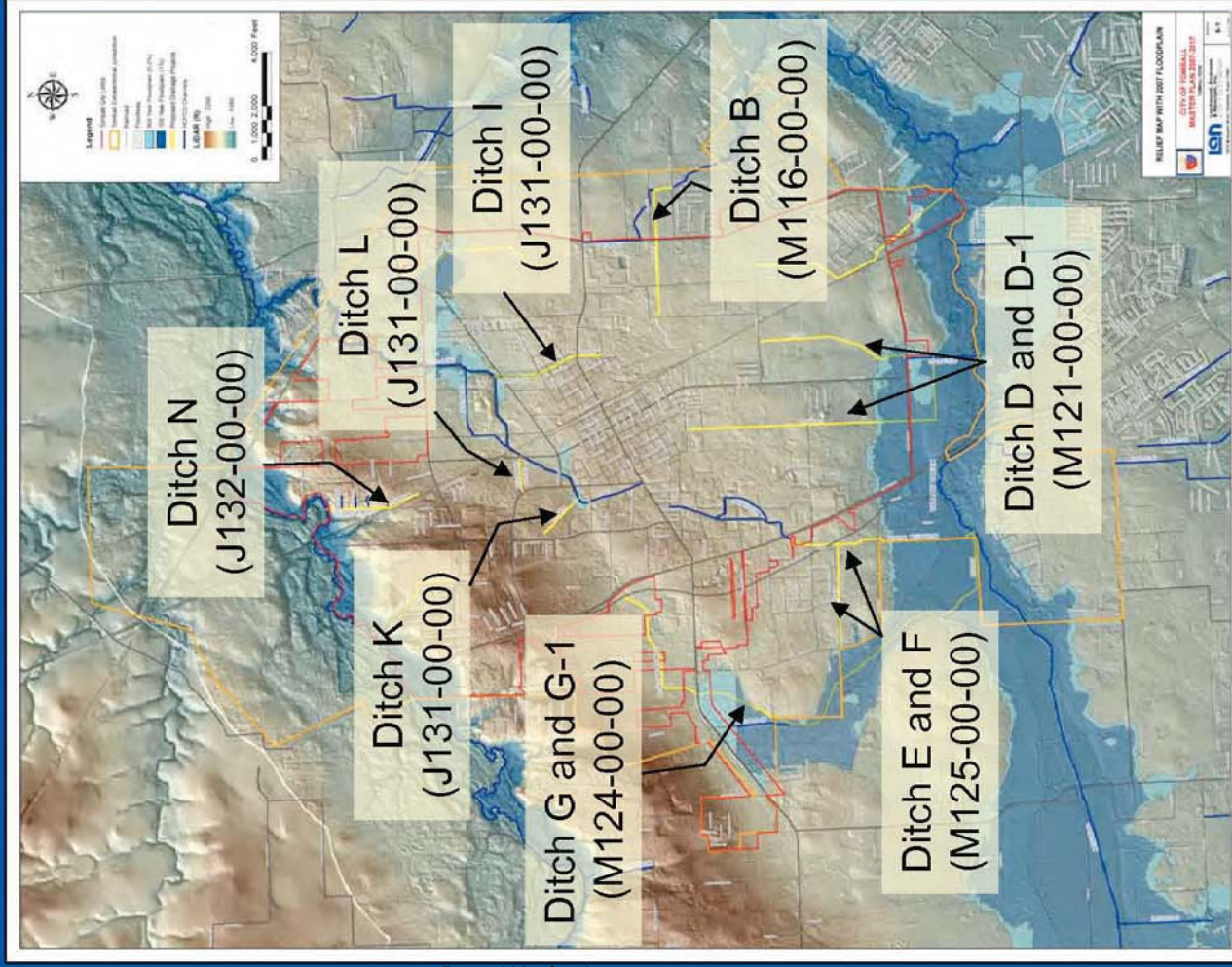
- City of Tomball is Served by of 7 outfall systems
- Spring Creek, Willow Creek, Boggs Gully, M116-00-00 and M124-00-00 have floodplain studies
- Total stream length of HCFCD channels within City Limits is 57,925 feet
- Total stream length of HCFCD channels within ETJ is 103,814 feet



[illegible]

-
- The seal of the City of Tomball, Texas, is a circular emblem. The outer ring contains the text "THE CITY OF TOMBALL TEXAS" at the top and "FOUNDED 1884" at the bottom, separated by two five-pointed stars. The inner circle is divided into three quadrants: the top-left quadrant is blue and features a white windmill; the top-right quadrant is red and features a white sailing ship; the bottom quadrant is blue and features a white steam locomotive.

Outfall Drainage Channel Improvements

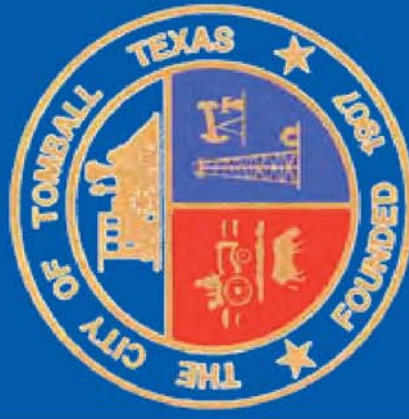
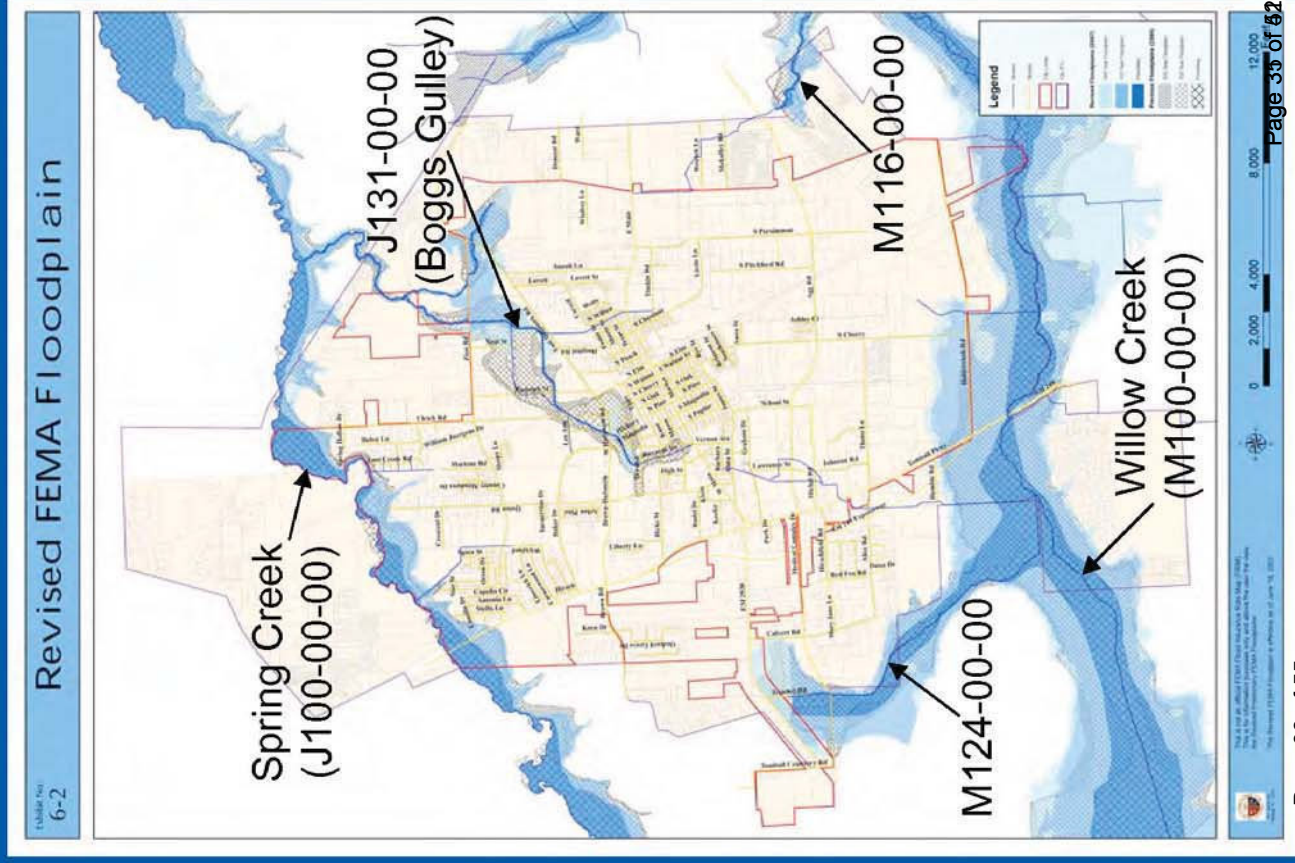


- Estimate total drainage program is \$49.1 million
- Estimated costs do not include allowances for private crossings, legal or fiscal costs, or ROW



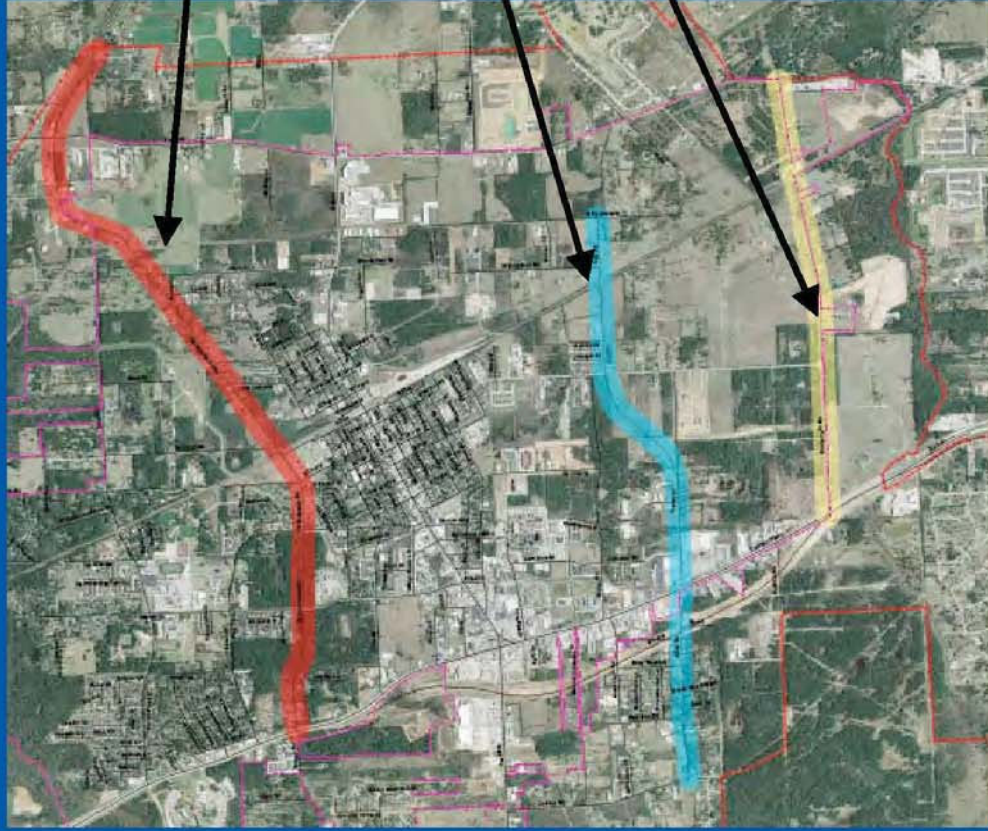
FEMA Floodplain Insurance Rate Map

- Comparison of 2007 FEMA FIRM and 2000 FEMA FIRM
- Large portions of Boggs Gully (J131-00-00) south of Zion Road had the 100-yr and 500-yr floodplain eliminated in the new 2007 FIRM
- Minimum variations were observed in the 100-yr and 500-yr floodplains for Spring Creek (J100-00-00), Willow Creek (M100-00-00) and other Tributaries



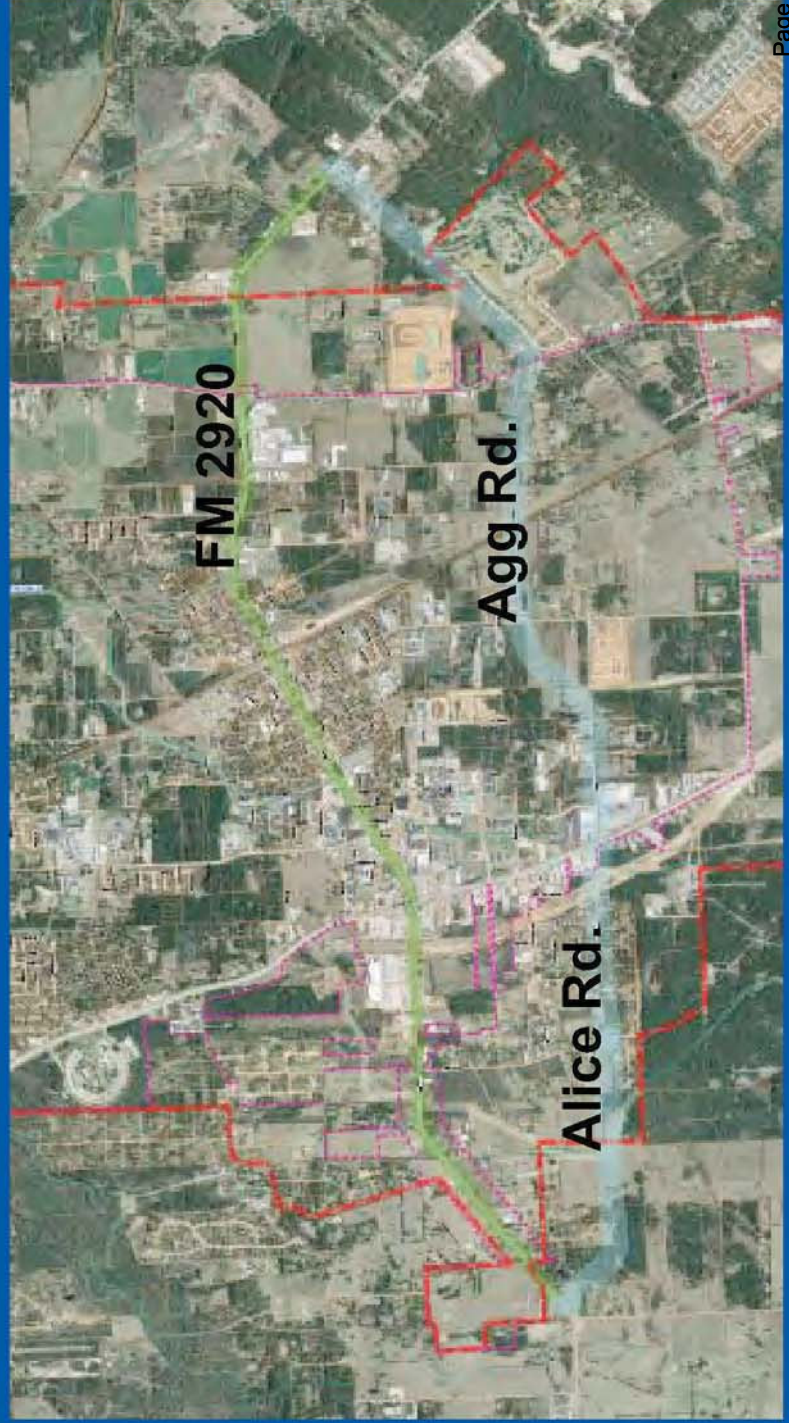
Transportation

- East-West Corridor Alternatives



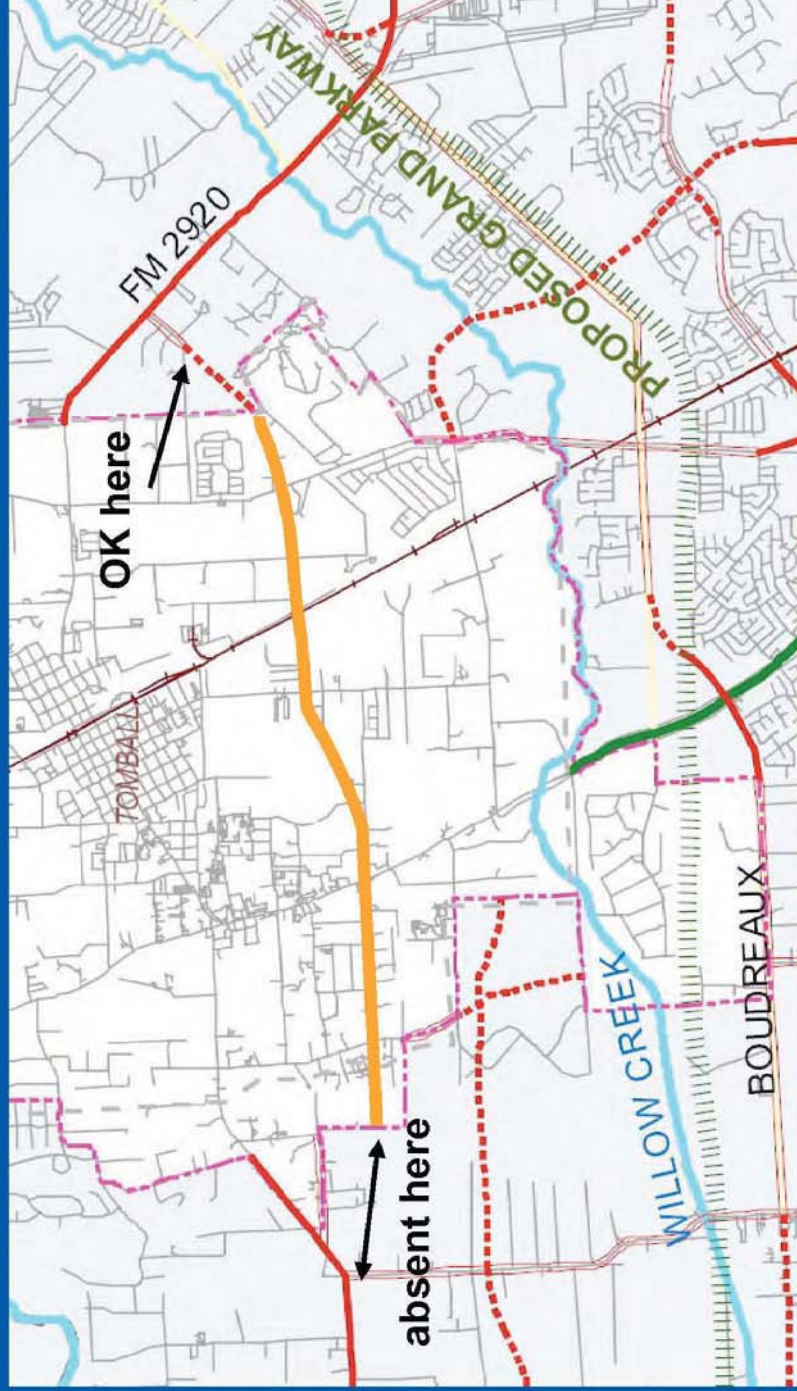
Transportation

- East-West Recommendation
 - Agg Road (Alice—Theiss—Agg)



Transportation

- East-West Recommendation
 - Coordinate with City of Houston



Parks

- City Parks, 2007
 - Juergens Park = 10 acres
 - Jerry Mattheson Park = 9.8 acres
 - Martin Luther King, Jr. Park = 0.7 acres
 - Tomball Sports Association Little League Fields = 19 acres
 - Theiss Park = 4 acres
- County Parks, 2007
 - Roy Campbell Burroughs Park = 320 acres
 - Spring Creek Park = 114 acres
 - Samuel Matthews Park = 5 acres



Parks

- Future Parks
 - Martin Park = 1.0 acres
 - Tomball City Park = 9.9 acres
 - City Landfill = 19.0 acres
 - Detention Pond Sports Complex = 35.0 acres
 - Cortez Tract = 5 acres
 - Library Park = 1.0 Acres



Parks

- Total Park Acreage, 2007
 - 482.5 Acres
 - Estimated 2007 Population = 10,760
 - 45 acres per 1,000 residents
- Total Park Acreage, 2017
 - 563 acres
 - Estimated 2017 Population = 18,421
 - 31 acres per 1,000 residents



Maximum Impact Fee Determination

- Water and Wastewater Impact Fees for the City of Tomball are based on Living Unit Equivalents (LUE) which correspond to the demand from one single family household served by a 5/8-inch meter.



Maximum Impact Fee Determination

- Total Connections in City, 2007 = 5,969
Living Unit Equivalents (LUE)
- Total Projected Connections in City and
ETJ, 2017 = 13,956 LUE
- Total Projected Additional Connections =
7,987 LUE



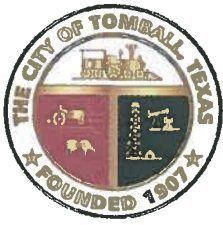
Maximum Impact Fee Determination

- Water Impact Fee per LUE = \$1,751.69
- Wastewater Impact Fee per LUE = \$4,088.60
- Total Water and Wastewater Impact Fee per LUE = \$5,840.29
- Drainage Impact Fee per Acre
 - M118 = \$6,023.90
 - M121E = \$6,828.71
 - M121W = \$4,985.14
 - M125 = \$574.40



Questions





CITY OF TOMBALL CAPITAL IMPROVEMENTS PLAN ADVISORY COMMITTEE

DATE: APRIL 14, 2009
TO: MAYOR AND CITY COUNCIL
FROM: MARK A. MCCLURE, P.E.
RE: CIPAC RECOMMENDED IMPACT FEE POLICY

The Capital Improvements Plan Advisory Committee (CIPAC) has concluded their review of the Infrastructure Master Plan and Impact Fee Determination 2007-2017, prepared by Lockwood, Andrews & Newnam, Inc., dated 10-22-08 and hereby presents their impact fee recommendation. The CIPAC, in accordance with Chapter 395.058 of the Texas Local Government Code has filed its written recommendation (attached). In review, the current water and sewer impact fee is \$2,485.29 for a new, single-family residence or the equivalent of one living unit (LUE). The existing drainage impact fees per acre of development are listed as follows:

M125 -	\$444.42
M121 West -	\$3,681.56
M121 East -	\$4,747.57
M118 -	\$4,184.73

The result of the CIPAC process was a unanimous vote to recommend Council consideration of an updated impact fee. The attached materials show both the process and the complete methodology used in the process. The process followed Chapter 395 Texas Local Government Code on impact fees. City Council approved the same Planning & Zoning Committee "plus one" format for the CIPAC.

Exhibit A is a summary of impact fees for single-family residential and includes an "apples to apples" comparison of the 2003 fees and the final recommended 2009 fees. The yellow highlighted areas are the CIPAC recommendation, which represents a 20% increase over current impact fees. The recommended water and sewer impact fee is \$2,982.35 for a new single-family residence or LUE. The recommended drainage impact fees per acre of development are listed as follows:

M125 -	\$533.30
M121 West -	\$4,417.87
M121 East -	\$5,697.08
M118 -	\$5,021.68

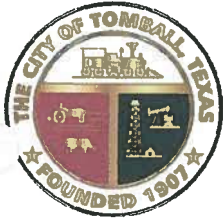
The recommended increases were unanimously approved by the CIPAC. For comparison, Exhibit B contains a chart showing a sample revision of other Cities and their current water and sewer impact fees.

Sincerely,

Mark A. McClure, P.E.
Director of Engineering & Planning

cc: Jan Belcher
Mary Coker

Attachments: CIPAC Letter Dated 04-13-09
Exhibit A
Exhibit B



**CITY OF TOMBALL
CAPITAL IMPROVEMENTS PLAN ADVISORY COMMITTEE**

DATE: APRIL 13, 2009

TO: MAYOR AND CITY COUNCIL

FROM: CAPITAL IMPROVEMENTS PLAN ADVISORY COMMITTEE

RE: COMMITTEE RECOMMENDATION ON LAND USE ASSUMPTIONS AND INFRASTRUCTURE
MASTER PLAN AND IMPACT FEE DETERMINATION 2007-2017

In accordance with Chapter 395.056 of the Texas Local Government Code, the Capital Improvements Plan Advisory Committee (CIPAC) created under Section 395.058 shall file its written comments on the proposed amendments to the land use assumptions, capital improvements plan, and impact fee before the fifth business day before the date of the public hearing on the amendments.

I hereby certify that this letter with the attached land use assumptions, capital improvements plans and impact fee (Exhibits A&B), and minutes of the CIPAC meeting held on April 13, 2009, in which the committee made its final recommendation to the City Council to approve the proposed amendments by a vote of 5-0, shall serve as the CIPAC's final written comments on the proposed amendments. The recommended impact fees represent a 20% increase over current impact fees for water, sewer, and drainage.

Sincerely,

Tom Crofoot
CIPAC Chairman

Attachments:

Exhibit A
Exhibit B

Exhibit A (04-13-09)
Summary of Impact Fees for Single Family Residence *mm*

2003 Impact Fee Review			
Component	2003 Maximum Allowable Fee	2003 Adopted Fee	% of Maximum Allowable Fee
Water (LUE)	\$1,107.60	\$1,107.60	100%
Sewer (LUE)	\$1,377.69	\$1,377.69	100%
Drainage (per acre)			
M118	\$4,184.73	\$4,184.73	100%
M121E	\$4,747.57	\$4,747.57	100%
M121W	\$3,681.56	\$3,681.56	100%
M125	\$444.42	\$444.42	100%

Proposed 2009 Impact Fee Review									
Component	2009 Maximum Allowable Fee	% Increase 2003 to 2009	1% Increase Over 2003 Adopted Fee	2% Increase Over 2003 Adopted Fee	5% Increase Over 2003 Adopted Fee	10% Increase Over 2003 Adopted Fee	20% Increase Over 2003 Adopted Fee	CIPAC 2009 Recommended Fees	% of Max. Allowable Fee
Water (LUE)	\$2,000.54	81%	\$1,118.68	\$1,129.75	\$1,162.98	\$1,218.36	\$1,329.12	\$1,329.12	66%
Sewer (LUE)	\$4,523.54	228%	\$1,391.47	\$1,405.24	\$1,446.57	\$1,515.46	\$1,653.23	\$1,653.23	37%
Total	\$6,524.08		\$2,510.14	\$2,535.00	\$2,609.55	\$2,733.82	\$2,982.35	\$2,982.35	46%
Drainage (Per Acre)									
M118	\$6,023.90	44%	\$4,226.58	\$4,268.42	\$4,393.97	\$4,603.20	\$5,021.68	\$5,021.68	83%
M121E	\$6,828.71	44%	\$4,795.05	\$4,842.52	\$4,984.95	\$5,222.33	\$5,697.08	\$5,697.08	83%
M121W	\$4,985.14	35%	\$3,718.38	\$3,755.19	\$3,865.64	\$4,049.72	\$4,417.87	\$4,417.87	89%
M125	\$574.40	29%	\$448.86	\$453.31	\$466.64	\$488.86	\$533.30	\$533.30	93%

Note:

2003 existing impact fees based on Infrastructure Master Plan and Capital Recovery Fee Determination 2002-2012, dated July 2002, prepared by PBS&J

2009 proposed impact fees based on Infrastructure Master Plan and Impact Fee Determination 2007-2017, dated 10-22-08, prepared by Lockwood, Andrews & Newnam, Inc.

Increase in the proposed maximum impact fees due to population growth projections and recent increase in historical construction cost. The Plan assumed six (6) major developments would occur impacting over 839 acres of development, prior to fourth quarter of calendar year 2008 downturn in economy. The Plan assumed developments included Raleigh Creek Subdivision (143 acres), Bob Allen Subdivision (206 acres), Shoppes at Spring Creek (40 acres), Saratoga Ranch Subdivision (149 acres), Pine Country Subdivision (56 acres), and TIRZ (265 acres). Reference attached Exhibit B, single family fees comparison study for other Municipalities

Adoption of the maximum allowable fee may require reimbursement if infrastructure not completed/population projections not realized. The maximum impact fee is not recommended for the water and sewer impact fees but the maximum impact fees identified for drainage areas are recommended for adoption by E&P.

Exhibit B (04-13-09)

mm

Sample Review of Single-Family Residential Unit Water & Sewer Impact Fees			
City	Water	Sewer	Total
Baytown	\$324.47	\$1,918.99	\$2,243.46
Conroe	\$0.00	\$0.00	\$0.00
Friendswood	\$1,849.00	\$1,290.00	\$3,139.00
Humble	\$0.00	\$1,675.00	\$1,675.00
Jersey Village	\$263.42	\$875.00	\$1,138.42
Katy*	\$0.00	\$0.00	\$0.00
League City	\$1,406.77	\$2,621.48	\$4,028.25
Magnolia	\$1,200.00	\$2,300.00	\$3,500.00
Missouri City	\$0.00	\$0.00	All MUD districts
Pearland*	\$1,984.40	\$2,855.60	\$4,840.00
Rosenberg	\$128.00	\$526.00	\$654.00
Shenandoah	\$0.00	\$0.00	\$0.00
Sugar Land	\$0.00	\$0.00	\$0.00
Webster	\$1,073.00	\$1,283.00	\$2,356.00
Tomball (Current)	\$1,107.60	\$1,377.69	\$2,485.29
Tomball (Maximum proposed)	\$2,000.54	\$4,523.54	\$6,524.08
Tomball (CIPAC Recommended)	\$1,329.12	\$1,653.23	\$2,982.35
Note:			
*The average total is \$2,619.34. If the highest total impact fee is eliminated the average is \$2,341.76.			
*Katy does assess impact fees on its City MUD's based on engineering calculations for each MUD.			
*Pearland has a different impact fee for a large PD.			

ORDINANCE NO. 2009-12

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY ADOPTING THE INFRASTRUCTURE MASTER PLAN AND IMPACT FEE DETERMINATION 2007-2017 AS THE CITY'S CAPITAL IMPROVEMENTS PLAN; AMENDING SEC.156. SCHEDULE OF MAXIMUM CAPITAL RECOVERY FEES OF CHAPTER 82. UTILITIES THEREOF; ESTABLISHING IMPACT FEES FOR WATER, WASTEWATER AND DRAINAGE UTILITIES; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

WHEREAS, the City of Tomball is responsible for and committed to the provision of public facilities and services (including water, wastewater, and drainage service) at levels necessary to cure any existing public service deficiencies in already developed areas; and

WHEREAS, such facilities and service levels shall be provided by the City of Tomball utilizing funds allocated in the capital budget and capital improvements programming processes and relying upon the funding sources indicated therein; and

WHEREAS, new residential and nonresidential development causes and imposes increased demands upon Tomball public facilities and services, including water, wastewater, and drainage facilities, that would not otherwise occur; and

WHEREAS, planning projections indicate that such development will continue and will place ever-increasing demands on the City to provide necessary public facilities; and

WHEREAS, to the extent that such new development places demands upon the public facility infrastructure, those demands should be satisfied by more equitably assigning responsibility for financing the provision of such facilities from the public at large to the developments actually creating the demands for them; and

WHEREAS, the amount of the impact fee to be imposed shall be determined by the cost of the additional public facilities needed to support such development, which public facilities shall be identified in a capital improvements program; and

WHEREAS, the City Council, after careful consideration of the matter, hereby finds and declares that impact fees imposed upon residential and nonresidential development to finance specified major public facilities, the demand for which is created by such development, is in the best interests of the general welfare of the City and its residents, is equitable, and does not impose an unfair burden on such development;

WHEREAS, in 1987 the Texas Legislature adopted Senate Bill 336, now Chapter 395 of the Texas Local Government Code, and subsequently amended said Chapter from time to time; and

WHEREAS, the City Council finds that in all things the City has complied with said statute in the notice, adoption, promulgation and methodology necessary to adopt Impact Fees; now, therefore,

BE IT ORDAINED BY THE CITYCOUNCIL OF THE CITY OF TOMBALL:

Section 1. The City Council hereby adopts the Infrastructure Master Plan and Impact Fee Determination 2007-2017, attached hereto as Exhibit A, as the City's capital improvements program and capital improvement improvements plan (CIP) for purposes of Article IV, Water, Wastewater, and Drainage Capital Recovery Fees, of Chapter 82. Utilities, of the City's Code of Ordinances, including Sections 82-137, 82-138, 83-166, 82-167, 82-181, 82-182, 82-190, and 82.191.

Section 2. Sec. 82-156. Schedule of maximum capital recovery fees of the Code of Ordinances of the City of Tomball, Texas, is hereby amended to read:

Sec. 82.-156. Schedule of maximum capital recovery fees.

(a) The schedule of maximum capital recovery fees shall be as follows:

Schedule of maximum Capital Recovery Fees

Water: Per LUE	\$
Wastewater: Per LUE	\$
Drainage:	
M118 per acre	\$
M121E per acre	\$
M112W per acre	\$
M125 per acre	\$

(b) This section may be amended by the city council according to the procedure set forth in V.T.C.A., Local Government Code § 395.001, et seq.

Section 3. This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the

provisions of this ordinance, in which event such conflicting provisions, if any, in such other or ordinances are hereby repealed.

Section 4. If any sentence, section, subsection, clause, phrase, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 5. The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety, and welfare. Any member of the Council or any City official or employee charged with the enforcement of this Ordinance, acting for the City in the discharge of his or her duties, shall not thereby render himself or herself personally liable; and is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

Section 6. Any violation of this Ordinance can be enjoined by a suit filed in the name of the City in court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Ordinance or in the Code of the City.

PASSED AND APPROVED by a vote of _____ “ayes” in favor and _____ “noes” against on this first and final reading in full compliance with the provisions of Section 3.10 of the Charter of the City of TOMBALL on the _____ day of May 2009.

ATTEST:

APPROVED:

Doris Speer, **City Secretary**

Gretchen Fagan, **Mayor**

APPROVED AS TO FORM:

Scott Bounds
CITY ATTORNEY

Regular City Council

Agenda Item

Meeting Date: May 18, 2009

Data Sheet

Topic:

Adopt, on First Reading, Ordinance No. 2009-12, an Ordinance amending the Code of Ordinances of the City of Tomball, Texas, by adopting the Infrastructure Master Plan and Impact Fee Determination 2007-2017 as the City's Capital Improvements Plan; amending Sec. 156. Schedule of Maximum Capital Recovery Fees of Chapter 82. Utilities thereof, establishing Impact Fees for Water, Wastewater and Drainage Utilities; and containing other Provisions Relating to the Subject

Background:

On March 9, 2009, the Capital Improvements Plan Advisory Committee (CIPAC) reviewed the 2007-2017 City of Tomball Infrastructure Master Plan and Impact Fee Determination and PowerPoint presentation information prepared by Lockwood, Andrews and Newnam, Inc. and City staff.

On April 13, 2009, the CIPAC met again to finalize impact fee recommendations. The CIPAC voted unanimously to recommend a 20% increase for water, sewer, and drainage impact fees and to present recommendations to City Council for consideration.

	Current	CIPAC Proposed
Water	\$1,107.60	\$1,329.12
Sewer	\$1,377.69	\$1,653.23

Drainage:

M118:	\$4,184.73	\$5,021.68
M121E:	\$4,747.57	\$5,697.08
M121W:	\$3,681.56	\$4,417.87
M125:	\$ 444.42	\$ 533.30

During the May 4, 2009 Council Meeting, Council requested a workshop to further discuss the CIPAC recommendation and Infrastructure Master Plan and Impact Fee Determination 2007-2017. In addition, Council requested City Attorney clarification if it was allowable to revisit the impact fees in a year, to change the impact fee without having to do the full depth study, and if Council could approve impact fees in increments.

A workshop was conducted on May 11, 2009, whereby Council and staff reviewed; (1) a summary calendar for the adoption of impact fees under Chapter 395 of the Texas Local Government Code and Attorney clarification (reference attached 05-11-09 copy of agenda item data sheet); (2) historical construction, building, and material cost (reference attached 05-11-09 provided cost trends), and (3) the potential/expected cost increase due to the anticipated increase in projects associated with Federal spending on local projects. Staff discussed and recommended increasing the drainage impact fees to the maximum amount defined within the study, summarized as follows:

Facility	Current 2003 Impact Fees	2009 Maximum Allowable Fee	CIPAC Recommended	Engineering Dept. Recommendation
M118	\$4,184.73	\$6,023.90	\$5,021.68	\$6,023.90

M121E	\$4,747.57	\$6,828.71	\$5,697.08	\$6,828.71
M121W	\$3,681.56	\$4,985.14	\$4,417.87	\$4,985.14
M125	\$444.42	\$574.40	\$533.30	\$574.40

It was recommended by Council Member Warren Driver that Council should consider the 20% increase on the water and sewer impact fees, as CIPAC recommended, but suggested that we provide for that total increase at an annual increase of 5% per year, until the 20% increase is met, summarized as follows:

Facility	Current 2003 Impact Fees	2009 Maximum Allowable Fee	CIPAC Recommended	5% Increase Per Year			
				Year 1	Year 2	Year 3	Year 4
				5% Increment Increase above 2003 Current Fee	10% Increment Increase above 2003 Current Fee	15% Increment Increase above 2003 Current Fee	20% Increment Increase above 2003 Current Fee
Water	\$1,107.60	\$2,000.54	\$1,329.12	\$1,162.98	\$1,218.36	\$1,273.74	\$1,329.12
Sewer	\$1,377.69	\$4,523.54	\$1,653.23	\$1,446.57	\$1,515.46	\$1,584.34	\$1,653.23
Total	\$2,485.29	\$6,524.08	\$2,982.35	\$2,609.55	\$2,733.82	\$2,858.08	\$2,982.35

The results of the culmination of meetings and discussions are now being forwarded to City Council to finalize impact fees not exceeding the maximum amount identified in the Infrastructure Master Plan and Impact Fee Determination 2007-2017. Local Government Code 395.015 presents that the impact fee may not exceed the amount determined but Council may adopt a lesser amount.

Origination:

Engineering and Planning

Recommendation:

Engineering and Planning Department recommend adoption of the Infrastructure Master Plan, Land Use Assumptions, and Impact Fee Determination 2007-2017 as the City's Capital Improvement Plan and identifying the final impact fees for ordinance.

Funding:

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

Engineering and Planning

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

ATTACHMENTS:

CIPAC Agenda Packet 3-9-09
Final CC and CIPAC Recommendation Ltrs and Exhibits
Ordinance No. 2009-12
CC Special Workshop Packet 5-11-09

Regular City Council
Agenda Item
Data Sheet

Meeting Date: September 17, 2012

Topic:

Discussion regarding Regulation of Left-Turns on FM 2920 During Specific Hours

Background:

Origination:

Recommendation:

Funding:

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

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

ATTACHMENTS:

David Kauffman - Narrative of Discussions with TxDOT re Left Turns on FM 2920

TxDOT Correspondence

HGAC - FM 2920 Access Management Study - November 2008

From: David Kauffman
Sent: Friday, September 07, 2012 9:37 AM
To: George Shackelford; Christal Weber
Cc: City Council Distribution List; Robert Hauck; Randy Parr; Public Works Distribution List
Subject: RE: Left Turns on 2920

George,

I've had further discussions with Stuart Corder, specifically with regard to prohibiting left turns on FM 2920 (Main St.) through Tomball during certain times of the day. Stuart stated that TxDOT will work with the City regarding any modifications we would like to recommend and would be willing to try certain signalization modifications to see how successful they are.

With regard to prohibiting left turns during specific time periods, TxDOT states that this is done on high volume streets in Houston and it does seem to enhance the movement of high volumes of traffic during the rush hours. The negative aspect to this is that you will have violation issues. This can be somewhat minimized by utilizing the highly visible advance warning devices that PD and PW have at our disposal, and by using understandable, consistent, and whole hour periods, such as 7am – 9am or 4pm – 6pm. I advised Stuart that I would let him know if the City has any more questions or if a recommendation is made by Council.

Stuart also advised that his department has received a work order to increase the left turns for east and westbound 2920 at the bypass from single left turn lanes to double left turn lanes. The #2 east and west bound lanes will soon have an option to go straight or turn left onto the bypass. This will also include dashed lines thru the turns to keep vehicles in their lanes. This modification should be completed within 30 days.

I have also asked Stuart to look at the timing for the signals at FM 2920 and business 249 as it seems that the southbound signals currently stay green for a longer period than other directions, when there doesn't seem to be much southbound traffic. Stuart agrees that this was likely established during construction of the bypass and probably has not been reviewed or reset since construction was complete. TxDOT will review the timing for these signals and make any appropriate adjustments.

I hope this information is useful in facilitating a discussion with City Council. I will continue to work with TxDOT to improve traffic flows and safety for our community as laid out in the City's Strategic Plan. Feel free to contact me if you need further information.

Thanks

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

281.290.1415
www.ci.tomball.tx.us



Infrastructure is not merely steel and concrete, it is integrated into the history, the lives, the culture, and the future of the people it serves ~ Public Works Historical Society

From: David Kauffman
Sent: Friday, August 17, 2012 12:01 PM
To: George Shackelford; Christal Weber
Cc: City Council Distribution List; Robert Hauck; Randy Parr
Subject: Left Turns on 2920

I spoke with Stuart Corder and Ben Mebarkia with TxDOT this morning, and they provided the following options. I thought I would forward them for discussion for the upcoming Council meeting.

- TxDOT realizes that there are no “left turn yield” signs on the existing signals as there should be, and have offered to correct this by installing them.
- TxDOT can program the existing signals to run split phases, where the lights would be green for one direction at a time. This would provide a protected left turn, but would likely increase congestion for thru traffic.
- TxDOT could create left turn lanes for all of the signalized intersections in downtown, or at selected intersections, however we would have to eliminate some street parking spaces to allow room for the left turn lane.
- TxDOT could reconfigure the existing roadway with a center turn lane and only one thru lane in both direction. We would not lose any street parking but this is also likely to increase congestion for thru traffic.
- TxDOT could eliminate left turn lanes thru downtown. The concerns for this option are; how do you enforce no left turns, particularly at the non-signalized intersections. The signage would have to go on the right side of the roadway so it would be difficult for traffic in the left lane to see, and drivers are likely to continue making left turns.

These were the options and concerns discussed with TxDOT. I will review this matter again with TxDOT following Council’s discussion.

David B. Kauffman

Director of Public Works

City of Tomball

501 James Street

Tomball, Texas 77375

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David Kauffman

From: Stuart Corder [Stuart.Corder@txdot.gov]
Sent: Thursday, December 30, 2010 4:31 PM
To: David Kauffman; John Benes
Cc: Dan Maupin; Doug Stephens; Henry Quiroga; Ugonna Ughanze
Subject: Traffic Signals In Tomball

John - Today I spoke with Dave Kauffman , Public Works Director in Tomball. They have a Strategic Plan and one of the items is to look periodically at traffic signal operations and timing. He called to coordinate this activity with us.

After the New Year, please give him a call at 281 290-1415 to discuss a review of the signals in Tomball. I told him you cover a wide geographical area, so getting this done will take some scheduling and some time . I also asked him to let us know if there were specific items of concern.

Stuart Corder
Director of Transportation Operations
TxDOT- Houston District
P.O. Box 1386
Houston , Texas 77251
(713) 802 - 5171 Phone

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-Sixth Annual Texas Transportation Forum - January 3-5, 2011 - Hilton - Austin, Texas-

David Kauffman

From: John Benes [John.Benes@txdot.gov]
Sent: Wednesday, June 06, 2012 1:13 PM
To: David Kauffman
Cc: Stuart Corder; Ugonna Ughanze
Subject: RE: Traffic Signals In Tomball
Attachments: John Benes.vcf

David,

I do remember something about this, but unfortunately I no longer work in the Houston area. I transferred to the Austin area back in July 2011.

I am copying Ugonna Ughanze and Stuart Corder who may be able to answer your question on this.

John T Benes
Traffic Systems Specialist

TRF-Traffic Engineering
9500 N. Lake Creek Pkwy, Building 51, Cedar Park
Austin, Tx 78717

Phone 512-506-5123

Fax 512-506-5135

Cell 281-506-5140

John.Benes@txdot.gov

>>> David Kauffman <dkauffman@ci.tomball.tx.us> 6/6/2012 12:56 PM >>>

John,

We spoke several months ago about the possibility of adding protected left turn signals on FM 2920 in downtown Tomball. I believe either you or our Mr. Vanover stated that TxDOT had a project coming up that would address this or a study was being done to determine if this is warranted. Can you advise if this has been looked at or if something is planned by TxDOT regarding this issue? I can provide accident numbers if needed. Thanks

David B. Kauffman
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Tomball, Texas 77375
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www.ci.tomball.tx.us



David Kauffman

From: Ben Mebarkia [Ben.Mebarkia@txdot.gov]
Sent: Monday, June 18, 2012 10:09 AM
To: David Kauffman
Subject: Traffic Signals In Tomball

Mr. David Kauffman,

I would like to inform you that your email was forwarded to me and that I'll be looking at the studies and get back to you once finished. Just to confirm with you, are you talking about the signals on FM 2920 from Cherry St. to Buvinghausen St.? Please let me know.

Thanks,

Ben Mebarkia, P.E.
Houston District
Signal Construction and Maintenance
Phone: 713-802-5181
Fax : 713-802-5030
>>> David Kauffman <dkauffman@ci.tomball.tx.us> 6/6/2012 12:56 PM >>>

John,

We spoke several months ago about the possibility of adding protected left turn signals on FM 2920 in downtown Tomball. I believe either you or Mr. Vanover stated that TxDOT had a project coming up that would address this or a study was being done to determine if this is warranted. Can you advise if this has been looked at or if something is planned by TxDOT regarding this issue? I can provide accident numbers if needed. Thanks

=====
Hurricane Season:
Hurricane season is underway.
Do you have a Personal Plan for your family's safety?
Visit www.txdot.gov/travel/hurricane.htm

David Kauffman

From: Ben Mebarkia [Ben.Mebarkia@txdot.gov]
Sent: Tuesday, August 07, 2012 8:08 AM
To: David Kauffman
Subject: RE: Traffic Signals In Tomball

Good morning David,

Sorry for the delay to update you, I was tided up with some other assignments. We will contact you no later than Friday 08/17/12.

Regards,
BM

>>> David Kauffman <dkauffman@ci.tomball.tx.us> 8/6/2012 3:32 PM >>>

Ben, just following up to see if there were any updates. Thanks

David B. Kauffman
Director of Public Works
City of Tomball
501 James Street
Tomball, Texas 77375
281.290.1415
www.ci.tomball.tx.us



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From: Ben Mebarkia [<mailto:Ben.Mebarkia@txdot.gov>]
Sent: Monday, June 18, 2012 10:09 AM
To: David Kauffman
Subject: Traffic Signals In Tomball

Mr. David Kauffman,



NOVEMBER 2008

FM 2920 ACCESS MANAGEMENT STUDY

HOUSTON-GALVESTON AREA COUNCIL

HNTB



Acknowledgments

Lead Agency	Houston-Galveston Area Council (H-GAC)	Consultant Team	HNTB Corporation Inas Aweidah, Project Manager Ryan Bricker Martin Gonzalez Richard Zientek
Project Manager	Christy Willhite		
Contract Steering Committee	Houston-Galveston Area Council (H-GAC) Jerry Bobo Christy Willhite City of Tomball Erin Knesek Kelly Violette City of Waller Gene Schmidt The Greater Tomball Area Chamber of Commerce Brandy Beyer Bruce Hillegeist Harris County Charles Dean Wayne Gisler Pamela Rocchi Lloyd Smith Houston Northwest Chamber of Commerce Connie Roebuck Jack Searcy Barbara Thomason North Houston Association Ann Cates Paula Lenz Texas Department of Transportation (TxDOT) Catherine McCreight Greg Ranft Sergio Rodriguez Doug Stephens	<i>In partnership with</i> Gunda Corporation Ramesh Gunda Wilber Smith Associates Ashish Loney PK Okyere	





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- G Detailed Cost Estimates
- H Public Meeting Summary Report



Chapter 1: Introduction

PURPOSE OF THE STUDY
STUDY PROCESS
STUDY AREA
STUDY GOALS



PURPOSE OF STUDY

The HNTB team was retained by H-GAC to identify access management improvement techniques for the FM 2920 corridor from Hempstead Road (west of US 290) to Lexington Road (east of Interstate 45).

ACCESS MANAGEMENT

The systematic control of the location, spacing, design, and operation of driveways, median openings, interchanges, and street connections to a roadway. The purpose is to provide vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system. For additional information, including benefits and tools to accomplish access management, refer to Appendix A.

Source: Access Management Manual, TRB 2003

The study includes collection of sufficient information to measure, evaluate, and identify a range of viable short, medium, and long-term improvement concepts that will improve safety and mobility; reduce motorist delay; reduce crash rates; enhance land use; and preserve long-term property values along the corridor. These strategies will focus also on providing opportunities along some sections of the corridor for pedestrian connectivity as well as aesthetic and landscaping treatments, which will help stimulate economic vitality.



FM 2920 at IH 45

STUDY PROCESS

Public involvement is very important in an access management study. To ensure that the specific needs of the community were incorporated into the study recommendations, a steering committee comprised of the funding agencies and other affected agencies was formed to guide the technical and administrative aspects of the study. To obtain the community's input on critical issues and needs along the FM 2920 corridor, and to obtain feedback on the initial set of improvement alternatives, public meetings were conducted. Comments from the public meetings and steering committee were incorporated into the final recommended improvements.



The following chart depicts a typical Access Management Study process and the time line needed for such a study. The process includes data collection, analysis of existing conditions, proposing recommendations with the inclusion of public input through public meetings, stakeholder meetings, and steering committee oversight throughout the process.

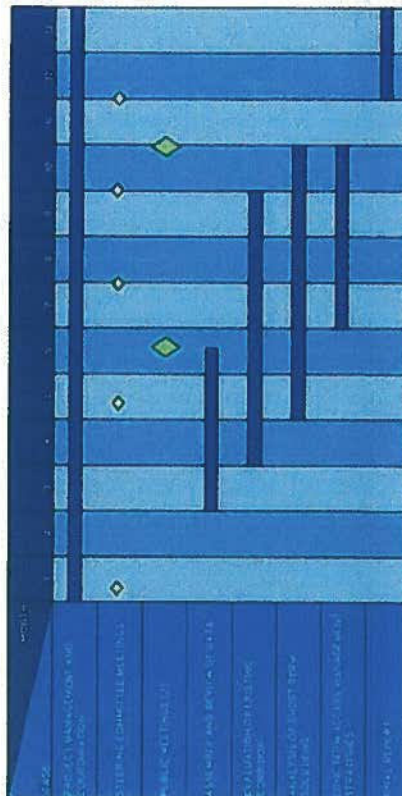


Figure 11 - Access Management Study Schedule



Chapter 1: Introduction

STUDY AREA

FM 2920 is a major east-west arterial traversing the city of Waller and the city of Tomball. The limits for this 32-mile study segment (Figure 1.2) are from Hempstead Road (west of US 290) to Lexington Road (east of Interstate 45). The right of way (ROW) along the corridor varies from 60 feet to 120 feet in width.

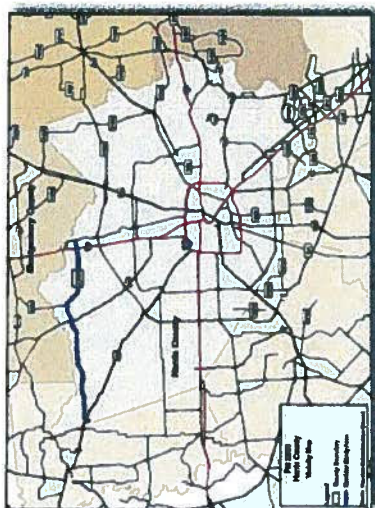


Figure 1.2 - Vicinity Map

FACTS

Facility Type:	Farm-to-Market Road - Principal Arterial
Study Limits:	US 290 to Interstate 45
Facility Owner:	Texas Department of Transportation and City of Tomball
Facility Maintenance:	5 lanes (mainly east of SH 249); 2 lanes (mainly west of SH 249)
Number of Lanes:	60-120 feet (mainly east of SH 249); 100 feet (mainly west of SH 249)
Right of Way:	

Rapidly increasing commercial, retail, and residential development along FM 2920 between Interstate 45 and Tomball continues to cause motorist delay and frustration. Based on 2007 traffic counts, the 5-lane section of FM 2920 near Interstate 45 carries 58,800 vehicles per day, while the section near SH 249 and Tomball carries 29,900 vehicles per day. As we move further west, FM 2920 becomes a 2-lane rural arterial surrounded by widely-spaced rural developments and farmlands with volumes of 7,000 to 26,800 vehicles per day.

The study area passes through four H-GAC Regional Analysis Zones (RAZ), 117, 118, 120 and 122 (Figure 1.3). Based on H-GAC 2035 regional growth forecast, the projected population growth along FM 2920 is between 95% and 578%, with the largest percentage in the western half of the

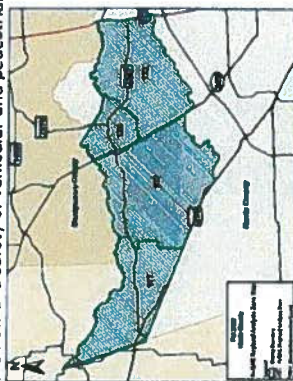


Figure 1.3 - H-GAC Regional Analysis Zone (RAZ) Map

Regional Analysis Zone ID	2000 Population	2010 Population	2035 Population	% Increase	% Increase
117	1,048	3,417	6,317	264.50%	62.0%
118	13,248	38,498	69,058	150.96%	104.0%
120	8,008	17,081	31,197	77.26%	31.1%
122	23,043	53,318	109,097	112.80%	255.4%
Total	44,003	108,223	215,669	109%	109%

Source: H-GAC

Table 1.1 - H-GAC 2035 Regional Growth Forecast by RAZ - FM 2920 Corridor

STUDY GOALS

The overall goal of the study is to develop a plan that identifies and addresses short-to medium-term solutions for implementation to improve mobility, reduce traffic delays, and improve safety. The goal is also to provide a long-range vision for the corridor, by developing access management guidelines along the corridor that complement the land use and urban planning in and around the study area. Implementation of the short, medium, and long-term solutions should result in reduced congestion, fewer crashes, and improved mobility and air quality.

SUMMARY OF STUDY GOALS

- Improve mobility / reduce delays along FM 2920
- Improve safety / decrease crash rates along corridor
- Provide for an open process with public and stakeholder involvement in the project's development
- Provide practical solutions that can be implemented in a timely manner

Chapter 2: Analysis of Existing Conditions

ROADWAY CHARACTERISTICS

- LAND USE AND ZONING
- PLANNED PROJECTS IN THE AREA
- EXISTING TYPICAL SECTIONS AND RIGHT OF WAY (ROW)
- DRIVEWAYS AND ACCESS
- RAILROADS
- PEDESTRIAN AND BICYCLE INFRASTRUCTURE
- SIGNAGE

TRAFFIC CHARACTERISTICS

- CRASH DATA ANALYSIS
- DAILY TRAFFIC VOLUMES
- MEASURE OF EFFECTIVENESS (MOE) - LEVEL OF SERVICE (LOS)
- VOLUME - CAPACITY RATIOS AND CORRIDOR LOS
- TRAFFIC SIGNAL INVENTORY

TRAFFIC SIMULATION ANALYSIS

- STUDY SECTIONS
- INTERSECTION TURNING MOVEMENT COUNTS
- AVERAGE TRAVEL SPEED
- INTERSECTION LOS
- TRAFFIC SIMULATION ANALYSIS

EXISTING POLICIES AND PRACTICES



This chapter is focused on the existing conditions along the corridor. In order to properly assess the improvements needed along the corridor to improve safety and mobility, it is critical to take a closer look into the physical and the operational characteristics of the roadway.

The physical characteristics include the roadway itself, intersection geometry, driveways, signage, modal facilities, and planned facilities along the corridor.

The operational characteristics encompasses an evaluation on how the facility is functioning under existing conditions, identifying sections with high crash rates and applying the appropriate access management tools to improve the safety along those sections, identifying sections and intersections experiencing congestion and unreasonable delays.

A simulation model is used to quantify and document those aspects for the existing conditions; the same model is used to help quantify the benefits of the improvements.

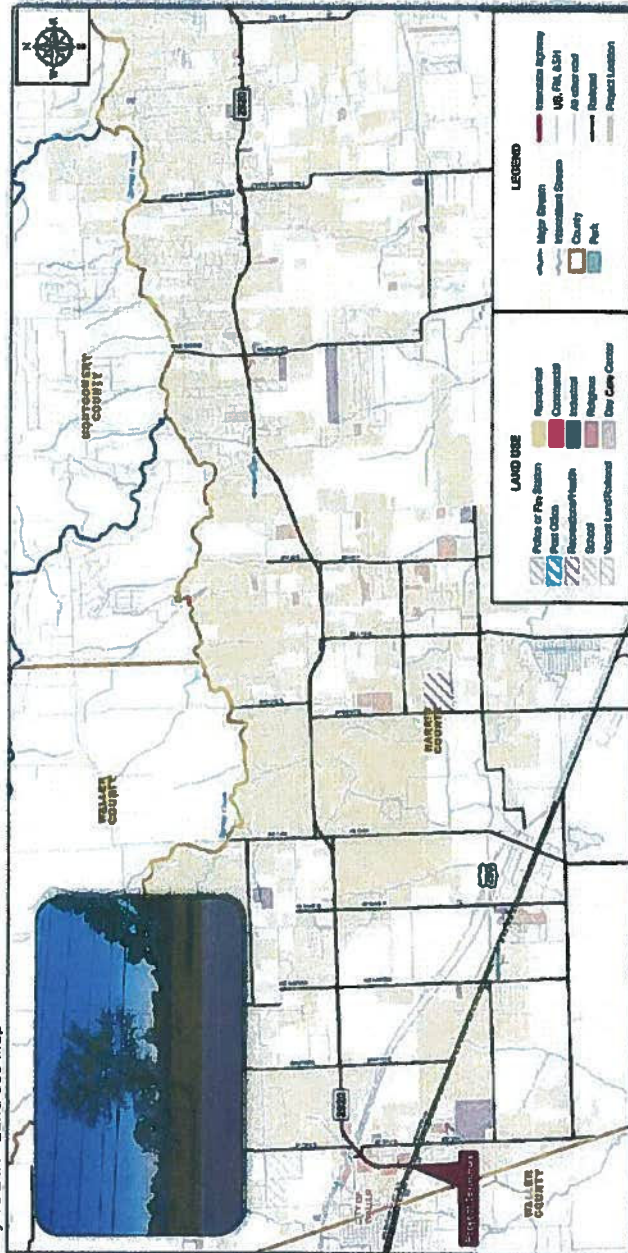
ROADWAY CHARACTERISTICS

LAND USE AND ZONING

FM 2920 is primarily an asphalt roadway with approximately 50 signalized intersections. Between Interstate 45 and SH 249, it is a five-lane rural section with a continuous, two way, left turn lane and shoulders with the exception of a 2-mile section through the city of Tomball. This section is urbanized with curb and gutter and has approximately 84 spaces of parallel on-street parking. Dedicated left turn lanes are designated at major intersections while access between intersections to and from driveways is facilitated by the continuous center left turn lane.

The five-lane section continues approximately 5 miles west of SH 249 where FM 2920 becomes a two-lane rural roadway with a 4 foot shoulder and open ditch drainage. The 2-lane section, primarily surrounded by farmland, continues to the end of the project limits (Hempstead Road).

Figure 2.1A - Land Use Map



Chapter 2: Analysis of Existing Conditions

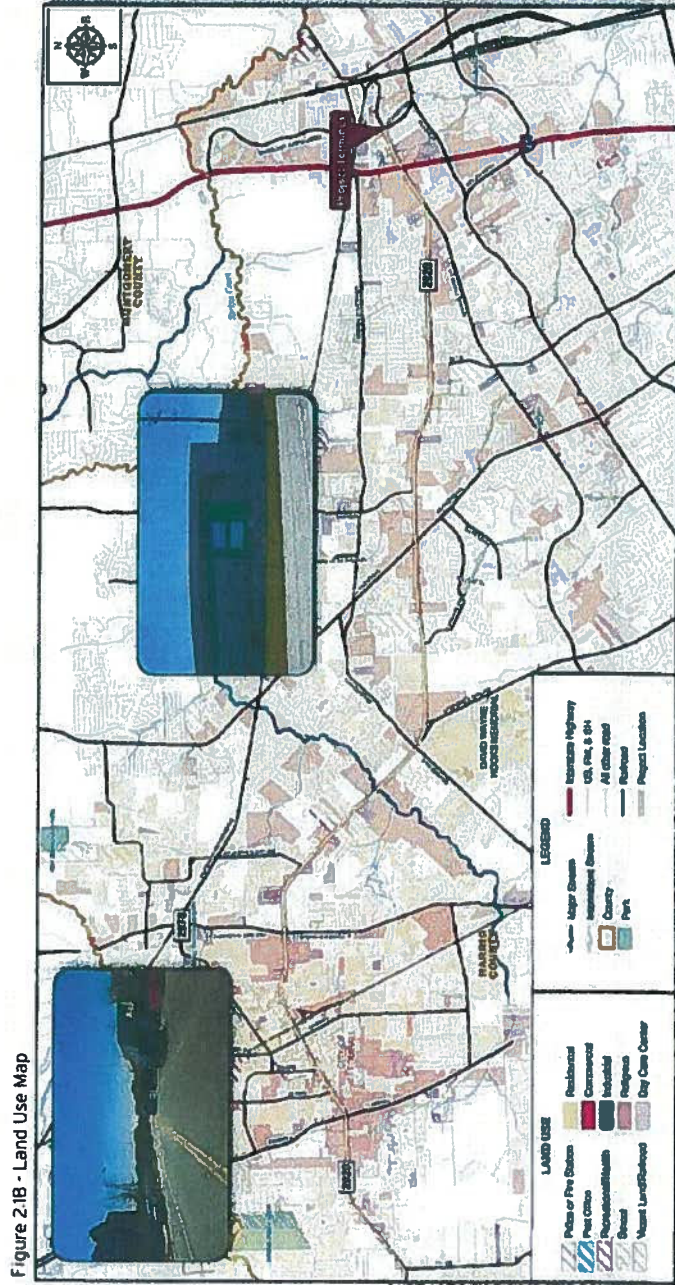
The FM 2920 study area includes intersections with three major highway facilities: IH 45, SH 249, and US 290. Major intersecting thoroughfares include Spring Cypress Road, Rhodes Road, Kuykendahl Road, Stuebner-Airline Road, Hufsmith Kohrville Road (FM 2978), SH 249, Cypress Rose Hill Road, Telge Road, and Hempstead Road. Spring Cypress Road becomes a parallel east-west facility to the south of FM 2920 connecting IH 45 and US 290. The four major thoroughfares that provide important connections between Spring Cypress Road and FM 2920 are Kuykendahl Road, Hufsmith Kohrville Road (FM 2978), Stuebner Airline Road and Telge Road.

There is no other major thoroughfare running parallel to FM 2920 on the north that connects IH 45 and US 290. Overall, in the northwest Houston region, the closest two east-west major thoroughfares providing a direct link between IH 45 and US 290 are FM 1960, 6 miles to the south and FM 1488, 9 miles to the north of FM 2920.

In the study area, Kuykendahl Road and Stuebner Airline Road are the only north-south major thoroughfares that connect to FM 1960. Hufsmith Kohrville Road (FM 2978) terminates at SH 249. Major north-south roadways crossing FM 2920 west of SH 249 terminate at US 290 to the south.

The FM 2920 corridor provides access to a wide variety of commercial, recreational, and residential areas. The FM 2920 corridor is anchored by significant commercial development and large subdivisions on the eastern end between SH 249 to IH 45N. The corridor primarily is residential and farmland on the west with sporadic commercial properties from US 290 to SH 249.

A comprehensive field study was performed to determine the roadway characteristics along the corridor (Appendix B).





Chapter 2: Analysis of Existing Conditions

EXISTING TYPICAL SECTIONS AND RIGHT OF WAY (ROW)

The typical roadway section for FM 2920 varies by pavement width, pavement type, and ROW width throughout the corridor. The typical section details are as follows:

SECTION 1

HEMPSTEAD ROAD TO CYPRESS ROSE HILL ROAD

- Two 12-foot Driving Lanes with Two 4-foot Shoulders
- 100 foot ROW Width
- Open Ditch Drainage



SECTION 2

CYPRESS ROSE HILL ROAD TO SH 249

- Four 12-foot Driving Lanes, One 14-foot Center Left Turn Lane, with 8-foot Shoulders
- 120-foot ROW Width
- Open Ditch / Curb & Gutter Drainage



SECTION 3

SH 249 TO PINE STREET

- Four 12-foot Driving Lanes, One 16-foot Center Left Turn Lane with No Shoulders
- Varies 60-foot to 100-foot ROW Width
- Curb & Gutter Drainage



SECTION 4

PINE STREET TO ELM STREET

- Four 12-foot Driving Lanes with Parallel On-Street Parking
- 100-foot ROW Width
- Curb & Gutter Drainage



SECTION 5

ELM STREET TO WILLOW STREET

- Four 12-foot Driving Lanes with No Shoulders
- 60-foot ROW Width
- Curb & Gutter Drainage



SECTION 6

WILLOW STREET TO INTERSTATE 45N

- Four 12-foot Driving Lanes, One 14-foot Center Left Turn Lane with 8-foot Shoulders
- 120-foot ROW Width
- Open Ditch Drainage



SECTION 7

INTERSTATE 45N TO LEXINGTON ROAD

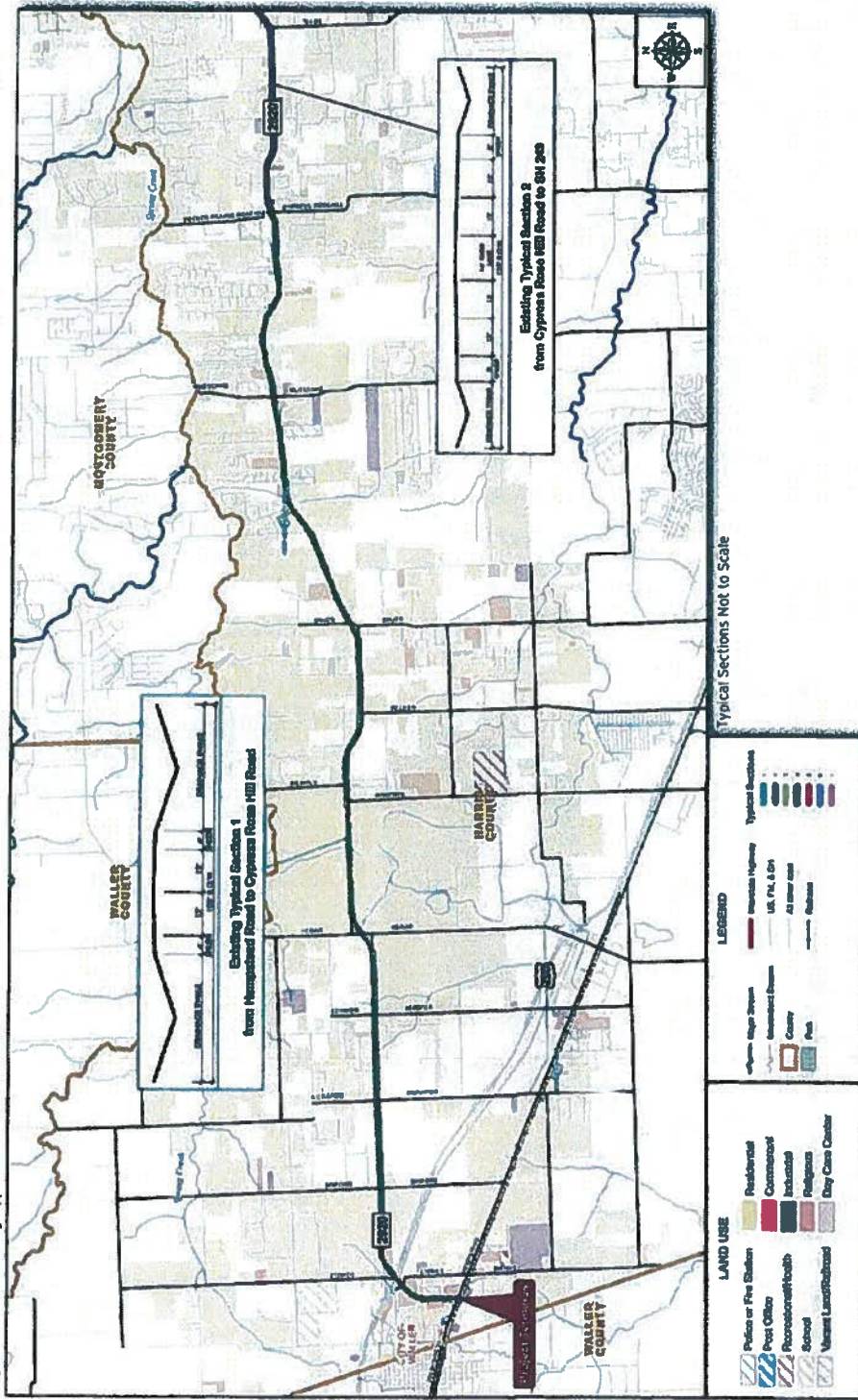
- Four 12-foot Driving Lanes with No Shoulders
- Varies 80-foot to 120-foot ROW Width
- Open Ditch Drainage





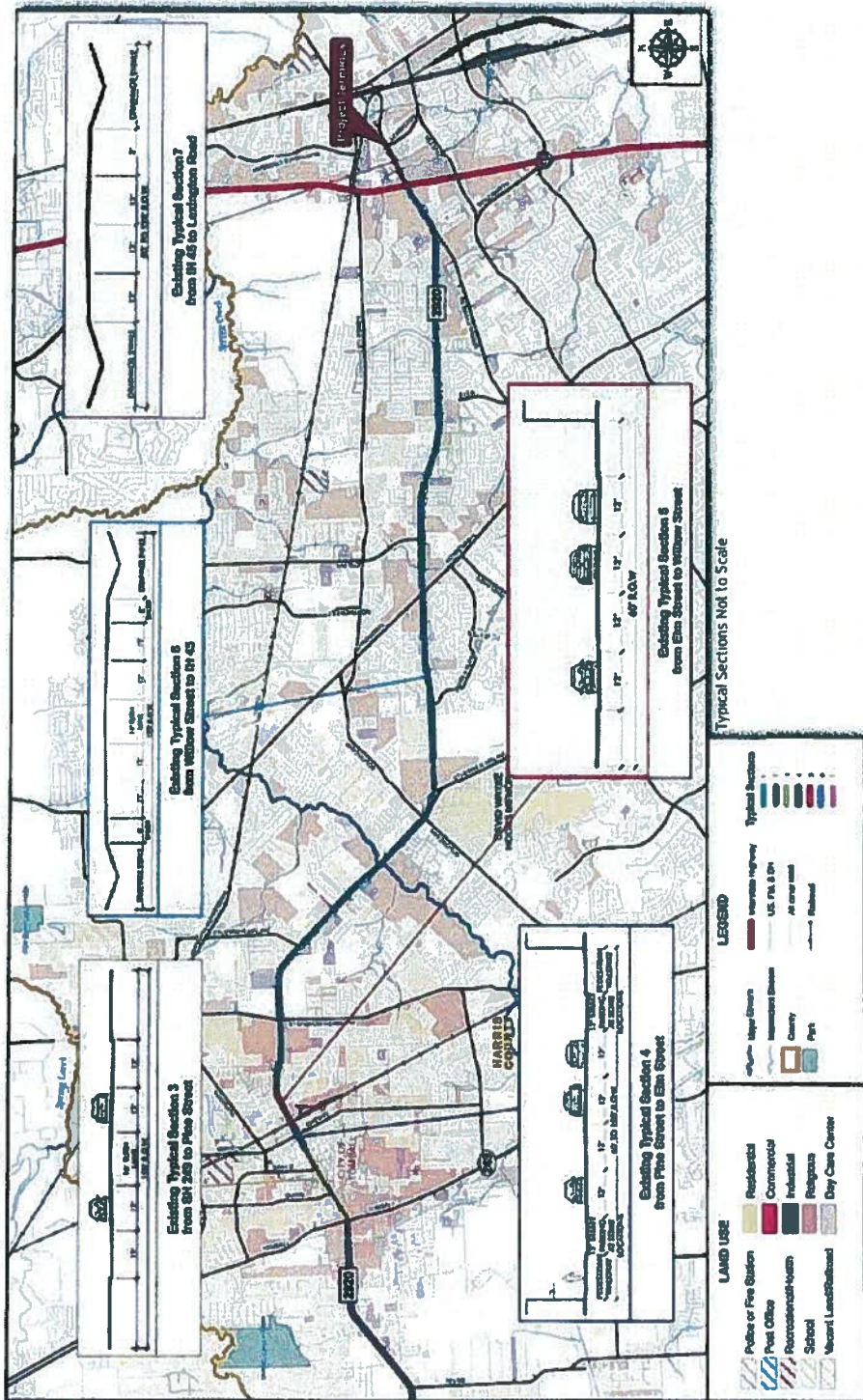
EXISTING TYPICAL SECTIONS AND ROW

Figure 2.3A - Existing Typical Sections



Chapter 2: Analysis of Existing Conditions

Figure 2.3B- Existing Typical Sections





DRIVEWAYS AND ACCESS

A comprehensive field investigation was conducted and aerial maps were reviewed along the entire length of the corridor, to identify the location of existing driveways along FM 2920. The study concluded that there are approximately 698 driveways within the study area, with 60% of those being located east of SH 249. Based on the roadway sections in Figure 2.5, driveway densities along the corridor vary from 11 to 57 driveways per mile.

Figure 2.4 - Driveway Density Chart

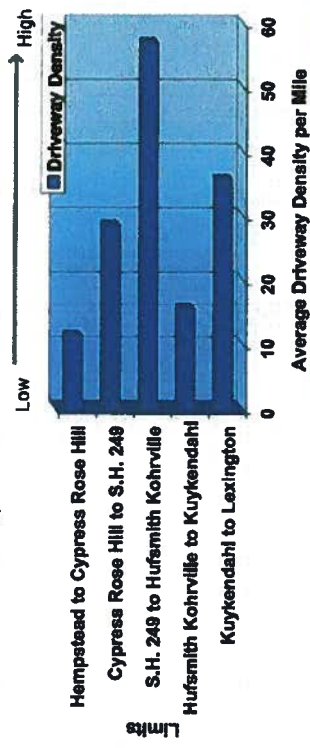


Figure 2.5 - Driveway Density

#	Segment	Distance (Miles)	Driveways EB	Driveways WB	Driveways Total	Driveway Density (Driveways/Mile)
1	Lexington Road to SH 43	0.56	16	22	38	68
2	SH 43 to Springwood Drive	0.64	19	16	35	55
3	Springwood Drive to Mendocino Drive	1.39	20	21	41	29
4	Mendocino Drive to Tule Road	0.43	3	1	4	9
5	Tule Road to Buckhorn Lane	0.57	14	8	22	39
6	Buckhorn Lane to Church Road	0.71	6	9	17	24
7	Church Road to Cypress Road	0.38	7	9	16	42
8	Cypress Road to Kuykendahl Road	0.61	8	8	16	26
9	Lexington to Kuykendahl	0.29	55	54	109	36
10	Kuykendahl Road to T.C. Jester Boulevard	0.55	12	6	18	33
11	T.C. Jester Boulevard to Allen A. Allen Drive	0.7	2	6	7	10
12	Allen A. Allen Drive to Shadown Avenue Road	1.01	1	3	4	4
13	Shadown Avenue Road to Buckhorn Lane	0.34	5	7	12	35
14	Buckhorn Lane to Church Road	0.67	0	1	1	1
15	Church Road to Shadown Avenue Road North	1.39	14	16	30	22
16	Shadown Avenue Road North to Hufsmith Kohrville Rd	0.81	4	11	15	16
17	Hufsmith Kohrville Road to Hufsmith Kohrville	0.57	38	49	87	16
18	Hufsmith Kohrville Road to M. Wilson Street	0.61	11	16	27	35
19	M. Wilson Street to H. Cherry Street	0.57	12	20	32	56
20	H. Cherry Street to H. Pine Street	0.14	1	1	2	14
21	H. Pine Street to Baker Drive	0.33	16	18	34	103
22	Baker Drive to Hufsmith Blvd	0.09	1	4	5	56
23	Hufsmith Blvd to Church Road	0.25	6	10	16	78
24	Church Road to SH 249	0.13	5	4	9	69
25	SH 249 to Tule Road	0.21	4	10	14	67
26	Tule Road to Church Road	2.81	58	65	123	57
27	Church Road to Tule Road	0.76	16	14	30	39
28	Tule Road to Tule Road	0.51	9	8	17	33
29	Tule Road to Tule Road	0.64	2	3	5	15
30	Tule Road to Tule Road	1.03	23	20	43	23
31	SH 249 to Cypress Rose Hill	4.28	59	63	122	28
32	Cypress Rose Hill Road to Sanders Cemetery	2.22	28	30	58	26
33	Sanders Cemetery Road to US 290	10.67	32	51	83	8
34	US 290 to Old Walker Turnoff Road	0.42	6	1	7	17
35	Old Walker Turnoff Road to Hempstead Road	0.42	3	3	6	21
36	Cypress Rose Hill to Hempstead Road	11.73	89	88	177	11
Total		21.96	336	334	670	



Chapter 2: Analysis of Existing Conditions

RAILROADS

There is one railroad crossing along the corridor. The crossing is in Tomball, east of Elm Street, and belongs to BNSF Houston Subdivision rail line (DOT crossing ID 597102T). Currently, there are approximately 10-15 train crossings daily with a maximum speed of 40 MPH. According to a recent Houston area freight rail study by TxDOT, a benefit / cost ratio analysis was conducted which did not recommend to grade separate the railroad crossing.



PEDESTRIAN AND BICYCLE INFRASTRUCTURE

FM 2920 is a designated bike route between US 290 and IH 45. It is identified also as a bike route in the Houston-Galveston Regional Bikeway Plan. (1)

(1) H-GAC 2035 Regional Bikeway Plan, September 2007

driveways, neither of which are favorable for safe bike usage. Through the old downtown Tomball area, the parallel parking creates an added challenge to bike users. As for the section of FM 2920 between US 290 and Cypress Rose Hill, the existing typical section includes 4-foot shoulders which are not adequate for bike use.

As for pedestrian accommodations along FM 2920, they are limited to the section through the city of Tomball and the old downtown area in Tomball, where there is a curb and gutter section. The lack of continuous sidewalks outside the Tomball area is due to the nature of the rural typical section with shoulders and open ditches for drainage. No significant pedestrian traffic was observed outside the Tomball area. A traffic signal inventory identifying intersections with crosswalks and pedestrian signals is included in Appendix E.



SIGNAGE

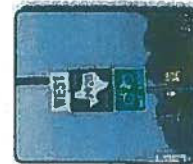
The roadway signage along FM 2920 provides suitable information and warnings to roadway users, but its ability to attract drivers attention is minimized by the volume of commercial signs along the corridor, particularly east of SH 249. Advanced signage is in place throughout most of the corridor; however, there are several locations where signs are placed too close to intersections and do not offer much advanced warning. There are no existing signs displaying block numbers, which have proven to aid roadway users in decision making. Upon review of the latest crash data, it was observed that most of the crashes that occurred within the study area were caused by failure to control speed, which could indicate a lack of sufficient advanced warning signage or devices.

A system of bikeways designated by the jurisdiction having the authority with appropriate directional and informational route markers, with or without specific bicycle route numbers. Bike routes should establish a continuous routing, but may be a combination of any and all types of bikeways.
Source: American Association of State Highway Transportation Officials (AASHTO)

There are only a few signs along FM 2920 indicating its bike route designation along the shoulder.

The existing typical section between IH 45N and Willow Street in Tomball provides 8-foot shoulders, which are acceptable for bike use.

Between Willow Street and SH249, there are sections of FM 2920 with limited right of way (60 feet) or curb and gutter sections with a high density of





TRAFFIC CHARACTERISTICS

CRASH DATA ANALYSIS

The latest available crash data for the study corridor was obtained from the Texas Department of Transportation (TxDOT) and Houston-Galveston Area Council (H-GAC). Though TxDOT provided crash data for the three-year period from 2004 through 2006, the department indicated that the data was preliminary and has not been certified. H-GAC provided crash data for the three-year period from 1999 - 2001. Crash data also was obtained from the city of Tomball (2004-2006) for the portion of FM 2920 within Tomball city limits and from the Harris County Sheriff's Office (2006) for the western and eastern portions of the study area. Summaries of reported crashes from all sources are provided in Appendix C.

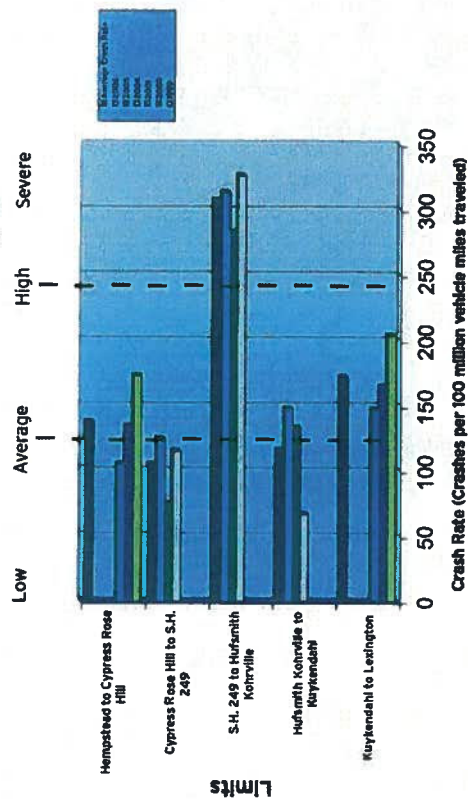
Based on the H-GAC data, the FM 2920 study corridor had crash rates higher than the statewide average of 125.7 crashes per 100 million vehicle miles traveled (MVMt) for the period 1999-2001. The section of FM 2920 within the city of Tomball had a crash rate of 266 crashes per 100 MVMt, which is more than double the statewide average. A section of roadway generally is considered to have a crash problem when the crash rate is more than double the statewide average.

Based on the 2004-2006 crash data provided by TxDOT on March 5th, 2008, sections of FM 2920 from Tomball Parkway to Cypress Rose Hill and from Huffsmith-Kohrville to Kuykendahl had crash rates higher than the statewide average of 125.7 for the year 2001. The section of FM 2920 within the Tomball city limits had a crash rate of 415 crashes per 100 MVMt, which is more than double the statewide average and indicative of a crash problem.

At the time TxDOT provided crash data for this project, statewide crash data was still being entered into their information system and as such, statewide average data for the 2004-2006 period were not available. Crash rates for this period were therefore compared to the most recent statewide crash rate available (2001).

Year 2004-2006 crash data for the study area was obtained from the city of Tomball in August 2007. Based on this data, crash rates were computed and compared to the statewide average crash rate from 2001 (the latest available year). This data showed that the portion of FM 2920 from Cypress Rose Hill Road to SH 249 had a crash rate less than the statewide average rate, while the section from SH 249 to Huffsmith Kohrville Road had just under twice the statewide average rate of crashes (Figure 2.6).

Figure 2.6 - Summary of FM 2920 Study Area Crash Rates from Various Sources.



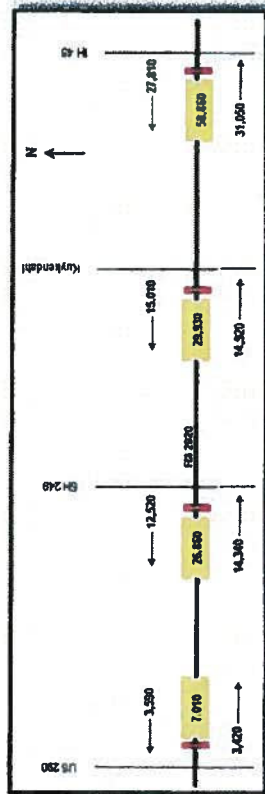
Average crash rates from data obtained from H-GAC, Harris County Sheriff's office, and the city of Tomball, are included in Appendix D. The appendix also includes computations of crash rates and more detailed analysis (e.g., intersection versus non-intersection related crashes, etc.).

Chapter 2: Analysis of Existing Conditions

DAILY TRAFFIC VOLUMES

Twenty-four hour traffic volume counts were conducted at four locations along the FM 2920 corridor for both directions of travel. These counts were conducted simultaneously, e.g., the same 24-hour period at all locations in September 2007. Figure 2.7 identifies the locations of the 24-hour traffic counts and summarizes the volume of traffic recorded at each. Details of these traffic counts are provided in Appendix D.

Figure 2.7 - Existing Average Daily Traffic Volume with Directional Distribution.

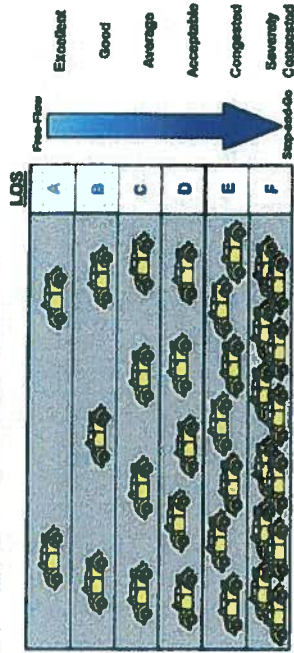


As shown in Figure 2.7, traffic volumes along FM 2920 range from 7,000 vehicles per day (VPD) at the western end of the study area near US 290 to 58,900 VPD at the eastern end near IH 45. Directional distribution over the 24-hour period is approximately 50% each direction, eastbound and westbound, along the FM 2920 study corridor.

MEASURES OF EFFECTIVENESS - LEVEL OF SERVICE (LOS)

Level of Service (LOS) is a qualitative measure of traffic operations on a roadway. LOS provides a performance index of traffic flow in terms of travel time, maneuverability, interruptions, congestion, convenience, and safety. LOS are given six letter designations from A through F, with LOS A representing the best operating conditions (light traffic with minimal delay) and LOS F representing the worst (very heavy traffic with long delays). In urban areas, LOS D is generally considered to be the limit of acceptable traffic operating conditions. These LOS classifications are illustrated in Figure 2.8.

Figure 2.8 - Level of Service (LOS) Illustration.



VOLUME-CAPACITY RATIOS AND CORRIDOR LOS

The ratio of traffic volume to available capacity (v/c ratio) is a measure of how well a section of roadway accommodates traffic volumes based on geometric design and operational features. The relationship between 24-hour v/c ratios and LOS is summarized in Table 2.1.

Existing 24-hour data collected, was compared with roadway capacity for various sections of FM 2920 to compute v/c ratios and determine LOS. The results are summarized in Figure 2.9.

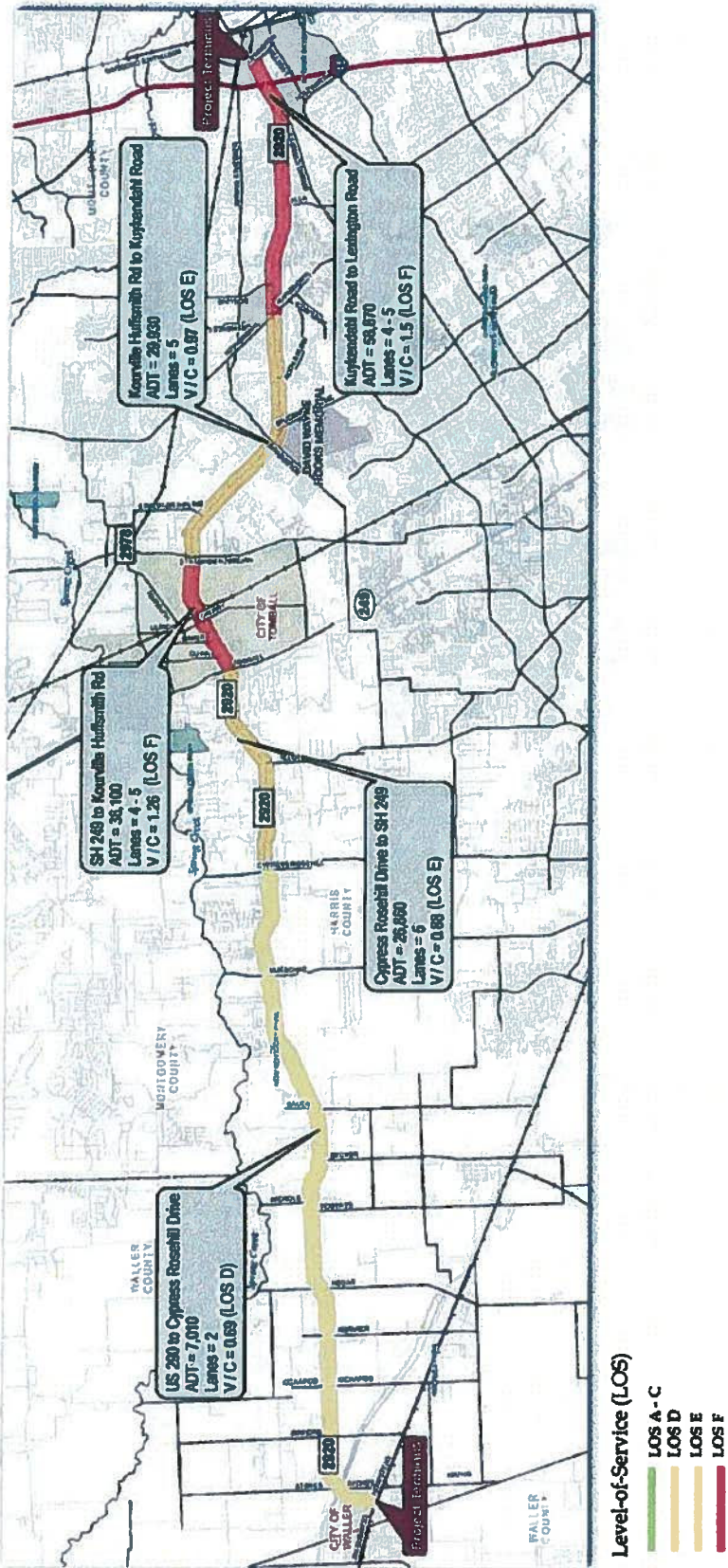
Table 2.1 - 24-Hour V/C Ratios Related to LOS

LOS	Maximum Volume-to-Capacity Ratio
A	0.30
B	0.47
C	0.65
D	0.80
E	1.00
F	>1.00



As shown in Figure 2.9, the western section of FM 2920 between US 290 and Cypress Rose Hill Drive currently operates at LOS D, which is considered acceptable in an urban area. The daily traffic volume on this section is approximately 7,000 VPD and this section of FM 2920 is a two-lane facility.

Figure 2.9 -Existing v/c Ratios and Corridor LOS in the Study Corridor





Chapter 2: Analysis of Existing Conditions

The section between Cypress Rose Hill Drive and SH 249 has an estimated 26,900 VPD with an unacceptable LOS E. This section of FM 2920 is a four-lane facility with a two-way center left-turn lane.

Within the city of Tomball, from SH 249 to Hufsmith Kohrville Road, the daily traffic volumes are 36,100 VPD with a failing LOS F. The roadway cross-section varies from four to five lanes. East of the city of Tomball, between Hufsmith Kohrville and Kuykendahl Road, traffic volumes are an estimated 29,900 VPD and traffic operates at an unacceptable LOS E. This section of FM 2920 is a four-lane facility with a two-way center left-turn lane. The easternmost section of the FM 2920 study corridor between Kuykendahl Road and Lexington Road currently operates at a failing LOS F with traffic volumes estimated at 58,900 VPD. The roadway cross-section varies from four to five lanes.

Overall, a little more than a third of the FM 2920 study corridor is operating at an acceptable LOS (the western portion of the corridor). The section between the city of Tomball and Interstate 45 is experiencing unacceptable LOS between E and F. Improvements are needed along the FM 2920 study corridor to improve mobility and safety.

TRAFFIC SIGNAL INVENTORY

To determine the improvements needed to the traffic signals and intersection geometry, a complete inventory of all signalized intersections was conducted. Field inventories were conducted to collect information including: signal type (mast arm or span wire), controller and cabinet type, detection type, communication system, pedestrian signals, crosswalks, illumination, number of lanes on each approach and other data. The traffic signal data is included in Appendix E.

TRAFFIC SIMULATION ANALYSIS

STUDY SECTIONS

For the purpose of conducting detailed traffic analyses, three separate study sections were selected. Each of these sections was modeled in VISSIM, a traffic micro-simulation software tool. The models were utilized in conducting A.M. and P.M. peak hour analyses and corridor evaluation based on various Measures of Effectiveness (MOEs).

The three FM 2920 sections modeled are identified in Figure 2.10, their limits are as follows:

- Section 1: FM 2920 from Wood Forest Drive to Willow Street.
- Section 2: FM 2920 from TC Jester Boulevard to Rhodes Road.
- Section 3: FM 2920 from Spring Cypress Drive to Lexington Avenue.

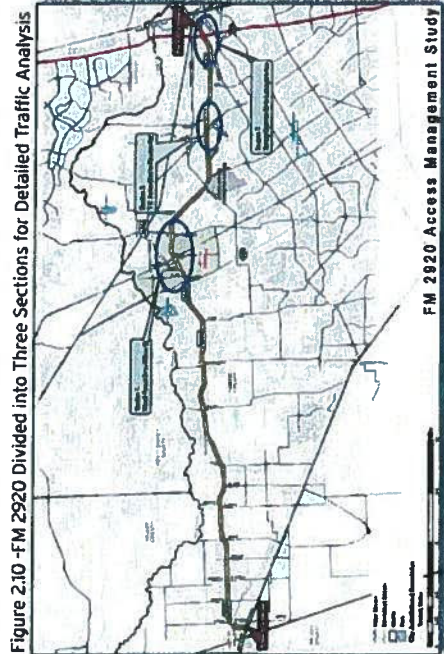


Figure 2.10 -FM 2920 Divided into Three Sections for Detailed Traffic Analysis

INTERSECTION TURNING MOVEMENT COUNTS

In addition to considering 24-hour traffic volumes along a particular roadway location, it is important to determine turning percentages during AM and PM peak hours. Peak hour turning movement counts were conducted for all signalized intersections within the three areas for which traffic operations were conducted. Turning movement counts also were conducted at major unsignalized intersections and driveways. These counts were conducted to facilitate the quantification of traffic volume re-routing due to potential improvement alternatives such as raised medians and driveway closures. Cumulatively, the turning movement counts provide a better understanding of traffic patterns along the FM 2920 study corridor. Details of turning movement count data are provided in Appendix D. All turning volume counts were conducted on a typical weekday in September and October 2007.



Chapter 2: Analysis of Existing Conditions

EXISTING POLICIES AND PRACTICES

Since FM 2920 is owned and maintained by TxDOT, properties abutting FM 2920 have to obtain a driveway permit in order to tie into the roadway or to revise any existing driveway utilizing the TxDOT "Regulations for Access Driveways to State Highways". Land use and platting approval, which controls the configuration and intensity of development along the corridor, are vetted with the county or the municipalities. The State, the county, and the municipalities do not necessarily have a coordinated approach to approve access and platting for proposed developments along the corridor.

TxDOT Access Management Manual, revised in June 2004, is the document used and referenced for issues related to access along FM 2920. The manual provides guidance for access location determination including procedures for TxDOT, City of Tomball, City of Waller, and Harris County to be granted permitting authority to the state highway system.



Chapter 3: Public Involvement

GOALS OF PUBLIC INVOLVEMENT
PUBLIC INVOLVEMENT PLAN
STEERING COMMITTEE
PUBLIC MEETINGS



GOALS OF PUBLIC INVOLVEMENT

To ensure a comprehensive public involvement program that addresses the unique aspects of the FM 2920 project, the study team adhered to four guiding principles:

1. Identify and involve all stakeholders in the study process
2. Be proactive
3. Bring diverse interests to the table
4. Build consensus

Using these four principles, the HNTB team established public involvement goals to guide the public involvement process and to ensure the activities had purpose. The public involvement goals for the FM 2920 Access Management Study are as follows:

1. Increase the level of awareness about the traffic issues and problems
2. Provide opportunities for businesses, residents and other constituencies with interest in the corridor to provide input into the study process
3. Provide a mechanism for relaying study findings and recommendations to the public
4. Provide a method for incorporating input into the recommendations

PUBLIC INVOLVEMENT PLAN

Public involvement is a fundamental part of any access management study. For the FM 2920 project, efforts were made to maximize participation. A contracting steering committee was formed, two series of public meetings were held (with meetings at two locations for each series to maximize attendance) and several stakeholder meetings were conducted. In addition, a website was developed under the address www.FM2920mobility.com to keep those interested abreast of current project progress. The study team participated in several small group presentations to update members of the North Houston Association, the Greater Tomball Area Chamber of Commerce, and the Downtown Tomball Association.

STEERING COMMITTEE

The Steering Committee was comprised of the Houston-Galveston Area Council, Texas Department of Transportation, City of Tomball, City of Waller, Harris County, Houston Northwest Chamber of Commerce and the Greater Tomball Area Chamber of Commerce. The purpose of the Steering Committee was to guide and direct the technical aspects of the study throughout the various stages of development.

PUBLIC MEETINGS

Two series of public meetings were held as part of the FM 2920 Access Management Study. The first series of meetings presented the goals and objectives of the study, the existing conditions, educational material on access management, and data collected along the corridor. Input from the public was solicited through a questionnaire to help guide the development of solutions and to better understand public perception regarding trouble spots along the corridor.

The second and final series of meetings were conducted to solicit public input on the proposed recommendations. Input from the public was solicited through a comment form to obtain feedback on the recommendations and assess the public's level of satisfaction with the study recommendations.

FIRST SERIES OF MEETINGS



SECOND SERIES OF MEETINGS



Two meetings were held for each series of meetings. The meetings were held at Krimmel Intermediate School and at Lone Star College to provide flexibility and encourage greater participation along the corridor. The table on the following page summarizes the meetings details:

Table 3.1 - Attendance Summary

Date	Location	Number of Attendees	Number of Comments
First Series of Public Meetings			
November 14, 2007	Loop Side Courtyard in Tomball	39	60
November 25, 2007	Intermodal School	40	
Second Series of Public Meetings			
March 26, 2008	Intermodal School	49	54
March 27, 2008	Loop Side Courtyard in Tomball	25	

For both series of meetings, the questionnaires and comment forms were compiled and tabulated. A summary report was prepared and submitted to the Steering Committee, before being posted on the website. The summary report is included in Appendix H. For the second series of meetings a response document was included to summarize revisions to the proposed recommendations as a result of public input. Excerpts from both series of meetings are included below.

EXCERPTS FROM FIRST SERIES OF PUBLIC MEETINGS

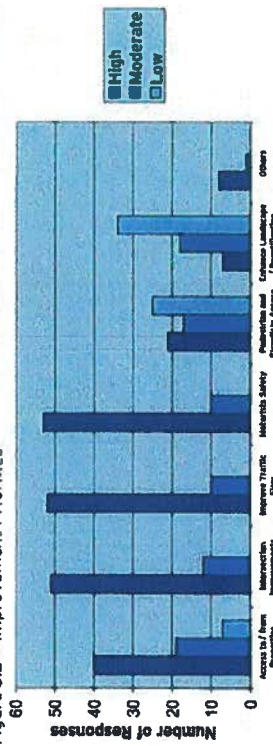
The Public's top three priorities for the FM 2920 corridor:

1. Improve mobility
2. Improve public safety
3. Improve intersections

Figure 3.1 - Need Pedestrian / Bicycle Friendly Areas



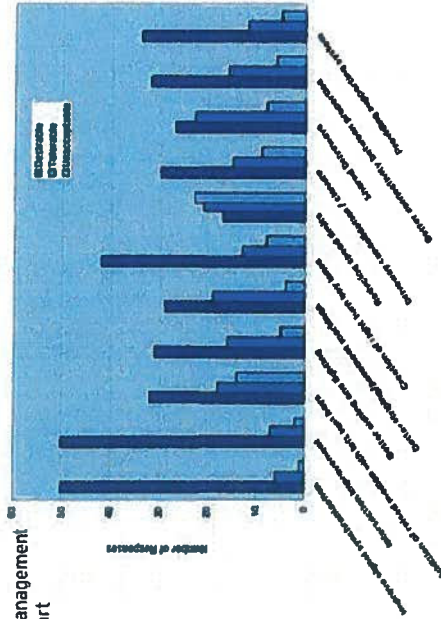
Figure 3.2 - Improvement Priorities



PRIORITIES OF ACCESS MANAGEMENT TOOLS

1. Signal synchronization - the majority of respondents supported better signal synchronization.
2. Intersection geometry - the majority of respondents supported improving intersections and adding left-turn and right-turn bay lanes at intersections.
3. Pedestrian / bicycle improvements - there is support for improvements to pedestrian / bicycle facilities.

Figure 3.3 - Access Management Tools Chart



EXCERPTS FROM SECOND SERIES OF PUBLIC MEETINGS

The majority questionnaire respondents were satisfied with the recommendations.

Figure 3.4 - Level of Satisfaction with Study Recommendations



Concerns were raised in the downtown Tomball area regarding the elimination of on-street parking for the adjacent businesses and the ability to balance economic development with safety and mobility.

As a result of the public input, H-GAC has commissioned a separate Downtown Urban Design Plan study (Livable Centers) to develop and design solutions for mobility, connectivity, access, community character, and quality of life concerns of the Downtown Tomball businesses. This Livable Centers study will support and complement the recommendations of the access management study; focusing on a masterplan for parking, streetscape, pedestrian linkages, and civic plaza open spaces. Additional design recommendations will include land use, architectural facade treatment, way-finding, utilities, and infill development, all focus on creating and reflecting a true "sense of place" and creating a destination area for downtown Tomball. Additional public involvement opportunities including an advisory committee and community visioning workshops will be provided for Downtown Tomball property owners and other interested parties. Participation from the public, as well as the city of Tomball, will be an essential component of the livable centers study.



Chapter 4: Recommended Improvements and Implementation Strategies

RECOMMENDATIONS

SIGNALIZED INTERSECTION IMPROVEMENTS

NON-SIGNALIZED INTERSECTION IMPROVEMENTS

ROADWAY IMPROVEMENTS

DOWNTOWN TOMBALL AREA IMPROVEMENTS

BICYCLE ROUTE IMPROVEMENTS

TRAFFIC MODEL WITH RECOMMENDED IMPROVEMENTS

IMPLEMENTATION CONSIDERATIONS FOR SHORT-TO MEDIUM-RANGE IMPROVEMENTS

IMPLEMENTATION CONSIDERATIONS FOR LONG-RANGE IMPROVEMENTS

IMPLEMENTATION AND COST SUMMARY

RECOMMENDED IMPROVEMENTS



RECOMMENDATIONS

Selection of the recommended improvements is a process that begins with evaluation of the existing conditions, public input, and traffic modeling of before and after conditions to ensure that the selected improvements meet the project goals of improving mobility and safety and can be implemented in a timely manner.



Public input on trouble spots and improvement priorities from the first public meeting was reviewed and investigated before a preliminary recommendations set was developed. The existing traffic model that was developed and calibrated was then updated with the preliminary set of improvement recommendations to evaluate their benefits. Based on public input received, as well as input from the steering committee, and other small group meetings, some of the improvements were modified, which resulted in the final set of recommendations included in this chapter.

The recommended improvements were classified into one of three phases for implementation - short, medium, and long-range. Generally, improvements that are contained within the existing right-of-way and can be constructed easily are recommended for short-range implementation. Improvements that involve more extensive engineering, require acquisition of right of way or require coordination and investment by others are recommended for medium, or long-range implementation. While cost is certainly a factor for programming of the improvements by each agency, the phasing was recommended primarily based on the need or urgency for the improvement. Funding may not be available for implementation of all the short-range improvements at one time and additional prioritization may be necessary.

The FM 2920 corridor is generally the responsibility of TxDOT. Most of the cross streets fall under Harris County's jurisdiction with the exception of streets in the cities of Waller and Tomball.

The improvements recommended for the FM 2920 corridor are listed in five categories below. Locations for specific improvements are shown on the aerial layout sheets. Certain improvements are general recommendations for implementation along the entire corridor and may not be shown on the aerial layouts.

- Signalized intersection improvements
- Non-signalized intersection improvements
- Roadway improvements
- Tomball downtown area improvements
- Bicycle route improvements

SIGNALIZED INTERSECTION IMPROVEMENTS

TRAFFIC SIGNALS

- Update traffic signal controllers with capabilities for appropriate vehicle detectors to improve efficiency of signal timing
- Connect signals with fiber optic cable to facilitate signal synchronization and provide for vehicle progression through multiple signals without stopping
- Add back plates to signal heads
- Add dedicated left turn signal heads for new left turn lanes
- Convert any older small signal heads to 12-inch signal heads
- Add advance warning signs at high crash intersections
- Add pedestrian crosswalks and crossing signals where appropriate

The specific traffic signal improvements recommended at each location are shown on Figure 4.1, with additional detail provided in the Traffic Signal Cost Detail Table in Appendix G. Note that additional pedestrian facilities for schools were not included as they are required when new schools are constructed.

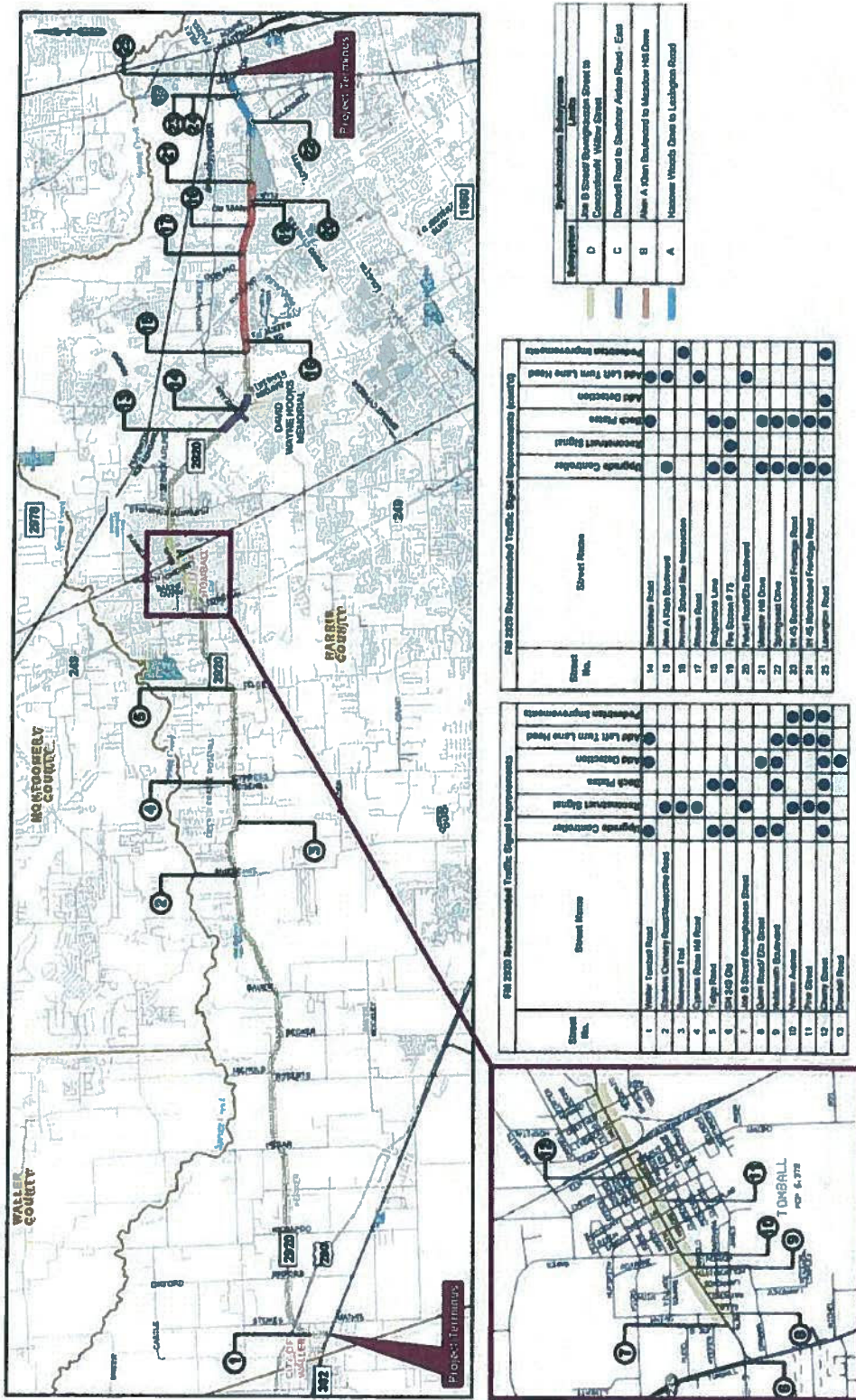
INTERSECTION GEOMETRY

- Add left or right turn lanes to FM 2920 and/or cross street*
- Close or relocate driveways near intersections to improve traffic operations
- Add raised medians to eliminate conflicts with high volume turning movements
- Increase turning radii to reduce delays caused by turning vehicles

* Turn lanes - although recommended, a more detailed study will be required to address right of way, utility, and other impacts and to identify when the turn lanes should be implemented.

Chapter 4: Recommended Improvements and Implementation Strategies

Figure 4.1 - Traffic Signal Improvements



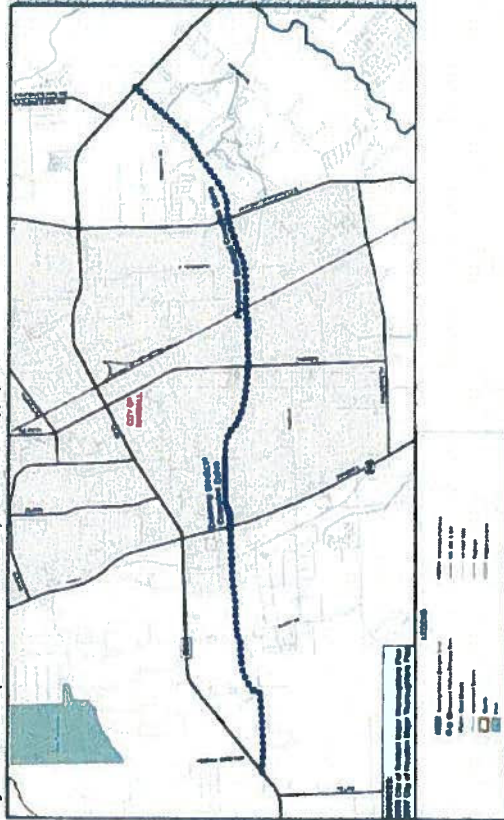


Chapter 4: Recommended Improvements and Implementation Strategies

DOWNTOWN TOMBALL AREA IMPROVEMENTS

- Remove FM 2920 on-street parking and provide off-street parking lots on adjacent streets with adequate signage along FM 2920
- Add a wayfinding map for businesses in the downtown area at kiosks in the off-street parking lots
- Introduce a raised median along FM 2920 with pedestrian refuge
- Provide channelized left turn lanes at select locations
- Consolidate driveways
- Widen and improve sidewalks (ADA requirements may be necessary)
- Provide an alternate bike route off FM 2920 through Tomball
- Update and synchronize traffic signals
- Improve street signing and provide block numbering
- Realign cross streets to eliminate offset intersections
- Add innovative pavement markings for railroad and pedestrian crossings
- Improve parallel east-west facilities, including extending Medical Complex both east and west to provide connections to FM 2920 along with a grade separation at SH 249 and the railroad track, see Figure 4.3

Figure 4.3 - Proposed Medical Complex Drive Extension



It should be noted that a separate Livable Centers study (Tomball Downtown Urban Design Plan) is being developed to evaluate the Downtown Tomball area in more detail. This study will include extensive public involvement opportunities through interactive workshops to help develop consensus on a plan for the downtown area. The goal of the Downtown Urban Design Plan is to create recommendations and implementation strategies for urban planning initiatives focusing in the following categories:

1. Parking Masterplan for on and off-street public parking to create development, access, and pedestrian connectivity.
2. Pedestrian Linkage and Streetscape Masterplan to develop pedestrian and streetscape facilities that work cohesively with development access and loading, parking and street circulation access, and public open space connectivity.
3. Depot Site Open Space / Plaza Masterplan for civic depot open space / plaza as a community focal point, providing overall downtown connectivity and to cultural, residential, and commercial uses.

Additional urban design guideline and framework recommendations also will include the following:

- Wayfinding signage design location
- Utility infrastructure analysis and design
- Architectural façade, form, character, and recommendations
- Identified infill development
- Context for downtown land use adjacency and transitional use
- Landscape design for street median and edge plantings, landscape buffering, and screening

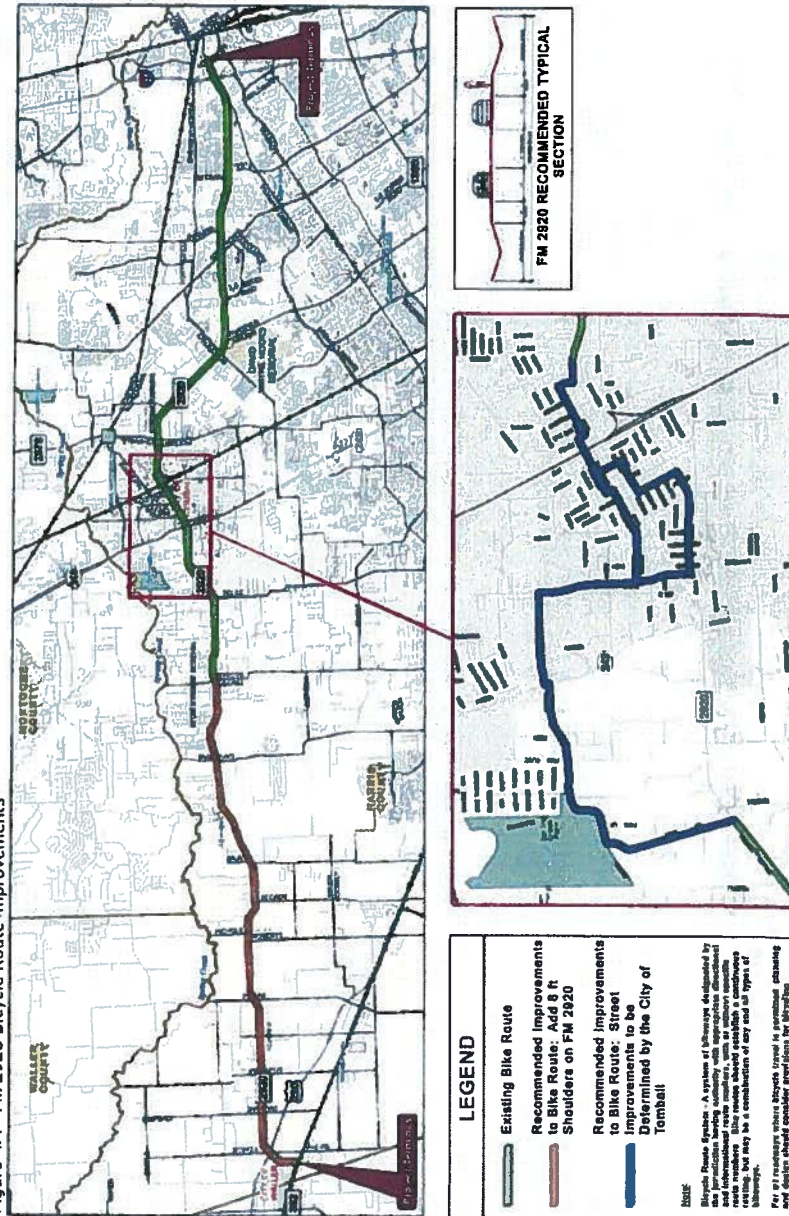


BICYCLE ROUTE IMPROVEMENTS

FM 2920 is a designated bike route for the entire project length. Currently, FM 2920 has an existing 8-foot shoulder from west of SH 249 to IH 45N with the exception of the section through the city of Tomball. Figure 4.4 shows a recommended bicycle route modification to allow for a continuous facility along the corridor with some detours through the city of Tomball due to restrictive right of way in this section of FM 2920 and the high density of driveways and intersections.

The bicycle route modification also creates more opportunity for connectivity between community and neighborhood assets back to the central spine of the designated FM 2920 bicycle route, further creating greater connectivity opportunities along its adjacent communities. The Livable Centers study for downtown Tomball will integrate these recommendations in the urban design plan.

Figure 4.4 - FM 2920 Bicycle Route Improvements





Chapter 4: Recommended Improvements and Implementation Strategies

TRAFFIC MODEL WITH RECOMMENDED IMPROVEMENTS

As discussed previously, the recommended improvements were added to the existing traffic model to analyze the impact of the benefits. The results for two key measures of effectiveness, travel time and average delay, are summarized in Figures 4.5 thru 4.8. For additional details, refer to the appendix F.

Is the average travel time, in seconds, for vehicles to traverse the section modeled, under the given roadway geometric, traffic volume, and traffic control conditions

Figure 4.5 - Travel Time (Minutes) - A.M. Traffic

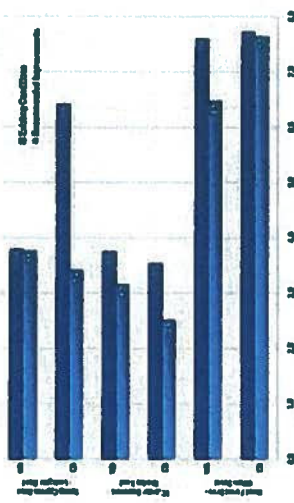


Figure 4.6 - Travel Time (Minutes) - P.M. Traffic

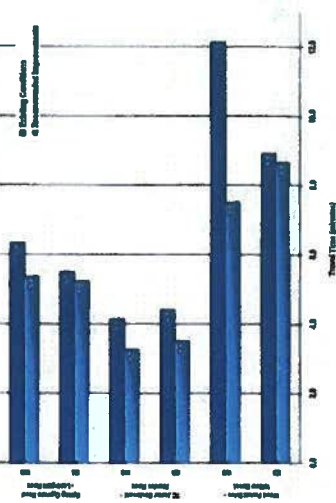


Figure 4.7 - Average Delay Per Vehicle (Seconds) - A.M. Traffic

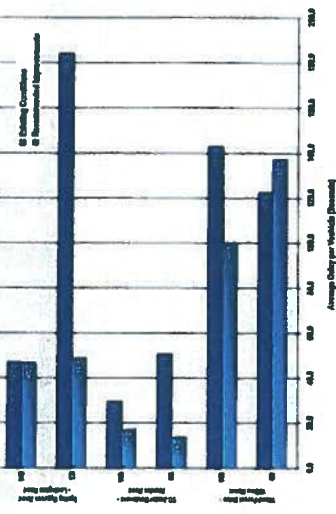
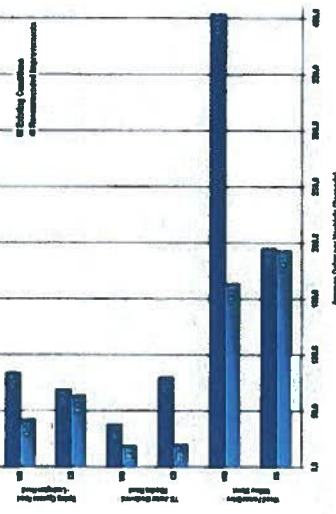


Figure 4.8 - Average Delay Per Vehicle (Seconds) - P.M. Traffic





TRAFFIC MODEL WITH RECOMMENDED IMPROVEMENTS (CONT.)

TRAVEL TIME SAVINGS

Travel time is an integral component of transportation cost, and therefore an assessment of potential savings in travel time is useful in the evaluation of transportation improvements. The value of travel time includes costs to consumers of personal (unpaid) time spent on travel, and costs to businesses of paid employee time spent in travel. In order to estimate potential travel time savings for transportation improvements, a monetary value is placed on the amount of time saved.

According to Texas Transportation Institute (2005) the value of time based on congestion is \$14.60 per person-hour for autos and \$77.10 per person-hour for trucks. Using the Consumer Price Index (CPI) to adjust for inflation and assuming an average vehicle occupancy of 1.2 persons, the value of time per auto is equivalent to \$18.57 per hour (2007\$). The equivalent 2007\$ value for trucks is \$81.73. Based on traffic simulation models developed for selected sections of the FM 2920 corridor, the recommended improvements would result in approximately 36.1 hours in vehicle hours traveled (VHT) savings during the weekday AM peak hour and 32.3 hours in VHT savings during the weekday PM peak hour. Projected VHT savings for the entire study limits of the FM 2920 corridor are approximately 213 hours for the AM peak hour and 192.5 hours for the PM peak hour. Assuming 260 weekdays a year, the annual peak hour travel time savings due to the recommended improvements are estimated at approximately \$1.38 million for the AM peak hour and \$1.25 million for the PM peak hour.

CRASH COST SAVINGS

Crash costs refer to the economic value of damages or losses caused by collisions. Crash savings are calculated based on average crash rates, which vary by class and type of facility. Subsequently, divided and undivided roadway facilities have different crash rates. According to the NCHRP publication "Impacts of Access Management Techniques" suburban facilities with raised medians have 16% lower crash rates than roadways with continuous left turn lanes. According to the TRB Access Management Manual, the addition of a two-way left-turn lane to an undivided roadway facility is projected to result in a 35 % reduction in crashes. To illustrate the impact of reducing crashes the monetary costs per crash type (fatal, serious injury, other injury and property damage) were used, as reported by the National Safety Council, shown in Table 4.1. Using these monetary values, the three year FM 2920 crash history for 2004 - 2006, and the estimated 16% reduction in crashes due to the presence of raised medians and 35 % reduction due to addition of two way left turn lane, the average annual crash savings resulting from the FM 2920 corridor improvements were estimated at \$12.51 million.

Table 4.1 - Crash Cost by Severity

Crash Type	Cost
Death	\$4,120,000
Incapacitating injury	\$207,133
Non-incapacitating evident injury	\$51,912
Possible injury	\$25,132
No injury	\$2,266

Source: Estimating the Costs of Unintentional Injuries, National Safety Council, 2006, adjusted to 2007 Dollars

AIR QUALITY

Air Pollution Costs refers to motor vehicle air pollutant (called mobile emissions) damages, including human health, ecological and esthetic degradation. The term "emissions" generally refers to gases and particles introduced into the air. The United States Environmental Protection Agency (EPA) describes air pollution as the contamination of air by the discharge of harmful substances, which include Volatile Organic Compounds (VOC), carbon monoxide (CO) and nitrogen oxides (NOx). The concentration of these air pollutants is related to traffic congestion. Lower speeds associated with traffic congestion tend to result in higher levels of pollutants. The recommended improvements from FM 2920 are designed to improve safety and reduce delay along the corridor. The reduction in congestion as a result of implementing these recommendations is projected to result in an eleven percent reduction in VOC, CO, and NOx levels.

- Annual Travel Time Savings \$2.6 million
- Annual Crash Cost Savings \$12.5 million



Chapter 4: Recommended Improvements and Implementation Strategies

IMPLEMENTATION CONSIDERATIONS FOR SHORT AND MEDIUM-RANGE IMPROVEMENTS

This study recommends adding 8-foot shoulders and a continuous two way left turn lane to the 2-lane section from US 290 to Cypress Rosehill Road. The additional lane will improve safety for left turning vehicles onto signalized and unsignalized side streets and driveways while the wider shoulder will improve safety for bicyclists along this section of FM 2920.

Based on safety and cost considerations, the TWLTL and shoulder additions at intersections and the addition of rumble grooves along the centerline are recommended for short-range implementation, while the TWLTL and shoulder additions between intersections are recommended for medium-range implementation. With implementation tied closely to funding availability, there is a possibility that implementation of the medium-range improvements may be delayed. Since future conditions and development patterns along the corridor may vary from the assumptions and projections used at this time, this study recommends the re-evaluation of the medium-range improvements prior to implementation to determine whether it is more beneficial to widen to a four-lane section with raised median or a five-lane section, versus the currently recommended three-lane section. Safety should also be considered in the future re-evaluation. While the buffer between opposing lanes provided by a TWLTL is safer than an undivided two-lane facility, as traffic and development increase over time, safety decreases, creating the need to limit conflict points with a raised median.

IMPLEMENTATION CONSIDERATIONS FOR LONG-RANGE IMPROVEMENTS

Due to the narrow right of way along FM 2920 through downtown Tomball, it is recommended that a parallel roadway be developed to relieve FM 2920 in this segment. Although not directly within the FM 2920 corridor, this study supports the Major Thoroughfare Plans for the cities of Tomball and Houston to extend Medical Complex both east and west to FM 2920 (figure 4.3). This will significantly improve local traffic circulation especially within the city of Tomball and should alleviate congestion along FM 2920 providing an alternate parallel route.

FM 2920 is a designated bike route; however, the restricted width through segments of FM 2920 in Tomball presents a significant safety issue for bicyclists. It is recommended to move the bike route off FM 2920 onto city streets in this segment. Although a preliminary route was developed during this study (figure 4.4), the bike route should be investigated in greater detail during the Livable Center study. In the future, once Medical Complex is extended to FM 2920, this facility should be considered as a more direct bike route alternative through Tomball.

The Grand Parkway also may relieve traffic on FM 2920 east of Boudreaux. This project is planned to cross FM 2920 near Boudreaux Road, then parallel FM 2920 to the north. This should help relieve the severely congested eastern section of the FM 2920 corridor up to IH 45.

Access management is an effective tool that can be used to improve safety and mobility prior

to the significant investment involved with adding capacity; however, to address the significant growth recently experienced along the FM 2920 corridor, the study recommends that widening studies be conducted to determine future capacity needs. The traffic analysis of existing conditions shows poor LOS of service on the section of FM 2920 east of SH 249. The future planned parallel routes and other study recommendations will improve mobility and LOS for a period of time. To help determine when widening studies should be undertaken along FM 2920, Table 4.2 below was prepared to summarize the current number of lanes and LOS and the years in which the LOS will deteriorate beyond capacity (LOS E). This table takes into account future traffic projections based on the H-GAC regional travel demand model, which includes all planned projects in the Regional Transportation Plan (RTP). Note that the Grand Parkway is in the RTP. Medical Complex Drive is included only in the Major Thoroughfare Plan, not the RTP. Various scenarios for added capacity were modeled to show when the expanded facility exceeds capacity (LOS E). These are shown in Table 4.3.

Table 4.2 - Existing (2007) Traffic Conditions

From	FM 2920 Sections	To	Number of Lanes	LOS	Year in which LOS > D*	LOS > E**
US 290		Cypress Rose Hill Drive	2	C	2012	2027
Cypress Rose Hill Drive		SH 249	5	E		2010
SH 249		Huffman Knorrville Road	4-5	F		
Huffman Knorrville Road		Kuykendahl Road	5	E		2009
Kuykendahl Road		IH 45	5	F		
IH 45		Ladington Road	4	F		

* Year in which Level of Service projected to exceed acceptable level (LOS D)

** Year in which Level of Service projected to exceed capacity (LOS E)

Table 4.3 - Future Capacity Needs

From	FM 2920 Sections	To	Number of Lanes	LOS	Year in which LOS > D*	LOS > E**
US 290		Cypress Rose Hill Drive	3		2015	2031
Cypress Rose Hill Drive		SH 249	4		> 2035	> 2025
SH 249		Huffman Knorrville Road	6		2013	2023
Huffman Knorrville Road		Kuykendahl Road	8		2017	> 2035
Kuykendahl Road		IH 45	6		2011	2021
IH 45		Ladington Road	8		2014	2034
Ladington Road			9		> 2035	> 2035
			6		2007	2010
			8		2021	> 2035
			5		2009	2020
			6		2012	2033

* Year in which Level of Service projected to exceed acceptable level (LOS D)

** Year in which Level of Service projected to exceed capacity (LOS E)



IMPLEMENTATION AND COST SUMMARY

Table 4.4 - Short-Range Improvements

Table 4.5 - Medium-Range Improvements

Table 4.6 - Long-Range Improvements

Serial Number	Signature	Marine County				Type of Complaint	
		Witness Identify Person or Location for 4-2-2	Incident Location	Incident Date/Time	Resolving Police Unit	Police District	Police Station
1			1				
2				1			
3						1	1
4							
5						1	



Chapter 4: Recommended Improvements and Implementation Strategies

Table 4.7 - Cost Estimate

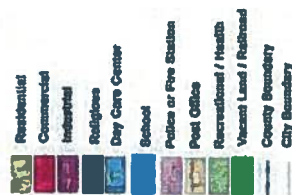
FM 2020 Access Management Study Preliminary Cost Estimate												TOTALS (in Millions)						
Primary Funding Source	Improvements	TxDOT				Harris County				City of Waller				City of Tomball				
		Number	Unit	Unit Cost	Cost	Number	Unit	Unit Cost	Cost	Number	Unit	Unit Cost	Cost	Number	Unit	Unit Cost	Cost	
Short Range	Traffic Signal Improvements	1	LS	\$ 2,620,400	\$ 2,620,400													
	Traffic Signal Synchronization	1	LS	\$ 150,000	\$ 150,000													
	Street Name / Block Number	48	INT	\$ 1,900	\$ 93,100													
	Neat Intersection / Signal	133	INT	\$ 2,000	\$ 266,000													
	Curve Warning	9	EA	\$ 1,000	\$ 9,000													
	Add In-Lane Rumble Strips	19	EA	\$ 1,100	\$ 18,500													
	Add Shoulder Texturing (Both Shoulders)	13.8	MI	\$ 2,700	\$ 37,260													
	Add Centerline Texturing	13.8	MI	\$ 1,400	\$ 19,320													
	Add Left Turn Lane on FM 2020	30	EA	\$ 311,600	\$ 9,348,000													
	Add Right Turn Lane on FM 2020	38	EA	\$ 77,800	\$ 2,956,400													
	Widen Shoulders to 6' at Intersections (2100 LF on Both Sides)	16.5	INT	\$ 348,200	\$ 5,761,000													
	Widen Roadway from 2-Lane to 4-Lane	0.28	MI	\$ 2,420,000	\$ 677,760													
	Resurface For New Lane Configuration (FM 2020 / 11465 Intersection)	1	EA	\$ 21,500	\$ 21,500													
	Add Raised Median / Channelization (Concrete)	36986	SF	\$ 10	\$ 369,860													
	Add Raised Median / Channelization (Ready for Landscaping)	3600	SF	\$ 22	\$ 83,600													
	Widen Sidewalks	25279	SF	\$ 8	\$ 202,208													
	Minor Driveway Modification	1	EA	\$ 7,100	\$ 7,100													
	Reduce Driveway Width	7	EA	\$ 5,200	\$ 36,400													
	Improve Railroad Crossing Control Device	1	LS	\$ 150,000	\$ 150,000													
	Rehabilitate Pavement (Fm St to Elm St)	1	LS	\$ 181,000	\$ 181,000													
	Add Left Turn Lane on Cross Street																	
	Add Off Street Parking																	
	TOTAL FOR SHORT RANGE IMPROVEMENTS							\$ 22,222,576									\$ 23.53	
	Medium Range	Add Left Turn Lane on FM 2020 (Spring Cypress Rd)	6.3	MI	\$ 2,032,200	\$ 12,803,460												
		Add Continuous Left Turn Lane and 6' Shoulders between Intersections	0.87	MI	\$ 1,126,800	\$ 764,085												
Widen One Additional WB Lane																		
Widen Roadway from 2-Lane to 4-Lane		0.2	MI															
Widen Roadway from 2-Lane to 4-Lane		0.9	MI															
Widen Roadway from 2-Lane to 4-Lane		2185	SF	\$ 10	\$ 21,850													
Add Raised Median/Channelization (Concrete)		4	EA	\$ 5,000	\$ 20,000													
Driveway Closures																		
Consecutive Driveways																		
Blue Route																		
Add Blue Route Signs																		
Add Left Turn Lane on Cross Street		1	EA	\$ 7,400	\$ 7,400													
Add Right Turn Lane on Cross Street																		
Improve Right Turn Radius		20	EA	\$ 800	\$ 16,000													
TOTAL FOR MEDIUM RANGE IMPROVEMENTS							\$ 13,728,976									\$ 17.19		
Grand Total	Widen FM 2020 from 4-Lane to 6-Lane (From Boulevard Rd to IH 45)	1	LS															
	Widen FM 2020 from 4-Lane to 6-Lane (From IH 45 to Livingston Rd)	0.47	MI															
	Resign Nichols Rd.	1	EA	\$ 580,100	\$ 580,100													
	Resign Kobs Rd.	1	EA	\$ 244,700	\$ 244,700													
	Resign Alma St.																	
	Resign Baker Dr.																	
	Resign Foster Rd.	1	EA	\$ 244,700	\$ 244,700													
	Continued Medical Campus Drive (FM 2600W to FM 2920E)																	
	TOTAL FOR LONG RANGE IMPROVEMENTS							\$ 1,048,500										
	GRAND TOTAL							\$ 36,953,891			\$ 4,988,540			\$ 188,400			\$ 42.25	



RECOMMENDED IMPROVEMENTS



LEGEND



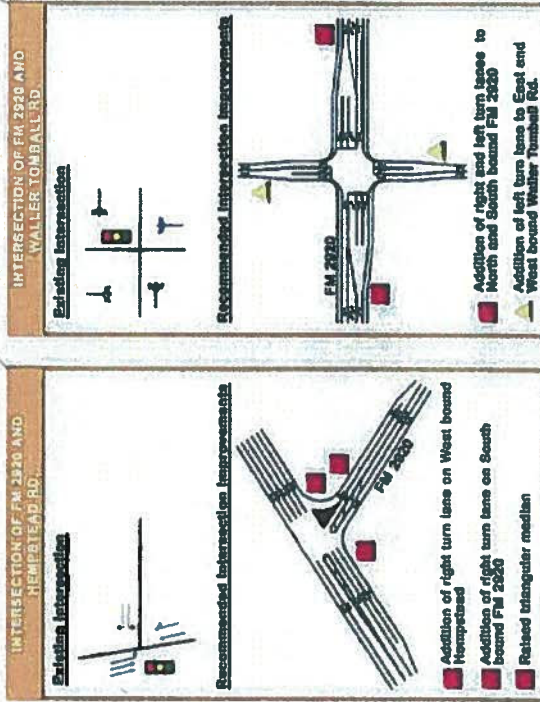
IMPROVEMENT LEGEND



Existing Typical Cross-Section



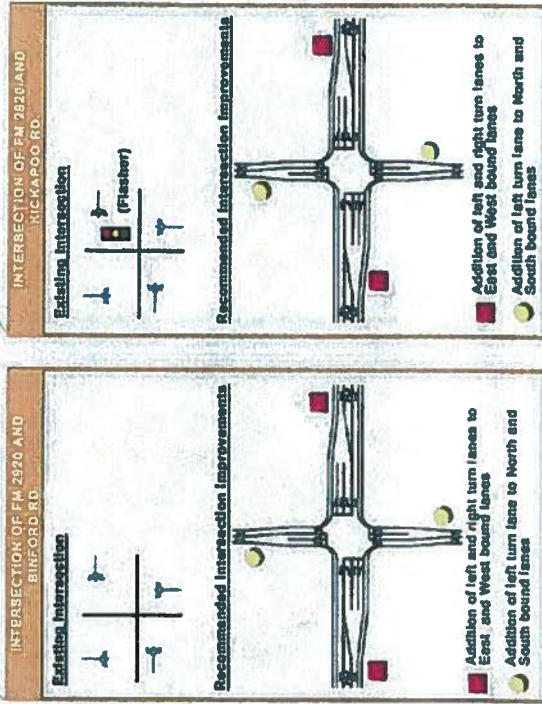
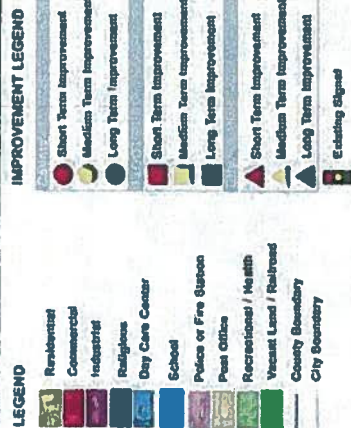
Proposed Typical Cross-Section





Chapter 4: Recommended Improvements and Implementation Strategies

RECOMMENDED IMPROVEMENTS

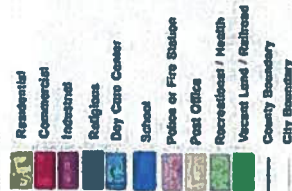




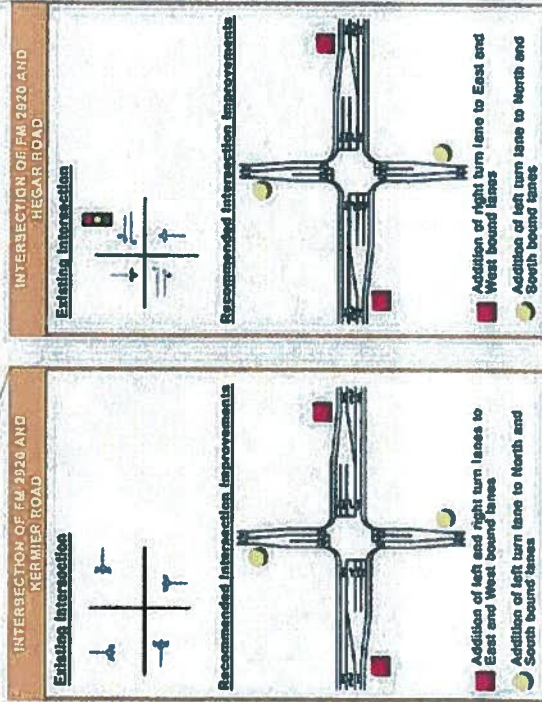
RECOMMENDED IMPROVEMENTS



LEGEND



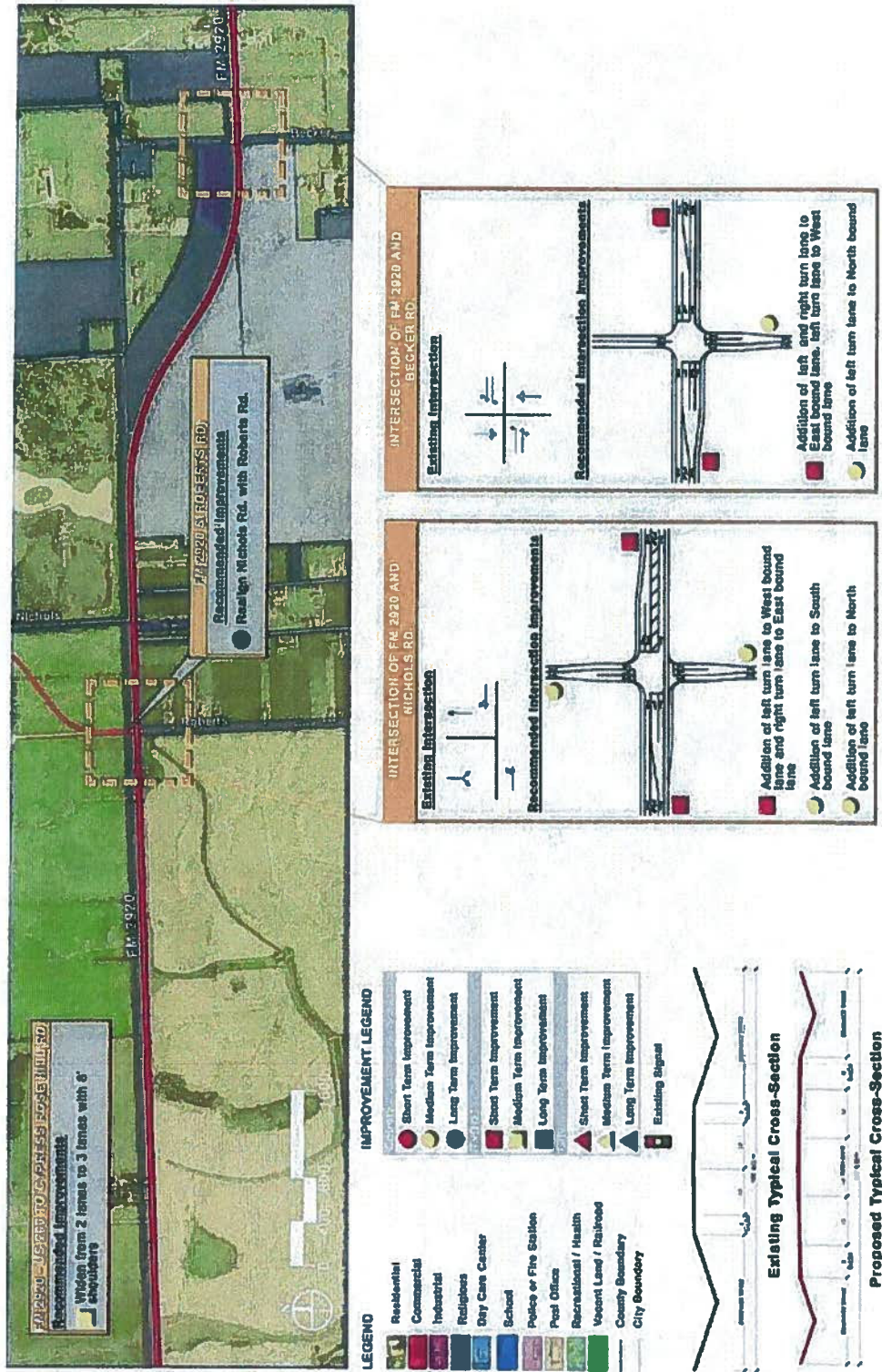
IMPROVEMENT LEGEND





Chapter 4: Recommended Improvements and Implementation Strategies

RECOMMENDED IMPROVEMENTS





RECOMMENDED IMPROVEMENTS

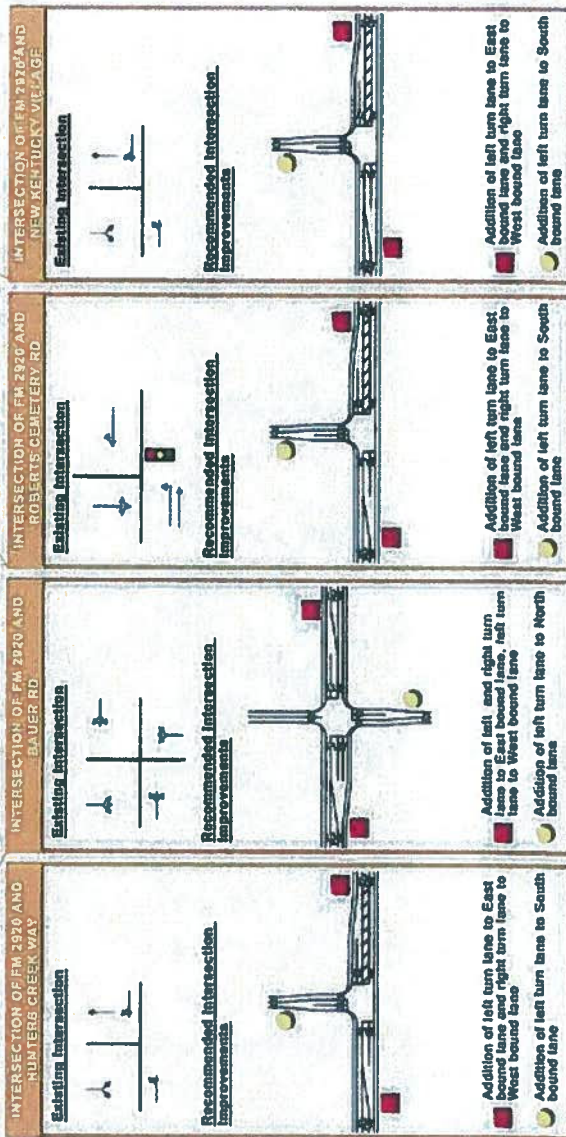


LEGEND

- Residential
- Commercial
- Industrial
- Religious
- Day Care Center
- School
- Police or Fire Station
- Post Office
- Recreational / Health
- Vacant Land / Railroad
- County Boundary
- City Boundary

IMPROVEMENT LEGEND

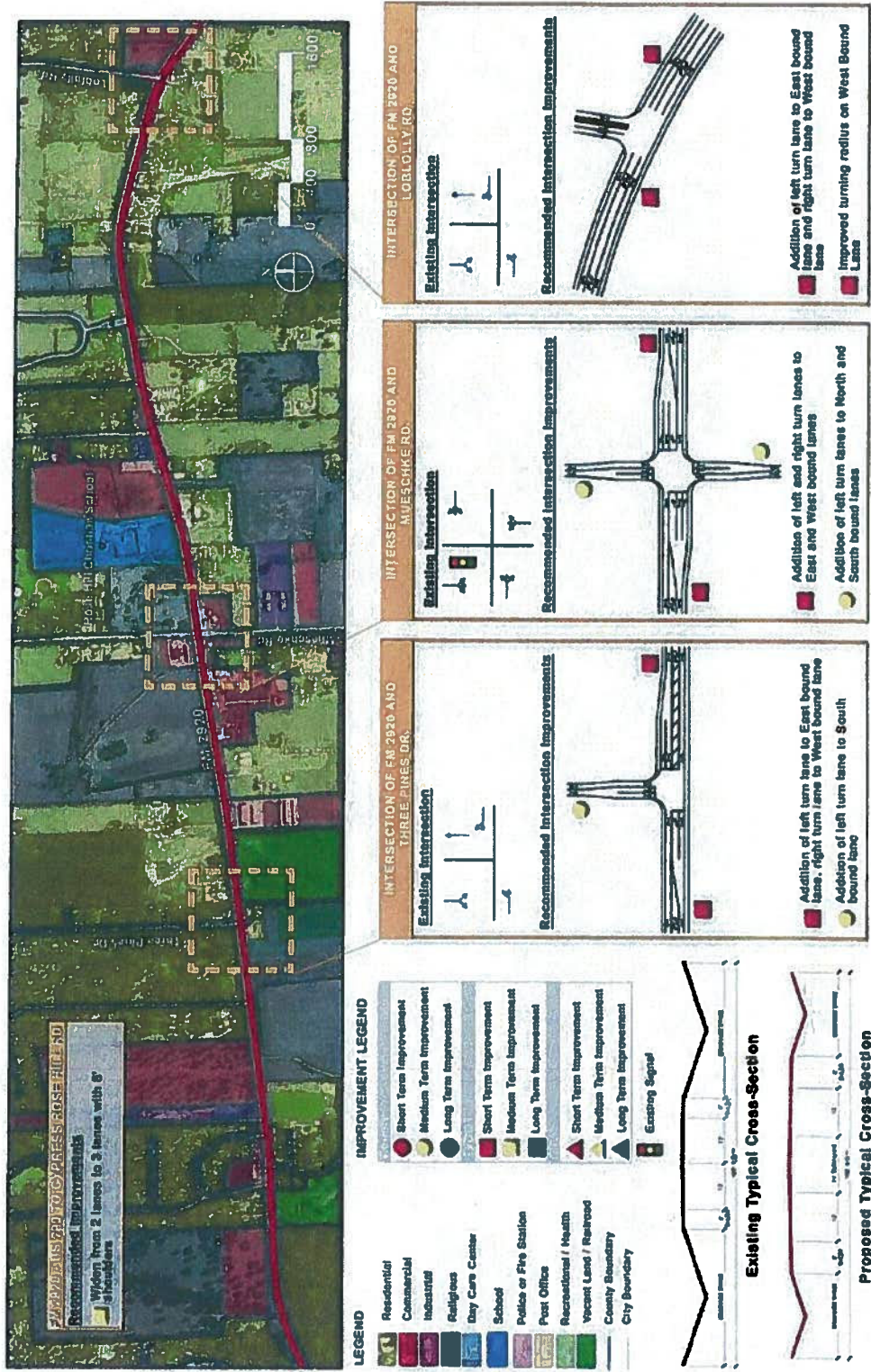
- Short Term Improvement
- Medium Term Improvement
- Long Term Improvement
- Short Term Improvement
- Medium Term Improvement
- Long Term Improvement
- Short Term Improvement
- Medium Term Improvement
- Long Term Improvement
- Existing Signal





Chapter 4: Recommended Improvements and Implementation Strategies

RECOMMENDED IMPROVEMENTS

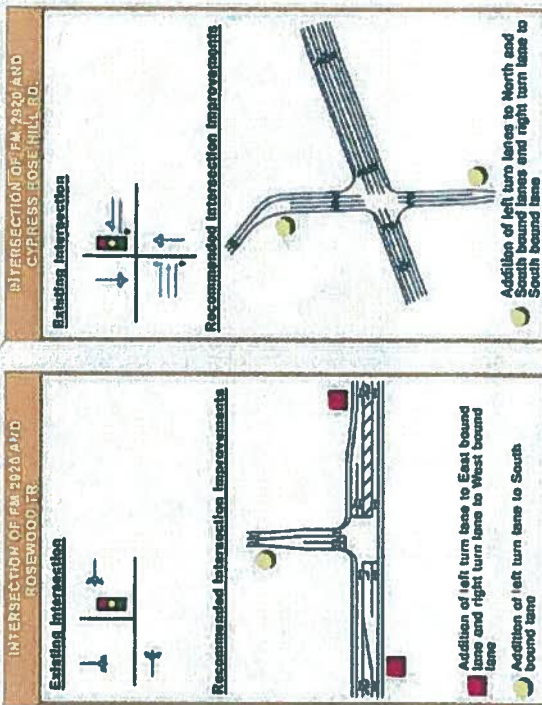




RECOMMENDED IMPROVEMENTS

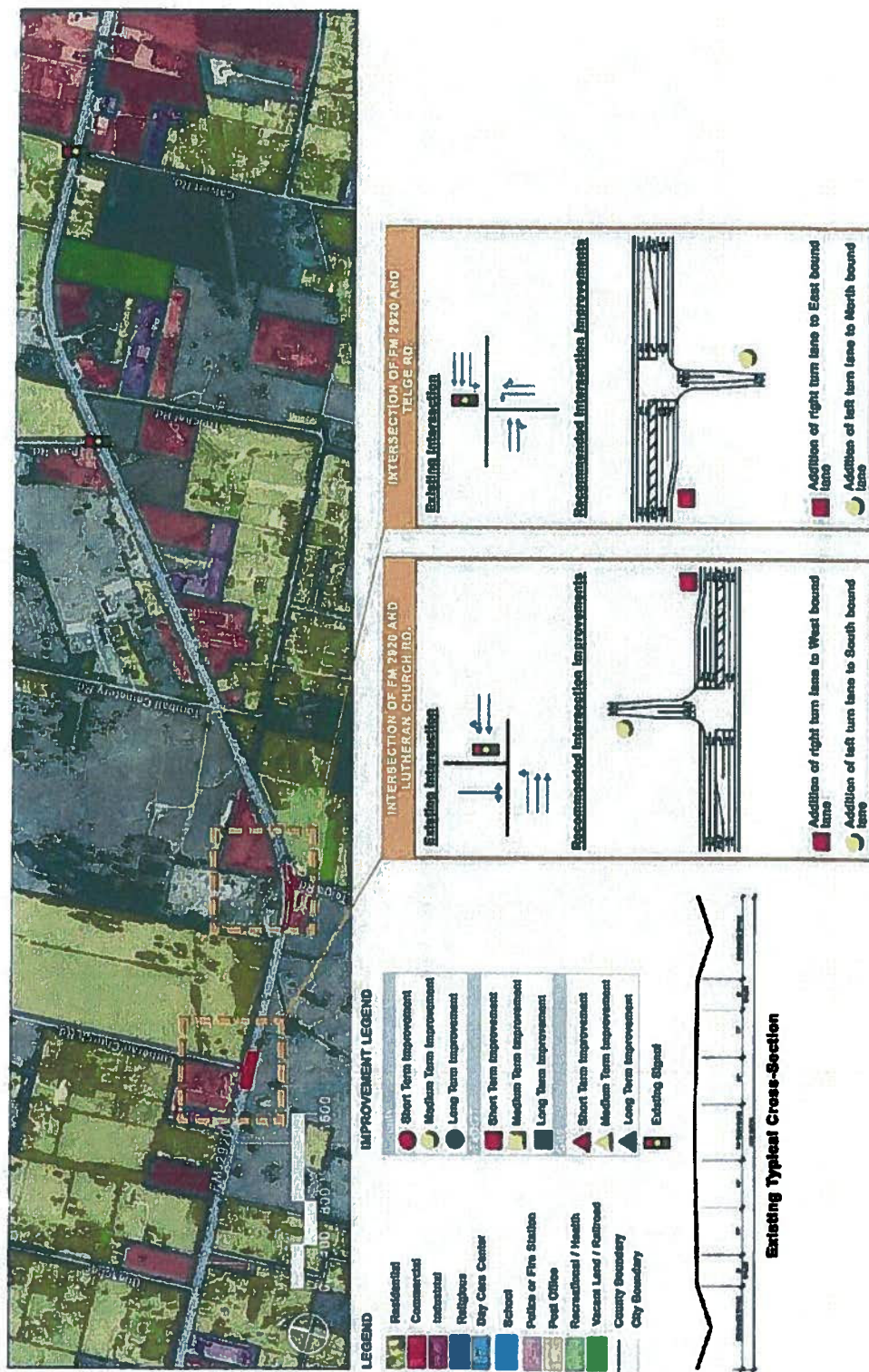


LEGEND



Chapter 4: Recommended Improvements and Implementation Strategies

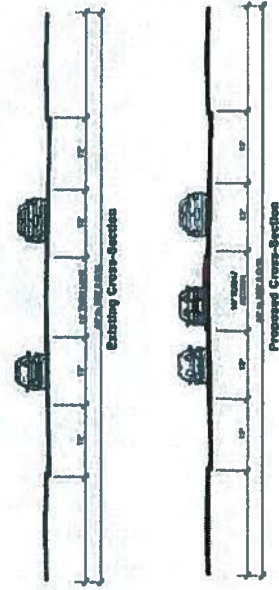
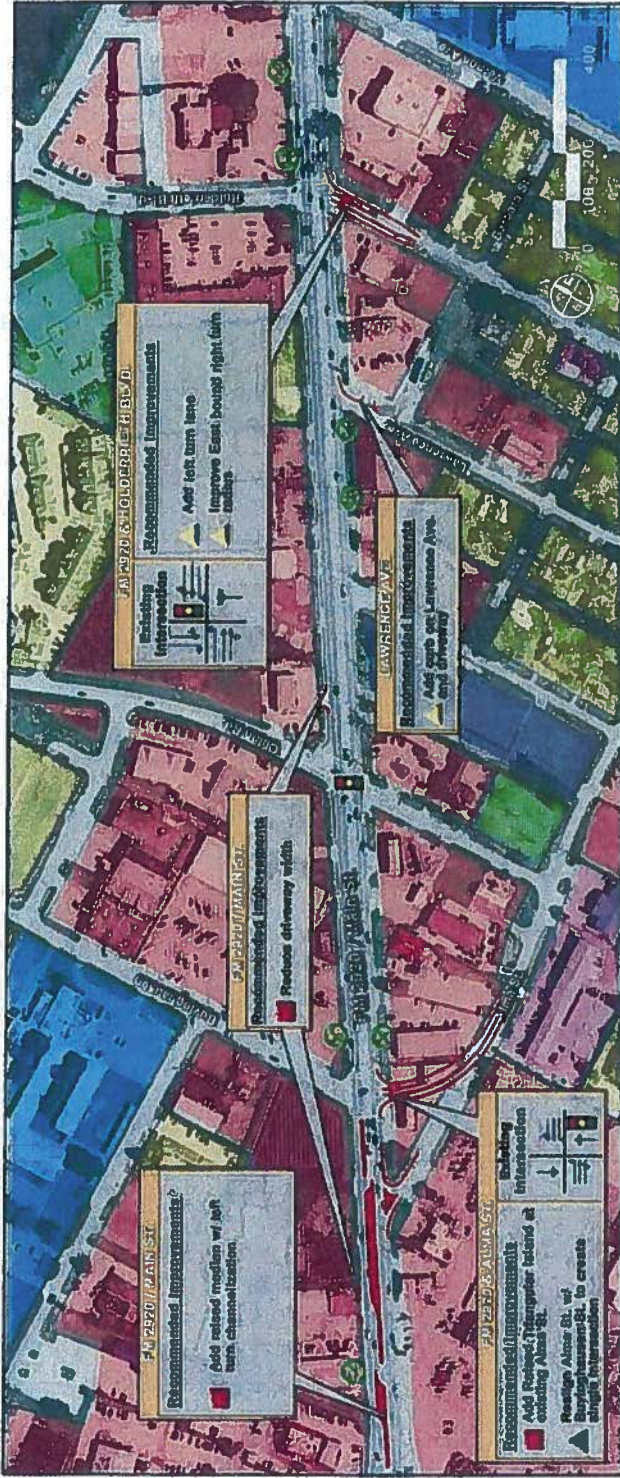
RECOMMENDED IMPROVEMENTS





Chapter 4: Recommended Improvements and Implementation Strategies

RECOMMENDED IMPROVEMENTS

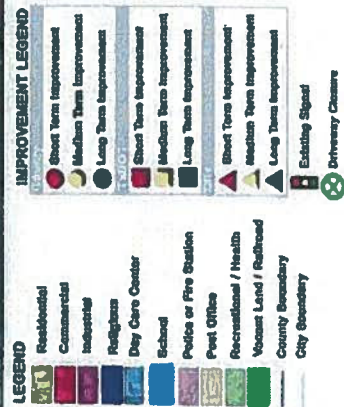




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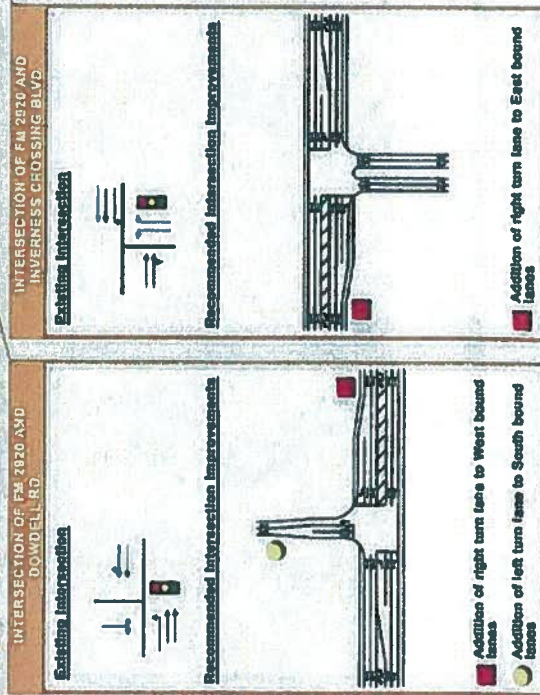
IMPROVEMENT LEGEND

Land Use	Improvement
Residential	Short Term Improvement
Commercial	Medium Term Improvement
Industrial	Long Term Improvement
Religious	Short Term Improvement
Day Care Center	Medium Term Improvement
School	Long Term Improvement
Police or Fire Station	Short Term Improvement
Post Office	Medium Term Improvement
Recreational / Health	Long Term Improvement
Vacant Land / Railroad	Short Term Improvement
County Boundary	Medium Term Improvement
City Boundary	Long Term Improvement

Existing Signal
Driveway Closures



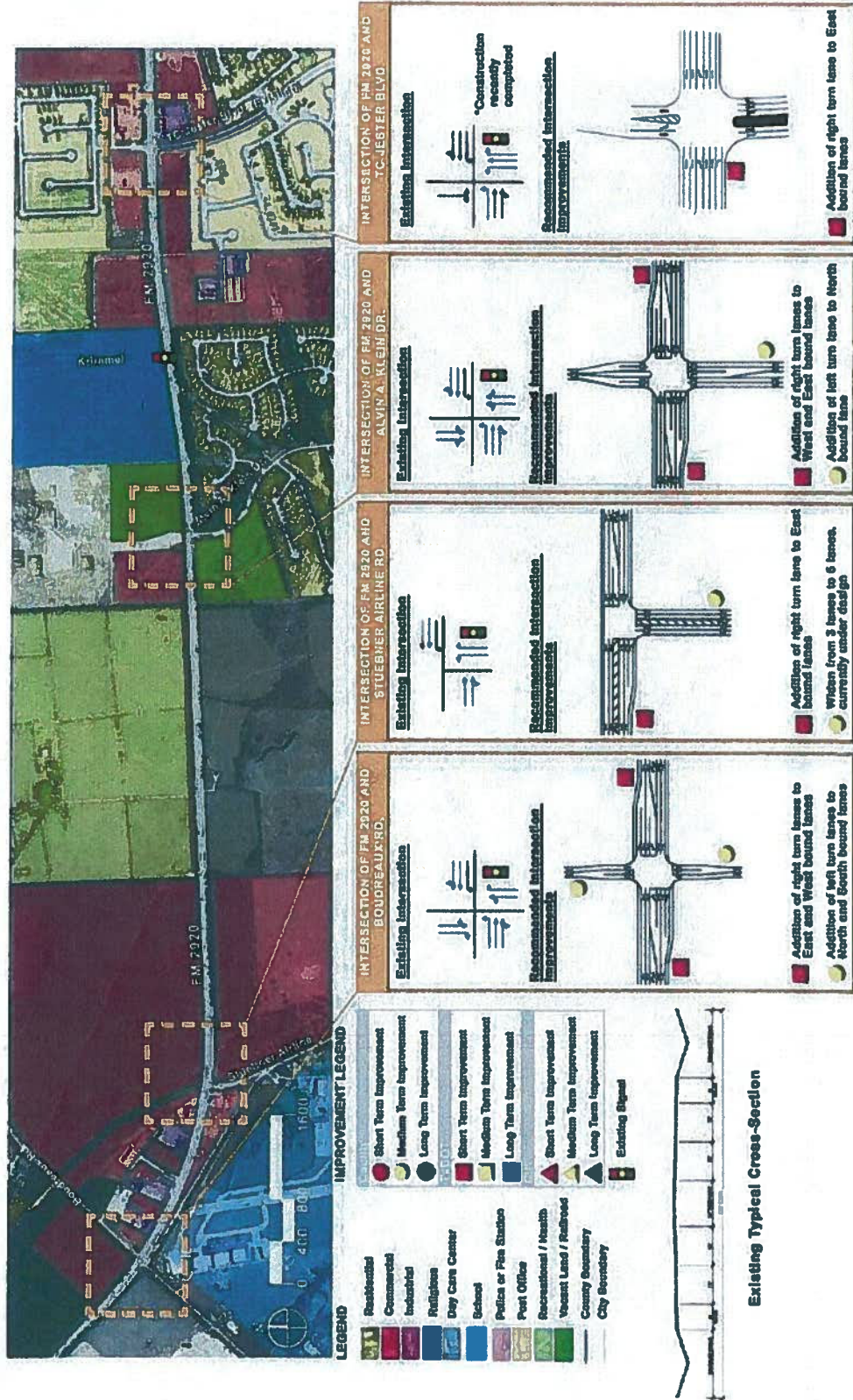
Existing Typical Cross-Section





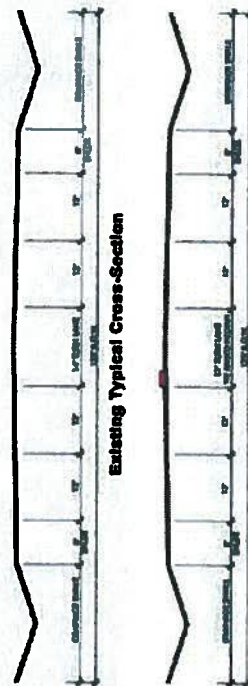
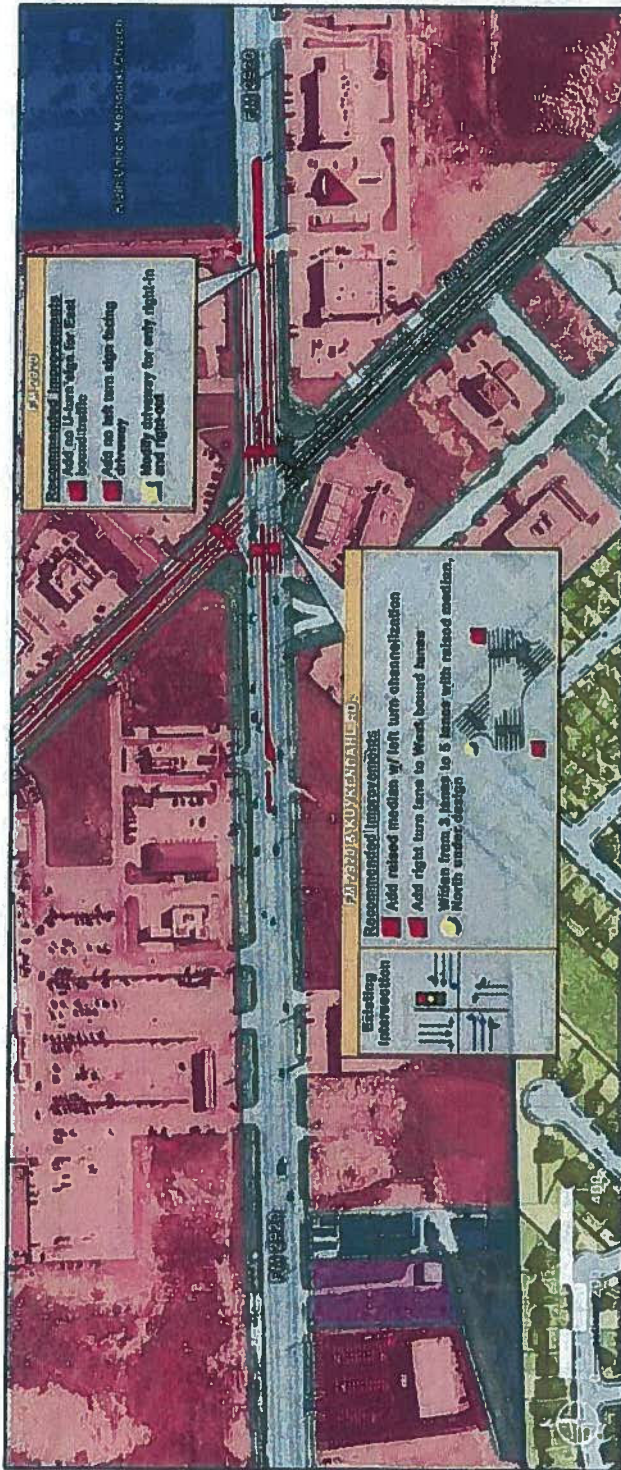
Chapter 4: Recommended Improvements and Implementation Strategies

RECOMMENDED IMPROVEMENTS



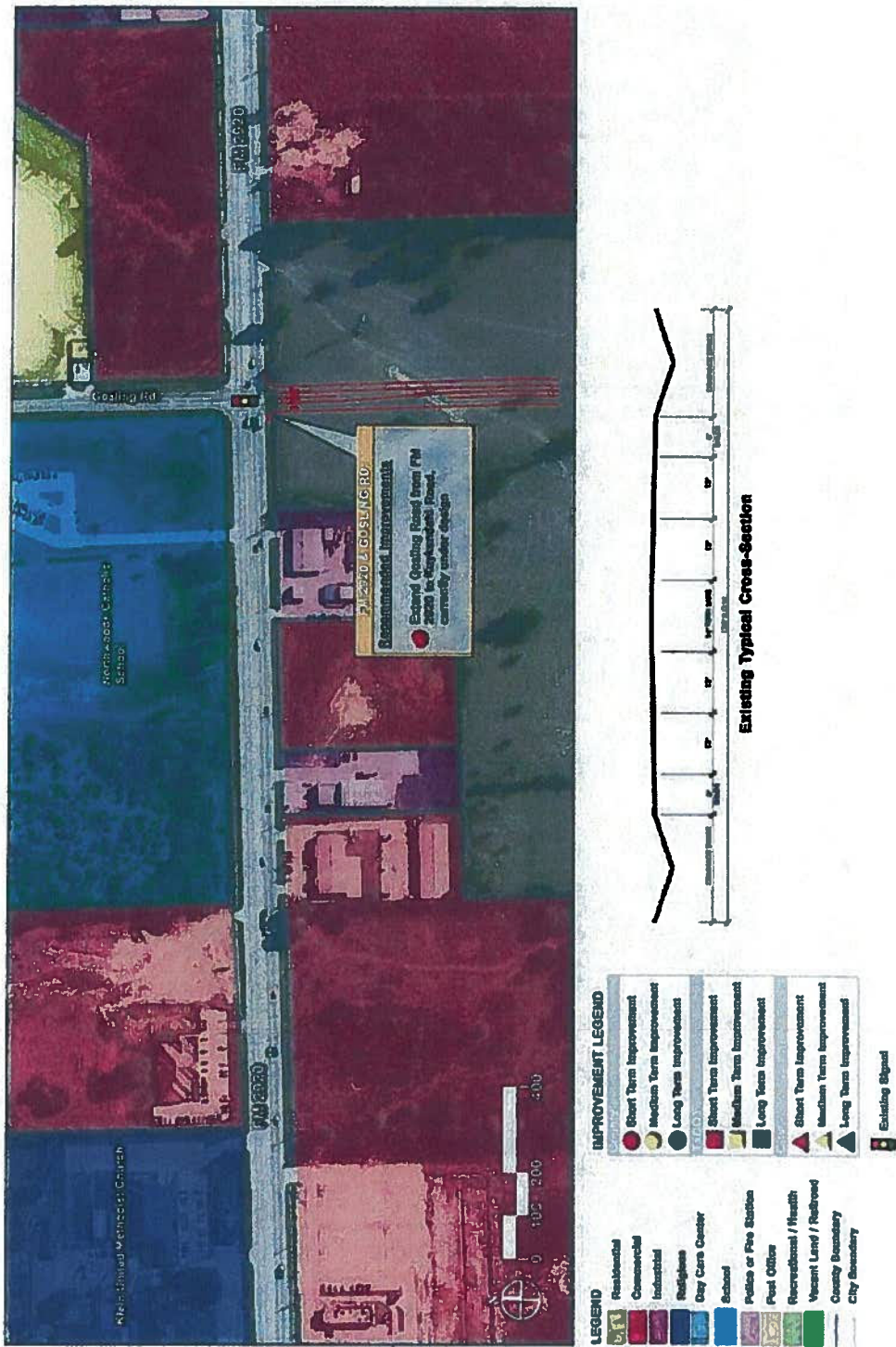


RECOMMENDED IMPROVEMENTS



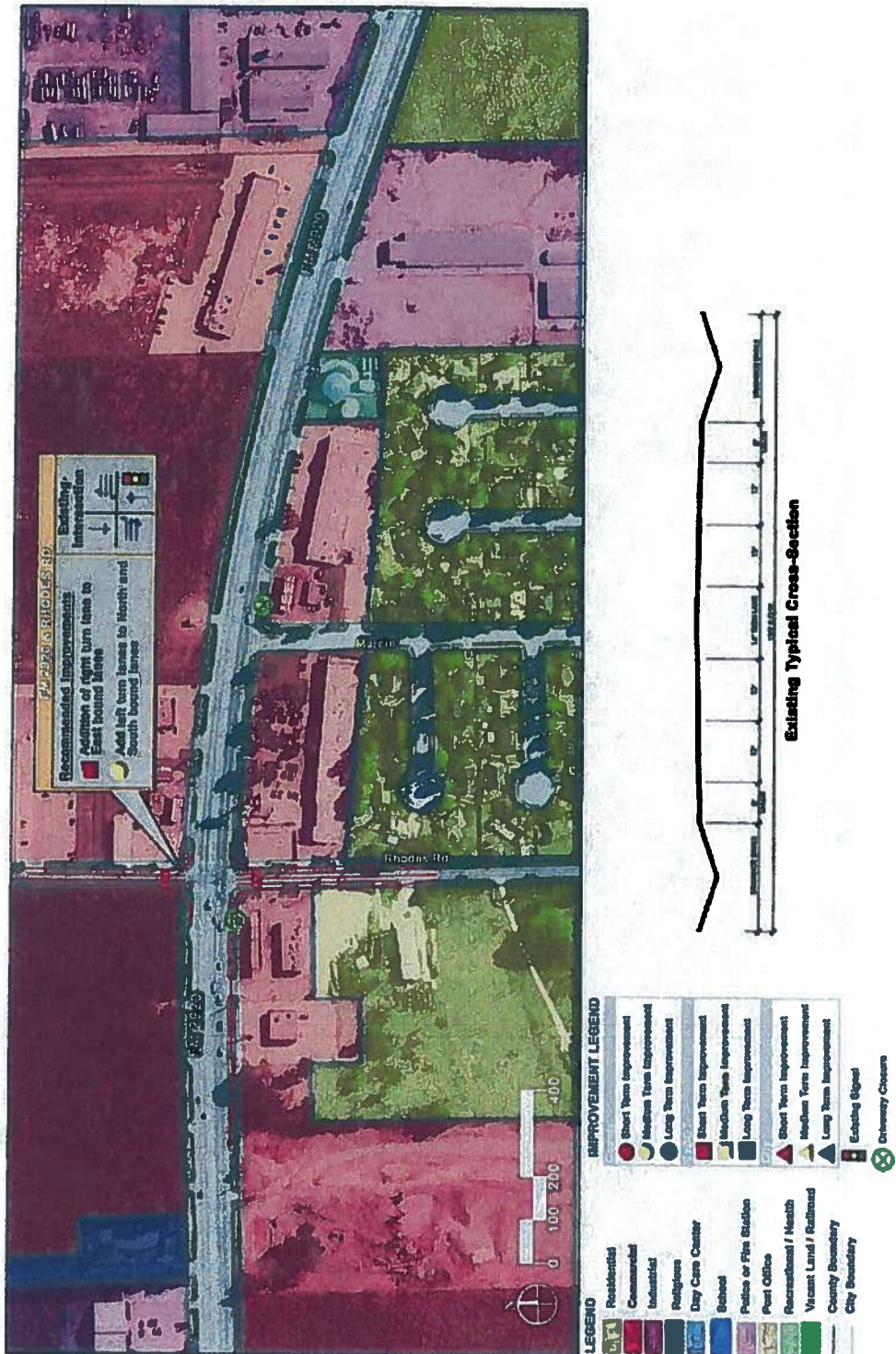
Chapter 4: Recommended Improvements and Implementation Strategies

RECOMMENDED IMPROVEMENTS





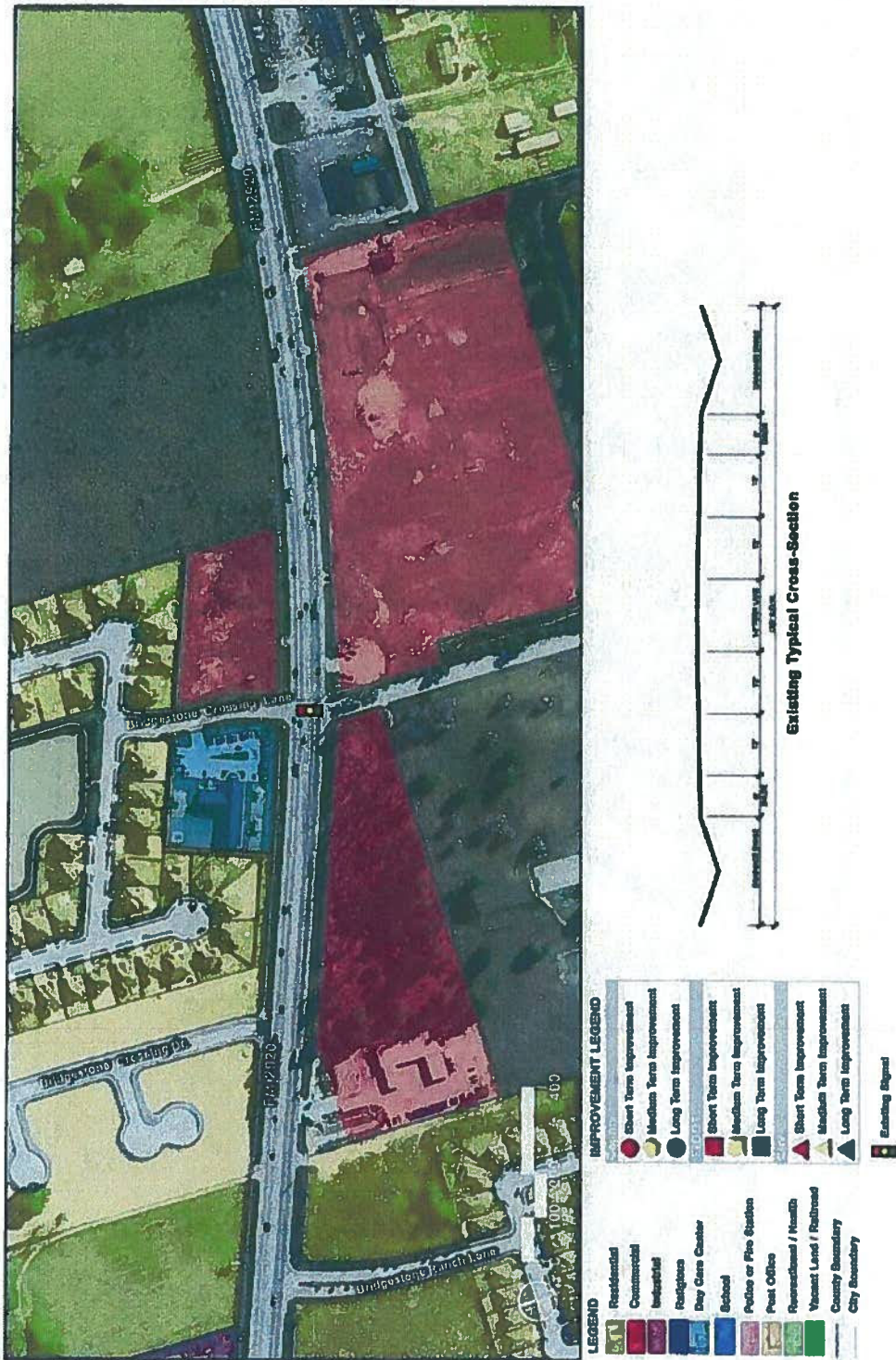
RECOMMENDED IMPROVEMENTS



Chapter 4: Recommended Improvements and Implementation Strategies



RECOMMENDED IMPROVEMENTS





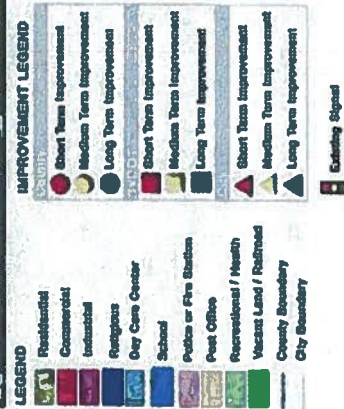
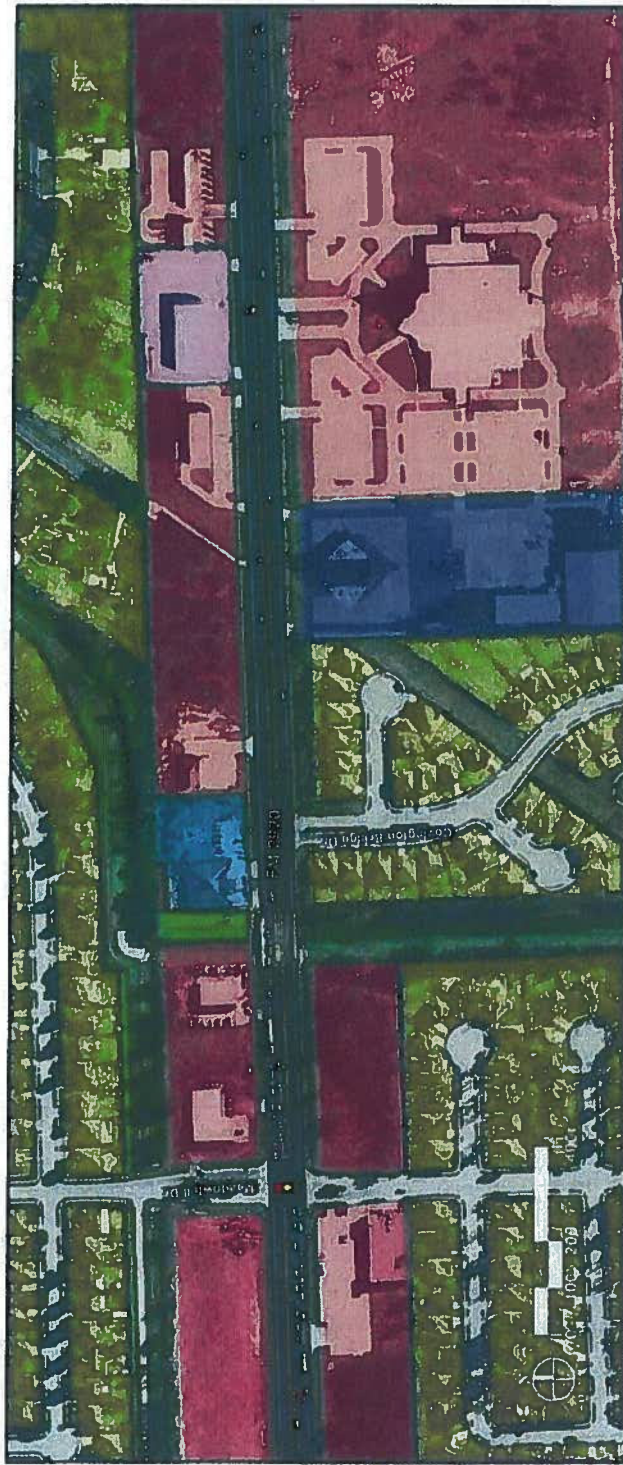
RECOMMENDED IMPROVEMENTS



Chapter 4: Recommended Improvements and Implementation Strategies

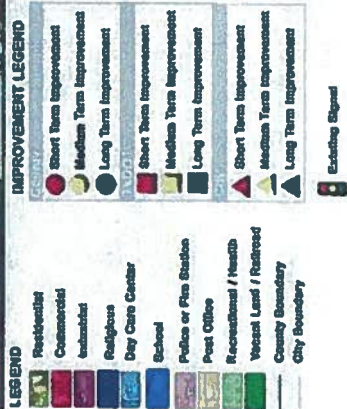


RECOMMENDED IMPROVEMENTS





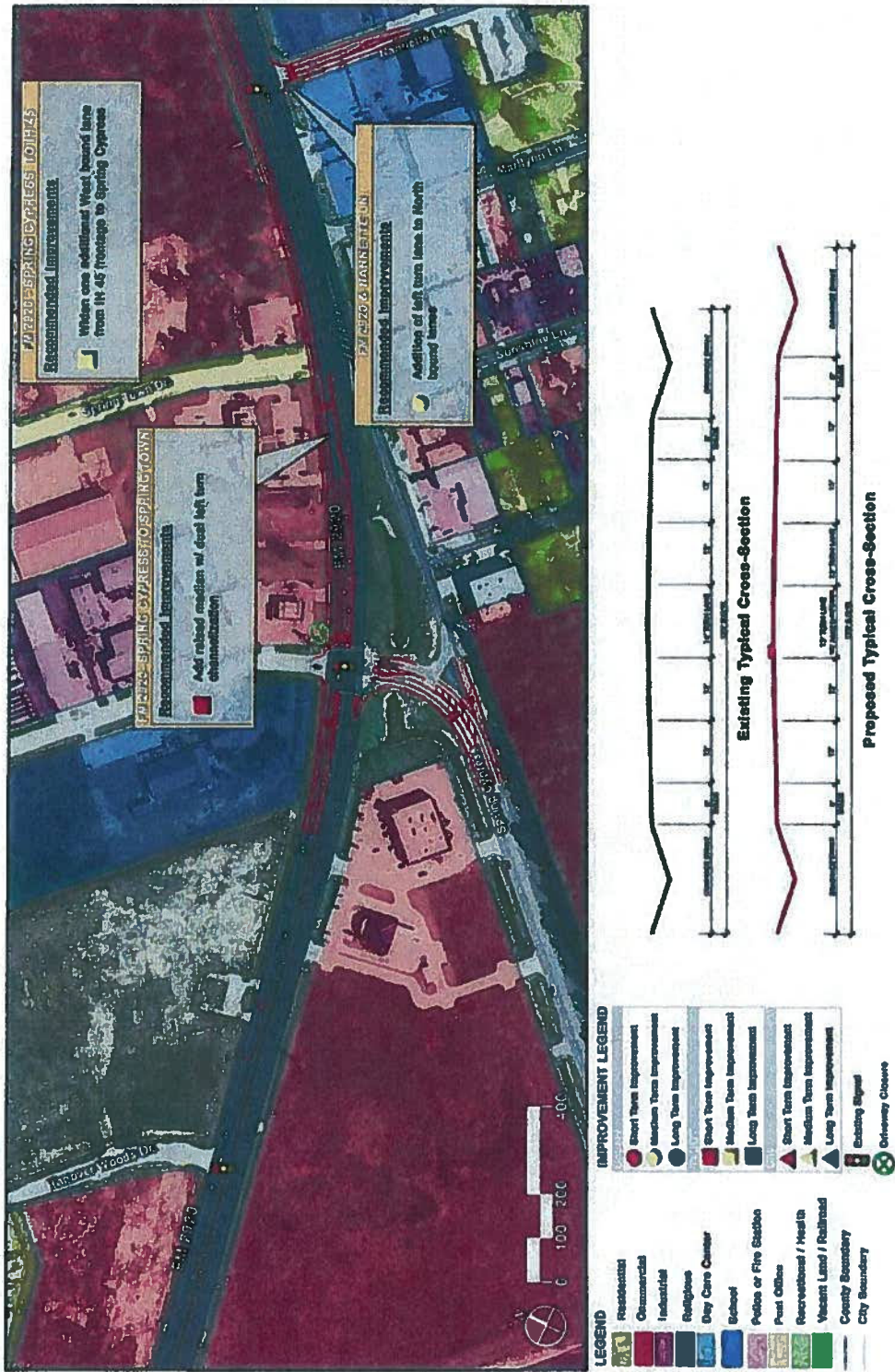
RECOMMENDED IMPROVEMENTS



Existing Typical Cross-Section

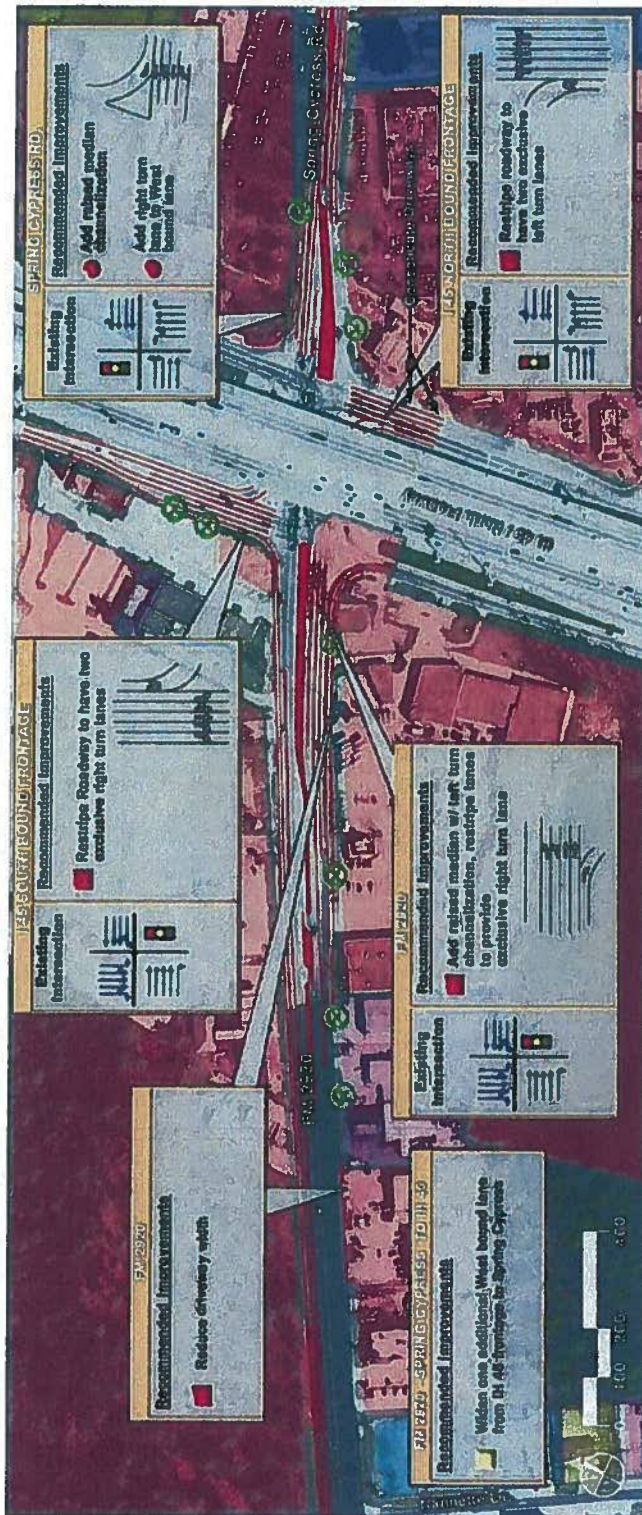
Chapter 4: Recommended Improvements and Implementation Strategies

RECOMMENDED IMPROVEMENTS

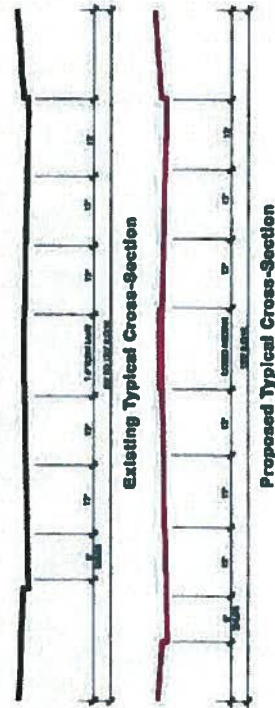
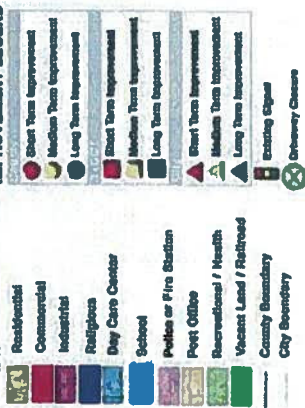




RECOMMENDED IMPROVEMENTS



IMPROVEMENT LEGEND



Chapter 4: Recommended Improvements and Implementation Strategies

RECOMMENDED IMPROVEMENTS





Chapter 5: Future Corridor Needs

ISSUES REGARDING ACCESS MANAGEMENT
ACCESS MANAGEMENT IMPLEMENTATION AND STRATEGIES
STRATEGIES FOR FUTURE DEVELOPMENT



ISSUES REGARDING ACCESS MANAGEMENT

The following issues have been discussed in previous access management studies in this region. Great progress has occurred since the first access management study in April 2002. More systematic strategies could be applied to various corridors to coordinate the access needs of adjacent land uses with the function of the transportation system. The following is a reiteration of some of the issues related to access management in the region:

1. **Property owner and developer needs versus public needs** - In many instances the need to provide a safe roadway often conflicts with the developers desire to have unlimited and convenient access. In our area, the developers are not held accountable to ensure that their development does not adversely impact traffic in the area and that their needs do not adversely impact public needs.
2. **Agency obligation to provide access** - Agencies have to provide access to any platted parcel of land. Usually the land use and platting power to control the configuration and the intensity of development are vetted with either the city or the county. The State needs strong support and cooperation from the city and the county to ensure that access management is an integral part of the process.
3. **Intergovernmental Coordination** - Inter-agency support and improved communication are critical in carrying out a successful access management program. The city, State, and county must work together and establish unified criteria to preserve the integrity of the roadway system. Internally, the agencies need to resolve how to review and approve developer and property owner requests for development. A brief brochure or hand out outlining procedures for plat reviews that includes a contact person could become an effective tool for distributing the access management requirements and related information.
4. **Driveway permitting and design requirements** - The permitting processes of the various agencies should be examined and modified to address the requirements for a wider range of site uses or redevelopment. Monitoring these permits could ensure that the original permit conditions and previous agreements with developers and property owners are applicable. The driveway design and specifications should be reviewed periodically and additions or clarifications should be included to respond to frequently occurring access issues.

ACCESS MANAGEMENT IMPLEMENTATION AND STRATEGIES

WHAT CAN BE DONE?

This plan goes beyond the traditional roadway improvement to address land development and access management considerations along the FM 2920 corridor. This document is a versatile planning tool to prevent future access problems and to provide solutions for existing problems. It should be implemented through a combination of regulations, inter-agency or public-private agreements, and roadway improvement projects.

The study will establish guidelines based on the TxDOT approved Access Management Manual and TRB Access Management Manual. These guidelines should be implemented by various agencies (TxDOT, Harris County, City of Tomball and City of Waller) when reviewing permit applications for platting and access. This is a very effective tool that utilizes the permitting process and the review of developments and plats to ensure that good access management tools are implemented throughout the area on new development and redevelopment.

ACCESS MANAGEMENT GUIDELINES

Access management policies and guidelines should follow three basic rules:

- Be straight forward
- Be coordinated
- Be consistently applied

FM 2920 Proposed Access Management Guidelines for new development along the corridor (figure 5.1) will address the following:

- Functional areas near intersections
- Driveway spacing
- Driveway geometry
- Traffic Impact Study

ADDITIONAL ACCESS MANAGEMENT STRATEGIES FOR THE FM 2920 CORRIDOR

Some key strategies for FM 2920 corridor to be considered:

- Establishment of a corridor management district (District) that works closely with property owners and developers to coordinate access management and corridor issues with various agencies, helping prevent further degradation of safety and capacity along the corridor. The District becomes the focal group that creates a link between the community along the corridor and the various agencies. The District also will help identify public private partnership initiatives, apply for grants, and create opportunities to support the economic development / redevelopment along the corridor.

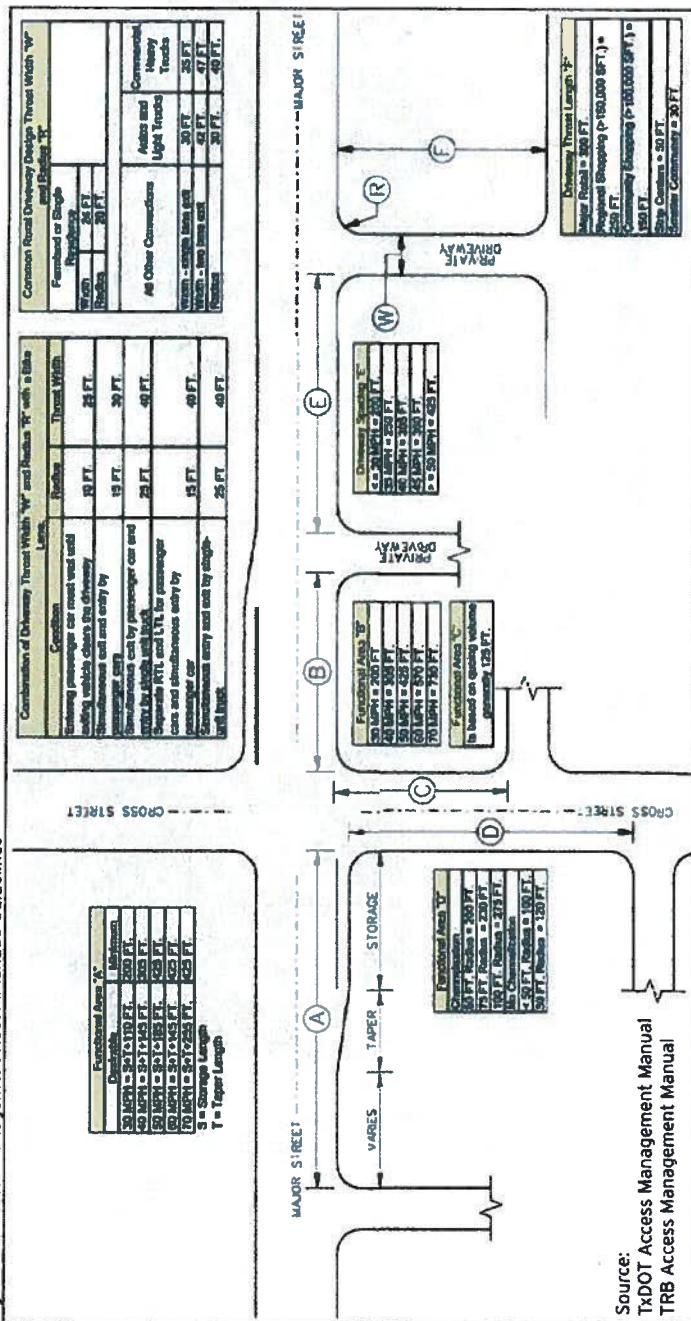


Chapter 5: Future Corridor Needs

- Create a connected supporting street system: e.g. side streets, parallel roads, interparcel circulation system to support planned development, and to help alleviate congestion on major roadways.
- Minimize the number of signals along FM 2920 to maintain efficient traffic flow. Traffic signals are needed at high-volume intersections; however, consideration for future signals includes whether the location meets signal warrant requirements based on the Manual on Uniform Traffic Control Devices, and whether the signal is consistent with access spacing criteria and preserves the efficiency of traffic flow. The key is to have a long and uniform spacing of traffic signals. This will improve the ability to coordinate signals and reduce delays along the corridor.
- Work closely with property owners and developers along the corridor to promote shared use driveways, reconstruction of substandard driveways, or relocation of driveways as well as

- Interparcel connections during the redevelopment or expansion of an existing development. Regulate access to out-parcels and require internalized access to out-parcels via the shared circulation system of the development.
- Require major new developments along FM 2920 to conduct traffic impact studies, including methods to mitigate adverse impacts on FM 2920 traffic and operation.
- Promote multimodal facilities to support alternatives to vehicular use such as transit connection, park and ride facilities, and pedestrian and bicycle facilities, etc.
- Promote mixed use development and redevelopment along the corridor to create livable centers where people can work, play, and live within a walking distance and create an environment that is less dependent on vehicular use.

Figure 5.1 - Access Management Recommended Guidelines





STRATEGIES FOR FUTURE DEVELOPMENT

Both urban planning for future development and planning for transportation design are intrinsically connected. Land use, development type and pattern, building orientation, parking configuration and access collectively contribute to the development framework for creating efficient safe access to and within transportation systems and facilities.

The mobility needs, issues, and concerns for FM 2920 are not unlike many corridors and growing communities in suburban Houston and suburban America alike. Proactive approaches to developing and designing "Smart Growth" initiatives are essential to the success of both solving the transportation solutions and ensuring the success and quality of life aspect of development in rapid growing and redeveloping suburban and urban communities.

Establishing a cohesive hierarchical network of transit, street, streetscape, sidewalk, walkways, trails and open natural systems within development patterns that offer mixed-use density redistributed within in town centers and along commercial corridors will elevate the problematic growing demand of arterial volume of the traditional "commuting" patterns between urban cores and outer ring suburbia. In addition, responding to long-range planning of multi-modal forms of transportation and creating development and land uses that are "transit-oriented" will ensure the demand and success of alternative transportation needs in conjunction with the increasing demand for quality of life and environmental concerns.

H-GAC has developed a plan to bring together land use and transportation through a three-pronged coordination strategy that employs the creation of bicycle and pedestrian friendly Centers, establishment of better connections between the centers, and designs based on the context of the surrounding land uses. In addition to enhancing mobility choices, this 3C's strategy is expected to produce economic, environmental, and "quality of place" benefits for the region.

LIVABLE CENTERS

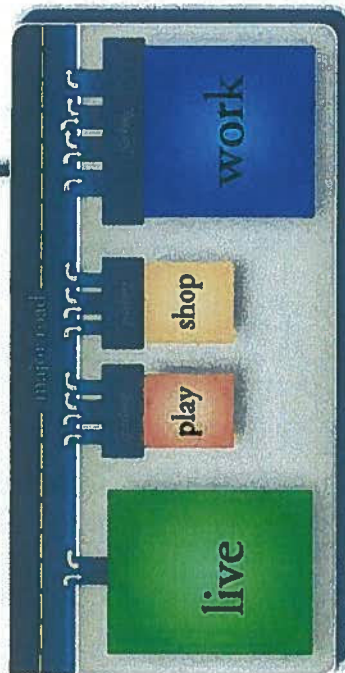
H-GAC has taken several steps towards implementing the 3C's program. A "Livable Centers" project category has been created in the TIP and RTP, and sponsors have proposed both planning and implementation of Livable Centers projects. Centers are places with a concentration of workplaces, shopping, entertainment, and/or housing. Clustering these activities creates opportunities for walking, bicycling, and transit trips, thus reducing the need for car travel.

Depending on the concentration of activities and the pedestrian environment, internal car trips, within a center, could be reduced from 5% to 55%. The goal of the Livable Centers strategy is to improve access while reducing the need for single-occupant vehicles. Through a concentration and a mix of land uses, Livable Centers allow for greater accessibility by a variety of transportation modes, including walking, bicycling, and transit.



TYPICAL DEVELOPMENT

Destinations are spread out with each one requiring a separate vehicle trip.



Source: H-GAC



Chapter 5: Future Corridor Needs

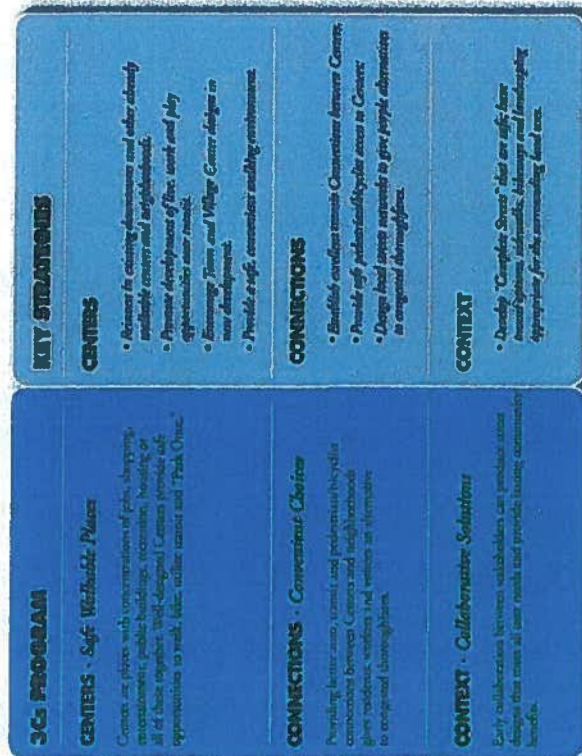
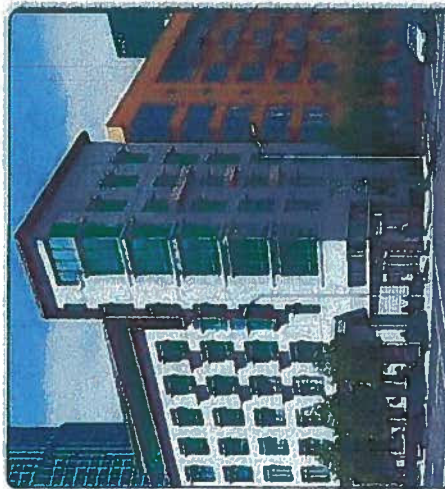
3C'S, CENTERS, CONNECTIONS, CONTEXT

New Investment Opportunities

Most development in our region today is vehicle oriented. Transportation investments and market forces have created a cycle of automobile-dependency, where the mobility demands of growth are primarily met by roads and parking lots.

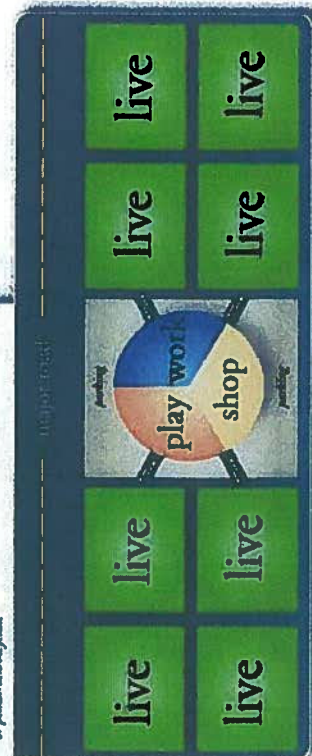
Mixed use centers are places where people can live, work and play without using their vehicles.

People increasingly want more choices in how they travel between where they live, work, and play. This trend presents a tremendous opportunity for new types of transportation investments that can reduce the growth of vehicle travel, while producing added economic and environmental benefits.



3C'S APPROACH

A mix of destinations are clustered and can be accessed by vehicle, transit or pedestrian/bicyclist.



Source: H-GAC

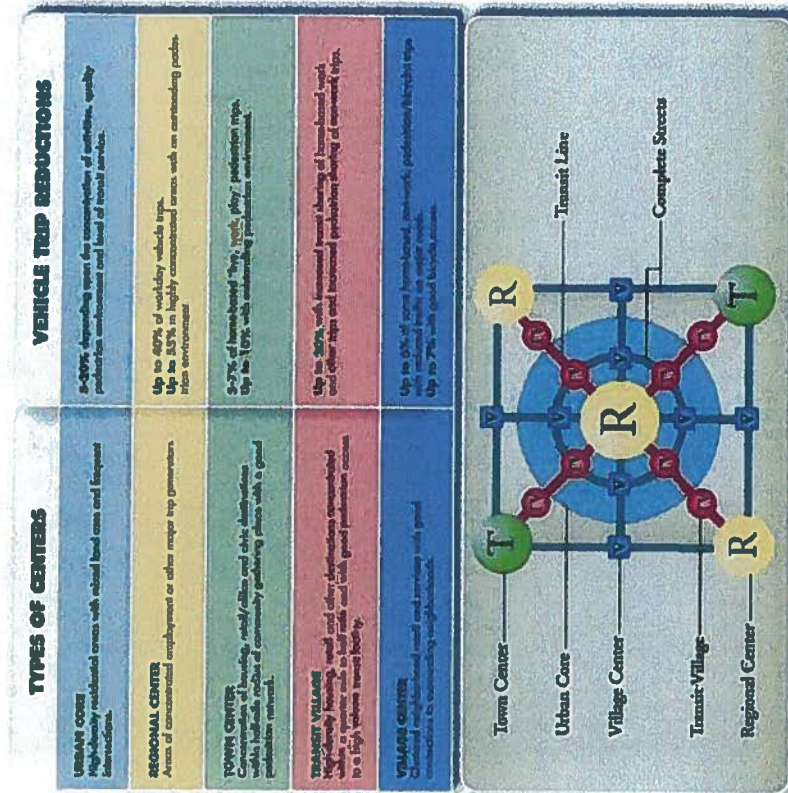


3C'S PROGRAM POTENTIAL

- Reduce Roadway Congestion
- Improve Roadway Safety
- Create Economic Advantages
- Produce Environmental Benefits
- Create Quality Places

HOW H-GAC CAN HELP

- Coordinate transit and roadway planning to ensure that existing and planned Centers are well connected to the region's multi-modal transportation network
- Promote roadway designs appropriate for the context of the surrounding community to ensure safe, convenient travel choices for all user modes
- Promote coordination of local transportation improvements and private sector development
- Help fund local planning studies to assist in the development of Centers
- Provide funding support for internal street connections and pedestrian facilities



Source: H-GAC



Appendix

- A ACCESS MANAGEMENT
- B ROADWAY INVENTORY
- C CRASH DATA
- D TRAFFIC DATA AND TURNING MOVEMENT COUNTS
- E TRAFFIC SIGNAL INVENTORY
- F TRAFFIC ANALYSIS / SIMULATION
- G DETAILED COST ESTIMATES
- H PUBLIC MEETING SUMMARY REPORT

Regular City Council

Agenda Item

Meeting Date: September 17, 2012

Data Sheet

Topic:

Conduct First Public Hearing on the Proposed 2012 Tax Rate and Announce that the Second Public Hearing will be held on September 24, 2012 at 5:00 p.m.

Background:

The proposed tax rate for 2012 is \$0.341455/\$100 of taxable value. Although the average taxable value of a residential homestead has declined slightly, the City may received additional revenues, due in part to the addition of new property to the tax roll.

Under Truth-in-Taxation regulations, the City must conduct two public hearings after publishing the notice of the effective and rollback tax rates. The second public hearing will be held on Monday, September 24, 2012 at 5:00 p.m.

Origination:

City Secretary

Recommendation:

N/A

Funding:

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

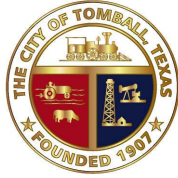
City Secretary

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

ATTACHMENTS:

Notice of Public Hearings - September 17, 2012 and September 24, 2012

**NOTICE OF PUBLIC HEARINGS AT
SPECIAL AND REGULAR COUNCIL MEETINGS
CITY OF TOMBALL, TEXAS**



**MONDAY, SEPTEMBER 17, 2012
6:00 P.M.**

and

**MONDAY, SEPTEMBER 24, 2012
5:00 P.M.**

Notice is hereby given that **PUBLIC HEARINGS** will be held by the Tomball City Council, as the Governing Body of the City of Tomball, at a Special Council Meeting on Monday, September 17, 2012 at 6:00 p.m., and at a Regular Council Meeting on Monday, September 24, 2012 at 5:00 p.m., at City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following:

Public Hearing on Tax Revenue Increase for
Proposed 2012 Tax Rate of \$0.341455/\$100 Assessed Value
for the City of Tomball, Texas.

Persons interested in the above-proposed 2012 Tax Rate for the City of Tomball, Texas will be given an opportunity to be heard.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5th day of September 2012 by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer
Doris Speer
City Secretary, TRMC

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: September 17, 2012

Topic:

Announce that the Vote on the Proposed 2012 Tax Rate will be held on October 1, 2012 at 6:00 p.m. and October 8, 2012 at 5:00 p.m.

Background:

The notice of effective tax rate and the notice of public hearings on tax increase have been published in the official newspaper and on the City's website as required under the Truth-in-Taxation laws (see attached).

Under the State's Truth-in-Taxation laws (Chapter 26, Tax Code), following each public hearing, the Mayor and Council must announce date, time and place of the meeting(s) at which the governmental body will vote to adopt the proposed tax rate. The dates approved by Council are October 1, 2012 at 6:00 p.m. and October 8, 2012 at 5:00 p.m., in City Hall, 401 Market Street, Tomball, Texas.

Special notices regarding the vote on the tax rate will be published in the Potpourri and the Tribune and will also be posted on the City's website.

Origination:

State of Texas Truth-in-Taxation requirements.

Recommendation:

Announce date, time and place of the meetings at which Council will vote on the tax rate.

Funding:

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

City Secretary

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

ATTACHMENTS:

Notice of Tax Revenue Increase



NOTICE OF TAX REVENUE INCREASE

The City of Tomball, Texas
(name of taxing unit)
conducted public hearings on Sept. 17, 2012 and Sept. 24, 2012 on a proposal to increase
(date of first hearing) (date of second hearing)
the total tax revenues of the City of Tomball, Texas
(name of taxing unit)
from properties on the tax roll in the preceding year by 11.68 percent.
(percentage by which proposed tax rate exceeds lower of rollback rate or effective tax rate calculated under this chapter)

The total tax revenue proposed to be raised last year at last year's tax rate of \$0.341455
(insert tax rate for the preceding year)
for each \$100 of taxable value was \$4,004,076.
(insert total amount of taxes imposed for the preceding year)

The total tax revenue proposed to be raised this year at the proposed tax rate of \$0.341455
(insert proposed tax rate)
for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax
roll this year, is \$4,471,882.
(insert amount computed by multiplying proposed tax rate by the difference between current total value and new property value.)

The total tax revenue proposed to be raised this year at the proposed tax rate of \$0.341455
(insert proposed tax rate)
for each \$100 of taxable value, including tax revenue to be raised from new property added to the tax
roll this year, is \$4,561,041.
(insert amount computed by multiplying proposed tax rate by current total value.)

The City of Tomball, Texas is scheduled to vote on the tax
(governing body of the taxing unit)
rate that will result in that tax increase at a public meeting to be held on October 1, 2012
(date of meeting)
at 6:00 p.m. and on October 8, 2012 at 5:00 p.m. at City Hall, 401 Market Street, Tomball, Texas 77375
(location of meeting, including mailing address)

Regular City Council

Agenda Item

Meeting Date: September 17, 2012

Data Sheet

Topic:

Approve Resolution No. 2012-24, a Resolution of the City Council of the City of Tomball, Texas for the Designation of a Representative and Alternate for the Houston-Galveston Area Council 2013 General Assembly

Background:

This is an annual appointment; each member home rule city under 25,000 population as of the most recent Census is entitled to designate one representative and one alternate to the H-GAC General Assembly.

Traditionally, Council has designated the Mayor as the representative and the Mayor Pro-Tem as the alternate; in 2010 and 2011, Council designated Councilman Townsend as the Representative and Councilman Stoll as the Alternate Representative to the H-GAC General Assembly.

H-GAC has requested designation of the City's representatives no later than October 1, 2012.

Origination:

Jack Steele, Executive Director, Houston-Galveston Area Council

Recommendation:

Approve Resolution No. 2012-24, Designating Representative and Alternate Representative for H-GAC 2013 General Assembly

Funding:

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

City Secretary

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

ATTACHMENTS:

H-GAC Request Letter

Resolution No. 2012-24 - Designating City Representatives for H-GAC 2013 General Assembly



August 30, 2012

The Honorable Gretchen Fagan
Mayor, City of Tomball
401 Market Street
Tomball, TX 77375

Dear Mayor Fagan:

I am writing regarding the appointment of your city's representative to H-GAC's 2013 General Assembly.

H-GAC's Bylaws provide that each member home rule city with a population under 25,000 as of the last (2010) Federal Census is entitled to designate one representative and one alternate to the H-GAC General Assembly, which will meet in early 2013.

I am enclosing the appropriate form for your city's use in officially designating a representative and an alternate. The two designees must be elected official members of your city's governing body.

A dinner meeting of home rule city representatives will be scheduled for November. At that meeting, your 2012 Home Rule Cities' H-GAC Board of Directors representatives will report on this year's activities and look ahead to issues and progress in 2013.

We are sending a copy of these designation materials to your city secretary as well. We would appreciate receiving your city's designation form no later than October 1. If you have any questions or problems in this designation process, please call Rick Guerrero, 713-993-4598.

Sincerely,

Jack Steele

JS/kay

Enclosure

cc: City Secretary

RESOLUTION NO. 2012-24

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF TOMBALL, TEXAS, FOR THE DESIGNATION OF ITS
REPRESENTATIVE AND ALTERNATE FOR THE
HOUSTON-GALVESTON AREA COUNCIL 2013
GENERAL ASSEMBLY**

* * * * *

BE IT RESOLVED, by the Mayor and City Council of Tomball, Texas, that _____,
Councilman, Position ____, of the City of Tomball, be, and is hereby designated as its
Representative to the **GENERAL ASSEMBLY** of the Houston-Galveston Area Council for the
year 2013.

FURTHER, that the Official Alternative authorized to serve as the voting representative should
the hereinabove named representative is unable to attend, become ineligible, or should he/she
resign, is _____, Councilman, Position ____, of the City of Tomball.

THAT the Executive Director of the Houston-Galveston Area Council be notified of the
designation of the hereinabove named representative and alternate.

**PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY
COUNCIL HELD ON THE 17TH DAY OF SEPTEMBER, 2012.**

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

Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary

Regular City Council

Agenda Item

Meeting Date: September 17, 2012

Data Sheet

Topic:

Approve a Development Agreement between the City of Tomball and Stripes, LLC to Participate with the Over-Sizing Cost of Water, Sanitary Sewer, and Gas Facility Extensions along Holderrieth Road

Background:

Attached is the proposed Development Agreement between the City of Tomball and Stripes, LLC. associated with their request for the oversizing of the water, sanitary sewer, and gas facilities. The request is in accordance to Chapter 82, titled "Utilities", and under Section 82-237, titled "Extension of city-owned utilities; required connections to city water, sewer, and gas lines for service of new construction". Stripes is required to provided plans for the proposed water, santiatry sewer, and gas facility extensions. The plans will be designed in accordance with the City of Tomball's Minimum Construction Standards for Community Improvements.

The development agreement is not to exceed \$50,132.00 based on the cost estimate provided by Stripes, LLC. engineer. The Engineer's cost estimate is attached for Holderrieth Rd (minimum size to service the site only and ultimate size) and SH 249. The eligible costs under this agreement is for the over-sizing of the lines along Holderrieth Rd.

The TEDC has provided a funding option for the SH 249 utilties extension, not to exceed \$21,000.

Origination:

Engineering and Planning Department

Recommendation:

Engineering and Planning Department recommend approval of the Development Agreement.

Funding:

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

Engineering and Planning Department

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

ATTACHMENTS:

Stripes Request for Reimbursement
Agreement
Exhibit A
Exhibit B



Richard J. Hatch, Jr.
Senior Counsel

Tel: 361.693.3646
Fax: 361.693.3725
rhatch@susser.com

August 21, 2012

Ms. Lori Lakatos
Acting City Engineer
Engineering & Planning Department
501 James Street
Tomball, TX 77375

RE: NWC SH 249 & Holderrieth Tomball, TX
Request for Reimbursement Associated with Proposed
Utilities to Serve Stripes Development

Dear Ms. Lakatos:

Stripes LLC (Stripes) is proposing a 4,833 SF convenience store with gasoline facilities at the NWC of SH 249 and Holderrieth Road.

In order to develop the site, the City of Tomball has requested Stripes to oversize the water and sanitary sewer service along Holderrieth. In addition, the City has requested Stripes to extend utilities along SH 249. Jacobs Engineering's letter with cost estimates outlining the scope of this work is enclosed. Jacobs' estimate for the additional work requested by the City of Tomball is \$105,200.00.

We have requested assistance from Tomball Economic Development Corporation for the eligible amount of improvements along SH 249 Frontage. Attached is a letter from Stripes to Kelly Violette dated August 21, 2012. It is our understanding that this request is for a potential grant of \$21,000.00.

We are requesting an Agreement with the City of Tomball to reimburse Stripes for the eligible amount of improvements along Holderrieth. It is our understanding that these are potentially \$50,132.00.

Very truly yours,

Richard J. Hatch, Jr.

RHJ/ic
Enclosures





5995 Rogerdale Road
Houston, TX 77072

Office: (832) 361-7230
Fax: (832) 361-7786

August 15, 2012

Tomball, TX Economic Development Corporation
29201 Quinn Road, Suite B
Tomball, TX 77375
Attention: Ms. Kelly Violette

**Subject: Stripes Gas Station – NWC of SH 249 and Holderrieth
Request for Reimbursement Associated with Proposed Utilities to Serve
Stripes Development**

Dear Ms. Violette:

Stripes LLC ("Stripes") is proposing a 4,833 SF gas station with a convenience store at the northwest corner of State Highway 249 and Holderrieth Road. On behalf of Stripes, Jacobs Engineering Group Inc. respectfully requests your assistance with financial reimbursement for the utilities that are proposed to serve the development for reasons elucidated below.

The Stripes development consists of approximately 1.40 acres. The development will require water, sewer, and gas service from the City of Tomball, consisting of a minimum 8-inch water and sewer lines, and a 6-inch gas line. The existing utilities located at the southeast corner of the site will be extended to and through the site development property within easements along the north side of the future Holderrieth Road extension (southern boundary of the property). The costs associated with the utility extensions and an accompanying exhibit are shown on Exhibits A and A-1, enclosed herewith.

Preliminary discussions with the City of Tomball Engineer, Ms. Lori Lakatos, indicated that the utility extensions would have to be sized to account for future development further west of the proposed site. In particular, the 8-inch water line would have to be increased to a 12-inch waterline and the 8-inch sanitary sewer would have to be upsized to a 30-inch sewer (and installed deeper); the gas line size would remain the same. The costs associated with the utilities sized in accordance with City of Tomball's requirements, as well as an exhibit, are shown on Exhibits B and B-1, and also enclosed herewith.

In addition to the size of the utilities, the Ms. Lakatos stipulated that the utilities will also have to be installed along the State Highway 249 property frontage. These utilities will consist of 12-inch water and sanitary sewer lines and a 6-inch gas line, and they will have to be extended to the property boundary's northernmost limit along SH 249. The costs and an exhibit that reflects this City requirement are shown on Exhibits C and C-1.

In order to obtain City of Tomball approval, the development will require the construction of the utilities outlined in Exhibits B and C. Stripes is requesting financial reimbursement on the basis that the size and additional construction of the utilities described therein exceed the minimum requirements necessary to serve the proposed development. Since the development will only require the utilities outlined in Exhibits A, we request that the Tomball Economic Development Corporation cover the marginal difference between with the construction costs of Exhibits B and C versus the costs in Exhibit A. Based on the costs estimates, this amount is approximately

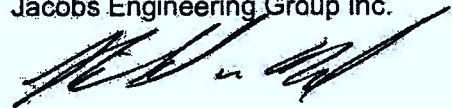
\$105,200. Please note that this amount also includes soft costs associated with the engineering design and permitting of the utilities along the SH 249 frontage only.

Stripes has invested a great deal of effort to establish the feasibility of the site for the proposed gas station. They hope to garner your support and partnership, and contribute to the growth of the Tomball economy.

If you have any questions or need additional information, please do not hesitate to call me at 281.776.2104 or via e-mail at richard.bard@jacobs.com.

Sincerely,

Jacobs Engineering Group Inc.

A handwritten signature in black ink, appearing to read 'Richard Bard', is written over the printed name.

Richard Bard, E.I.T.

Attachments: (6) Exhibits A, A-1, B, B-1, C, C-1

P:\Stripes_LL\C\WHXJ4108-SH249_Holderreith\600DISC\602civil\Tomball Capital Development Group.doc



Stripes NWC of SH 249 & Holderrieth, Tomball, TX

Utility Extensions

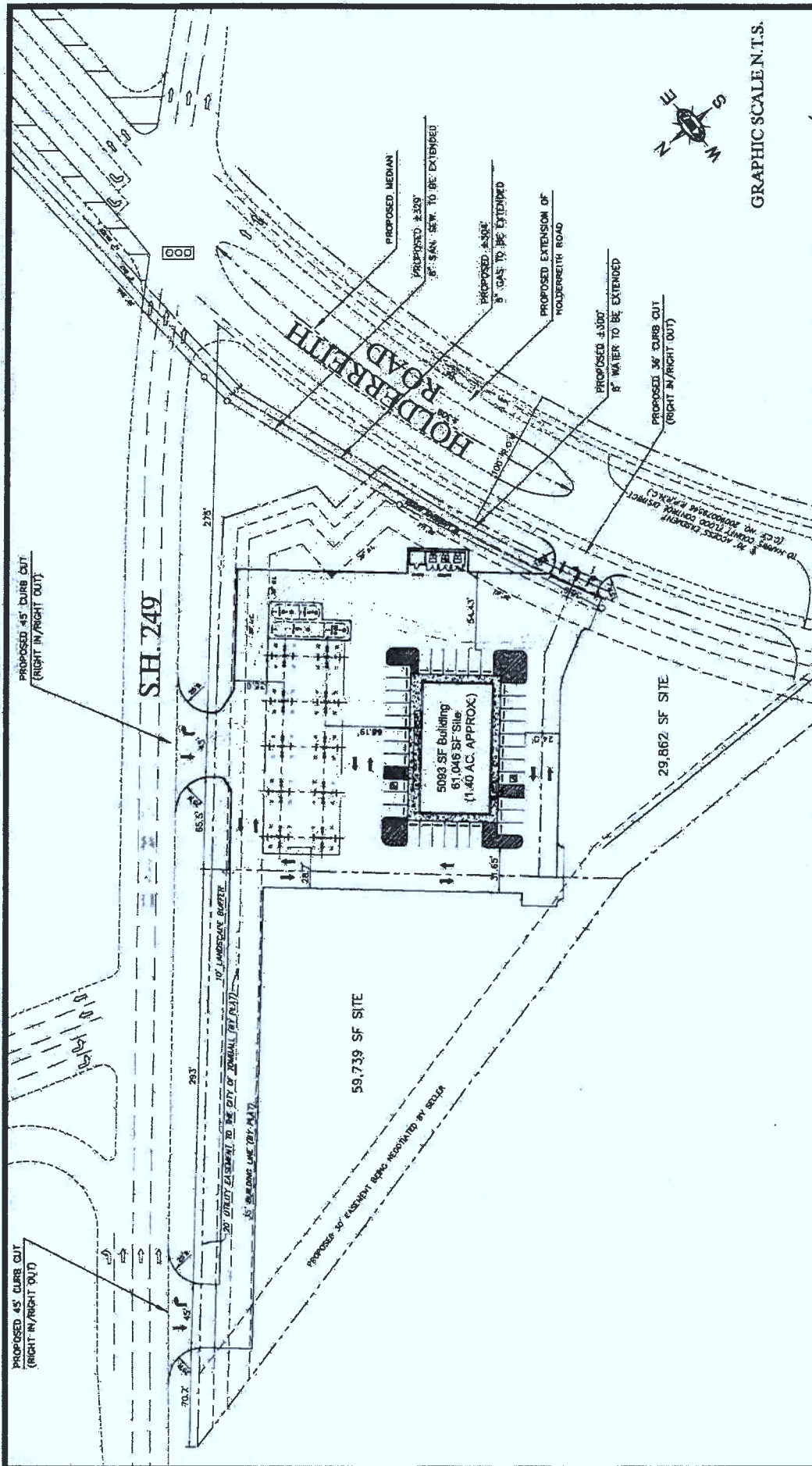
Engineer's Opinion of Probable Construction Cost

Exhibit A

Based on Minimum Required Utility Sizes Along Holderrieth ONLY

BY: HES
CHECKED BY: MI
DATE: 6/21/2012

Item	Description	Units	Quantity	Unit Price	Total
General					
1	Mobilization and Demobilization	LS	1	\$2,046.62	\$ 2,046.62
2	Traffic Control Plan along SH 249	EA	1	\$3,000.00	\$ 3,000.00
TOTAL					\$ 5,046.62
Sanitary					
1	8-Inch Sanitary Sewer Pipe, 8'-10' Depth, Open Cut	LF	329	\$ 25.00	\$ 8,225.00
2	4-Foot Diameter Manhole	EA	3	\$2,000.00	\$ 6,000.00
3	Connect 8" Sanitary to Existing Manhole	EA	1	\$3,500.00	\$ 3,500.00
4	Trench Safety System, All Depths	LF	329	\$ 0.15	\$ 49.35
TOTAL					\$ 17,774.35
Water					
1	8" PVC Water Pipe, C-900, All Depths, Open Cut	LF	300	\$ 20.00	\$ 6,000.00
2	Fire Hydrant Assembly Including Tee Gate Valve & Box	EA	1	\$2,800.00	\$ 2,800.00
3	8" AWWA Gate Valve and Box	EA	1	\$ 900.00	\$ 900.00
4	8" Plug and Clamp with 2" Blow Off Assembly	EA	1	\$ 450.00	\$ 450.00
5	Remove Exist. WL Plug&Clamp and Connect Prop. WL	EA	1	\$ 350.00	\$ 350.00
6	Trench Safety	LF	300	\$ 0.15	\$ 45.00
TOTAL					\$ 10,545.00
Gas					
1	6-Inch Poly Gas Line, Open Cut	LF	304	\$ 17.50	\$ 5,320.00
2	Trench Safety	LF	304	\$ 0.15	\$ 45.60
TOTAL					\$ 5,365.60
Erosion Control					
1	Filter Fabric Fencing	LF	350	\$ 4.50	\$ 1,575.00
TOTAL					\$ 1,575.00
PROJECTED CONSTRUCTION COST					\$ 40,306.57
10% Contingencies					\$ 4,030.66
Construction Materials Testing					\$ 1,000.00
GRAND TOTAL					\$45,337.23



S.H. 249 & Holderreith Road
 Tomball, Texas
EXHIBIT "A-1"
STRIPES REQUIREMENTS
 DATE: JUNE 21, 2012

SHEET 1 OF 3



REVISIONS	
NO.	DESCRIPTION



Stripes NWC of SH 249 & Holderrieth, Tomball, TX

Utility Extensions

Engineer's Opinion of Probable Construction Cost

Exhibit B

Based on City of Tomball Requirements Along Holderrieth ONLY

BY: HES
CHECKED BY: MI
DATE: 6/21/2012

Item	Description	Units	Quantity	Unit Price	Total
General					
1	Mobilization and Demobilization	LS	1	\$4,781.12	\$ 4,781.12
2	Traffic Control Plan along SH 249	EA	1	\$3,000.00	\$ 3,000.00
TOTAL					\$ 7,781.12
Sanitary					
1	30-Inch Sanitary Sewer Pipe, 18'-20' Depth, Open Cut	LF	329	\$ 150.00	\$ 49,350.00
2	4-Foot Diameter Manhole	EA	3	\$2,000.00	\$ 6,000.00
3	Connect 30" Sanitary to Existing Manhole	EA	1	\$5,000.00	\$ 5,000.00
4	Trench Safety System, All Depths	LF	329	\$ 0.15	\$ 49.35
TOTAL					\$ 60,399.35
Water					
1	12" PVC Water Pipe, C-900, All Depths, Open Cut	LF	300	\$ 27.00	\$ 8,100.00
2	Fire Hydrant Assembly Including Tee Gate Valve & Box	EA	1	\$2,800.00	\$ 2,800.00
3	12" AWWA Gate Valve and Box	EA	1	\$1,700.00	\$ 1,700.00
4	12" Plug and Clamp with 2" Blow Off Assembly	EA	1	\$ 500.00	\$ 500.00
5	Remove Exist. WL Plug&Clamp and Connect Prop. WL	EA	1	\$ 350.00	\$ 350.00
6	Trench Safety	LF	300	\$ 0.15	\$ 45.00
TOTAL					\$ 13,495.00
Gas					
1	6-Inch Poly Gas Line, Open Cut	LF	304	\$ 17.50	\$ 5,320.00
2	Trench Safety	LF	304	\$ 0.15	\$ 45.60
TOTAL					\$ 5,365.60
Erosion Control					
1	Filter Fabric Fencing	LF	350	\$ 4.50	\$ 1,575.00
TOTAL					\$ 1,575.00
PROJECTED CONSTRUCTION COST					\$ 88,616.07
10% Contingencies					\$ 8,861.61
Construction Materials Testing					\$ 1,000.00
GRAND TOTAL					\$98,477.68



Stripes NWC of SH 249 & Holderrieth, Tomball, TX

Utility Extensions

Engineer's Opinion of Probable Construction Cost

Exhibit C

Based on City of Tomball Requirements Along SH 249 Frontage ONLY

BY: HES
CHECKED BY: MI
DATE: 6/21/2012

Item	Description	Units	Quantity	Unit Price	Total
<u>General</u>					
1	Mobilization and Demobilization	LS	1	\$1,889.47	\$ 1,889.47
TOTAL					\$ 1,889.47
<u>Sanitary</u>					
1	12-Inch Sanitary Sewer Pipe, 8'-10' Depth, Open Cut	LF	334	\$ 32.00	\$ 10,688.00
2	4-Foot Diameter Manhole	EA	2	\$2,000.00	\$ 4,000.00
4	Trench Safety System, All Depths	LF	334	\$ 0.15	\$ 50.10
TOTAL					\$ 14,738.10
<u>Water</u>					
1	12" PVC Water Pipe, C-900, All Depths, Open Cut	LF	327	\$ 27.00	\$ 8,829.00
2	Fire Hydrant Assembly Including Tee Gate Valve & Box	EA	1	\$2,800.00	\$ 2,800.00
3	12" AWWA Gate Valve and Box	EA	1	\$1,700.00	\$ 1,700.00
4	12" Plug and Clamp with 2" Blow Off Assembly	EA	1	\$ 500.00	\$ 500.00
6	Trench Safety	LF	327	\$ 0.15	\$ 49.05
TOTAL					\$ 13,878.05
<u>Gas</u>					
1	6-Inch Poly Gas Line, Open Cut	LF	325	\$ 17.50	\$ 5,687.50
2	Trench Safety	LF	325	\$ 0.15	\$ 48.75
TOTAL					\$ 5,736.25
<u>Erosion Control</u>					
1	Filter Fabric Fencing	LF	350	\$ 4.50	\$ 1,575.00
TOTAL					\$ 1,575.00
PROJECTED CONSTRUCTION COST					\$ 37,816.87
10% Contingencies					\$ 3,781.69
Engineering and Permitting (25%)					\$ 9,454.22
Construction Materials Testing					\$ 1,000.00
GRAND TOTAL					\$52,052.77

AGREEMENT WITH DEVELOPER FOR CONSTRUCTION OF PUBLIC IMPROVEMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This Development Agreement executed as of the ____ day of _____, 20__ between the City of Tomball, Texas, ("City") and Stripes LLC, Owner and developer of certain hereinafter described property located within the City, ("Developer") all collectively referred to as "Parties."

WHEREAS, Developer wishes to develop certain property located within the City limits, which is described as Lots 1 of Block 1 of the Point South Business Park Subdivision, situated in the City of Tomball, Harris County, Texas, as depicted on a plat thereof recorded in Volume _____, Page _____, of the real property records of Harris County, Texas (the "Property"); and

WHEREAS, the Property lies within an area of the City which has limited sanitary sewer, water, and gas facilities; and

WHEREAS, during the development planning stage for the Property, the Developer submitted to the City a request to install the required sanitary sewer, water, and gas facilities which will have regional benefits to a portion of the City; and

WHEREAS, the City has no immediate plans to construct the required sanitary sewer, water, and gas facilities, but is willing to share in the cost of the construction of such facilities, and has funds appropriated and available to do so; and

WHEREAS, Developer has requested that it be allowed to construct the required sanitary sewer, water, and gas facilities to serve the Property, and share the costs with the City; and

WHEREAS, Section 212.071, *et.seq.* of the Texas Local Government Code authorizes municipalities to enter into a contract with a developer of a subdivision or land in the municipality to construct public improvements related to the development without complying with the competitive sealed bidding procedures of Chapter 252 of the Texas Local Government Code;

NOW THEREFORE, for and in consideration of the premises and mutual obligations, covenants, and benefits hereinafter set forth, the Parties agree as follows:

ARTICLE I

Definitions

The following terms and phrases used in this Agreement shall have the meanings ascribed hereto:

- 1.01. "Agreement" means this agreement, including any amendments hereto, between the City and Developer.
- 1.02. "Contractor" shall mean the person, firm, corporation, partnership, association, or other entity awarded the contract by Developer for the construction and installation of the Improvements.
- 1.03. "Improvements" shall mean 329 lineal feet of 30 inch sanitary sewer line, 304 lineal feet of 6 inch gas line, and 300 lineal feet of 12 inch water line to be constructed parallel to Holderrieth Road, northwest of the intersection of SH 249 (Tomball Parkway) and Holderrieth Road.

ARTICLE II

Construction of Improvements

- 2.01. Construction of Improvements. Developer agrees to construct the Improvements in accordance with the plans and specifications approved by the Director of Engineering & Planning, and as fully set forth in Exhibit "A" hereto. No change in the construction plans shall be made by Developer without the prior written consent of the Director of Engineering & Planning. The entire cost of the construction of the Improvements shall be the responsibility and obligation of Developer, except as herein provided.
- 2.02. Contracts for Construction. Developer shall contract with a qualified Contractor to construct the Improvements in accordance with the approved plans and specifications. The Director of Engineering & Planning shall review all contract documents and costs estimates, and shall approve the Contractor prior to the award of the contract. Developer shall be solely responsible for payment of the work as it is completed, and shall make all payments in a timely manner to the Contractor, sub-contractors, and other parties involved in the construction of the Improvements.
- 2.03. Performance, Payment and Maintenance Bonds. Developer shall post within the City faithful performance, payment, and maintenance bonds for construction of the Improvements to ensure completion of the project. The bond must be executed by a corporate surety in accordance with Chapter 2253, Texas Government Code.

- 2.04. Inspection. The Director of Engineering & Planning shall periodically inspect the construction of the Improvements in the same manner, and shall possess the same authority, as is provided during the construction of subdivision improvements pursuant to the City of Tomball Subdivision Ordinance, as amended.
- 2.05. Insurance. The Contractor awarded the contract to construct the Improvements shall be required to carry Worker's Compensation Insurance on his employees and public liability and property damage insurance on his equipment and employees. The public liability insurance shall be not less than five hundred thousand dollars (\$500,000.00) per person and one million dollars (\$1,000,000.00) per occurrence, with property damage insurance of not less than five hundred thousand dollars (\$500,000.00). In addition, City shall be furnished with Certificates of Insurance and shall be named an additional named insured on such Certificates, and City shall be notified within ten calendar days of any cancellation of such insurance.
- 2.06. Accounting. Developer shall submit to City a complete accounting of all costs incurred by Developer in the construction of the Improvements. City will not contribute or pay for any costs incurred by Developer which was not approved by City prior to it being incurred. Developer shall maintain the accounting on this project for a period of two years from the date of acceptance by the City, and the City may inspect the Developer's books and records related to the project at any time with reasonable notice.
- 2.07. Indemnity. Developer agrees to protect, indemnify and save City harmless from and against all claims, demands and causes of action of every kind and character arising in favor of any third party on account of, or resulting from, the performance of this Agreement by Developer or Developer's agents, representatives, employees, contractors, or subcontractors.

ARTICLE III. City Obligations

- 3.01. Oversized Improvements. The City agrees to pay to Developer the construction costs of oversizing the Improvements, not to exceed Fifty-Thousand One-Hundred Thirty-Two Dollars and No Cents (\$50,132.00), as identified and described in Exhibit "B" attached hereto and made a part hereof.
- 3.02. Payment to Developer. Exhibit "B" attached hereto designates the proportional split in costs for construction of the Improvements. City shall deliver to Developer full payment of the City's share of the costs of construction of the Improvements following submittal and review of documentation showing final, actual construction costs paid by the Developer. The Director of Engineering & Planning shall review the construction documents, conduct a final

inspection on the Improvements, noting any required corrections or repairs, and make a recommendation to City Council on acceptance of the Improvements. Upon action by City Council accepting such Improvements, the City will pay to Developer the City's share of the costs. Any additional costs above those enumerated, or above the amounts described in Exhibit "B" must be approved by the City prior to being incurred.

ARTICLE IV

Miscellaneous Provisions

- 4.01 Assignment. This Agreement shall bind and benefit the respective Parties and their legal successors and shall not be assignable, in whole or in part, by any party without first obtaining written consent of the other party.
- 4.02 Amendment or Modification. Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment or modification only in writing, and by the signatures and mutual consent of the Parties.
- 4.03. Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the Parties hereto and shall not be construed to confer any rights upon any third party.
- 4.04. Remedies Not Exclusive. The rights and remedies contained in this Agreement shall not be exclusive, but shall be cumulative of all rights and remedies now or hereinafter existing, by law or in equity.
- 4.05. Waiver. The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.
- 4.06. Entire Agreement. This Agreement constitutes the entire agreement between the Parties related to the subject matter of this Agreement and supersedes any and all prior agreements, whether oral or written, dealing with the subject matter of this Agreement.
- 4.07. Venue. This Agreement shall be performable and enforceable in Harris County, Texas, and shall be construed in accordance with the laws of the State of Texas.
- 4.08. Severability. If any term or provision of this Agreement is held to be invalid, void or unenforceable by a court of competent jurisdiction, the remainder of the terms and provisions of this Agreement shall remain in full force and effect and shall not in any way be invalidated, impaired or affected.

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

If to City:

City of Tomball
401 W. Market Street
Tomball, Texas 77375
ATTN: Director of Engineering & Planning

If to Developer:

Stripes LLC
4525 Ayers St. (78415)
P.O. Box 9036 (78469-9036)
Corpus Christi, Texas
ATTN: Legal Department

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one and the same instrument.

CITY OF TOMBALL

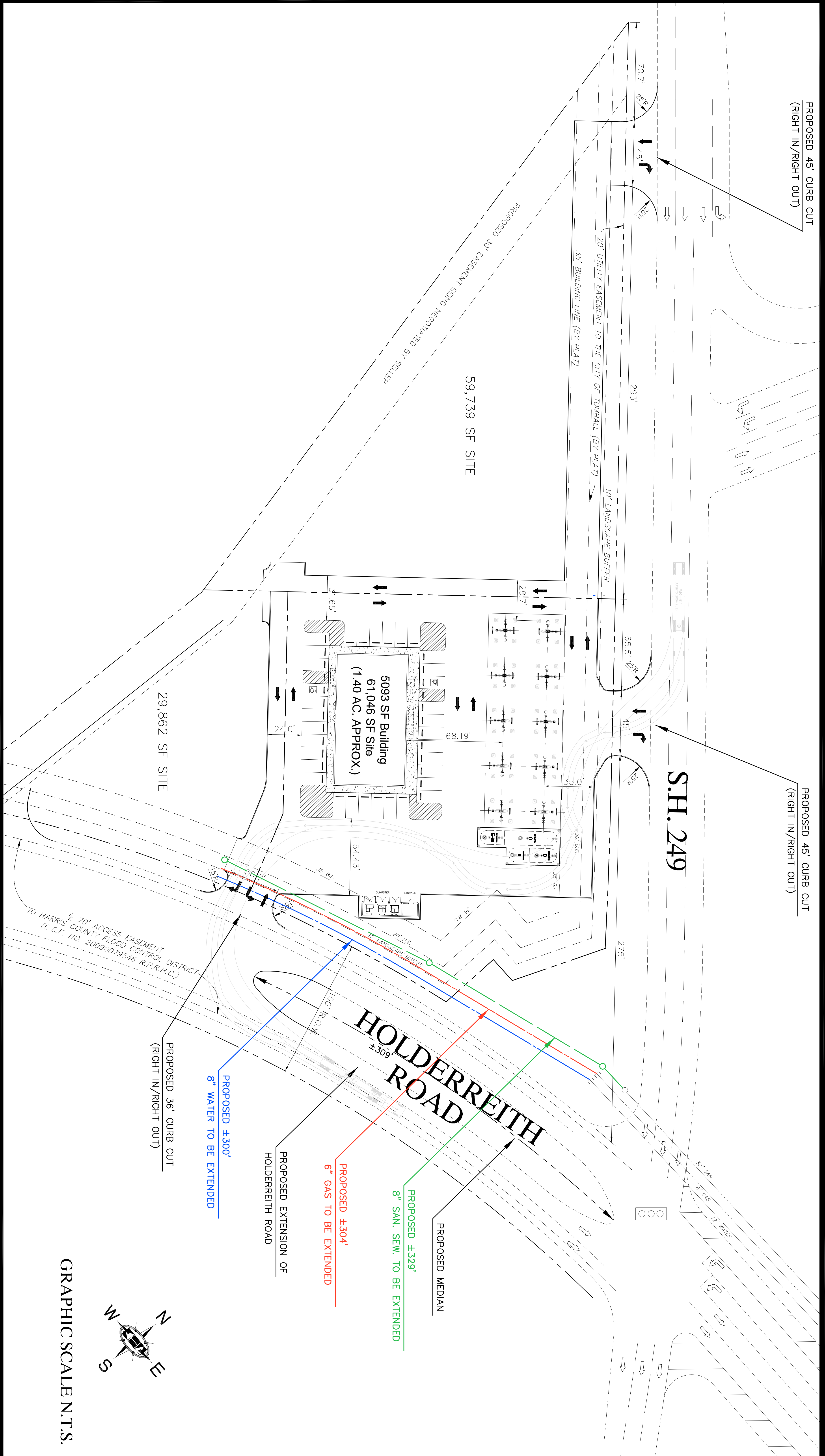
Gretchen Fagan
Mayor

ATTEST:

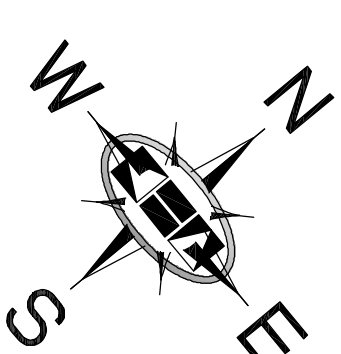
Doris Speer
City Secretary

DEVELOPER:

Authorized Signature, Name, and Title:



GRAPHIC SCALE N.T.S.



S.H. 249 & Holderwith Road
Tomball, Texas
EXHIBIT "A-1"
STRIPES REQUIREMENTS
DATE: JUNE 21, 2012

SHEET 1 OF 3



Stripes NWC of SH 249 & Holderrieth, Tomball, TX

Utility Extensions

Engineer's Opinion of Probable Construction Cost

Exhibit A

Based on Minimum Required Utility Sizes Along Holderrieth ONLY

BY: HES
 CHECKED BY: MI
 DATE: 6/21/2012

<u>Item</u>	<u>Description</u>	<u>Units</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total</u>
<u>General</u>					
1	Mobilization and Demobilization	LS	1	\$2,046.62	\$ 2,046.62
2	Traffic Control Plan along SH 249	EA	1	\$3,000.00	\$ 3,000.00
TOTAL					\$ 5,046.62
<u>Sanitary</u>					
1	8-Inch Sanitary Sewer Pipe, 8'-10' Depth, Open Cut	LF	329	\$ 25.00	\$ 8,225.00
2	4-Foot Diameter Manhole	EA	3	\$2,000.00	\$ 6,000.00
3	Connect 8" Sanitary to Existing Manhole	EA	1	\$3,500.00	\$ 3,500.00
4	Trench Safety System, All Depths	LF	329	\$ 0.15	\$ 49.35
TOTAL					\$ 17,774.35
<u>Water</u>					
1	8" PVC Water Pipe, C-900, All Depths, Open Cut	LF	300	\$ 20.00	\$ 6,000.00
2	Fire Hydrant Assembly Including Tee Gate Valve & Box	EA	1	\$2,800.00	\$ 2,800.00
3	8" AWWA Gate Valve and Box	EA	1	\$ 900.00	\$ 900.00
4	8" Plug and Clamp with 2" Blow Off Assembly	EA	1	\$ 450.00	\$ 450.00
5	Remove Exist. WL Plug&Clamp and Connect Prop. WL	EA	1	\$ 350.00	\$ 350.00
6	Trench Safety	LF	300	\$ 0.15	\$ 45.00
TOTAL					\$ 10,545.00
<u>Gas</u>					
1	6-Inch Poly Gas Line, Open Cut	LF	304	\$ 17.50	\$ 5,320.00
2	Trench Safety	LF	304	\$ 0.15	\$ 45.60
TOTAL					\$ 5,365.60
<u>Erosion Control</u>					
1	Filter Fabric Fencing	LF	350	\$ 4.50	\$ 1,575.00
TOTAL					\$ 1,575.00
PROJECTED CONSTRUCTION COST					\$ 40,306.57
10% Contingencies					\$ 4,030.66
Construction Materials Testing					\$ 1,000.00
GRAND TOTAL					\$45,337.23



Stripes NWC of SH 249 & Holderrieth, Tomball, TX

Utility Extensions

Engineer's Opinion of Probable Construction Cost

Exhibit B

Based on City of Tomball Requirements Along Holderrieth ONLY

BY: HES
 CHECKED BY: MI
 DATE: 6/21/2012

<u>Item</u>	<u>Description</u>	<u>Units</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total</u>
<u>General</u>					
1	Mobilization and Demobilization	LS	1	\$4,781.12	\$ 4,781.12
2	Traffic Control Plan along SH 249	EA	1	\$3,000.00	\$ 3,000.00
TOTAL					\$ 7,781.12
<u>Sanitary</u>					
1	30-Inch Sanitary Sewer Pipe, 18'-20' Depth, Open Cut	LF	329	\$ 150.00	\$ 49,350.00
2	4-Foot Diameter Manhole	EA	3	\$2,000.00	\$ 6,000.00
3	Connect 30" Sanitary to Existing Manhole	EA	1	\$5,000.00	\$ 5,000.00
4	Trench Safety System, All Depths	LF	329	\$ 0.15	\$ 49.35
TOTAL					\$ 60,399.35
<u>Water</u>					
1	12" PVC Water Pipe, C-900, All Depths, Open Cut	LF	300	\$ 27.00	\$ 8,100.00
2	Fire Hydrant Assembly Including Tee Gate Valve & Box	EA	1	\$2,800.00	\$ 2,800.00
3	12" AWWA Gate Valve and Box	EA	1	\$1,700.00	\$ 1,700.00
4	12" Plug and Clamp with 2" Blow Off Assembly	EA	1	\$ 500.00	\$ 500.00
5	Remove Exist. WL Plug&Clamp and Connect Prop. WL	EA	1	\$ 350.00	\$ 350.00
6	Trench Safety	LF	300	\$ 0.15	\$ 45.00
TOTAL					\$ 13,495.00
<u>Gas</u>					
1	6-Inch Poly Gas Line, Open Cut	LF	304	\$ 17.50	\$ 5,320.00
2	Trench Safety	LF	304	\$ 0.15	\$ 45.60
TOTAL					\$ 5,365.60
<u>Erosion Control</u>					
1	Filter Fabric Fencing	LF	350	\$ 4.50	\$ 1,575.00
TOTAL					\$ 1,575.00
PROJECTED CONSTRUCTION COST					\$ 88,616.07
10% Contingencies					\$ 8,861.61
Construction Materials Testing					\$ 1,000.00
GRAND TOTAL					\$98,477.68

Regular City Council

Agenda Item

Meeting Date: September 17, 2012

Data Sheet

Topic:

Award Contract for COT Project Bid Number 2012-09, Elm and Fannin Street Parking Lots, E&P Project Number 2010-10032, to Project Management Group, LLC (PMG) in the Amount of \$519,506.10

Background:

The City of Tomball (City), in coordination with the Houston-Galveston Area Council (HGAC) and the Texas Department of Transportation (TxDOT), conducted a Livable Centers Downtown Plan in coordination with the FM 2920 Access Management Plan. The Access Management Plan calls for the removal of the onstreet parking that is currently within the limits of downtown Tomball along FM 2920 and as such the Livable Center Downtown Plan identified five (5) potential parking lot locations that could serve to replace the parking that will be lost along FM 2920 during the implementation of the Access Management Plan.

City Council approved and budgeted funds for the Capital Improvement Project Downtown Parking Lots for \$550,000. This project will provide additional parking on Elm and Fannin Street.

City Council approved a professional services contract with CLR Inc. on May 2, 2011 to design two parking lots, located on City owned property. On May 16, 2011 Council approved the design for an additional parking lot, located on non-City owned property. Since then the property owner has designed and constructed a parking facility. The final design drawings and technical specifications were completed for bidding purposes in August 2012. The bid package included a 90-day schedule for substantial completion. The bid schedule is summarized as follows:

- August 20, 2012 First Notice Printed
- August 27, 2012 Second Notice Printed
- August 28, 2012 Pre-Bid Meeting (3:00 pm)
- September 6, 2012 Bid Opening (3:00 pm)

The Consultant's recommendation and bid tab are included. They are of the opinion that PMG is the lowest responsible bidder, under the total base bid price. The contract is being recommended for consideration for the total base bid price and alternates one and two.

Origination:

Engineering and Planning Department

Recommendation:

Engineering and Planning recommend award of the contract to Project Management Group, LLC (PMG).

Funding: Yes

Account Number: 400-154-6409

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

Engineering and Planning

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

ATTACHMENTS:

- Contract Award Recommendation Letter
- Bid Tabulation
- Agreement
- Supplementary Conditions to Agreement



September 10, 2012

City of Tomball
Public Works Building
501 James Street
Tomball, TX 77375

Attn: Lori Lakatos, P.E.

Re: Recommendation of Award for
Elm & Fannin Street Parking Lots
Project Bid No. 2012-09, E&P Project No. 2010-10032

Dear Ms. Lakatos:

We have reviewed the bid tabulation for bids received on the above referenced project, and we are of the opinion that PMG Project Management Group, LLC (PMG) is the lowest responsible bidder under the Total Base Bid Price. The bid submitted by PMG shows no signs of imbalance or significant cause for concern, and their Bid Bond, Statement of Residency, and Affidavit of Ownership or Control appear to be in conformance with the bidding requirements.

On September 6, 2012, a total of 12 bids were received and opened for the proposed project in accordance with the Notice to Bidders. Total Base Bid was utilized to establish the order of the bids and identification of apparent low bidder. This evaluation method is in accordance with the bid documents and accounts for the possibility of no add alternates being selected and/or approved by the City.

The four apparent low bidders based on Total Base Bid were:

<u>Contractor</u>	<u>Base Bid Submitted</u>	<u>Base Bid (Corrected)</u>
1) Aaron's Utility	\$133,162.40	Unable to compare
2) GCC Builders	\$505,652.00	\$505,652.00
3) PMG Project Management Group	\$519,506.90	\$519,506.10
4) G.W. Phillips Concrete Construction	\$ 5,000.00	\$523,816.96

All bids were tabulated and discrepancies in multiplication of units of Work and unit prices were resolved in favor of the unit prices. Discrepancies between the indicated sum of any column of figures and the correct sum thereof were resolved in favor of the correct sum.

Of the bids received, two low bidders were determined to be non-responsive in accordance with criteria set forth by the Instructions to Bidders. Therefore we would recommend that these bids be rejected on the following basis:

- Bidder 1: Aaron's Utility, for a total bid price \$133,162.40.
 1. Bidder did not use any of the specified bid forms.
 2. Bidder specified storm sewer only, therefore supplying a conditional and incomplete bid.
 3. Bidder did not submit a bid bond.
- Bidder 2: GCC Builders, for a total bid price of \$571,817.00.
 1. In our opinion, this bid is materially unbalanced. Specifically, Alternate Items 2 & 3 (for site lighting decorative upgrades) have extreme variations from the engineer's estimate and the other bidders. The price bid is less than one-fifth the prices from other bidders.

During our review, the City was contacted by the Bidder acknowledging their error on the bid. According to the Bidder, correction of the error would result in a bid increase of \$41,800.00 (approximately 7 to 8% of the total contract price). However, state procurement statutes prohibit changing a bid for the purpose of correcting an error in bid prices after the bid has been opened.

If you have any questions please do not hesitate to call.

Sincerely,
CLR, Inc.



Kyle A. Bertrand, PE
Senior Vice President



Enclosure: Project Bid Tabulation

Bid Tab

					Engineer's Cost Estimate		GCC Builders		Project Management Group		GW Phillips Concrete		Complete Concrete	
A. BASE UNIT PRICE TABLE:							2		3		4		5	
ITEM NO.	CONTROL NO.	ITEM DESCRIPTION	UNIT MEASURE	UNIT QUANTITY	UNIT PRICE IN FIGURES (5)	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES
1	01502	Mobilization (Entire Project) ⁽¹⁾	LS	1	\$17,000.00 ⁽¹⁾	\$17,000.00 ⁽¹⁾	\$17,000.00	\$17,000.00	\$17,000.00	\$17,000.00	\$17,000.00	\$17,000.00	\$17,000.00	\$17,000.00
2	02221/02233	Clearing and Grubbing(Entire Project)	ACRE	1.5	\$2,500.00	\$3,750.00	\$2,600.00	\$3,900.00	\$1,150.00	\$1,725.00	\$8,000.00	\$12,000.00	\$10,000.00	\$15,000.00
3	01570, 01410	Storm Water Pollution Prevention (Maintenance) (Entire Project)	LS	1	\$1,000.00	\$1,000.00	\$4,500.00	\$4,500.00	\$948.00	\$948.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
4	01574	Reinforced Filter Fabric Fence, Complete In Place	LF	360	\$1.50	\$540.00	\$1.25	\$450.00	\$1.50	\$540.00	\$1.50	\$540.00	\$1.50	\$540.00
5	02922	Solid Sod, Complete In Place	SY	2,420	\$2.50	\$6,050.00	\$2.70	\$6,534.00	\$3.50	\$8,470.00	\$3.00	\$7,260.00	\$4.00	\$9,680.00
6	01555	Traffic Control, Maintenance, and Regulation, Including Signs, Signals, Traffic Control Devices, Flares, Flagmen, and Appurtenances, in accordance with drawings and specifications, Complete in Place (Entire	LS	1	\$10,000.00	\$10,000.00	\$9,750.00	\$9,750.00	\$4,749.50	\$4,749.50	\$2,000.00	\$2,000.00	\$4,000.00	\$4,000.00
7	01740	Site Restoration (Elm)	LS	1	\$1,450.00	\$1,450.00	\$1,500.00	\$1,500.00	\$575.00	\$575.00	\$4,000.00	\$4,000.00	\$2,000.00	\$2,000.00
8	01740	Site Restoration (Fannin)	LS	1	\$200.00	\$200.00	\$1,500.00	\$1,500.00	\$575.00	\$575.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
9	02221	Mill Asphaltic Surface (2" min) within ½ roadway width from proposed crown to proposed sawcuts for a length of 611 feet south from Houston Str apron, Complete In Place	SY	716	\$75.00	\$53,700.00	\$10.00	\$7,160.00	\$13.80	\$9,880.80	\$12.00	\$8,592.00	\$4.00	\$2,864.00
10	02221	Remove Exist Roadway Pvmnt, including sawcuts and offsite disposal	SY	625	\$5.00	\$3,125.00	\$13.50	\$8,437.50	\$5.90	\$3,687.50	\$4.50	\$2,812.50	\$7.00	\$4,375.00
11	02221	Remove Exist 12-inch Stm, including offsite disposal	LF	40	\$12.50	\$500.00	\$10.00	\$400.00	\$7.10	\$284.00	\$10.00	\$400.00	\$10.00	\$400.00
12	02221	Remove Exist 18-inch Stm, including offsite disposal	LF	25	\$15.00	\$375.00	\$15.00	\$375.00	\$7.10	\$177.50	\$10.00	\$250.00	\$10.00	\$250.00
13	02260	Trench Safety	LF	320	\$1.00	\$320.00	\$1.00	\$320.00	\$1.00	\$320.00	\$1.00	\$320.00	\$2.00	\$640.00
14	02506 / 02631	8" PVC STORM SEWER, OPEN CUT, ALL DEPTHS, Complete In Place	LF	66.0	\$20.00	\$1,320.00	\$25.00	\$1,650.00	\$43.70	\$2,884.20	\$21.00	\$1,386.00	\$40.00	\$2,640.00
15	02506 / 02631	12" PVC STORM SEWER, OPEN CUT, ALL DEPTHS, Complete In Place	LF	316	\$25.00	\$7,900.00	\$30.00	\$9,480.00	\$46.00	\$14,536.00	\$28.00	\$8,848.00	\$50.00	\$15,800.00
16	02611 / 02631	18" RCP STORM SEWER, OPEN CUT, ALL DEPTHS, Complete In Place	LF	132	\$30.00	\$3,960.00	\$35.00	\$4,620.00	\$50.60	\$6,679.20	\$42.00	\$5,544.00	\$60.00	\$7,920.00
17	02611 / 02631	24" RCP ARCH PIPE STORM SEWER, OPEN CUT, ALL DEPTHS, Complete In Place	LF	320	\$85.00	\$27,200.00	\$40.00	\$12,800.00	\$55.00	\$17,600.00	\$80.00	\$25,600.00	\$70.00	\$22,400.00
18	02633	18" RCP SET (TYP II) (4:1) (P)	EA	4	\$750.00	\$3,000.00	\$1,250.00	\$5,000.00	\$1,159.80	\$4,639.20	\$6.50	\$26.00	\$2,500.00	\$10,000.00
19	02081 02082 02087	Precast or Brick Type C Manhole, Complete In Place	EA	1.0	\$2,500.00	\$2,500.00	\$2,450.00	\$2,450.00	\$1,484.70	\$1,484.70	\$2,115.00	\$2,115.00	\$3,000.00	\$3,000.00
20	02081 02082 02087	Precast Junction Box Manhole, Complete In Place	EA	1	\$5,000.00	\$5,000.00	\$1,350.00	\$1,350.00	\$1,220.20	\$1,220.20	\$1,800.00	\$1,800.00	\$1,500.00	\$1,500.00
21	02632	Precast Modified Type H-2 Stm Inlet, Complete In Place	EA	1	\$1,750.00	\$1,750.00	\$3,225.00	\$3,225.00	\$1,841.20	\$1,841.20	\$2,200.00	\$2,200.00	\$3,000.00	\$3,000.00
22	02632	Precast Type A Stm Inlet, Complete In Place	EA	6	\$2,000.00	\$12,000.00	\$1,400.00	\$8,400.00	\$1,001.70	\$6,010.20	\$1,650.00	\$9,900.00	\$1,300.00	\$7,800.00
23	02632	18" Area Inlet, Complete In Place	EA	1	\$750.00	\$750.00	\$1,400.00	\$1,400.00	\$978.70	\$978.70	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00
24	02506	10" Restrictor, Complete In Place	LS	1	\$500.00	\$500.00	\$3,500.00	\$3,500.00	\$365.80	\$365.80	\$300.00	\$300.00	\$1,000.00	\$1,000.00
25	02314	Detention Excavation	CY	384	\$6.00	\$2,304.00	\$9.00	\$3,456.00	\$7.20	\$2,764.80	\$6.25	\$2,400.00	\$7.00	\$2,688.00
26	02314	Regrade Roadside Swale Ditch	LF	1,510	\$2.00	\$3,020.00	\$2.00	\$3,020.00	\$3.70	\$5,587.00	\$3.00	\$4,530.00	\$3.00	\$4,530.00
27	02315	Roadway/Site Excavation	CY	1,730	\$6.00	\$10,380.00	\$5.00	\$8,650.00	\$8.00	\$13,840.00	\$11.00	\$19,030.00	\$7.00	\$12,110.00
28	02319	Borrow (Compacted Fill)	CY	150	\$4.00	\$600.00	\$25.00	\$3,750.00	\$0.10	\$15.00	\$10.00	\$1,500.00	\$11.00	\$1,650.00
29	02337	Lime (3%) for Subgrade	TON	56	\$150.00	\$8,400.00	\$168.00	\$9,408.00	\$158.70	\$8,887.20	\$148.00	\$8,288.00	\$80.00	\$4,480.00
30	02337	Fly Ash (8%) for Subgrade	TON	149	\$65.00	\$9,685.00	\$80.00	\$11,920.00	\$74.80	\$11,145.20	\$68.00	\$10,132.00	\$140.00	\$20,860.00
31	02337	Lime/Fly Ash Stabilized Subgrade, 8-inch	SY	5,132	\$2.00	\$10,264.00	\$1.75	\$8,981.00	\$2.20	\$11,290.40	\$3.25	\$16,679.00	\$2.00	\$10,264.00
32	02751	6-inch Reinforced Concrete Pavement, Complete In Place	SY	4,982	\$25.00	\$124,550.00	\$30.50	\$151,951.00	\$34.20	\$170,384.40	\$29.25	\$145,723.50	\$28.00	\$139,496.00
33	02711	Black Base (7 inch MIN), Complete In Place	TON	163	\$75.00	\$12,225.00	\$105.00	\$17,115.00	\$63.30	\$10,317.90	\$102.61	\$16,725.43	\$90.00	\$14,670.00
34	02741	2-inch HMAc Surface (Type D), Complete In Place	TON	125	\$65.00	\$8,125.00	\$105.00	\$13,125.00	\$103.50	\$12,937.50	\$113.97	\$14,246.25	\$90.00	\$11,250.00
35	02771	6-inch Concrete Curb w/ 18-inch Gutter (monolithic concrete curb and gutter), Complete In Place	LF	505	\$9.00	\$4,545.00	\$16.00	\$8,080.00	\$10.50	\$5,302.50	\$9.00	\$4,545.00	\$12.00	\$6,060.00
36	02771	6-inch Concrete Curb, Complete In Place	LF	1,941	\$1.50	\$2,911.50	\$3.00	\$5,823.00	\$2.10	\$4,076.10	\$2.50	\$4,852.50	\$4.00	\$7,764.00
37	02775	6 Ft Wide Sidewalk (4.5" thick), Complete In Place	LF	478	\$21.00	\$10,038.00	\$21.60	\$10,324.80	\$19.90	\$9,512.20	\$18.00	\$8,604.00	\$25.00	\$11,950.00
38	02751 / 03315	5" Concrete Slope Paving at Ditches. Complete In Place	SY	112	\$55.00	\$6,160.00	\$80.00	\$8,960.00	\$31.50	\$3,528.00	\$40.00	\$4,480.00	\$60.00	\$6,720.00
39	02581	Site Lighting with standard specifications (Elm), including service transfers, Complete In Place	LS	1	\$36,250.00	\$36,250.00	\$55,059.40	\$55,059.40	\$57,500.00	\$57,500.00	\$64,900.00	\$64,900.00	\$40,000.00	\$40,000.00
40	02581	Site Lighting with standard specifications (Fannin), including service transfers, Complete In Place	LS	1	\$18,375.00	\$18,375.00	\$23,900.80	\$23,900.80	\$30,475.00	\$30,475.00	\$32,000.00	\$32,000.00	\$40,000.00	\$40,000.00
41	02767	Restoration, Relocation and/or Replacement of Existing Signing and Pavement Marking (Entire Project)	LS	1	\$3,000.00	\$3,000.00	\$950.00	\$950.00	\$8,625.00	\$8,625.00	\$400.00	\$400.00	\$2,500.00	\$2,500.00
42	02763	Thermoplastic Pavement Marking, Class II, 24" WHITE, SOLID for Cross Walk	LF	63	\$6.35	\$400.05	\$2.00	\$126.00	\$5.90	\$371.70	\$5.10	\$321.30	\$10.00	\$630.00
43	02763	Thermoplastic Pavement Marking, Class II, 24" WHITE, SOLID for Stop Line	LF	14	\$6.35	\$88.90	\$2.00	\$28.00	\$5.90	\$82.60	\$5.10	\$71.40	\$10.00	\$140.00
44	N/A	Parking Lot Striping (Elm), Complete In Place	LS	1	\$10,000.00	\$10,000.00	\$1,725.00	\$1,725.00	\$3,282.10	\$3,282.10	\$2,853.75	\$2,853.75	\$3,000.00	\$3,000.00
45	N/A	Parking Lot Striping (Fannin), Complete In Place	LS	1	\$4,000.00	\$4,000.00	\$575.00	\$575.00	\$1,262.70	\$1,262.70	\$1,098.20	\$1,098.20	\$1,500.00	\$1,500.00
46	N/A	Exist Parking Lot (Fannin Police Station) - Striping Conversion to two (2) Proposed Handicap Spaces, Complete In Place	LS	1	\$500.00	\$500.00	\$500.00	\$500.00	\$1,373.10	\$1,373.10	\$1,194.00	\$1,194.00	\$1,500.00	\$1,500.00
47	N/A	6 Ft Chain Link Fence, Complete In Place	LF	585	\$5.00	\$2,925.00	\$18.00	\$10,530.00	\$23.00	\$13,455.00	\$17.00	\$9,945.00	\$25.00	\$14,625.00
TOTAL BASE UNIT PRICES						\$452,636.45		\$473,659.50		\$493,187.10		\$492,912.83		\$495,696.00

Bid Tab

					Engineer's Cost Estimate			GCC Builders		Project Management Group		GW Phillips Concrete		Complete Concrete	
B. EXTRA UNIT PRICE TABLE:															
ITEM NO.	CONTROL NO.	ITEM DESCRIPTION	UNIT MEASURE	UNIT QUANTITY	UNIT PRICE IN FIGURES (5)	TOTAL IN FIGURES		UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES
48	02318 02320	Extra Bank Sand Backfill ⁽²⁾	CY	50	\$ <u> </u>	\$ <u> </u>									
					\$18.00 ⁽²⁾	\$900.00 ⁽²⁾		\$18.00	\$900.00	\$18.00	\$900.00	\$18.00	\$900.00	\$18.00	\$900.00
49	02321	Extra Cement Stabilized Sand ⁽²⁾	CY	100	\$ <u> </u>	\$ <u> </u>									
					\$22.00 ⁽²⁾	\$2,200.00 ⁽²⁾		\$22.00	\$2,200.00	\$22.00	\$2,200.00	\$22.00	\$2,200.00	\$22.00	\$2,200.00
50	01578	Extra Hand Excavation ⁽²⁾	EA	50	\$ <u> </u>	\$ <u> </u>									
					\$25.00 ⁽²⁾	\$1,250.00 ⁽²⁾		\$25.00	\$1,250.00	\$25.00	\$1,250.00	\$25.00	\$1,250.00	\$25.00	\$1,250.00
51	01578	Extra Machine Excavation ⁽²⁾	LF	100	\$ <u> </u>	\$ <u> </u>									
					\$30.00 ⁽²⁾	\$3,000.00 ⁽²⁾		\$30.00	\$3,000.00	\$30.00	\$3,000.00	\$30.00	\$3,000.00	\$30.00	\$3,000.00
52	02221	Extra Mill Asphaltic Surface (2" min), Complete In Place	SY	140	\$8.16	\$1,141.88		\$10.00	\$1,400.00	\$10.10	\$1,414.00	\$12.00	\$1,680.00	\$3.00	\$420.00
53	02221	Extra Removal of Exist Roadway Pvmr (including sawcuts)	SY	140	\$5.00	\$700.00		\$13.50	\$1,890.00	\$6.00	\$840.00	\$4.50	\$630.00	\$3.00	\$420.00
54	02315	Extra Roadway Excavation	CY	15	\$6.00	\$90.00		\$8.00	\$120.00	\$8.00	\$120.00	\$11.00	\$165.00	\$100.00	\$1,500.00
55	02711	Extra Black Base, Complete In Place	TON	53	\$65.00	\$3,445.00		\$105.00	\$5,565.00	\$60.00	\$3,180.00	\$102.61	\$5,438.33	\$150.00	\$7,950.00
56	02741	Extra 2-inch HMAc Surface (Type D)	TON	15	\$75.00	\$1,125.00		\$105.00	\$1,575.00	\$100.00	\$1,500.00	\$113.97	\$1,709.55	\$150.00	\$2,250.00
57	02751	Extra 6-inch Reinforced Concrete Pavement	SY	25	\$25.00	\$625.00		\$30.50	\$762.50	\$34.00	\$850.00	\$29.25	\$731.25	\$100.00	\$2,500.00
58	02775	Extra 6 Ft Wide Sidewalk (4.5" thick)	LF	50	\$21.00	\$1,050.00		\$21.60	\$1,080.00	\$20.00	\$1,000.00	\$18.00	\$900.00	\$25.00	\$1,250.00
59	02811	Extra Irrigation Sleeves, Complete In Place	LF	50	\$2.00	\$100.00		\$5.00	\$250.00	\$6.80	\$340.00	\$6.00	\$300.00	\$10.00	\$500.00
60	02136 (COH)	Remove and Plug 4-inch Abandoned Crude Pipeline under proposed Parking Lot, including Haul Off & Disposal in Accordance w/TCEQ Requirements	LF	525	\$22.00	\$11,550.00		\$5.00	\$2,625.00	\$7.00	\$3,675.00	\$8.00	\$4,200.00	\$10.00	\$5,250.00
61	02319	Extra Compacted Fill	CY	175	\$4.00	\$700.00		\$25.00	\$4,375.00	\$6.00	\$1,050.00	\$16.00	\$2,800.00	\$10.00	\$1,750.00
TOTAL EXTRA UNIT PRICES						\$27,876.88			\$26,992.50		\$21,319.00		\$25,904.13		\$31,140.00
C. CASH ALLOWANCE TABLE:															
ITEM NO.	CONTROL NO.	ITEM DESCRIPTION	UNIT MEASURE	UNIT QUANTITY	UNIT PRICE IN FIGURES (5)	TOTAL IN FIGURES		UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES
1	N/A	BNSF Railway Cash Allowance	LS	1	\$5,000.00	\$5,000.00		\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
TOTAL CASH ALLOWANCES						\$5,000.00			\$5,000.00		\$5,000.00		\$5,000.00		\$5,000.00
D. TOTAL BASE BID PRICE:															
						\$485,513.33			\$505,652.00		\$519,506.10		\$523,816.96		\$531,836.00
E. ALTERNATES TABLE:															
ITEM NO.	CONTROL NO.	ITEM DESCRIPTION	UNIT MEASURE	UNIT QUANTITY	UNIT PRICE IN FIGURES (5)	TOTAL IN FIGURES		UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES
1	N/A	Add Alternate (to Item 9) - Mill Additional 785 SY Asphalt and overlay Additional 85 Tons 2-inch HMAc Surface (Type D) within West ½ roadway width of proposed Elm Street Crown, from FM 2920 to North Side of Houston Street, including side returns, Complete In Place	LS	1	\$12,000.00	\$12,000.00		\$16,775.00	\$16,775.00	\$14,950.00	\$14,950.00	\$22,607.45	\$22,607.45	\$12,000.00	\$12,000.00
2	N/A	Add Alternate to Bid Item 40 Site Lighting (Elm) - bid increase for construction of Elm Site Lighting with specified Holophane decorative features replacing standard features, see Decorative Features Attachment A, Complete In Place	LS	1	\$28,000.00	\$28,000.00		\$4,400.00	\$4,400.00	\$28,750.00	\$28,750.00	\$25,450.00	\$25,450.00	\$45,000.00	\$45,000.00
3	N/A	Add Alternate to Bid Item 41 Site Lighting (Fannin) - bid increase for construction of Fannin Site Lighting with specified Holophane decorative features replacing standard features, see Decorative Features Attachment A, Complete In Place	LS	1	\$17,500.00	\$17,500.00		\$2,750.00	\$2,750.00	\$14,375.00	\$14,375.00	\$13,225.00	\$13,225.00	\$45,000.00	\$45,000.00
4	N/A	Add Alternate - Furnish and Install Landscaping and Irrigation per Plans (Elm), including connection to public water source, water tap and meter (meter to be installed by City of Tomball), Complete In Place	LS	1	\$28,000.00	\$28,000.00		\$29,480.00	\$29,480.00	\$35,529.30	\$35,529.30	\$28,800.00	\$28,800.00	\$5,000.00	\$5,000.00
5	N/A	Add Alternate - Furnish and Install Landscaping and Irrigation per Plans (Fannin), including connection to public water source, water tap and meter (meter to be installed by City of Tomball), Complete In Place	LS	1	\$12,500.00	\$12,500.00		\$12,760.00	\$12,760.00	\$19,044.00	\$19,044.00	\$13,600.00	\$13,600.00	\$5,000.00	\$5,000.00
TOTAL ALTERNATES						\$98,000.00			\$66,165.00		\$112,648.30		\$103,682.45		\$112,000.00
F. TOTAL BASE BID PLUS ALTERNATES PRICE:															
						\$583,513.33			\$571,817.00		\$632,154.40		\$627,499.41		\$643,836.00
NOTE: 1. Bid received from Aaron's Utility, deemed non-responsive. Bid consisted of two self-made forms, not in compliance with required bid form provided, containing lump sum bid values for storm sewer work only. Forms were addressed to incorrect recipient. No other required bid forms were submitted. 2. Highlighted values were considered mathematical and/or scrivener errors received on bid form. Unit prices submitted were used to calculate totals for evaluation of the bid. A. BASE UNIT PRICE TABLE: \$452,636.45 B. EXTRA UNIT PRICE TABLE: \$27,876.88 C. CASH ALLOWANCE TABLE: \$5,000.00 D. TOTAL BASE BID PRICE: \$485,513.33 E. ALTERNATES TABLE: \$98,000.00 F. TOTAL BASE BID PLUS ALTERNATES PRICE: \$583,513.33 Difference Low to 2nd Low (\$55,682.41) Difference Low to High (\$313,666.25) Difference Low to Engineer's (\$11,696.32) -2.00%								Bid Form		Bid Form		Bid Form		Bid Form	
								\$ 473,659.50	\$473,659.50	\$ 493,187.90	\$493,187.10	\$ 491,486.83	\$492,912.83	\$ 495,696.00	\$495,696.00
								\$ 26,992.50	\$26,992.50	\$ 21,319.00	\$21,319.00	\$ 25,904.13	\$25,904.13	\$ 31,140.00	\$31,140.00
								\$ 5,000.00	\$5,000.00	\$ 5,000.00	\$5,000.00	\$ 5,000.00	\$5,000.00	\$ 5,000.00	\$5,000.00
								\$ 505,652.00	\$505,652.00	\$ 519,506.90	\$519,506.10	\$ 5,000.00	\$523,816.96	\$ 531,836.00	\$531,836.00
								\$ 66,165.00	\$66,165.00	\$ 112,648.30	\$112,648.30	\$ 103,682.45	\$103,682.45	\$ 112,800.00	\$112,000.00
								\$ 571,817.00	\$571,817.00	\$ 632,155.20	\$632,154.40	\$ 626,073.41	\$627,499.41	\$ 643,836.00	\$643,836.00

Bid Tab

					DF Systems, Inc		Lexton Construction, LLC		AAA Asphalt Paving Inc.		D&J Construction, Inc.		Hubco, Inc.	
A. BASE UNIT PRICE TABLE:					6		7		8		9		10	
ITEM NO.	CONTROL NO.	ITEM DESCRIPTION	UNIT MEASURE	UNIT QUANTITY	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES
1	01502	Mobilization (Entire Project) ⁽¹⁾	LS	1	\$17,000.00	\$17,000.00	\$17,000.00	\$17,000.00	\$17,000.00	\$17,000.00	\$17,000.00	\$17,000.00	\$17,000.00	\$17,000.00
2	02221/02233	Clearing and Grubbing(Entire Project)	ACRE	1.5	\$20,000.00	\$30,000.00	\$5,600.00	\$8,400.00	\$4,000.00	\$6,000.00	\$3,000.00	\$4,500.00	\$2,500.00	\$3,750.00
3	01570, 01410	Storm Water Pollution Prevention (Maintenance) (Entire Project)	LS	1	\$500.00	\$500.00	\$2,250.00	\$2,250.00	\$1,500.00	\$1,500.00	\$1,000.00	\$1,000.00	\$6,300.00	\$6,300.00
4	01574	Reinforced Filter Fabric Fence, Complete In Place	LF	360	\$2.00	\$720.00	\$1.80	\$648.00	\$2.70	\$972.00	\$2.25	\$810.00	\$2.50	\$900.00
5	02922	Solid Sod, Complete In Place	SY	2,420	\$3.00	\$7,260.00	\$3.60	\$8,712.00	\$3.00	\$7,260.00	\$5.25	\$12,705.00	\$6.00	\$14,520.00
6	01555	Traffic Control, Maintenance, and Regulation, Including Signs, Signals, Traffic Control Devices, Flares, Flagmen, and Appurtenances, in accordance with drawings and specifications, Complete in Place (Entire	LS	1	\$8,000.00	\$8,000.00	\$4,275.00	\$4,275.00	\$5,000.00	\$5,000.00	\$3,000.00	\$3,000.00	\$10,000.00	\$10,000.00
7	01740	Site Restoration (Elm)	LS	1	\$5,000.00	\$5,000.00	\$1,250.00	\$1,250.00	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00	\$12,500.00	\$12,500.00
8	01740	Site Restoration (Fannin)	LS	1	\$5,000.00	\$5,000.00	\$1,250.00	\$1,250.00	\$750.00	\$750.00	\$1,500.00	\$1,500.00	\$10,000.00	\$10,000.00
9	02221	Mill Asphaltic Surface (2" min) within ½ roadway width from proposed crown to proposed sawcuts for a length of 611 feet south from Houston Str apron, Complete In Place	SY	716	\$10.00	\$7,160.00	\$8.65	\$6,193.40	\$7.30	\$5,226.80	\$10.00	\$7,160.00	\$5.00	\$3,580.00
10	02221	Remove Exist Roadway Pvmnt, including sawcuts and offsite disposal	SY	625	\$8.00	\$5,000.00	\$14.10	\$8,812.50	\$5.70	\$3,562.50	\$15.00	\$9,375.00	\$9.00	\$5,625.00
11	02221	Remove Exist 12-inch Stm, including offsite disposal	LF	40	\$10.00	\$400.00	\$6.00	\$240.00	\$15.00	\$600.00	\$36.40	\$1,456.00	\$38.00	\$1,520.00
12	02221	Remove Exist 18-inch Stm, including offsite disposal	LF	25	\$10.00	\$250.00	\$4.50	\$112.50	\$15.00	\$375.00	\$41.60	\$1,040.00	\$44.00	\$1,100.00
13	02260	Trench Safety	LF	320	\$1.00	\$320.00	\$80.50	\$25,760.00	\$2.50	\$800.00	\$3.00	\$960.00	\$22.50	\$7,200.00
14	02506 / 02631	8" PVC STORM SEWER, OPEN CUT, ALL DEPTHS, Complete In Place	LF	66.0	\$40.00	\$2,640.00	\$19.75	\$1,303.50	\$25.00	\$1,650.00	\$62.40	\$4,118.40	\$29.00	\$1,914.00
15	02506 / 02631	12" PVC STORM SEWER, OPEN CUT, ALL DEPTHS, Complete In Place	LF	316	\$45.00	\$14,220.00	\$21.50	\$6,794.00	\$28.00	\$8,848.00	\$67.60	\$21,361.60	\$34.00	\$10,744.00
16	02611 / 02631	18" RCP STORM SEWER, OPEN CUT, ALL DEPTHS, Complete In Place	LF	132	\$51.00	\$6,732.00	\$57.50	\$7,590.00	\$40.00	\$5,280.00	\$83.20	\$10,982.40	\$83.00	\$10,956.00
17	02611 / 02631	24" RCP ARCH PIPE STORM SEWER, OPEN CUT, ALL DEPTHS, Complete In Place	LF	320	\$70.00	\$22,400.00	\$142.50	\$45,600.00	\$80.00	\$25,600.00	\$136.24	\$43,596.80	\$165.00	\$52,800.00
18	02633	18" RCP SET (TYP II) (4:1) (P)	EA	4	\$2,000.00	\$8,000.00	\$775.00	\$3,100.00	\$685.00	\$2,740.00	\$3,952.00	\$15,808.00	\$1,500.00	\$6,000.00
19	02081 02082 02087	Precast or Brick Type C Manhole, Complete In Place	EA	1.0	\$3,000.00	\$3,000.00	\$1,950.00	\$1,950.00	\$2,100.00	\$2,100.00	\$2,080.00	\$2,080.00	\$1,200.00	\$1,200.00
20	02081 02082 02087	Precast Junction Box Manhole, Complete In Place	EA	1	\$3,000.00	\$3,000.00	\$1,300.00	\$1,300.00	\$1,250.00	\$1,250.00	\$2,080.00	\$2,080.00	\$700.00	\$700.00
21	02632	Precast Modified Type H-2 Stm Inlet, Complete In Place	EA	1	\$3,000.00	\$3,000.00	\$1,900.00	\$1,900.00	\$2,485.00	\$2,485.00	\$2,288.00	\$2,288.00	\$1,600.00	\$1,600.00
22	02632	Precast Type A Stm Inlet, Complete In Place	EA	6	\$2,000.00	\$12,000.00	\$1,200.00	\$7,200.00	\$1,320.00	\$7,920.00	\$1,872.00	\$11,232.00	\$700.00	\$4,200.00
23	02632	18" Area Inlet, Complete In Place	EA	1	\$2,000.00	\$2,000.00	\$850.00	\$850.00	\$665.00	\$665.00	\$1,716.00	\$1,716.00	\$700.00	\$700.00
24	02506	10" Restrictor, Complete In Place	LS	1	\$100.00	\$100.00	\$425.00	\$425.00	\$300.00	\$300.00	\$1,560.00	\$1,560.00	\$500.00	\$500.00
25	02314	Detention Excavation	CY	384	\$15.00	\$5,760.00	\$9.00	\$3,456.00	\$15.00	\$5,760.00	\$15.00	\$5,760.00	\$19.00	\$7,296.00
26	02314	Regrade Roadside Swale Ditch	LF	1,510	\$8.00	\$12,080.00	\$4.15	\$6,266.50	\$6.00	\$9,060.00	\$6.00	\$9,060.00	\$4.00	\$6,040.00
27	02315	Roadway/Site Excavation	CY	1,730	\$10.00	\$17,300.00	\$5.00	\$8,650.00	\$13.00	\$22,490.00	\$5.00	\$8,650.00	\$10.00	\$17,300.00
28	02319	Borrow (Compacted Fill)	CY	150	\$20.00	\$3,000.00	\$3.20	\$480.00	\$25.00	\$3,750.00	\$20.00	\$3,000.00	\$17.00	\$2,550.00
29	02337	Lime (3%) for Subgrade	TON	56	\$160.00	\$8,960.00	\$185.00	\$10,360.00	\$165.00	\$9,240.00	\$175.00	\$9,800.00	\$180.00	\$10,080.00
30	02337	Fly Ash (8%) for Subgrade	TON	149	\$70.00	\$10,430.00	\$80.00	\$11,920.00	\$76.00	\$11,324.00	\$90.00	\$13,410.00	\$125.00	\$18,625.00
31	02337	Lime/Fly Ash Stabilized Subgrade, 8-inch	SY	5,132	\$3.00	\$15,396.00	\$3.00	\$15,396.00	\$4.50	\$23,094.00	\$2.00	\$10,264.00	\$4.50	\$23,094.00
32	02751	6-inch Reinforced Concrete Pavement, Complete In Place	SY	4,982	\$30.00	\$149,460.00	\$36.00	\$179,352.00	\$35.00	\$174,370.00	\$36.00	\$179,352.00	\$35.00	\$174,370.00
33	02711	Black Base (7 inch MIN), Complete In Place	TON	163	\$70.00	\$11,410.00	\$98.00	\$15,974.00	\$87.00	\$14,181.00	\$110.00	\$17,930.00	\$210.00	\$34,230.00
34	02741	2-inch HMAc Surface (Type D), Complete In Place	TON	125	\$110.00	\$13,750.00	\$111.00	\$13,875.00	\$95.00	\$11,875.00	\$125.00	\$15,625.00	\$220.00	\$27,500.00
35	02771	6-inch Concrete Curb w/ 18-inch Gutter (monolithic concrete curb and gutter), Complete In Place	LF	505	\$35.00	\$17,675.00	\$14.50	\$7,322.50	\$24.00	\$12,120.00	\$15.00	\$7,575.00	\$11.00	\$5,555.00
36	02771	6-inch Concrete Curb, Complete In Place	LF	1,941	\$3.00	\$5,823.00	\$2.50	\$4,852.50	\$3.50	\$6,793.50	\$2.50	\$4,852.50	\$9.00	\$17,469.00
37	02775	6 Ft Wide Sidewalk (4.5" thick), Complete In Place	LF	478	\$23.00	\$10,994.00	\$32.50	\$15,535.00	\$30.00	\$14,340.00	\$30.00	\$14,340.00	\$25.00	\$11,950.00
38	02751 / 03315	5" Concrete Slope Paving at Ditches. Complete in Place	SY	112	\$50.00	\$5,600.00	\$62.00	\$6,944.00	\$65.00	\$7,280.00	\$75.00	\$8,400.00	\$125.00	\$14,000.00
39	02581	Site Lighting with standard specifications (Elm), including service transfers, Complete In Place	LS	1	\$35,000.00	\$35,000.00	\$55,000.00	\$55,000.00	\$70,000.00	\$70,000.00	\$70,000.00	\$70,000.00	\$63,000.00	\$63,000.00
40	02581	Site Lighting with standard specifications (Fannin), including service transfers, Complete In Place	LS	1	\$35,000.00	\$35,000.00	\$29,500.00	\$29,500.00	\$34,500.00	\$34,500.00	\$34,500.00	\$34,500.00	\$31,500.00	\$31,500.00
41	02767	Restoration, Relocation and/or Replacement of Existing Signing and Pavement Marking (Entire Project)	LS	1	\$3,000.00	\$3,000.00	\$1,000.00	\$1,000.00	\$500.00	\$500.00	\$1,500.00	\$1,500.00	\$1,000.00	\$1,000.00
42	02763	Thermoplastic Pavement Marking, Class II, 24" WHITE, SOLID for Cross Walk	LF	63	\$10.00	\$630.00	\$6.00	\$378.00	\$6.00	\$378.00	\$7.00	\$441.00	\$2.25	\$141.75
43	02763	Thermoplastic Pavement Marking, Class II, 24" WHITE, SOLID for Stop Line	LF	14	\$10.00	\$140.00	\$6.00	\$84.00	\$6.00	\$84.00	\$7.00	\$98.00	\$2.25	\$31.50
44	N/A	Parking Lot Striping (Elm), Complete In Place	LS	1	\$1,000.00	\$1,000.00	\$1,875.00	\$1,875.00	\$3,300.00	\$3,300.00	\$2,500.00	\$2,500.00	\$1,900.00	\$1,900.00
45	N/A	Parking Lot Striping (Fannin), Complete In Place	LS	1	\$1,000.00	\$1,000.00	\$625.00	\$625.00	\$1,275.00	\$1,275.00	\$1,500.00	\$1,500.00	\$630.00	\$630.00
46	N/A	Exist Parking Lot (Fannin Police Station) - Striping Conversion to two (2) Proposed Handicap Spaces, Complete In Place	LS	1	\$500.00	\$500.00	\$250.00	\$250.00	\$1,385.00	\$1,385.00	\$1,500.00	\$1,500.00	\$250.00	\$250.00
47	N/A	6 Ft Chain Link Fence, Complete In Place	LF	585	\$20.00	\$11,700.00	\$17.00	\$9,945.00	\$19.75	\$11,553.75	\$18.50	\$10,822.50	\$38.00	\$22,230.00
TOTAL BASE UNIT PRICES						\$539,310.00		\$561,956.40		\$557,537.55		\$610,709.20		\$676,051.25

Bid Tab

					DF Systems, Inc		Lexton Construction, LLC		AAA Asphalt Paving Inc.		D&J Construction, Inc.		Hubco, Inc.				
B. EXTRA UNIT PRICE TABLE:																	
ITEM NO.	CONTROL NO.	ITEM DESCRIPTION	UNIT MEASURE	UNIT QUANTITY	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES			
48	02318 02320	Extra Bank Sand Backfill ⁽²⁾	CY	50													
					\$18.00	\$900.00	\$18.00	\$900.00	\$18.00	\$900.00	\$18.00	\$900.00	\$18.00	\$900.00			
49	02321	Extra Cement Stabilized Sand ⁽²⁾	CY	100													
					\$22.00	\$2,200.00	\$22.00	\$2,200.00	\$22.00	\$2,200.00	\$22.00	\$2,200.00	\$22.00	\$2,200.00			
50	01578	Extra Hand Excavation ⁽²⁾	EA	50													
					\$25.00	\$1,250.00	\$25.00	\$1,250.00	\$25.00	\$1,250.00	\$25.00	\$1,250.00	\$25.00	\$1,250.00			
51	01578	Extra Machine Excavation ⁽²⁾	LF	100													
					\$30.00	\$3,000.00	\$30.00	\$3,000.00	\$30.00	\$3,000.00	\$30.00	\$3,000.00	\$30.00	\$3,000.00			
52	02221	Extra Mill Asphaltic Surface (2" min), Complete In Place	SY	140	\$5.00	\$700.00	\$7.15	\$1,001.00	\$7.30	\$1,022.00	\$10.00	\$1,400.00	\$3.00	\$420.00			
53	02221	Extra Removal of Exist Roadway Pvmnt (including sawcuts)	SY	140	\$6.00	\$840.00	\$11.50	\$1,610.00	\$13.00	\$1,820.00	\$15.00	\$2,100.00	\$19.00	\$2,660.00			
54	02315	Extra Roadway Excavation	CY	15	\$10.00	\$150.00	\$3.00	\$45.00	\$13.00	\$195.00	\$10.00	\$150.00	\$13.00	\$195.00			
55	02711	Extra Black Base, Complete In Place	TON	53	\$70.00	\$3,710.00	\$58.50	\$3,100.50	\$87.00	\$4,611.00	\$110.00	\$5,830.00	\$127.00	\$6,731.00			
56	02741	Extra 2-inch HMAC Surface (Type D)	TON	15	\$120.00	\$1,800.00	\$60.00	\$900.00	\$95.00	\$1,425.00	\$125.00	\$1,875.00	\$145.00	\$2,175.00			
57	02751	Extra 6-inch Reinforced Concrete Pavement	SY	25	\$30.00	\$750.00	\$28.00	\$700.00	\$30.00	\$750.00	\$36.00	\$900.00	\$45.00	\$1,125.00			
58	02775	Extra 6 Ft Wide Sidewalk (4.5" thick)	LF	50	\$30.00	\$1,500.00	\$26.00	\$1,300.00	\$35.00	\$1,750.00	\$30.00	\$1,500.00	\$19.00	\$950.00			
59	02811	Extra Irrigation Sleeves, Complete In Place	LF	50	\$20.00	\$1,000.00	\$12.00	\$600.00	\$20.00	\$1,000.00	\$20.00	\$1,000.00	\$10.00	\$500.00			
60	02136 (COH)	Remove and Plug 4-inch Abandoned Crude Pipeline under proposed Parking Lot, including Haul Off & Disposal in Accordance w/TCEQ Requirements	LF	525	\$5.00	\$2,625.00	\$5.00	\$2,625.00	\$10.00	\$5,250.00	\$12.00	\$6,300.00	\$25.00	\$13,125.00			
61	02319	Extra Compacted Fill	CY	175	\$10.00	\$1,750.00	\$3.00	\$525.00	\$20.00	\$3,500.00	\$25.00	\$4,375.00	\$19.00	\$3,325.00			
TOTAL EXTRA UNIT PRICES						\$22,175.00		\$19,756.50		\$28,673.00		\$32,780.00		\$38,556.00			
C. CASH ALLOWANCE TABLE:																	
ITEM NO.	CONTROL NO.	ITEM DESCRIPTION	UNIT MEASURE	UNIT QUANTITY	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES			
1	N/A	BNSF Railway Cash Allowance	LS	1	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00			
TOTAL CASH ALLOWANCES						\$5,000.00		\$5,000.00		\$5,000.00		\$5,000.00		\$5,000.00			
D. TOTAL BASE BID PRICE:						\$566,485.00		\$586,712.90		\$591,210.55		\$648,489.20		\$719,607.25			
E. ALTERNATES TABLE:																	
ITEM NO.	CONTROL NO.	ITEM DESCRIPTION	UNIT MEASURE	UNIT QUANTITY	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES			
1	N/A	Add Alternate (to Item 9) - Mill Additional 785 SY Asphalt and overlay Additional 85 Tons 2-inch HMAC Surface (Type D) within West ½ roadway width of proposed Elm Street Crown, from FM 2920 to North Side of Houston Street, including side returns, Complete In Place	LS	1	\$20,000.00	\$20,000.00	\$17,000.00	\$17,000.00	\$11,025.00	\$11,025.00	\$19,000.00	\$19,000.00	\$16,000.00	\$16,000.00			
2	N/A	Add Alternate to Bid Item 40 Site Lighting (Elm) - bid increase for construction of Elm Site Lighting with specified Holophane decorative features replacing standard features, see Decorative Features Attachment A, Complete In Place	LS	1	\$17,000.00	\$17,000.00	\$31,000.00	\$31,000.00	\$29,000.00	\$29,000.00	\$24,780.00	\$24,780.00	\$10,000.00	\$10,000.00			
3	N/A	Add Alternate to Bid Item 41 Site Lighting (Fannin) - bid increase for construction of Fannin Site Lighting with specified Holophane decorative features replacing standard features, see Decorative Features Attachment A, Complete In Place	LS	1	\$17,000.00	\$17,000.00	\$15,000.00	\$15,000.00	\$14,000.00	\$14,000.00	\$12,125.00	\$12,125.00	\$8,000.00	\$8,000.00			
4	N/A	Add Alternate - Furnish and Install Landscaping and Irrigation per Plans (Elm), including connection to public water source, water tap and meter (meter to be installed by City of Tomball), Complete In Place	LS	1	\$24,000.00	\$24,000.00	\$33,500.00	\$33,500.00	\$36,000.00	\$36,000.00	\$50,000.00	\$50,000.00	\$20,000.00	\$20,000.00			
5	N/A	Add Alternate - Furnish and Install Landscaping and Irrigation per Plans (Fannin), including connection to public water source, water tap and meter (meter to be installed by City of Tomball), Complete In Place	LS	1	\$28,000.00	\$28,000.00	\$14,500.00	\$14,500.00	\$19,250.00	\$19,250.00	\$20,700.00	\$20,700.00	\$15,000.00	\$15,000.00			
TOTAL ALTERNATES						\$106,000.00		\$111,000.00		\$109,275.00		\$126,605.00		\$69,000.00			
F. TOTAL BASE BID PLUS ALTERNATES PRICE:						\$672,485.00		\$697,712.90		\$700,485.55		\$775,094.20		\$788,607.25			
NOTE: 1. Bid received from Aaron's Utility, deemed non-responsive. Bid consisted of two self-made forms, not in compliance with required bid form provided, containing lump sum bid values for storm sewer work only. Forms were addressed to incorrect recipient. No other required bid forms were submitted. 2. Highlighted values were considered mathematical and/or scrivener errors received on bid form. Unit prices submitted were used to calculate totals for evaluation of the bid.					Bid Form		Bid Tab		Bid Form		Bid Tab		Bid Form				
					A. BASE UNIT		\$ 549,310.00	\$539,310.00	\$ 536,356.40		\$561,956.40	\$ 557,537.55		\$557,537.55	\$ 610,709.20		\$610,709.20
					B. EXTRA UNIT		\$ 22,175.00	\$22,175.00	\$ 19,756.50		\$19,756.50	\$ 25,773.00		\$28,673.00	\$ 32,780.00		\$32,780.00
					C. CASH ALLOW		\$ 5,000.00	\$5,000.00	\$ 5,000.00		\$5,000.00	\$ 5,000.00		\$5,000.00	\$ 5,000.00		\$5,000.00
					D. TOTAL B		\$ 571,485.00	\$566,485.00	\$ 561,112.90		\$586,712.90	\$ 591,210.55		\$591,210.55	\$ 648,489.20		\$648,489.20
					E. ALTE		\$ 106,000.00	\$106,000.00	\$ 111,000.00		\$111,000.00	\$ 109,275.00		\$109,275.00	\$ 126,605.00		\$126,605.00
F. TOTAL BASE BID PLUS ALTE					\$ 677,485.00	\$672,485.00	\$ 672,112.90		\$697,712.90	\$ 700,485.55		\$700,485.55	\$ 775,094.20		\$775,094.20		

Bid Tab

					Conrad Construction		Corestone Construction Services	
A. BASE UNIT PRICE TABLE:					11		12	
ITEM NO.	CONTROL NO.	ITEM DESCRIPTION	UNIT MEASURE	UNIT QUANTITY	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES
1	01502	Mobilization (Entire Project) ⁽¹⁾	LS	1	\$17,000.00	\$17,000.00	\$17,000.00	\$17,000.00
2	02221/02233	Clearing and Grubbing(Entire Project)	ACRE	1.5	\$28,000.00	\$42,000.00	\$5,962.50	\$8,943.75
3	01570, 01410	Storm Water Pollution Prevention (Maintenance) (Entire Project)	LS	1	\$1,500.00	\$1,500.00	\$3,975.00	\$3,975.00
4	01574	Reinforced Filter Fabric Fence, Complete In Place	LF	360	\$2.00	\$720.00	\$2.65	\$954.00
5	02922	Solid Sod, Complete In Place	SY	2,420	\$4.50	\$10,890.00	\$5.92	\$14,326.40
6	01555	Traffic Control, Maintenance, and Regulation, Including Signs, Signals, Traffic Control Devices, Flares, Flagmen, and Appurtenances, in accordance with drawings and specifications, Complete in Place (Entire	LS	1	\$11,750.00	\$11,750.00	\$6,708.48	\$6,708.48
7	01740	Site Restoration (Elm)	LS	1	\$3,500.00	\$3,500.00	\$6,625.00	\$6,625.00
8	01740	Site Restoration (Fannin)	LS	1	\$2,500.00	\$2,500.00	\$3,312.50	\$3,312.50
9	02221	Mill Asphaltic Surface (2" min) within ½ roadway width from proposed crown to proposed sawcuts for a length of 611 feet south from Houston Str apron, Complete In Place	SY	716	\$8.00	\$5,728.00	\$13.55	\$9,701.80
10	02221	Remove Exist Roadway Pvmnt, including sawcuts and offsite disposal	SY	625	\$7.50	\$4,687.50	\$14.58	\$9,112.50
11	02221	Remove Exist 12-inch Stm, including offsite disposal	LF	40	\$12.00	\$480.00	\$33.13	\$1,325.20
12	02221	Remove Exist 18-inch Stm, including offsite disposal	LF	25	\$14.00	\$350.00	\$33.13	\$828.25
13	02260	Trench Safety	LF	320	\$4.00	\$1,280.00	\$0.00	\$0.00
14	02506 / 02631	8" PVC STORM SEWER, OPEN CUT, ALL DEPTHS, Complete In Place	LF	66.0	\$58.00	\$3,828.00	\$35.78	\$2,361.48
15	02506 / 02631	12" PVC STORM SEWER, OPEN CUT, ALL DEPTHS, Complete In Place	LF	316	\$63.00	\$19,908.00	\$38.43	\$12,143.88
16	02611 / 02631	18" RCP STORM SEWER, OPEN CUT, ALL DEPTHS, Complete In Place	LF	132	\$67.00	\$8,844.00	\$46.38	\$6,122.16
17	02611 / 02631	24" RCP ARCH PIPE STORM SEWER, OPEN CUT, ALL DEPTHS, Complete In Place	LF	320	\$115.00	\$36,800.00	\$159.00	\$50,880.00
18	02633	18" RCP SET (TYP II) (4:1) (P)	EA	4	\$1,450.00	\$5,800.00	\$1,060.00	\$4,240.00
19	02081 02082 02087	Precast or Brick Type C Manhole, Complete In Place	EA	1.0	\$2,450.00	\$2,450.00	\$4,240.00	\$4,240.00
20	02081 02082 02087	Precast Junction Box Manhole, Complete In Place	EA	1	\$3,000.00	\$3,000.00	\$3,975.00	\$3,975.00
21	02632	Precast Modified Type H-2 Stm Inlet, Complete In Place	EA	1	\$2,400.00	\$2,400.00	\$3,975.00	\$3,975.00
22	02632	Precast Type A Stm Inlet, Complete In Place	EA	6	\$1,750.00	\$10,500.00	\$1,457.50	\$8,745.00
23	02632	18" Area Inlet, Complete In Place	EA	1	\$1,750.00	\$1,750.00	\$662.50	\$662.50
24	02506	10" Restrictor, Complete In Place	LS	1	\$350.00	\$350.00	\$662.50	\$662.50
25	02314	Detention Excavation	CY	384	\$12.00	\$4,608.00	\$38.96	\$14,960.64
26	02314	Regrade Roadside Swale Ditch	LF	1,510	\$5.00	\$7,550.00	\$17.46	\$26,364.60
27	02315	Roadway/Site Excavation	CY	1,730	\$12.00	\$20,760.00	\$22.20	\$38,406.00
28	02319	Borrow (Compacted Fill)	CY	150	\$12.00	\$1,800.00	\$19.88	\$2,982.00
29	02337	Lime (3%) for Subgrade	TON	56	\$152.00	\$8,512.00	\$151.30	\$8,472.80
30	02337	Fly Ash (8%) for Subgrade	TON	149	\$68.00	\$10,132.00	\$108.12	\$16,109.88
31	02337	Lime/Fly Ash Stabilized Subgrade, 8-inch	SY	5,132	\$3.00	\$15,396.00	\$6.71	\$34,435.72
32	02751	6-inch Reinforced Concrete Pavement, Complete In Place	SY	4,982	\$37.00	\$184,334.00	\$33.68	\$167,793.76
33	02711	Black Base (7 inch MIN), Complete In Place	TON	163	\$125.00	\$20,375.00	\$116.19	\$18,938.97
34	02741	2-inch HMAC Surface (Type D), Complete In Place	TON	125	\$150.00	\$18,750.00	\$105.23	\$13,153.75
35	02771	6-inch Concrete Curb w/ 18-inch Gutter (monolithic concrete curb and gutter), Complete In Place	LF	505	\$12.00	\$6,060.00	\$26.00	\$13,130.00
36	02771	6-inch Concrete Curb, Complete In Place	LF	1,941	\$3.00	\$5,823.00	\$4.15	\$8,055.15
37	02775	6 Ft Wide Sidewalk (4.5" thick), Complete In Place	LF	478	\$30.00	\$14,340.00	\$31.56	\$15,085.68
38	02751 / 03315	5" Concrete Slope Paving at Ditches. Complete in Place	SY	112	\$85.00	\$9,520.00	\$39.75	\$4,452.00
39	02581	Site Lighting with standard specifications (Elm), including service transfers, Complete In Place	LS	1	\$72,000.00	\$72,000.00	\$58,062.83	\$58,062.83
40	02581	Site Lighting with standard specifications (Fannin), including service transfers, Complete In Place	LS	1	\$35,000.00	\$35,000.00	\$35,527.23	\$35,527.23
41	02767	Restoration, Relocation and/or Replacement of Existing Signing and Pavement Marking (Entire Project)	LS	1	\$1,000.00	\$1,000.00	\$3,312.50	\$3,312.50
42	02763	Thermoplastic Pavement Marking, Class II, 24" WHITE, SOLID for Cross Walk	LF	63	\$5.00	\$315.00	\$46.38	\$2,921.94
43	02763	Thermoplastic Pavement Marking, Class II, 24" WHITE, SOLID for Stop Line	LF	14	\$5.00	\$70.00	\$46.38	\$649.32
44	N/A	Parking Lot Striping (Elm), Complete In Place	LS	1	\$1,700.00	\$1,700.00	\$2,650.00	\$2,650.00
45	N/A	Parking Lot Striping (Fannin), Complete In Place	LS	1	\$750.00	\$750.00	\$1,325.00	\$1,325.00
46	N/A	Exist Parking Lot (Fannin Police Station) - Striping Conversion to two (2) Proposed Handicap Spaces, Complete In Place	LS	1	\$300.00	\$300.00	\$662.50	\$662.50
47	N/A	6 Ft Chain Link Fence, Complete In Place	LF	585	\$19.50	\$11,407.50	\$23.78	\$13,911.30
TOTAL BASE UNIT PRICES						\$648,518.00		\$682,183.97

Bid Tab

					Conrad Construction		Corestone Construction Services		
B. EXTRA UNIT PRICE TABLE:									
ITEM NO.	CONTROL NO.	ITEM DESCRIPTION	UNIT MEASURE	UNIT QUANTITY	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	
48	02318 02320	Extra Bank Sand Backfill ⁽²⁾	CY	50					
					\$18.00	\$900.00	\$21.20	\$1,060.00	
49	02321	Extra Cement Stabilized Sand ⁽²⁾	CY	100					
					\$22.00	\$2,200.00	\$26.50	\$2,650.00	
50	01578	Extra Hand Excavation ⁽²⁾	EA	50					
					\$25.00	\$1,250.00	\$66.25	\$3,312.50	
51	01578	Extra Machine Excavation ⁽²⁾	LF	100					
					\$30.00	\$3,000.00	\$39.75	\$3,975.00	
52	02221	Extra Mill Asphaltic Surface (2" min), Complete In Place	SY	140	\$8.00	\$1,120.00	\$14.58	\$2,041.20	
53	02221	Extra Removal of Exist Roadway Pvmnt (including sawcuts)	SY	140	\$7.50	\$1,050.00	\$14.58	\$2,041.20	
54	02315	Extra Roadway Excavation	CY	15	\$12.00	\$180.00	\$99.38	\$1,490.70	
55	02711	Extra Black Base, Complete In Place	TON	53	\$125.00	\$6,625.00	\$116.19	\$6,158.07	
56	02741	Extra 2-inch HMAC Surface (Type D)	TON	15	\$150.00	\$2,250.00	\$105.23	\$1,578.45	
57	02751	Extra 6-inch Reinforced Concrete Pavement	SY	25	\$40.00	\$1,000.00	\$33.68	\$842.00	
58	02775	Extra 6 Ft Wide Sidewalk (4.5" thick)	LF	50	\$30.00	\$1,500.00	\$31.56	\$1,578.00	
59	02811	Extra Irrigation Sleeves, Complete In Place	LF	50	\$18.00	\$900.00	\$13.25	\$662.50	
60	02136 (COH)	Remove and Plug 4-inch Abandoned Crude Pipeline under proposed Parking Lot, including Haul Off & Disposal in Accordance w/TCEQ Requirements	LF	525	\$5.00	\$2,625.00	\$10.60	\$5,565.00	
61	02319	Extra Compacted Fill	CY	175	\$12.00	\$2,100.00	\$13.45	\$2,353.75	
TOTAL EXTRA UNIT PRICES						\$26,700.00		\$35,308.37	
C. CASH ALLOWANCE TABLE:									
ITEM NO.	CONTROL NO.	ITEM DESCRIPTION	UNIT MEASURE	UNIT QUANTITY	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	
1	N/A	BNSF Railway Cash Allowance	LS	1	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	
TOTAL CASH ALLOWANCES						\$5,000.00		\$5,000.00	
D. TOTAL BASE BID PRICE:						\$680,218.00		\$722,492.34	
E. ALTERNATES TABLE:									
ITEM NO.	CONTROL NO.	ITEM DESCRIPTION	UNIT MEASURE	UNIT QUANTITY	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	UNIT PRICE IN FIGURES	TOTAL IN FIGURES	
1	N/A	Add Alternate (to Item 9) - Mill Additional 785 SY Asphalt and overlay Additional 85 Tons 2-inch HMAC Surface (Type D) within West ½ roadway width of proposed Elm Street Crown, from FM 2920 to North Side of Houston Street, including side returns, Complete In Place	LS	1	\$28,500.00	\$28,500.00	\$9,275.00	\$9,275.00	
2	N/A	Add Alternate to Bid Item 40 Site Lighting (Elm) - bid increase for construction of Elm Site Lighting with specified Holophane decorative features replacing standard features, see Decorative Features Attachment A, Complete In Place	LS	1	\$25,500.00	\$25,500.00	\$38,782.75	\$38,782.75	
3	N/A	Add Alternate to Bid Item 41 Site Lighting (Fannin) - bid increase for construction of Fannin Site Lighting with specified Holophane decorative features replacing standard features, see Decorative Features Attachment A, Complete In Place	LS	1	\$12,500.00	\$12,500.00	\$19,987.63	\$19,987.63	
4	N/A	Add Alternate - Furnish and Install Landscaping and Irrigation per Plans (Elm), including connection to public water source, water tap and meter (meter to be installed by City of Tomball), Complete In Place	LS	1	\$40,000.00	\$40,000.00	\$61,158.03	\$61,158.03	
5	N/A	Add Alternate - Furnish and Install Landscaping and Irrigation per Plans (Fannin), including connection to public water source, water tap and meter (meter to be installed by City of Tomball), Complete In Place	LS	1	\$20,000.00	\$20,000.00	\$33,787.50	\$33,787.50	
TOTAL ALTERNATES						\$126,500.00		\$162,990.91	
F. TOTAL BASE BID PLUS ALTERNATES PRICE:						\$806,718.00		\$885,483.25	
NOTE: 1. Bid received from Aaron's Utility, deemed non-responsive. Bid consisted of two self-made forms, not in compliance with required bid form provided, containing lump sum bid values for storm sewer work only. Forms were addressed to incorrect recipient. No other required bid forms were submitted. 2. Highlighted values were considered mathematical and/or scrivener errors received on bid form. Unit prices submitted were used to calculate totals for evaluation of the bid.					Bid Form		Bid Tab		
					A. BASE UNIT	\$ 648,518.00	\$648,518.00	\$ 682,236.06	\$682,183.97
					B. EXTRA UNIT	\$ 26,700.00	\$26,700.00	\$ 35,306.72	\$35,308.37
					C. CASH ALLOW	\$ 5,000.00	\$5,000.00	\$ 5,000.00	\$5,000.00
					D. TOTAL B	\$ 680,218.00	\$680,218.00	\$ 722,542.78	\$722,492.34
					E. ALTE	\$ 126,500.00	\$126,500.00	\$ 162,990.90	\$162,990.91
					F. TOTAL BASE BID PLUS ALTE	\$ 806,718.00	\$806,718.00	\$ 885,533.68	\$885,483.25
					Difference Low to 2nd Low		(\$55,		
					Difference Low to High		(\$313		
					Difference Low to Engineer's		(\$11,		

Document 00520

AGREEMENT

Project: Elm & Fannin Street Parking Lots

Project Location: Elm & Fannin Street Tomball, TX (Key Map No. 288 H)

E&P Project No: 2010-10032

Project Bid No: 2012-09

The City: The City of Tomball, County of Harris, Texas (the "City")
and

Contractor: Project Management Group, LLC

(Address for Written Notice) 2723 Houston Ave
Houston, Texas 77009

Fax Number: 713-880-5186

City Engineer is: Lori Lakatos, P.E., CFM

(Address for Written Notice) City of Tomball
Public Works Building
501 James Street
Tomball, Texas 77375

Fax Number: _____

THE CITY AND CONTRACTOR AGREE AS FOLLOWS:

ARTICLE 1

THE WORK OF THE CONTRACT

1.1 Contractor shall perform the Work in accordance with the Contract.

ARTICLE 2

CONTRACT TIME

2.1 Contractor shall achieve Date of Substantial Completion within 60 days after Date of Commencement of the Work, subject to adjustments of Contract Time as provided in the Contract.

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08-09-2012

2.2 The Parties recognize that time is of the essence for this Agreement and that the City will suffer financial loss if the Work is not completed within the Contract Time. Parties also recognize delays, expense, and difficulties involved in proving in a legal or arbitration proceeding actual loss suffered by the City if the Work is not completed on time. Accordingly, instead of requiring any such proof, the Parties agree that as liquidated damages for delay (but not as a penalty), Contractor shall pay the City the amount stipulated in Document 00800 – Supplementary Conditions, for each day beyond Contract Time.

ARTICLE 3
CONTRACT PRICE

3.1 Subject to terms of the Contract, the City will pay Contractor in current funds for Contractor's performance of the Contract, Contract Price of \$ 563,206.10, which includes Alternates, if any, accepted below.

3.2 The City accepts Alternates as follows:

Alternate No. 1 Add Alternate (to Item 9) - Mill Additional 785 SY Asphalt and overlay Additional 85 Tons 2-inch HMAC Surface (Type D) within West ½ roadway width of proposed Elm Street Crown, from FM 2920 to North Side of Houston Street, including side returns, Complete In Place

Alternate No. 2 Add Alternate to Bid Item 40 Site Lighting (Elm) - bid increase for construction of Elm Site Lighting with specified Holophane decorative features replacing standard features, see Decorative Features Attachment A, Complete In Place

ARTICLE 4
PAYMENTS

4.1 The City will make progress payments to Contractor as provided below and in the General Conditions.

4.2 The Period covered by each progress payment is one calendar month ending on the [] 10th, [] 20th, or [X] last day of the month.

4.3 The Schedule of Values established as provided in paragraph 2.07.A of the General Conditions will serve as the basis for progress payments and will be incorporated into a form of Application for Payment acceptable to Engineer. Progress payments on account of Unit Price Work will be based on the number of units completed. The City will make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment as provided below in paragraphs 4.3.1 and 4.3.2.

4.3.1 Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Engineer may determine or City may withhold, in accordance with paragraph 14.02 of the General Conditions:

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08-09-2012

- a. For contracts under \$400,000.00, 90% of Work completed (with the balance being retainage). For contracts over \$400,000.00, 95% of Work completed (with the balance being retainage.)
- b. For contracts under \$400,000.00, 90% (with the balance being retainage) and for contracts over \$400,000.00, 95% (with the balance being retainage) of materials and equipment not incorporated in the Work (but delivered, suitably stored and accompanied by documentation satisfactory to the City as provided in paragraph 14.02 of the General Conditions).

4.3.2 Upon Substantial Completion, the City shall pay an amount sufficient to increase total payments to Contractor to 95% of the Work completed, less such amounts as Engineer shall determine in accordance with paragraph 14.02.B.5 of the General Conditions and less 100% of Engineer's estimate of the value of Work to be completed or corrected as shown on the tentative list of items to be completed or corrected attached to the Certificate of Substantial Completion.

4.4 Final payment, constituting entire unpaid balance of Contract Price, will be made by the City to Contractors provided in the General Conditions.

ARTICLE 5

CONTRACTOR REPRESENTATIONS

5.1 Contractor represents:

5.1.1 Contractor has examined and carefully studied Contract documents and other related data identified in Bid Documents.

5.1.2 Contractor has visited the site and become familiar with and is satisfied as to general, local, and site conditions that may affect cost, progress, and performance of the Work.

5.1.3 Contractor is familiar with and is satisfied as to all federal, state, and local laws and regulations that may affect cost, progress, and performance of the Work.

5.1.4 Contractor has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site (except Underground Facilities) which have been identified in Contract documents and (2) reports and drawings of a hazardous environmental condition, if any, at the site which has been identified in Contract documents.

5.1.5 Contractor has obtained and carefully studied (or assumes responsibility for having done so) all additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor, including applying specific means, methods, techniques, sequences, and procedures of construction, if any, expressly required by the Contract to be employed by Contractor, and safety precautions and programs incident thereto.

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08-09-2012

5.1.6 Contractor does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for performance of the Work at Contract Price, within Contract Time, and in accordance with the Contract.

5.1.7 Contractor is aware of general nature of work to be performed by the City and others at the site that relates to the Work as indicated in Contract documents.

5.1.8 Contractor has correlated information known to Contractor, information and observations obtained from visits to the site, reports and drawings identified in the Contract, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract.

5.1.9 Contractor has given City Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract, and written resolution thereof by City Engineer is acceptable to Contractor.

5.1.10 Contract documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 6

MISCELLANEOUS PROVISIONS

6.1 The Contract may be terminated by either Party as provided in Conditions of the Contract.

6.2 The Work may be suspended by the City as provided in Conditions of the Contract.

ARTICLE 7

ENUMERATION OF CONTRACT DOCUMENTS

7.1 The following documents are incorporated into this Agreement:

7.1.1 Document 00700 - General Conditions

7.1.2 Document 00800 - Supplementary Conditions

7.1.3 General Requirements.

7.1.4 Divisions 02 through 16 of Specifications attached hereto or incorporated by reference in Document 00010 - Table of Contents.

7.1.5 Drawings listed in Document 00015 - List of Drawings and bound separately.

7.1.6 Addenda which apply to the Contract, are as follows:

Addendum No. 1, dated [08-31-2012]

7.1.7 Other documents:

<u>Document No.</u>	<u>Title</u>
[X] 00410B	Bid Form – Part B
[X] 00500	Form of Business
[X] 00501	Resolution of Corporation (if a corporation)
[X] 00610	Performance Bond

00520-4
08-09-2012

- | | | |
|-------------------------------------|-------|---|
| ☒ | 00611 | Statutory Payment Bond |
| ☒ | 00612 | One-year Maintenance Bond |
| ☒ | 00620 | Affidavit of Insurance (with the Certificate of Insurance attached) |
| ☒ | 00800 | Exhibit A, Wage Rates |
| ☐ | 00821 | Wage Rate for Building Construction |
| ☒ | 00830 | Trench Safety Geotechnical Information (reference 00320) |

ARTICLE 8

SIGNATURES

8.1 This Agreement is executed in two originals and is effective on _____.

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08-09-2012

City of Tomball
Elm & Fannin Street Parking Lots

AGREEMENT

CONTRACTOR:

(If Joint Venture)

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Tax Identification Number: _____

Tax Identification Number: _____

ATTEST/SEAL:

[SEAL]

Attest: _____

Date: _____

CITY OF TOMBALL, TEXAS:

By: _____
City Manager

Date: _____

ATTEST/SEAL:

[SEAL]

Attest: _____
City Secretary

Date: _____

END OF DOCUMENT

00520-6
08-09-2012

SUPPLEMENTARY CONDITIONS
SECTION 00800

SUPPLEMENTARY CONDITIONS
(TO ACCOMPANY STANDARD GENERAL CONDITIONS OF THE CONSTRUCTION CONTRACT,
EJCDC NO. C-700 [2007 EDITION] FOR CITY OF TOMBALL CONSTRUCTION PROJECTS)

TABLE OF CONTENTS

PART I AMENDMENTS TO GENERAL CONDITIONS

<u>Article</u>	<u>Title</u>
1	DEFINITIONS
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4	AVAILABILITY OF LANDS; SUBSURFACE AND PHYSICAL CONDITIONS; REFERENCE POINTS
5	BONDS AND INSURANCE
6	CONTRACTOR'S RESPONSIBILITIES
7	OTHER WORK
8	OWNER'S RESPONSIBILITIES
9	ENGINEER'S STATUS DURING CONSTRUCTION
10	CHANGES IN THE WORK; CLAIMS
13	TESTS AND INSPECTIONS; CORRECTION, REMOVAL, OR ACCEPTANCE OF DEFECTIVE WORK
14	PAYMENTS TO CONTRACTOR AND COMPLETION
15	SUSPENSION OF WORK AND TERMINATION
16	DISPUTE RESOLUTION
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PART II	OTHER PROVISIONS
EXHIBIT A	Wage Rates
EXHIBIT B	Worker's Compensation Insurance Coverage
EXHIBIT C	A Listing of the Duties, Responsibilities, and Limitations of Authority of the Resident Project Representative
EXHIBIT D	Addenda (if any)
EXHIBIT E	Change Order (form)
EXHIBIT F	Application for Payment (form)
EXHIBIT G	Storm Water Pollution Prevention Plan
EXHIBIT H	Conflict of Interest Questionnaire

SECTION 00800

SUPPLEMENTARY CONDITIONS

PART I AMENDMENTS TO GENERAL CONDITIONS

These Supplementary Conditions amend or supplement the Standard General Conditions of the Construction Contract (General Conditions) and other provisions of the Contract Documents as indicated below. All provisions which are not so amended or supplemented remain in full force and effect.

ARTICLE 1 DEFINITIONS

SC-1.01

The terms used in these Supplementary Conditions which are defined in the Standard General Conditions of the Construction Contract (General Conditions) have the meanings assigned to them in the General Conditions.

Amend Paragraph 1.01.A.19, Engineer, of the General Conditions by adding the following to the end:

"For this project the following named persons, firms, or corporations have been utilized by ENGINEER to furnish services as a consultant with respect to the project (if blank, none have been utilized by the ENGINEER):

1. Tolunay – Wong Engineers, Inc (Geotechnical)
2. Tolunay – Wong Engineers, Inc (Phase I ESA)
3. Tolunay – Wong Engineers, Inc (Phase II ESA)

ARTICLE 2 PRELIMINARY MATTERS

SC-2.02

Amend the first sentence of Paragraph 2.02.A of the General Conditions to read as follows:

"Five sets of the Contract Documents shall be furnished to the CONTRACTOR, at no charge, for construction purposes."

And so amended, Paragraph 2.02 remains in effect.

SC-2.03

Amend the third sentence of Paragraph 2.03.A of the General Conditions to read as follows:

"In no event will the Contract Time commence to run later than 90 days after the day of Bid opening or 30 days after the Effective Date of the Agreement, whichever is earlier, without the written agreement of the Contractor and Owner."

ARTICLE 4 AVAILABILITY OF LANDS; SUBSURFACE AND PHYSICAL CONDITIONS;
HAZARDOUS ENVIRONMENTAL CONDITIONS; REFERENCE POINTS

SC-4.02

In the preparation of Drawings and Specifications, ENGINEER or ENGINEER's Consultants have relied upon:

4.02.A.1 The following reports of exploration and tests of subsurface conditions at the site of the Work (if blank, no reports or tests were used by ENGINEER or ENGINEER's Consultants):

1. Geotechnical Engineering Report entitled, "City of Tomball Downtown Parking Lots" Report No. 11.13.138, prepared by the firm of Tolunay – Wong Engineers, Inc, dated July 11, 2011.
2. Phase I ESA Report entitled Phase I Environmental Site Assessment Proposed Tomball Parking Lots AN, CS, and ES Tomball, Harris County, Texas, Report No. 11.12.019, prepared by the firm of Tolunay – Wong Engineers, Inc, dated August 4, 2011.
3. Phase II ESA Report entitled Phase II Environmental Site Assessment Proposed Tomball Parking Lot AN Tomball, Harris County, Texas, Report No. 11.12.049, prepared by the firm of Tolunay – Wong Engineers, Inc, dated December 14, 2011.

The technical data contained in such reports upon which the CONTRACTOR may rely is to be verified by the CONTRACTOR.

4.02.A.2 The following drawings of physical conditions in or relating to existing surface and subsurface structures (except Underground Facilities) which are at or contiguous to the site of Work:

1. NONE
2. _____
3. _____

All of the information in such drawings constitutes technical data on which CONTRACTOR may rely with the following exceptions: _____

Copies of these reports and drawings that are not included with the Bidding Documents may be examined at the office of the ENGINEER during regular business hours. These reports and drawings are not part of the Contract Documents, but the technical data contained therein upon which CONTRACTOR is entitled to rely as provided in GC-4.02.B and as identified and established above are incorporated therein by reference. CONTRACTOR is not entitled to rely upon other information and data utilized by ENGINEER.

SC-4.06

Delete Paragraph 4.06.G of the General Conditions in its entirety.

ARTICLE 5 BONDS AND INSURANCE

SC-5.01

Delete Paragraphs 5.01.A and 5.01.B of the General Conditions in their entirety and insert the following in their place:

- "A. The Successful Bidder must furnish with the executed Contract Documents a Performance Bond and a Payment Bond on the forms furnished with the Contract Documents, each in the amount of 100% of the total Contract Price in accordance with Texas Local Government Code § 252.044 and Texas Government Code Ch. 2253. CONTRACTOR shall also furnish such other Bonds as are required by the Supplementary Conditions. The surety company must be authorized to do business in Texas, which authorization must be recorded in the files of the State Board of Insurance. The surety company must be authorized to issue Payment and Performance Bonds in the amount required for the particular Contract, which authorization must be recorded in the files of the State Board of Insurance. The surety company must have a rating of at least "B" in the current Best's Key Rating Guide, or if the surety company does not have such a rating due to the length of time it has existed, the surety company must be eligible to participate in the surety bond guarantee program of the Small Business Administration and must be an approved surety listed in the current U.S. Department of Treasury Circular 570, and must meet all of the related rules and regulations of the Treasury Department. The person executing the Payment and Performance Bonds must be a licensed Texas local recording agent, and such licensing must be recorded in the files of the State Board of Insurance. The person executing the Payment and Performance Bonds must be authorized by the surety company to execute Payment and Performance Bonds on behalf of the company in the amount required for the Contract, and such authorization must be recorded in the files of the State Board of Insurance. The Contract shall not be in effect until such Bonds have been provided by the CONTRACTOR and accepted by the OWNER."

SC-5.04

The limits of liability for the insurance required by Paragraph 5.04 of the General Conditions shall provide coverage for not less than the following amounts or greater where required by Laws and Regulations:

Worker's Compensation

- | | |
|---|-------------------------|
| (1) State: <u>Statutory</u> | |
| (2) Applicable Federal (e.g., Longshoreman's): <u>Statutory</u> | |
| (3) Employer's Liability: | |
| \$500,000 | Each Accident |
| \$500,000 | Disease - Policy Limit |
| \$500,000 | Disease - Each Employee |

Commercial General Liability

- | | |
|---|-------------|
| (1) General Aggregate Limit (other than products-completed operations) coverage must include Explosion, Collapse, and Underground Coverages | \$1,000,000 |
| (2) Products-Completed Operations Aggregate Limit | \$1,000,000 |

(3) Each Occurrence Limit \$ 500,000

Commercial Automobile Liability
\$500,000 Any One Loss or Accident

Umbrella Liability
\$1,000,000 Excess Limit

Shortages in coverage in any of the areas listed above may be covered by additional umbrella coverage.

The Contractor shall not commence work on any Contract in the City until the Contractor has obtained all the insurance required under this paragraph and such insurance has been approved by the City.

Workers' Compensation Insurance Coverage - Continued

A. Definitions:

Certificate of coverage ("certificate") - A copy of a certificate of insurance, a certificate of authority to self-insure issued by the commission, or a coverage agreement (DWC-81, DWC-82, DWC-83, or DWC-84), showing statutory workers' compensation insurance coverage for the person's or entity's employees providing services on a project, for the duration of the project.

Duration of the project - includes the time from the beginning of the work on the project until the contractor's/person's work on the project has been completed and accepted by the governmental entity.

Persons providing services on the project ("subcontractor" in 406.096) - includes all persons or entities performing all or part of the services the contractor has undertaken to perform on the project, regardless of whether that person contracted directly with the contractor and regardless of whether that person has employees. This includes, without limitation, independent contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity which furnished persons to provide services on the project. "Services" include, without limitation, providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other service related to a project. "Services" does not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets.

- B. The contractor shall provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, which meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all employees of the contractor providing services on the project, for the duration of the project.
- C. The contractor must provide a certificate of coverage to the governmental entity prior to being awarded the contract.
- D. If the coverage period shown on the contractor's current certificate of coverage ends during the duration of the project, the contractor must, prior to the end of the coverage period, file a new certificate of coverage with the governmental entity showing that coverage has been extended.

- E. The contractor shall obtain from each person providing services on the project, and provide to the governmental entity:
- (1) a certificate of coverage, prior to that person beginning work on the project, so the governmental entity will have on file certificates of coverage showing coverage for all persons providing services on the project; and
 - (2) no later than seven days after receipt by the contractor, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project.
- F. The contractor shall retain all required certificates of coverage for the duration of the project and for one year thereafter.
- G. The contractor shall notify the governmental entity in writing by certified mail or personal delivery, within 10 days after the contractor knew or should have known, of any change that materially affects the provision of coverage of any person providing services on the project.
- H. The contractor shall post on each project site a notice, in the text, form and manner prescribed by the Division of Workers' Compensation, Texas Department of Insurance, informing all persons providing services on the project that they are required to be covered, and stating how a person may verify coverage and report lack of coverage.
- I. The contractor shall contractually require each person with whom it contracts to provide services on a project, to:
- (1) provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, which meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all of its employees providing services on the project, for the duration of the project;
 - (2) provide to the contractor, prior to that person beginning work on the project, a certificate of coverage showing that coverage is being provided for all employees of the person providing services on the project, for the duration of the project;
 - (3) provide the contractor, prior to the end of the coverage period, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project;
 - (4) obtain from each other person with whom it contracts, and provide to the contractor:
 - (a) a certificate of coverage, prior to the other person beginning work on the project; and
 - (b) a new certificate of coverage showing extension of coverage, prior to the end of the coverage period, if the coverage period shown on the current certificate of coverage ends during the

duration of the project;

- (5) retain all required certificates of coverage on file for the duration of the project and for one year thereafter;
- (6) notify the governmental entity in writing by certified mail or personal delivery, within 10 days after the person knew or should have known, of any change that materially affects the provision of coverage of any person providing services on the project; and
- (7) contractually require each person with whom it contracts, to perform as required by paragraphs (1) - (7), with the certificates of coverage to be provided to the person for whom they are providing services.

- J. By signing this contract or providing or causing to be provided a certificate of coverage, the contractor is representing to the governmental entity that all employees of the contractor who will provide services on the project will be covered by workers' compensation coverage for the duration of the project, that the coverage will be based on proper reporting of classification codes and payroll amounts, and that all coverage agreements will be filed with the appropriate insurance carrier or, in the case of a self-insured, with the commission's Division of Self-Insurance Regulation. Providing false or misleading information may subject the contractor to administrative penalties, criminal penalties, civil penalties, or other civil actions.
- K. The contractor's failure to comply with any of these provisions is a breach of contract by the contractor which entitles the governmental entity to declare the contract void if the contractor does not remedy the breach within ten days after receipt of notice of breach from the governmental entity.

SC-5.06

Delete Paragraphs 5.06, 5.07, and 5.08 of the General Conditions in their entirety.

SC-5.09

Delete Paragraph 5.09 of the General Conditions in its entirety and insert the following in its place:

- "A. If OWNER has any objection to the coverage afforded by or other provisions of the insurance required to be purchased and maintained by CONTRACTOR in accordance with Article 5 on the basis of its not complying with the Contract Documents, OWNER shall notify CONTRACTOR in writing. OWNER and CONTRACTOR shall each provide to the other such information in respect of insurance provided by each as the other may reasonably request."

ARTICLE 6 CONTRACTOR'S RESPONSIBILITIES

SC-6.02

Add Paragraph 6.02.C to the General Conditions to read as follows:

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

SC-6.06

Delete Paragraph 6.06.G of the General Conditions in its entirety and insert the following in its place:

- "G. All Work performed for CONTRACTOR by a Subcontractor will be pursuant to an appropriate Agreement between CONTRACTOR and the Subcontractor which specifically binds the Subcontractor to the applicable terms and conditions of the Contract Documents for the benefit of OWNER and ENGINEER."

Add a new paragraph immediately after Paragraph 6.06.G of the General Conditions which is to read as follows:

"6.06.H OWNER or ENGINEER may furnish to any such Subcontractor, Supplier, or other person or organization, to the extent practicable, information about amounts paid to CONTRACTOR in accordance with CONTRACTOR's Applications for Payment on account of the particular Subcontractor's, Supplier's, other person's, or other organization's Work."

SC-6.10

Delete Paragraph 6.10 of the General Conditions in its entirety and insert the following in its place:

- "A. The CONTRACTOR's attention is directed to Paragraph No. 3 of Ruling No. 9, Repairmen and Contractors (as amended) issued by the Comptroller of Public Accounts. Reference Article 20.01 (T), Limited Sales, Excise, and Use Tax and to subsequent applicable legislation. The OWNER requires that no sales tax be paid on any materials incorporated into the completed Work on this Project. All Bidders and their respective Subcontractors must comply with Paragraph No. 3 of Ruling No. 9 by obtaining the necessary permit or permits from the State Comptroller allowing the purchase of materials for incorporation into this Project without having to pay the Limited Sales, Excise, and Use Tax at the time of purchase. Total materials cost should not include materials which are used up or consumed in performing the Work, but which do not become a part of this proposed Work."

SC-6.16

Amend the third sentence of Paragraph 6.16 of the General Conditions to read as follows:

"If ENGINEER and OWNER determine that a change in the Contract Documents is required because of the action taken by CONTRACTOR in response to such an emergency, a Work Change Directive or Change Order will be issued."

And so amended, Paragraph 6.16 remains in effect.

SC-6.22

Amend Article 6 of the General Conditions by inserting the following Paragraph 6.22:

"6.22 LOSSES FROM NATURAL CAUSES:

- A. All loss or damage to the CONTRACTOR arising out of the nature of the Work to be done, or from the action of the elements, or from any unforeseen circumstance in the prosecution of the same, or from unusual obstructions or difficulties which may be encountered in the prosecution of the Work, shall be sustained and borne by the CONTRACTOR at his own cost and expense."

ARTICLE 7 OTHER WORK AT THE SITE

SC-7.02

Delete Paragraphs 7.02.A and 7.02.B of the General Conditions in their entirety and insert the following in its place:

- "A. If OWNER contracts with others for the performance of other Work on the Project at the site, the person or organization who will have authority and responsibility for coordination of the activities among the various prime contractors shall be the OWNER's Representative. The extent of the authority and responsibility of the OWNER's Representative will be as specified in the Contract Documents."
- "B. Should CONTRACTOR cause damage to work or property of any separate contractor at the site, or should any claim arising out of CONTRACTOR'S performance of the Work at the site be made by any separate contractor against CONTRACTOR, OWNER, ENGINEER, ENGINEER'S Consultants, the Construction Coordinator, or any other person, CONTRACTOR shall promptly attempt to settle with such other contractor by agreement, or otherwise resolve the dispute by arbitration or at law. CONTRACTOR shall, to the fullest extent permitted by Laws and Regulations, indemnify and hold OWNER, ENGINEER, ENGINEER's Consultants, and the Construction Coordinator harmless from and against all claims, damages, losses, and expenses (including, but not limited to, fees of engineers, architects, attorneys and other professionals, and court and arbitration costs) arising directly, indirectly or consequentially out of any action, legal or equitable, brought by any separate contractor against OWNER, ENGINEER, ENGINEER's Consultants or the Construction Coordinator to the extent based on a claim arising out of CONTRACTOR's performance of the Work. Should a separate contractor cause damage to the Work or property of CONTRACTOR or should the performance of Work by any separate contractor at the site give rise to any other claim, CONTRACTOR shall not institute any action, legal or equitable, against OWNER, ENGINEER, ENGINEER's Consultants, or the Construction Coordinator or permit any action against any of them to be maintained and continued in its name or for its benefit in any court or before any arbiter which seeks to impose liability on or to recover damages from OWNER, ENGINEER, ENGINEER's Consultants, or the Construction Coordinator on account of any such damage or claim. If CONTRACTOR is delayed at any time in performing or furnishing Work by any act or neglect of a separate contractor and OWNER and CONTRACTOR are unable to agree as to the extent of any adjustment in Contract Times attributable thereto, CONTRACTOR may make a claim for an extension of times in accordance with Article 12. An extension of the Contract Times shall be

CONTRACTOR's exclusive remedy with respect to OWNER, ENGINEER, ENGINEER's Consultants, and Construction Coordinator for any delay, disruption, interference, or hindrance caused by any separate contractor. This paragraph does not prevent recovery from OWNER, ENGINEER, ENGINEER's Consultant, or Construction Coordinator for activities that are their respective responsibilities."

ARTICLE 8 OWNER'S RESPONSIBILITIES

SC-8.02

Amend Paragraph 8.02 of the General Conditions to read as follows:

"In case of termination of the employment of ENGINEER, OWNER shall appoint an engineer whose status under the Contract Documents shall be that of the former ENGINEER."

And so amended, Paragraph 8.02 remains in effect.

SC-8.06

Delete Paragraph 8.06 of the General Conditions in its entirety.

ARTICLE 9 ENGINEER'S STATUS DURING CONSTRUCTION

SC-9.01

Amend the second sentence of Paragraph 9.01 of the General Conditions to read as follows:

"The duties and responsibilities and the limitations of authority of ENGINEER as OWNER's representative during construction are set forth in the Contract Documents and will not be changed except by written direction of OWNER."

And so amended, Paragraph 9.01 remains in effect.

SC-9.04

Delete the third sentence of Paragraph 9.04, Authorized Variations in Work, of the General Conditions in its entirety, and so amended, Paragraph 9.04 remains in effect.

ARTICLE 10 CHANGES IN THE WORK; CLAIMS

SC-10.03

Amend the first sentence of Paragraph 10.03.A of the General Conditions to read as follows:

"OWNER and CONTRACTOR shall, when appropriate, execute Change Orders recommended by ENGINEER (or Written Amendments) covering:"

And so amended, Paragraph 10.03 remains in effect.

SC-10.05

Amend the first sentence of Paragraph 10.05.B., Claims – Notice, of the General Conditions shall be amended by changing “30 days” to read “fourteen (14) calendar days”

Amend Paragraph 10.05.E by deleting it in its entirety.

And so amended, Paragraph 10.05 remains in effect.

ARTICLE 13 TESTS AND INSPECTIONS; CORRECTION, REMOVAL, OR ACCEPTANCE OF DEFECTIVE WORK

SC-13.04

Amend the first sentence of Paragraph 13.04.B of the General Conditions to read as follows:

"If ENGINEER considers it necessary or advisable that covered Work be observed by ENGINEER or inspected or tested by others, CONTRACTOR, at ENGINEER's request and with OWNER's written approval, shall uncover, expose, or otherwise make available for observation, inspection, or testing as ENGINEER may require, that portion of the Work in question, furnishing all necessary labor, material, and equipment."

And so amended, Paragraph 13.04 remains in effect.

SC-13.07

Delete Paragraph 13.07.D of the General Conditions in its entirety and insert the following in its place:

"D. Notwithstanding any other provision of this section or the Contract Documents to the contrary, this provision shall not serve to limit any causes of action which the OWNER may have against the CONTRACTOR for Defective Work or for otherwise failing to fulfill CONTRACTOR's obligations under the Contract Documents; nor shall this provision serve to limit the time in which such causes of action shall be asserted."

SC-13.09

Amend the second sentence of Paragraph 13.09.B of the General Conditions to read as follows:

"In connection with such corrective and remedial action, OWNER may exclude CONTRACTOR from all or part of the Site, take possession of all or part of the Work and suspend CONTRACTOR's services related thereto, and incorporate in the Work all materials and equipment stored at the Site or for which OWNER has paid CONTRACTOR but which are stored elsewhere."

And so amended, Paragraph 13.09 remains in effect.

ARTICLE 14 PAYMENTS TO CONTRACTOR AND COMPLETION

SC-14.02

Amend Paragraph 14.02.D.1.b of the General Conditions to read as follows:

"Claims or Liens have been filed in connection with the Work, except where CONTRACTOR has delivered a specific Bond satisfactory to OWNER to secure the satisfaction and discharge of such Liens;"

Add Paragraph 14.02.D.1.e to the General Conditions to read as follows:

"OWNER concludes that one or more of the events enumerated in Paragraph 14.02.B.2.a through 14.02.B.2.c have not occurred."

And so amended, Paragraph 14.02 remains in effect.

SC-14.03

Amend Paragraph 14.03.A of the General Conditions to read as follows:

"CONTRACTOR warrants and guarantees that title to all Work, materials, and equipment covered by any Application for Payment, whether incorporated in the Project or not, will pass to OWNER no later than the time of payment free and clear of all Liens or Claims."

And so amended, Paragraph 14.03 remains in effect.

SC-14.04

Insert prior to the first sentence of Paragraph 14.04.A of the General Conditions the following:

"Substantial completion is the stage in the progress of the Work when the Work or designated portion thereof is sufficiently complete in accordance with the Contract Documents so that the OWNER can occupy or utilize the Work for its intended use."

And so amended, Paragraph 14.04 remains in effect.

SC-14.07

Amend Paragraph 14.07.A.2(d) of the General Conditions to read as follows:

"complete and legally effective releases or waivers (satisfactory to OWNER) of all Claim or Lien rights arising out of or Claims or Liens filed in connection with the Work."

Amend Paragraph 14.07.A.3 of the General Conditions to read as follows:

"In lieu of the releases or waivers of Liens and Claims specified in Paragraph 14.07.A.2 and as approved by OWNER, CONTRACTOR may furnish receipts or releases in full and an affidavit of CONTRACTOR that: (i) the releases and receipts include all labor, services, material, and equipment for which a Lien or Claim could be filed; and (ii) all payrolls, material and equipment bills, and other indebtedness connected with the Work for which OWNER or OWNER's

property might in any way be responsible have been paid or otherwise satisfied. If any Subcontractor or Supplier fails to furnish such a release or receipt in full, CONTRACTOR may furnish a Bond or other collateral satisfactory to OWNER to indemnify OWNER against any Lien or Claim."

Amend Paragraph 14.07.C.1 of the General Conditions to read as follows:

"If OWNER concurs with ENGINEER's recommendation, thirty days after the presentation to OWNER of the Application for Payment and accompanying documentation, the amount recommended by ENGINEER will become due and, when due, will be paid by OWNER to CONTRACTOR."

And so amended, Paragraph 14.07 remains in effect.

SC-14.09

Amend Paragraph 14.09.A.1 of the General Conditions to read as follows:

"a waiver of all Claims by OWNER against CONTRACTOR, except Claims arising from unsettled Liens or Claims of laborers and materialmen, from defective Work appearing after final inspection pursuant to Paragraph 14.06, from failure to comply with the Contract Documents or the terms of any special guarantees specified therein, or from CONTRACTOR's continuing obligations under the Contract Documents; and"

And so amended, Paragraph 14.09 remains in effect.

ARTICLE 15 SUSPENSION OF WORK AND TERMINATION

SC-15.02

Amend Paragraph 15.02.A.1 of the General Conditions to read as follows:

"CONTRACTOR's failure to perform the Work in accordance with the Contract Documents (including, but not limited to, failure to supply sufficient skilled workers or suitable materials or equipment or failure to adhere to the progress schedule established under Paragraph 2.07 as adjusted from time to time pursuant to Paragraph 6.04);"

Amend the first sentence of Paragraph 15.02.B of the General Conditions to read as follows:

"If one or more of the events identified in Paragraph 15.02.A occur, OWNER may, after giving CONTRACTOR (and the surety, if any) seven days written notice, terminate the services of CONTRACTOR, exclude CONTRACTOR from the Site and take possession of the Work, incorporate in the Work all materials and equipment stored at the Site or for which OWNER has paid CONTRACTOR but which are stored elsewhere, and finish the Work as OWNER may deem expedient."

And so amended, Paragraph 15.02 remains in effect.

ARTICLE 16 DISPUTE RESOLUTION

SC-16.01

Amend Paragraph 16.01 A. of the General Conditions by deleting the second and third sentences in their entirety.

Amend Paragraph 16.01 B. of the General Conditions by deleting it in its entirety.

ARTICLE 17 MISCELLANEOUS

Amend "ARTICLE 17 MISCELLANEOUS PROVISIONS of the General Conditions to add the following provisions:

- 17.07 WAGE RATES. The prevailing wage rates for this project are included as Exhibit A to the Supplementary Conditions and are hereby made a part of the Contract Documents by reference. Wages not less than these rates must be paid on this project, including fringe benefits. The CONTRACTOR shall post the Prevailing Wage Rate Determination in a prominent and easily accessible location at the project site and shall abide by all associated laws and regulations pertaining thereto.
- 17.08 LIQUIDATED DAMAGES. The Owner will suffer financial loss in an amount that is difficult to quantify if the Project is not Substantially Completed on the date set forth in the Contract Documents. The Owner may assess liquidated damages against the Contractor (and its surety) in an amount equal to .5% of the Contract per week for each project, as fixed, agreed and liquidated damages and not a penalty, for each calendar day of delay until the Work is Substantially Completed. In the event liquidated damages are caused by the Contractor and another entity, the Owner may reasonably apportion damages. The right to assess liquidated damages is in addition to, and not in limitation of, any right or remedy available to the Owner."
- 17.09 VENUE. This Agreement is governed by the laws of the State of Texas. The parties agree that venue for any litigation arising out of this Agreement shall lie exclusively in the State and Federal Courts in Harris County, Texas.
- 17.10 NO THIRD PARTY BENEFICIARIES The signing parties to this agreement do not intend to confer any rights upon any persons not a party to this Contract; accordingly this contract shall not be construed to create any third party beneficiaries."

(SPACE INTENTIONAL)

00800-15
08-16-2012

PART II OTHER PROVISIONS

The following additional items are attached to this section.

1. Exhibit A, Wage Rates
2. Exhibit B, Worker's Compensation Insurance Coverage
3. Exhibit C, A Listing of the Duties, Responsibilities, and Limitations of Authority of the Resident Project Representative
4. Exhibit D, Addenda (if any)
5. Exhibit E, Change Order (form)
6. Exhibit F, Application for Payment (form)
7. Exhibit G, Storm Water Pollution Prevention Plan
8. Exhibit H, Conflict of Interest Questionnaire

END OF SECTION 00800

Regular City Council

Agenda Item

Meeting Date: September 17, 2012

Data Sheet

Topic:

Authorize Engineering and Planning Department to Negotiate and Prepare Professional Services Agreement with CLR, Inc. for Design of Medical District Sidewalks

Background:

The design of Medical District Sidewalks will provide for a well-connected system to ensure the extension of the network in conjunction with public and private development.

A budgeted amount of \$400K has been allocated for FY2013 and will be funded through the Capital Projects Fund, Police Department, System Expansion, 400-121-6409.

A Request for Qualification was requested from six engineering firms. After review of all submittals, City staff has accepted CLR, Inc. based on their experience and project approach.

Origination:

Recommendation:

The Engineering and Planning Department negotiate and prepare a Professional Services Agreement for Council's approval.

Funding:

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

Lori Lakatos and Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

CLR, Inc. RFQ - Medical District Sidewalks



September 4, 2012

City of Tomball
501 James Street
Tomball, Texas 77375

Attn: Ms. Lori Lakatos, PE, CFM
Acting City Engineer

**Re: Request for Qualifications (RFQ) for Professional Engineering Services
E&P Project No. 2012-10018
City of Tomball Medical District Sidewalks**

Dear Ms. Lakatos:

Please accept this transmittal letter as conformation of CLR, Inc. interest in being considered for providing professional services associated with the RFQ noted above. Attached for your review and evaluation is the CLR Statement of Qualifications (SOQ). We believe that the SOQ addresses the requirements of your RFQ, and confirms CLR's ability to successfully complete the anticipated scope of services for the City of Tomball.

CLR is proud of its past accomplishments within the City of Tomball on both public and private projects as well as our current capabilities for these services and are excited about working with the City of Tomball's staff on this important project. We appreciate the opportunity to state our qualifications and are ready to begin immediately. If you have any questions regarding this submittal, please do not hesitate to contact me at 713.462.0993 x18.

Sincerely

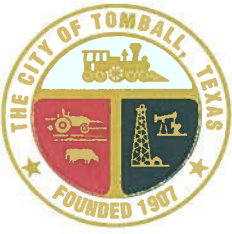
CLR, Inc.

A handwritten signature in blue ink, appearing to read "Kyle A. Bertrand", is written over a light blue rectangular background.

Kyle A. Bertrand, P.E.
Senior Vice President

ENGINEERS • SURVEYORS • GIS

P.O. Box 450, Waller, Texas 77484
Phone 713-462-0993 • • • www.clri.com



STATEMENT OF QUALIFICATIONS
FOR PROFESSIONAL ENGINEERING SERVICES
CITY OF TOMBALL MEDICAL DISTRICT SIDEWALKS
E&P PROJECT NO. 2012-10018



Section 1: Introduction

Our team would like to be considered for E&P Project No. 2012-10018 City of Tomball Medical District Sidewalks.

This correspondence is in response to your August 20, 2012 request for qualifications (RFQ) related to the E&P Project No. 2012-10018, City of Tomball Medical District Sidewalks. CLR Inc. appreciates the opportunity to be considered for this project and is pleased to submit this Statement of Qualifications (SOQ) for your review.

CLR, Inc., is registered with the State of Texas, Firm Registration No. 275. Established in Houston in 1977, CLR, Inc., is a full-service, civil engineering, surveying and geographic information systems (GIS) firm. We have successfully built our reputation on providing top-quality engineering, surveying and GIS solutions. We have a strong history of providing multi-disciplined services to public agencies, private developers, institutional facility clients, and municipal utility districts. Our firm takes pride in the fact that we have built an organization around developing strong ties with our clients and keeping their best interests in mind with everything we do. Our work and the work of our teaming firms, is dedicated to professional excellence, quality design and a solid history of delivering high-quality, reliable solutions.

On behalf of the project team, CLR, Inc., appreciates the opportunity to provide this SOQ to the City of Tomball on this important project. CLR, Inc. has extensive municipal and private experience with these types of projects, not only in the Houston region, but even more pertinent, our firsthand knowledge and experience working with the City of Tomball over the past 25 years makes us uniquely qualified. In addition, CLR has provided similar services for Tomball ISD, Tomball EDC, Texas Department of Transportation (TxDOT), Harris County, and numerous private development clients within the Tomball Corporate boundaries and ETJ.

The team is available to commence with the preparation and negotiation of a final scope of work with fees and will remain committed to helping the City of Tomball meet their goals. We look forward to hearing from you.

Section 2: Familiarity with City of Tomball Existing Planning Documents & Experience with Similar Planning Efforts

Throughout CLR's history of more than 25 years working in and with the City of Tomball, CLR has had the opportunity to assist the City with creation, modification, and/or updating of documentation relative to planning and design of their local infrastructure and development. In recent years the City has gone beyond the standard design guidelines, specifications, major thoroughfare, and mandated master planning by initiating a number of planning and development guidance studies and criteria documents. Included in these are: Zoning Ordinance 2-4-2008, Tomball Comprehensive Plan, Downtown Specific Plan, Tomball Development Guide, Livable Center Downtown Plan, and FM2920 Access Management Plan.

Beginning in 2008, several years of dedicated committee hours brought forth the adoption of the City of Tomball Zoning Ordinance (February 4, 2008) "for the purpose of promoting the public health, safety, morals, and general welfare of the City." Further, the zoning regulations established are meant to "lessen congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land and thus avoid undue concentration ..." Since the adoption of the Zoning Ordinance, CLR has coordinated several development projects within the City with staff to assure conformance and/or to pursue ratification of discrepancies through appropriate processes. During the process, CLR worked closely with private developers, the City Manager, and staff on proposed revisions to parking requirements established by the ordinance for shopping centers.

Following adoption of the Zoning Ordinance, the City underwent an extensive effort to develop the City of Tomball Comprehensive Plan. This award winning plan was adopted on December 7, 2009 and serves as "vision-based" documentation intended to establish baseline guidance for future development and redevelopment suitable to uphold the ideals and desired future of the Tomball community. As a general guidance document, the visions in this document are supported by the Zoning Ordinance as the regulator tool. As such, the document provides a resource for evaluation of conformance to established regulation, community vision, and City services planning.

As an extension to the Tomball Comprehensive plan, the City has continued to work on planning documents specifically for the development and preservation of the downtown area of Tomball. These include "The Tomball Downtown Specific Plan (DSP)" and the "Livable Centers Downtown Plan". In identifying downtown as a priority focus area for the next five years the City Council adopted the DSP "with the objective of positioning downtown Tomball as an economic hub and community destination while preserving its historic character and neighborhoods. The DSP process will further define this vision by creating an effective planning tool and regulatory

document that will be used to determine appropriate development and redevelopment within the downtown area. The DSP will create a new downtown land use zone and zoning sub-districts for significant areas of the downtown core and will provide customized development standards and land use charts for each of the individual districts within the DSP zone. The DSP will be in a streamlined, user-friendly format, whereby, in one document, zoning, economic development, infrastructure, and architectural design parameters for the downtown will be contained.”

Another, recent planning document applicable to the City of Tomball is the FM2920 Access Management Plan. This plan was published by the Houston Galveston Area Council for FM2920 from US 290 to Interstate 45. The goal of the studies conducted and improvements proposed as the result, are to improve mobility, enhance land use, reduce traffic delays and improve safety along the route. The proposed improvements are naturally applicable to the downtown Tomball area and implementations of certain improvements are currently being addressed by the City. Included, for example is the addition of public parking facilities in the downtown area. These improvements will help to reduce the need for parking along Main Street (FM2920) thereby allowing other improvements to facilitate vehicular mobility and overall safety.

The above-referenced documents represent general planning efforts undertaken by most municipalities in an effort to provide for the health, safety, and welfare of the community being served. As previously noted, through our years of service to the City of Tomball, we have had numerous opportunities to assist City staff at all levels in establishing, improving, and implementing criteria, guidelines, and planning to meet their goal and the desire of the community. However, our experience is not only limited to the Tomball area. CLR and the staff have provided similar services for a number of Municipal Utility and other specialized districts, City’s, and County agencies within the area. For example, we currently serve as District Engineer for four Utility Districts and in the past have prepared the necessary planning and financial documentation required for District creation. Ongoing, we are tasked with planning, capital improvements, and other agency coordination duties similar to those utilized by the City of Tomball, and have successfully completed those for areas larger than the corporate boundaries of Tomball. Therefore we feel confident we can and will meet the City’s expectation regarding services relative to these tasks.

Section 3: Recent Experience with Planning of Public Infrastructure to Serve the City of Tomball & the Tomball ETJ

In recent years, CLR has worked with City staff, the Tomball EDC, other agencies and consultants, and private developers to not only plan, but to also implement public infrastructure improvements to serve the City of Tomball & ETJ. The efforts put forth generally consisted of development and/or refinement of existing planning necessitated by proposed development and/or

implementation of an infrastructure improvement for the City. The one consistency in planning public infrastructure is that the plan, at some point, will change.

Most recently, CLR has been working for the Tomball EDC on a proposed project to develop a business and technology park at the northwest corner of Hufsmith-Kohrville and Holderrieth. As part of that effort CLR has worked with City staff, other consultants, Harris County, and other private agencies to plan the necessary public infrastructure to serve the 115-acre development. These efforts include utilizing existing facility locations, projected demands, and previously completed studies prepared for the City of Tomball. The planning completed to date has further refined drainage facilities, utility infrastructure, and the major thoroughfare plan with regard to placement, need, timing, and probable construction costs for the infrastructure expansions necessary to serve the area.

CLR also has experience with similar planning interaction with City staff relative to private development projects within the City. For example, CLR was retained by the developers for both Tomball Marketplace and Spring Creek Commons. On these projects CLR planned solutions to not only serve the respective developments, but also met the needs for future development in the areas. Drainage/detention solutions were coordinated and planned with City staff that allowed future expansion within defined service areas. Likewise, public utilities were planned and implemented to be suitable for future extension to serve adjacent properties. While not always required to meet the immediate project needs, planning for the potential of future expansion often has little initial financial impact but the long term benefits can be huge.

Another recent effort by CLR that could be considered a planning accomplishment is the first set of what will be a series of public parking lots constructed by the City in downtown. CLR was selected to provide final design for three of these lots. Prior to initializing final design, CLR reviewed previously completed conceptual designs and drafted a number of alternatives for City consideration. The resulting lot configurations will ultimately net approximately 3 times as many spaces for essentially the same investment.

Section 4: Recent Experience with Design of Public Infrastructure to Serve the City of Tomball & the Tomball ETJ

Our project experience includes a diverse range of project types and sizes including roadways, sidewalks and bikeways, parking lots, drainage and detention, waterlines, COT gas line, and sanitary sewer, neighborhood street reconstruction, widening and rehabilitation, grade separations, and flood control facilities projects. CLR has successfully completed these projects independently and/or through assembling and managing a qualified team of professionals needed for specialized tasks for both public and private clients. Services for these projects have included

feasibility studies, alternative analysis, hydraulic analysis, municipal utility district creation documents, bond reports, the design of storm sewer systems, open drainage ditches, detention facilities, pavement, traffic control, final design, PS&E, construction phase services, SW3P, stormwater quality, streetlight utility conduit layout, TCP, geotechnical investigation, Phase 1 and 2 ESAs, topographic survey, right-of-way acquisition and urban forestry services.

Most recently CLR has successfully completed or is currently working to complete the following projects for the City of Tomball or within the City of Tomball jurisdiction:

RECENT CITY OF TOMBALL (TOMBALL EDC) PROJECTS

- **Downtown Parking Lots Elm Street and Fannin Street** – CLR is currently providing design phase services for proposed public parking lots located along Elm Street and Fannin Street. The project is currently bidding for construction, expected to take 60 days for substantial completion.
- **Brown Road Phase 2 from Quinn Road to Baker Road** - CLR provided Phase I, II, & III services for a new sections of Brown Road within the City of Tomball. The project consisted of approximately 1800 LF of minor arterial roadway with **sidewalks on both sides (which passed TDLR final inspection with no issues)**, needed to complete an additional East-West corridor for the City. In addition, the project completed necessary utility extensions for 12-inch water distribution, 10-inch sanitary sewer, 4-inch natural gas distribution, and detention for the facility. **The project construction was recently completed ahead of schedule and under budget (Consultant fees and construction).**
- **Brown Road Utility Extension** – Recently completed for the City of Tomball through funding provided by the Tomball EDC. Project was successfully completed ahead of schedule and under budget.
- **Tomball Economic Development Corporation** – CLR is currently under contract with the Tomball EDC to provide engineering, planning, survey, and other related professional services for a proposed 115-acre Business and Technology Park.
- **Quinn Road Utility and Sidewalk Extensions** - CLR provided Phase I, II, & III services utility and sidewalk extension along Quinn Road within the City of Tomball. The project included extension of sidewalk, extensions for 12-inch water distribution, 10-inch sanitary sewer, 4-inch natural gas distribution. Of note on this project: CLR inspected sidewalk forms prior to concrete pours during construction and rejected the form work as non-complaint 4 times. CLR worked with the project contractor to complete the effort and the project passed TDLR final inspection with no issues.

OTHER PAST CITY PROJECT EXAMPLES

- **Brown Road Phase 1 Completed as a joint funded project between the City of Tomball and TxDOT.**
- **M124 Drainage Channel and Detention Basin** – This project was successfully completed by CLR in support of Brown Road Phase 1. During construction CLR supported the City position to deny the construction contractor on unsubstantiated change order requests. During the progress of this project CLR received a request for a coordination meeting with the City for a downstream M124 project being prepared by another consultant as an independent peer reviewer.
- **Quinn Road from Main Street to Baker**
- **Willow Street**

DEVELOPER PROJECTS

- **Tomball Marketplace** – Public and private infrastructure and parking for retail development including permitting for improvements within TxDOT ROW.
- **Spring Creek Commons** – Public and private infrastructure planning and design for future retail development including storm sewer outfall and 10-acre detention expansion adjacent to M124 upper basin.
- **20 Acre Site Fill and Floodplain Mitigation Plan for future development.**
- **Site Detention for Murphy Oil.**
- **Infrastructure planning and coordination for approximate 50-acre site east of Target.**
- **Platting for approximately 50 acres at the corner of FM2920 and FM2978.**
- **Concordia Lutheran High School.**

Additional abilities/experience - **Sustainable Solutions** – CLR and its employees have completed several projects that implement concepts to reduce negative impacts on the environment. Water and wastewater rehabilitation projects have long been undertaken to improve water efficiency of aging infrastructure, thereby reducing excess water pumped or treated. CLR employees have complemented water efficiency with energy efficiency. In water plant rehabilitation projects, CLR has taken the opportunity to tightly specify best efficiency point operations and premium-efficiency pumping equipment to assist municipal entities in meeting energy-saving goals established by the State of Texas. CLR wastewater plant design projects implement concepts such as fine bubble diffusers (including digesters) for energy efficiency, thereby continuing to provide for customers with growing demand in an environment where resources are more limited and costly. CLR employees have implemented the Full-cost Pricing concept to Elevated Storage for La Porte, Texas, where maintenance requirements are considered in the selected design. For paving and drainage, CLR is among the first civil firms in the City of Houston to provide design services related to Public Realm improvements designated by the City Planning Department. Evaluation of pervious pavements was provided to a landowner that has “opted in” to the Metro transit corridor along Harrisburg Boulevard and will be providing sustainable hardscape within the Public Realm reserve. CLR design a modified pavement section for Kirby

Drive, from Richmond to Westheimer, for the Upper Kirby Redevelopment Authority. **The design maximized the landscaped pedestrian zone in order to improve the livable space and improve walkability.**

Section 5: Project Approach & Identification of Project Manager

As the City's infrastructure grows, is replaced, and/or urban redevelopment occurs it is becoming increasingly more important to address pedestrian mobility. In years past these facilities were often ignored and/or the importance of detailed design criteria and construction were either not mandated or presumed non-critical. With increasing urban redevelopment and today's energy costs, pedestrian mobility and proper implementation of stricter criteria is not only important for the handicapped population, but important for all citizens. CLR has successfully completed these types of projects while maintaining functionality of adjacent drainage facilities, esthetics, and utilities while meeting the need for pedestrian mobility and safety.

Specific to this project, we understand that the project scope as stated in the RFQ includes approximately 5000 feet of sidewalk extensions along Graham Dr. and Lawrence Street with curb ramps, crosswalks, and replacement of non-complaint driveways. Further we understand the importance of maintaining proper drainage and of obtaining adequate survey data to determine ROW limits and elevations suitable for final design of the proposed facilities in accordance with the latest applicable ADA (2010) and TAS requirements and City of Tomball Minimum Construction Standards for Community Development.

The proposed Project Manager for this project is Kyle Bertrand, PE. As such, he will be directly responsible for the preparation of schedules, reports, design, specifications, invoices and presentations related to the project. He will serve as the primary contact for the City and will be present at all meetings from project initiation through the completion of construction. Mr. Bertrand will manage any and/or all subconsultants necessary for the project. We believe that the Project Manager should remain directly involved in the project throughout its duration. The presence of the licensed professional engineer responsible for the project allows prompt decisions to be made when questions are raised at progress meetings or in the field.

Mr. Bertrand has 31 years of experience in civil engineering design, construction document preparation, and project management for transportation, roadway, infrastructure, and site development projects throughout Texas and Southern Louisiana. **Mr. Bertrand is also TxDOT pre-certified in Bicycle & Pedestrian Facility Development.** Recently, he served as Project Manager for the City of Tomball project Brown-Hufsmith Phase 2 including new roadway, sidewalks, drainage, water, gas and sanitary sewer facilities. This project for the City of Tomball passed TDLR inspection with "no issues" and opened for traffic on June 1st, 2012, ahead of schedule and under budget.

If selected for this project our Project Manager will meet with City staff and relative stakeholders to clearly define the project limits, scope, and goal. The PM will then prepare a written scope of services detailing all tasks, required subconsultants such as, surveying, geotechnical, environmental, urban forester, etc..., associated fees for each, project deliverables, and a proposed project schedule including progress meeting frequency. Upon review, approval, and issuance of the notice-to-proceed, CLR and the assembled project team will begin the necessary effort immediately.

Prior to initiating necessary survey and/or geotechnical field work, CLR's PM will obtain any available record drawings from the City and walk the project site to identify potential conflicts and/or areas of special concern for the proposed project. Once completed, CLR will prepare conceptual design alignments with documented reasons for deviation from the City provided plan, if any, for City review and comment. Upon confirmation of the final design project the CLR project team will complete all necessary field and design effort and preparation of necessary bidding documents. Regularly scheduled progress meetings and/or reporting are considered important to assure City staff remains informed and that all previously agreed design elements and schedule milestones are met or that reasonable unforeseen circumstances exist and have been conveyed. Anticipated submittals are expected at 30%, 50%, 90% and Final Construction document phases. Each submittal will be accompanied by an updated Estimate of Probable Construction Costs. Throughout the design process, close attention will be given to potential utility conflicts both under and above ground, maintaining drainage, impacts on adjacent improvements both public and private, and constructability and economics of the design. Keeping these in mind throughout the process will help promote the Citizen satisfaction with the construction process and final product.

Upon acceptance of the final construction documents, CLR will forward the necessary documentation for TAS review and comment. CLR will make a good faith effort to incorporate all comments received, if any, into the bidding documents.

CLR will respond in writing to all comments received, if any, during the bidding process. Following bid opening, CLR will tabulate all bids received, evaluate the bids, and provide the City with a written recommendation of award. In addition, CLR will assist the City with review and assembly of all necessary paperwork from the contractor.

For the construction phase of the project, CLR would propose to assist the City with construction phase services and inspection. Given the ever increasing requirements on these types of projects, constructing these facilities according to the required standards often requires more effort than a roadway project. We generally recommend verifying adherence to the requirements through the construction process from initial layout to final finishing of the concrete.

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.

A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of person who has a business relationship with local governmental entity.

N/A

2 ☒ Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 Name of local government officer with whom filer has employment or business relationship.

N/A

Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

☐ Yes

☐ No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

☐ Yes

☐ No

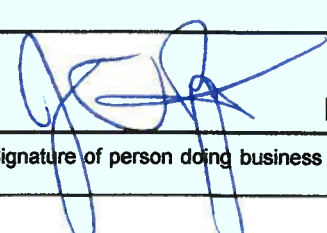
C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

☐ Yes

☐ No

D. Describe each employment or business relationship with the local government officer named in this section.

4


Signature of person doing business with the governmental entity

President, CLR, Inc.

September 4, 2012

Date

Regular City Council

Agenda Item

Meeting Date: September 17, 2012

Data Sheet

Topic:

Consideration to approve **ZONING CASE P12-459**: Request by Craig and Sindija Schneider to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 4.24 acres of land, legally described as Tract 1 R/S 10, Abstract 730, J.S. Smith Survey, within the City of Tomball, Harris County, Texas, generally located northerly of East Hufsmith Road, easterly of Snook Lane, from the Single-Family Estate Residential-20 District to the Agricultural District.

- Conduct a Public Hearing on **ZONING CASE P12-459**
- Adopt on First Reading, Ordinance No. 2012-33, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Zoning Ordinance by changing the zoning district classification of approximately 4.24 acres of land, legally described as Tract 1 R/S 10, Abstract 730, J.S. Smith Survey, within the City of Tomball, Harris County, Texas, from the Single-Family Estate Residential-20 District to the Agricultural District; said property being generally located northerly of East Hufsmith Road, easterly of Snook Lane; providing for the amendment of the official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

In June 2012, the City of Tomball received notice of a possible dog kennel being run out of the subject site. On June 26th, the City sent the property owner, Craig Schneider, a letter informing him of the matter and gave him ten days to contact the City to address the issue.

On July 6th, Mr. Schneider met with City staff where he stated that he was not operating a dog kennel out of the subject property. He also indicated that he had no more than four animals outside in a covered, fenced area. Mr. Schneider then asked staff if there was a problem with having more than four animals, belonging only to his family, within the enclosed fenced area. Staff informed Mr. Schneider that according to Section 10-176 of the Code of Ordinances, a "kennel" is "...the keeping, harboring or boarding of five or more animals over six months of age, and the place or premises where the same are kept." Therefore, if he were to have five or more animals, he would be considered a "Kennel." Kennels are not a permitted land use in the SF-20-E District. He was then informed that if he would like to have five or more animals, he would be required to have the property rezoned and bring the site into conformance with the applicable City codes for an "Animal Kennel." On July 10, 2012, the City received a Rezoning Application from Mr. Schneider requesting the subject site be rezoned to the Agricultural District.

For additional reference, an "Animal Kennel" is defined in Section 45 of the Zoning Ordinance as "a commercial establishment in which dogs or other domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation."

On September 10, 2012, the Planning and Zoning Commission, after conducting a public hearing on this request, voted to recommend approval of Zoning Case P12-459. This case is now being forwarded to City Council for consideration and possible action.

Origination:

Craig and Sindia Schneider

Recommendation:

In its formal recommendation to City Council, the Planning and Zoning Commission voted to recommend approval of Zoning Case P12-459.

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

- Ordinance No. 2012-33 - Zoning Case P12-459
- Notice of Public Hearing
- Property Owner Notification Letter
- P12-459 Staff Report
- Public Comment Form

ORDINANCE NO. 2012-33

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 4.24 ACRES OF LAND, LEGALLY DESCRIBED AS TRACT 1 R/S 10, ABSTRACT 730, J.S. SMITH SURVEY, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE SINGLE-FAMILY ESTATE RESIDENTIAL-20 DISTRICT TO THE AGRICULTURAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED NORTHERLY OF EAST HUFSMITH ROAD, EASTERLY OF SNOOK LANE; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, the owner(s) of approximately 4.24 acres of land, legally described as Tract 1 R/S 10, Abstract 730, J.S. Smith Survey, generally located northerly of East Hufsmith Road, easterly of Snook Lane, in the City of Tomball, Harris County, Texas, (the "Property"), have requested that the Property be rezoned; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days written notice of that hearing to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the proposal to change the zoning for the Property from the Single-Family Estate Residential-20 District to the Agricultural District; and

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

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

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing on the proposal to change the zoning district classification for the Property from the Single-Family Estate Residential-20 District to the Agricultural District, the City Council held the public hearing on the proposal to change the zoning for the Property and the City Council considered the final report of the Planning & Zoning Commission regarding the change of zoning district classification, and

Whereas, the City Council deems it appropriate to grant such proposed change in the zoning district classification of the Property.

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

Section 1. The City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

Section 2. The zoning classification of 4.24 acres of land, legally described as Tract 1 R/S 10, Abstract 730, J.S. Smith Survey, within the City of Tomball, Harris County, Texas, is hereby changed from the Single-Family Estate Residential-20 District to the Agricultural District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas-Ordinance 2008-01, ("Zoning District Map"), shall be revised and amended to show the designation of 4.24 acres of land, legally described as Tract 1 R/S 10, Abstract 730, J.S. Smith Survey, generally located northerly of East Hufsmith Road, easterly of Snook Lane, as Agricultural District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for 4.24 acres of land, legally described as Tract 1 R/S 10, Abstract 730, J.S. Smith Survey, generally located northerly of East Hufsmith Road, easterly of Snook Lane, to the Agricultural District as described above.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 7. City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex.Gov't. Code ch. 551.

FIRST READING:

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

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 1ST DAY OF
OCTOBER.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
SEPTEMBER 10, 2012
&
CITY COUNCIL
SEPTEMBER 17, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, September 10, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, September 17, 2012, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P12-459: Request by Craig and Sindija Schneider to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 4.24 acres of land, legally described as Tract 1 R/S 10, Abstract 730, J.S. Smith Survey, within the City of Tomball, Harris County, Texas, generally located northerly of East Hufsmith Road, easterly of Snook Lane, from the Single-Family Estate Residential-20 District to the Agricultural District.

ZONING CASE P12-468: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 6.93 acres of land, legally described as Lot 2, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District to the Light Industrial District.

ZONING CASE P12-469: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 17.63 acres of land, legally described as Tract 4B, Abstract 70, Elizabeth Smith Survey, Tract R20-A, Abstract 632, C.M. Pillot Survey, Lot 384, Tomball Outlots, and Tract 385A, Tomball Outlots within the City of Tomball, Harris County, Texas, generally located northerly of Holderrieth Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District, Single-Family Estate Residential-20, and Light Industrial Districts to the Light Industrial District.

ZONING CASE P12-481: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 5.61 acres of land, legally described as Lot 4, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District to the Light Industrial District.

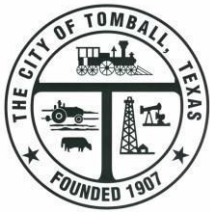
Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more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

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **6th** day of **September** 2012 by **5:00** p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate
Brandy Pate
Senior Administrative Assistant

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.



Notice of Public Hearing

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

CASE NUMBER: P12-459

APPLICANT: Craig and Sindija Schneider

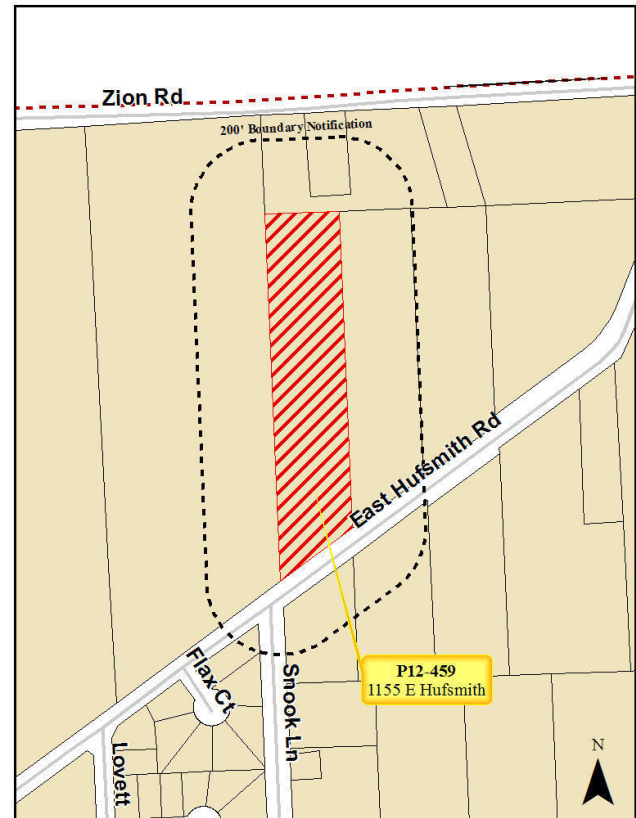
LOCATION: Northerly of East Hufsmith Road, easterly of Snook Lane

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 4.24 acres of land, legally described as Tract 1 R/S 10, Abstract 730, J.S. Smith Survey, within the City of Tomball, Harris County, Texas, from the Single-Family Estate Residential-20 District to the Agricultural District.

CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@ci.tomball.tx.us



**Planning & Zoning Commission
Public Hearing:
Monday, September 10, 2012, 6:00 PM**

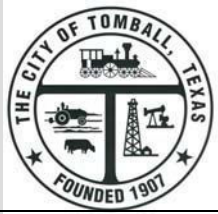
**City Council Public Hearing:
*Monday, September 17, 2012, 6:00 PM**

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

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

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

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: September 10, 2012

Rezoning Case: P12-459
Property Owner: Craig & Sindija Schneider
Applicant: Craig & Sindija Schneider
Legal Description: Tract 1 R/S 10, Abstract 730, J.S. Smith Survey
Location: Northerly of East Hufsmith Road, easterly of Snook Lane
Area: 4.24 acres
Present Zoning and Use: Single-Family Estate Residential-20 District (Exhibit "A") / Single-family residence (Exhibit "B")
Comp Plan Designation: Rural Residential (Exhibit "C")
Proposed Zoning and Use: Agricultural District / Single-family residence & kennel

It should be noted, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning & Zoning Commission may consider zoning classifications other than that sought by the applicant for this property.

Adjacent Zoning & Land Uses:

North: SF-20-E District / Undeveloped and single-family residences
South: SF-9 District / East Hufsmith Road, agricultural land, and single-family residences
West: SF-20-E & Commercial Districts / Contractor's office and single-family residence
East: SF-20-E District / Agricultural land

BACKGROUND

In June 2012, the City of Tomball received notice of a possible dog kennel being run out of the subject site. On June 26th, the City sent the property owner, Craig Schneider, a letter informing him of the matter and gave him ten days to contact the City to address the issue.

On July 6th, Mr. Schneider met with City staff where he stated that he was not operating a dog kennel out of the subject property. He also indicated that he had no more than four animals outside in a covered, fenced area. Mr. Schneider then asked staff if there was a problem with having more than four animals, belonging only to his family, within the enclosed fenced area. Staff informed Mr. Schneider that according to Section 10-176 of the Code of Ordinances, a "kennel" is "...the keeping, harboring or boarding of five or more animals over six months of age, and the place or premises where the same are kept."

Therefore, if he were to have five or more animals, he would be considered a “Kennel.” Kennels are not a permitted land use in the SF-20-E District. He was then informed that if he would like to have five or more animals, he would be required to have the property rezoned and bring the site into conformance with the applicable City codes for an “Animal Kennel.” On July 10, 2012, the City received a Rezoning Application from Mr. Schneider requesting the subject site be rezoned to the Agricultural District (Exhibit “D”).

For additional reference, an “Animal Kennel” is defined in Section 45 of the Zoning Ordinance as “a commercial establishment in which dogs or other domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.”

ANALYSIS

There are a number of land uses in the vicinity. To the north is undeveloped land and single-family residences in the SF-20-E District; to the south is agricultural land and single-family residences in the SF-9 District; to the west are a contractor’s office and a single-family residence in the Commercial and SF-20-E Districts, respectively; and to the east is agricultural land in the SF-20-E District (Exhibit “E”).

The Zoning Ordinance states that the proposed zoning classification of Agricultural District “is designed to permit the use of land for the ranching, propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district.” The single-family residence and kennel proposed for this site appear to be consistent with the intent of the Agricultural District.

The Comprehensive Plan’s Future Land Use (FLU) map identifies the site as “Rural Residential.” The Comprehensive Plan (CP) states, “Rural Residential...includes residential developments on minimum 1 acre lots that allows up to one house per acre lot. The intent is to provide for a rural lifestyle as well as to encourage appropriate development due to environmental constraints such as waterways, floodplains, and other features...Typically, the keeping of a limited number of horses or other livestock is permitted...No future commercial or industrial development (other than commercial farming) is permitted in rural neighborhoods.” The proposed rezoning to the Agricultural District and proposed incidental animal kennel land use appears to be consistent with the CP.

The future development of this site will require the applicant to comply with the City’s development regulations. A Site Plan application, which requires civil drawings, including all proposed grading, paving, drainage, and utility plans, building elevations, and landscape plans are required to be submitted and approved by the City of Tomball prior to a building permit application submittal.

ZONING CONSIDERATIONS

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

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

There are a number of land uses in the vicinity. To the north is undeveloped land and single-family residences in the SF-20-E District; to the south is agricultural land

and single-family residences in the SF-9 District; to the west is a contractor's office and a single-family residence in the Commercial and SF-20-E Districts, respectively; and to the east is agricultural land in the SF-20-E District.

Provided the City's development standards and nuisance ordinances are adhered to, the rezoning to the Agricultural District and the proposed animal kennel land use appear to be appropriate for the area.

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

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

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

Abandoned Animal Rescue has expressed interest in constructing a new facility approximately .7 miles west of the subject site.

There are numerous vacant tracts in the vicinity and elsewhere in the City zoned Agricultural District.

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

There has been steady development city-wide in the Agricultural District, particularly in the Pine Country of Tomball subdivision. However, development has been slow in the Agricultural District in the vicinity of the proposed change except for the development of the Reserves at Spring Lakes subdivision on Zion Road.

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

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

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

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

G. Whether the request is consistent with the Comprehensive Plan.

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

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

The Comprehensive Plan’s FLU map identifies the site as “Rural Residential.” The CP states, “Rural Residential...includes residential developments on minimum 1 acre lots that allows up to one house per acre lot. The intent is to provide for a rural lifestyle as well as to encourage appropriate development due to environmental constraints such as waterways, floodplains, and other features...Typically, the keeping of a limited number of horses or other livestock is permitted...No future commercial or industrial development (other than commercial farming) is permitted in rural neighborhoods.” The proposed Rezoning to the Agricultural District and proposed incidental animal kennel land use appears to be consistent with the CP.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on August 30, 2012; no public comments have been received.

RECOMMENDATION

1. APPROVAL of Zoning Case P12-459 based on the following:
 - a. The proposed zoning of Agricultural District appears to be compatible with the Comprehensive Plan;
 - b. The proposed zoning of Agricultural District is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area; and
 - c. The proposed zoning of Agricultural District is not anticipated to substantially affect the public health, safety, morals, or general welfare.
2. APPROVAL of the staff report as the Planning & Zoning Commission’s final recommendation to the City Council.

EXHIBITS

- A. Zoning Map
- B. Aerial Photo
- C. Comprehensive Plan FLU Map
- D. Rezoning Application
- E. Site Photos

Exhibit "A"
Zoning Map

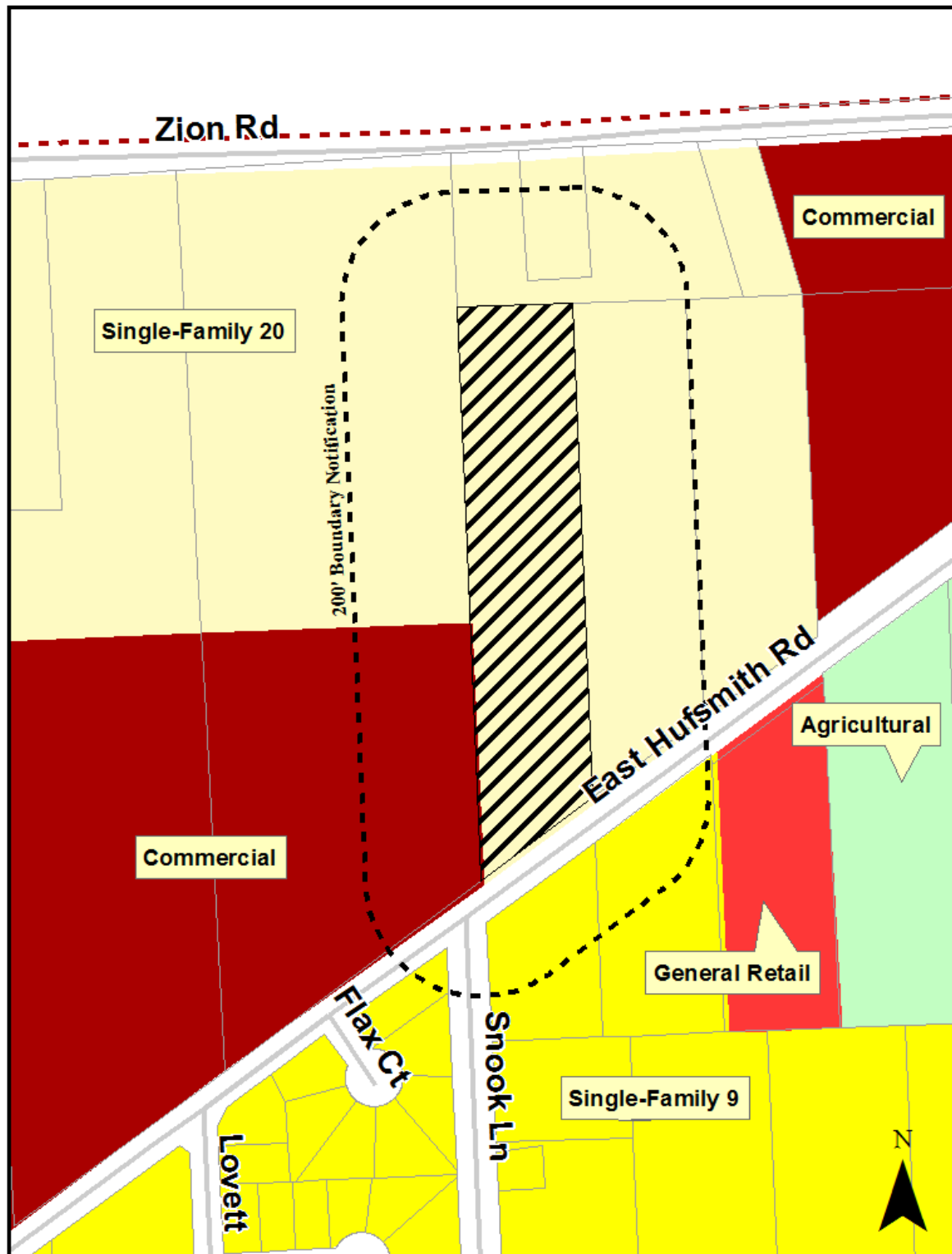


Exhibit "B"
Aerial Photo

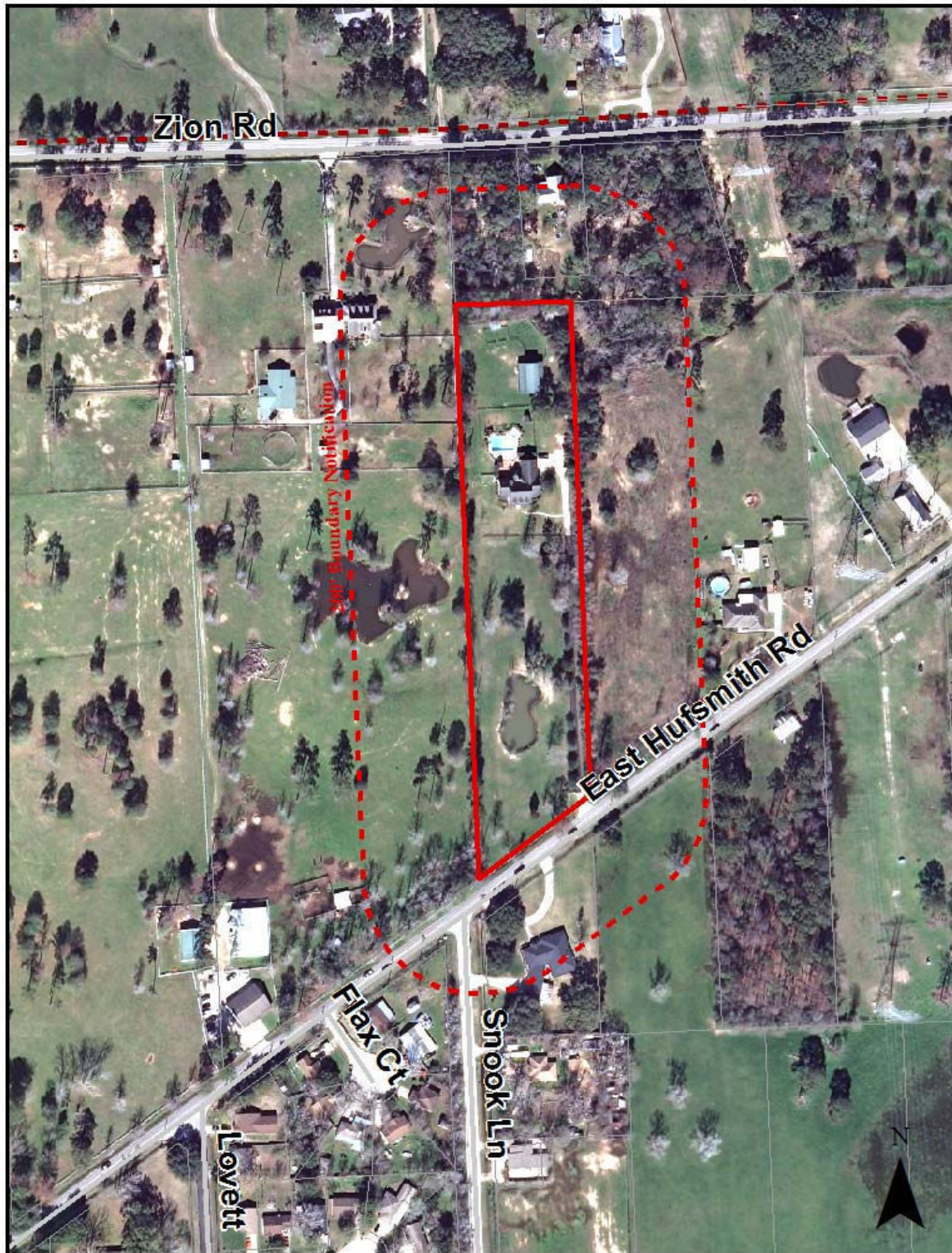


Exhibit "C"
Comprehensive Plan FLU Map

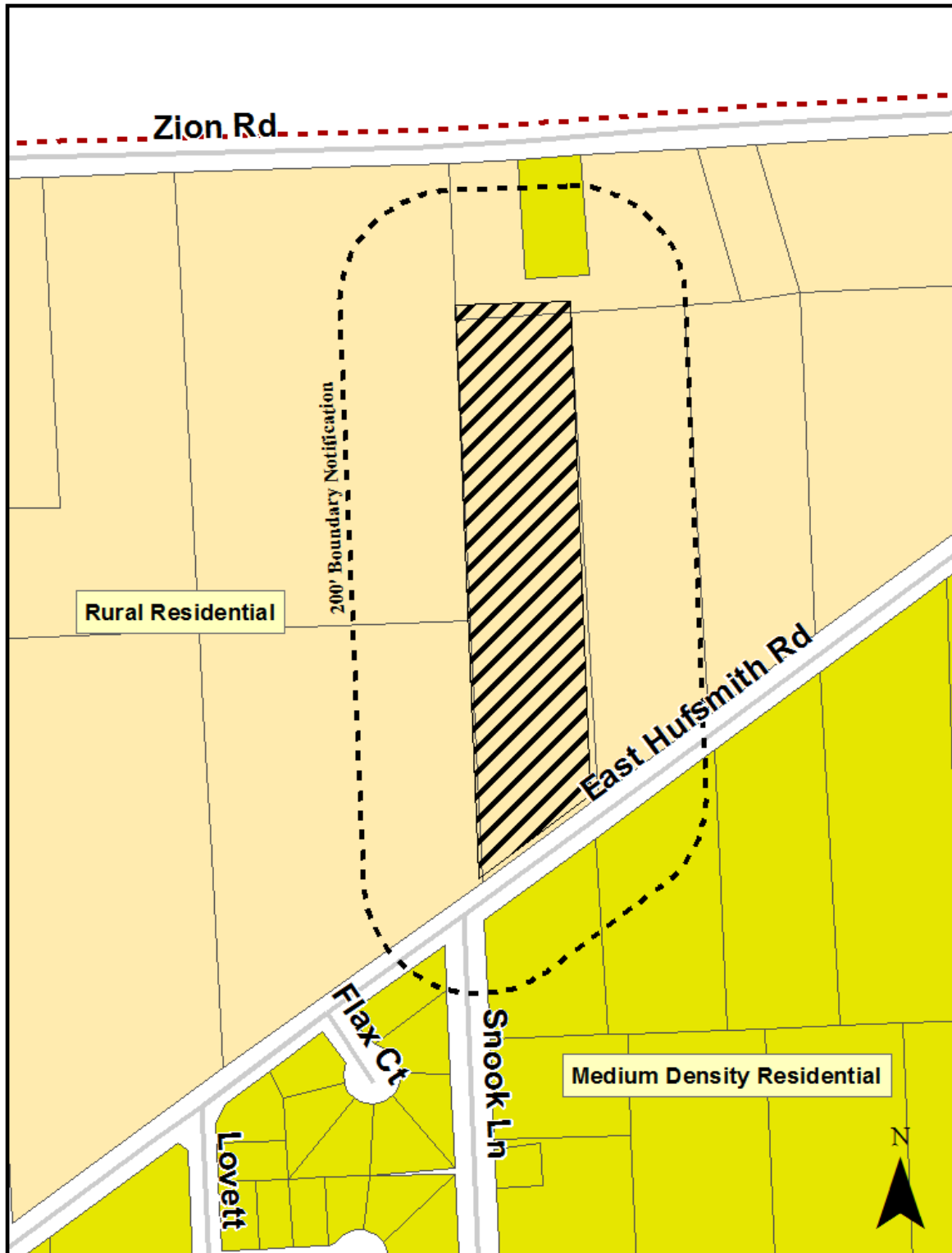
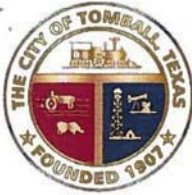


Exhibit "D"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department



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

Applicant

Name: Craig A. Schneider Title: _____
Mailing Address: 1155 E. Hufsmith City: Tomball State: TX
Zip: 77375
Phone: (281) 253-1741 Fax: (281) 582-5792 Email: craigsch29@yahoo.com

Owner

Name: Craig & Sindija Schneider Title: _____
Mailing Address: 1155 E. Hufsmith City: Tomball State: TX
Zip: 77375
Phone: (281) 253-1741 Fax: (281) 582-5792 Email: craigsch29@yahoo.com

Engineer/Surveyor (if applicable)

Name: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () _____ Fax: () _____ Email: _____

Description of Proposed Project: REZONE

Physical Location of Property: N. side of E. Hufsmith East of Snook
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 1 R/S 10 ABST 730 JS SMITH
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-20-E

Current Use of Property: Residential Homestead & Kennel in existing barn for personnel dogs

Proposed Zoning District: AG - Agricultural District

Proposed Use of Property: Residential Homestead & Kennel in existing barn for personnel dogs

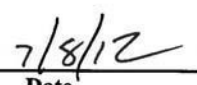
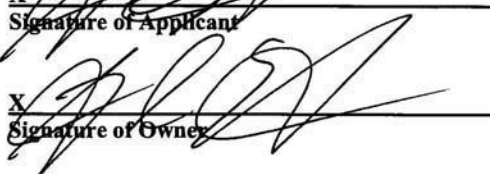
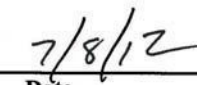
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.ci.tomball.tx.us

HCAD Identification Number: 0450340610640 Acreage: 4.2394

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

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

☒ 	
Signature of Applicant	Date
☒ 	
Signature of Owner	Date

July 8, 2012

City of Tomball Planning and Zoning Commission,

I am writing to you today regarding our request to have our acreage rezoned to Agricultural use. My wife and children recently move to Tomball. The reason for our move to Tomball was to move to a place that we believed to have a strong sense of community and to provide a safe environment to raise our children. My wife, Sindija, lived in Tomball with Warren and Jean Driver for many years while she was attending Sam Houston State. We were married in their backyard by Greg Sipe who along with his family lived with the Drivers and my wife while they transitioned to Tomball. Not having traditional family in the Houston area being close to where my wife lived for many years and being close to the Sipe family was extremely important to us. Our primary focus was to have a home that we can raise our children and accommodate our love for animals. We have horses, dogs and chickens that we absolutely love. We have turned the existing barn on the property into a kennel area for our dogs. We have Labrador Retrievers and do occasionally breed them. We are involved in hunting and showing our dogs in AKC events and will be keeping a couple of puppies for our daughters to raise and show. It is due to this that we are requesting to have our property rezoned to Agriculture use. We have no desire or intent to expand the existing facility nor do we have any desire or intent to board, train or deal with dogs that we do not own. We also breed Quarter Horses for Reining. Our goal is to have the flexibility to maintain and care for our personal animals who we consider family members. All of our dogs are trained, indoor/outdoor dogs. We feed them only the best foods and provide the best veterinary care possible. Having lived in the city of Houston we are extremely conscious of them barking and keep Tri Tronics bark collars on them.

Thank you for your time and consideration in this matter.

Respectfully,

Craig A. Schneider

**Exhibit “E”
Site Photos**



Figure 1: Subject site.



Figure 2: Subject site.



Figure 3: Single-family residence to the north. Source: maps.google.com



Figure 4: Single-family residences to the south. Source: maps.google.com



Figure 5: Contractor's office to the west. Source: maps.google.com

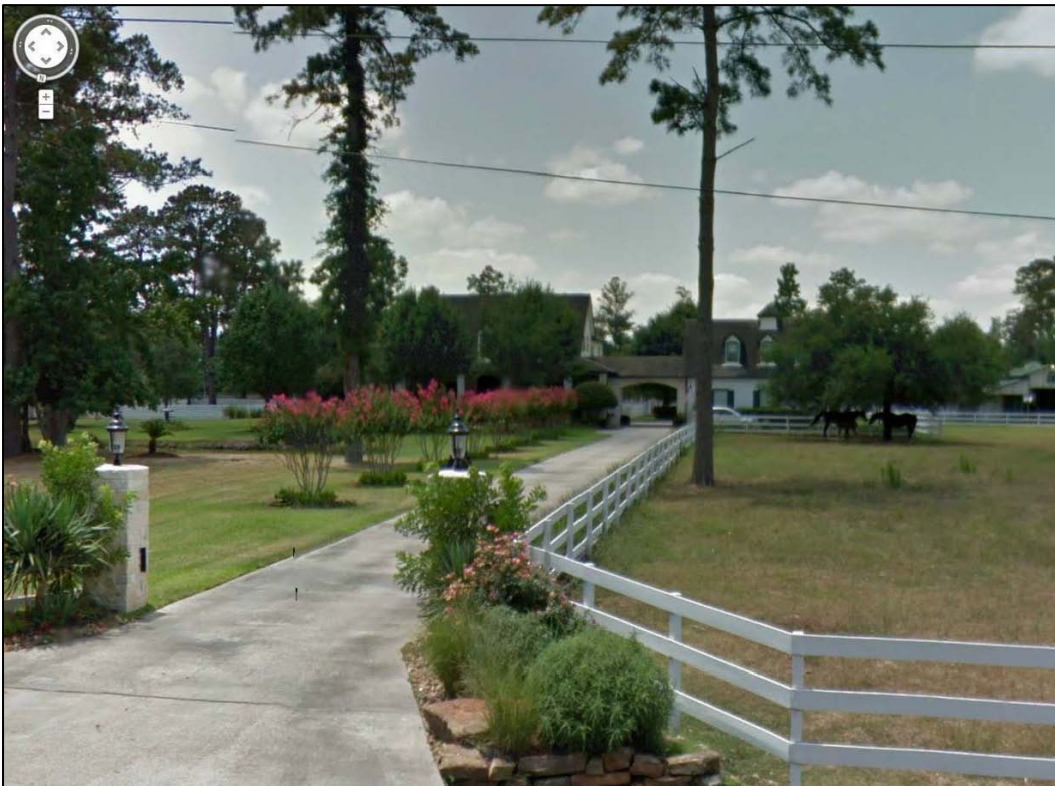
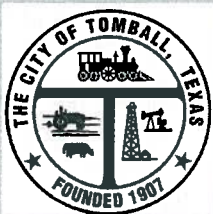


Figure 6: Single-family residence to the west. Source: maps.google.com



Figure 7: Agricultural land to the east. Source: maps.google.com



Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:

(please print)

Address:

Signature:

Date:

O/E SPEC Ltd
14403 Stuebner Airline Rd
Houston TX 77069
Barbara Heden Schen manager of Ole Spec Ltd
Sept 5, 2012

☒

I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P12-459**. (Please state reasons below)

☐

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P12-459**. (Please state reasons below)

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

Monday, September 10, 2012, 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

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

Monday, September 17, 2012, 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

COMMENTS:

My land within the 200 feet of Case number
P12-459 is already under the Agricultural District
I see no problems adding the 4.24 acres to the Agricultural
Dist.
Barbara Heden Schen

You may also comment via email to rschmidt@ci.tomball.tx.us.

Please reference the case number in the subject line.

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

Regular City Council

Agenda Item

Meeting Date: September 17, 2012

Data Sheet

Topic:

Consideration to approve **ZONING CASE P12-468**: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 6.93 acres of land, legally described as Lot 2, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District to the Light Industrial District.

- Conduct a Public Hearing on **ZONING CASE P12-468**
- Adopt on First Reading, Ordinance No. 2012-34, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Zoning Ordinance by changing the zoning district classification of approximately 6.93 acres of land, legally described as Lot 2, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District; said property being generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road; providing for the amendment of the official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

On July 23, 2012, the City of Tomball met with Jeff Presnal of 2978 Industrial Properties, LLC to discuss the possible rezoning of the subject site from the Agricultural District to the Light Industrial District. Mr. Presnal did not indicate at this meeting whether or not a particular land use was intended for this site.

City staff explained that the property is predominantly classified on the Comprehensive Plan (CP) Future Land Use (FLU) map as "Rural Residential" which does not appear to be compatible with the Light Industrial District proposed for this site. Mr. Presnal was also informed that there is a CP amendment process he could request from the Planning & Zoning Commission and City Council to have the FLU map amended to be compatible with his Rezoning request. On June 27, 2012, the City of Tomball received a Rezoning application from Mr. Presnal for the subject site.

On September 10, 2012, the Planning and Zoning Commission, after conducting a public hearing on this request, voted to recommend approval of Zoning Case P12-468. This case is now being forwarded to City Council for consideration and possible action.

Origination:

Jeff Presnal, on behalf of 2978 Industrial Properties LLC

Recommendation:

In its formal recommendation to City Council, the Planning and Zoning Commission voted to recommend approval of Zoning Case P12-468.

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Ordinance No. 2012-34 - Zoning Case P12-468

Notice of Public Hearing

Property Owner Notification Letter

P12-468 Staff Report

Public Comment Form

GTACC - Support Letter

ORDINANCE NO. 2012-34

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 6.93 ACRES OF LAND, LEGALLY DESCRIBED AS LOT 2, BLOCK 1, TOMBALL SOUTH COMMERCIAL WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE LIGHT INDUSTRIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED NORTHERLY OF SPELL ROAD, WESTERLY OF HUFSMITH-KOHRVILLE ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, the owner(s) of approximately 6.93 acres of land, legally described as Lot 2, Block 1, Tomball South Commercial, generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road, in the City of Tomball, Harris County, Texas, (the "Property"), have requested that the Property be rezoned; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days written notice of that hearing to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the proposal to change the zoning for the Property from the Agricultural District to the Light Industrial District; and

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

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

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

Whereas, the City Council deems it appropriate to grant such proposed change in the zoning district classification of the Property.

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

Section 1. The City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

Section 2. The zoning classification of 6.93 acres of land, legally described as Lot 2, Block 1, Tomball South Commercial, within the City of Tomball, Harris County, Texas, is hereby changed from the Agricultural District to the Light Industrial District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas-Ordinance 2008-01, ("Zoning District Map"), shall be revised and amended to show the designation of 6.93 acres of land, legally described as Lot 2, Block 1, Tomball South Commercial, generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road, as Light Industrial District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for 6.93 acres of land, legally described as Lot 2, Block 1, Tomball South Commercial, generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road, to the Light Industrial District as described above.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 7. City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex.Gov't. Code ch. 551.

FIRST READING:

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

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 1ST DAY OF
OCTOBER.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
SEPTEMBER 10, 2012
&
CITY COUNCIL
SEPTEMBER 17, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, September 10, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, September 17, 2012, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P12-459: Request by Craig and Sindija Schneider to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 4.24 acres of land, legally described as Tract 1 R/S 10, Abstract 730, J.S. Smith Survey, within the City of Tomball, Harris County, Texas, generally located northerly of East Hufsmith Road, easterly of Snook Lane, from the Single-Family Estate Residential-20 District to the Agricultural District.

ZONING CASE P12-468: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 6.93 acres of land, legally described as Lot 2, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District to the Light Industrial District.

ZONING CASE P12-469: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 17.63 acres of land, legally described as Tract 4B, Abstract 70, Elizabeth Smith Survey, Tract R20-A, Abstract 632, C.M. Pillot Survey, Lot 384, Tomball Outlots, and Tract 385A, Tomball Outlots within the City of Tomball, Harris County, Texas, generally located northerly of Holderrieth Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District, Single-Family Estate Residential-20, and Light Industrial Districts to the Light Industrial District.

ZONING CASE P12-481: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 5.61 acres of land, legally described as Lot 4, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District to the Light Industrial District.

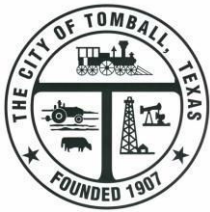
Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more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

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of September 2012 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate
Brandy Pate
Senior Administrative Assistant

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.



Notice of Public Hearing

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

CASE NUMBER: P12-468

APPLICANT: Jeff Presnal, on behalf of 2978 Industrial Properties LLC

LOCATION: Northerly of Spell Road, westerly of Hufsmith-Kohrville Road

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 6.93 acres of land, legally described as Lot 2, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District.

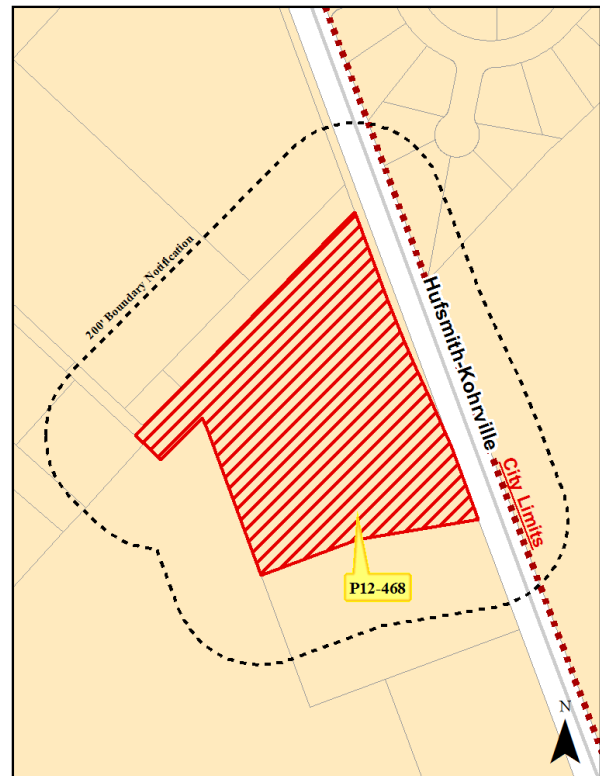
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@ci.tomball.tx.us

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

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

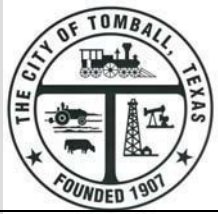


**Planning & Zoning Commission
Public Hearing:
Monday, September 10, 2012, 6:00 PM**

**City Council Public Hearing:
*Monday, September 17, 2012, 6:00 PM**

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

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: September 10, 2012

Rezoning Case: P12-468
Property Owner: 2978 Industrial Properties, LLC
Applicant: Jeff Presnal
Legal Description: Lot 2, Block 1, Tomball South Commercial
Location: Northerly of Spell Road, westerly of Hufsmith-Kohrville Road
Area: 6.93 acres
Present Zoning and Use: Agricultural District (Exhibit "A") / Undeveloped (Exhibit "B")
Comp Plan Designation: Rural Residential & Business/Industrial (Exhibit "C")
Proposed Zoning and Use: Light Industrial District / Any use permitted in Light Industrial District

It should be noted, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning & Zoning Commission may consider zoning classifications other than that sought by the applicant for this property.

Adjacent Zoning & Land Uses:

North: Agricultural District / Undeveloped
South: Agricultural & Light Industrial Districts / Commercial (CREACOM, Inc.) & undeveloped
West: SF-20-E & Light Industrial Districts / Undeveloped & single-family residences
East: Unzoned / Hufsmith-Kohrville Road, single-family residences, & former horse training facility

BACKGROUND

On July 23, 2012, the City of Tomball met with Jeff Presnal of 2978 Industrial Properties, LLC to discuss the possible rezoning of the subject site from the Agricultural District to the Light Industrial District. Mr. Presnal did not indicate at this meeting whether or not a particular land use was intended for this site.

City staff explained that the property is predominantly classified on the Comprehensive Plan (CP) Future Land Use (FLU) map as "Rural Residential" which does not appear to be compatible with the Light Industrial District proposed for this site. Mr. Presnal was also

informed that there is a CP amendment process he could request from the Planning & Zoning Commission and City Council to have the FLU map amended to be compatible with his Rezoning request. On June 27, 2012, the City of Tomball received a Rezoning application from Mr. Presnal for the subject site (Exhibit “D”).

ANALYSIS

There are several land uses in the vicinity of the subject site. To the north is undeveloped land in the Agricultural District; to the south is a commercial development (CREACOM, Inc.) and undeveloped land in the Agricultural and Light Industrial Districts, respectively; to the west is undeveloped land and single-family residences in the Light Industrial and SF-20-E Districts, respectively; and to the east is Hufsmith-Kohrville Road, single-family residences, and a former horse training facility in unzoned City of Tomball extraterritorial jurisdiction (Exhibit “E”). The uses permitted in the Light Industrial District do not appear to be consistent with the existing single-family residences to the west and northeast.

The proposed zoning classification of Light Industrial District “...is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad.” The Light Industrial District appears to be incompatible with the properties zoned Agricultural to the north and the single-family residences zoned SF-20-E to the west.

The Comprehensive Plan’s FLU map identifies the site as predominantly “Rural Residential” with a small portion being “Business/Industrial.” The CP states, “Rural Residential...includes residential developments on minimum 1 acre lots that allows up to one house per acre lot. The intent is to provide for a rural lifestyle as well as to encourage appropriate development due to environmental constraints such as waterways, floodplains, and other features. The basic character of development is rural with most natural features of the land retained. Typically, the keeping of a limited number of horses or other livestock is permitted. Public services are not required at a level as great as those required in higher density development. No future commercial or industrial development (other than commercial farming) is permitted in rural neighborhoods.” The proposed rezoning to the Light Industrial District does not appear to be consistent with the CP.

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

ZONING CONSIDERATIONS

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

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

The uses permitted in the Light Industrial District appear to be inconsistent and incompatible with the existing single-family residences to the west and northeast.

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

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

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

There are multiple vacant properties in the City zoned Light Industrial District. To the south of the subject site, the Tomball Economic Development Corporation recently had 97.48 acres rezoned to the Light Industrial District.

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

There has been steady development city-wide in the Light Industrial District. However, there has been no development in the Light Industrial District in the vicinity of the subject site.

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

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

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

The proposed zone change may affect the public health, safety, morals, or general welfare of the existing residential developments in the area or future residential developments permitted either in the Zoning Ordinance or planned for in the Comprehensive Plan.

G. Whether the request is consistent with the Comprehensive Plan.

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

- Within the capacities of existing or funded infrastructure and public facilities and services;
- In a compatible manner with surrounding land uses;
- To standards specified for and appropriate to the proposed land use; and

- In a way that furthers or helps achieve the goals of the Plan.”

The Comprehensive Plan’s FLU map identifies the site as predominantly “Rural Residential” with a small portion being “Business/Industrial.” The CP states, “Rural Residential...includes residential developments on minimum 1 acre lots that allows up to one house per acre lot. The intent is to provide for a rural lifestyle as well as to encourage appropriate development due to environmental constraints such as waterways, floodplains, and other features. The basic character of development is rural with most natural features of the land retained. Typically, the keeping of a limited number of horses or other livestock is permitted. Public services are not required at a level as great as those required in higher density development. No future commercial or industrial development (other than commercial farming) is permitted in rural neighborhoods.” The proposed rezoning to the Light Industrial District does not appear to be consistent or compatible with the CP.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on August 30, 2012; no public comments have been received.

RECOMMENDATION

1. **DENIAL** of Zoning Case P12-468 based on the following:
 - a. The uses permitted in the Light Industrial District do not appear to be consistent with the existing single-family residences to the west and northeast;
 - b. The Light Industrial District appears to be incompatible with the properties zoned Agricultural to the north and the single-family residences zoned SF-20-E to the west; and
 - c. The proposed rezoning to the Light Industrial District does not appear to be consistent with the Comprehensive Plan’s FLU classification of “Rural Residential.”
2. **APPROVAL** of the Staff Report as the Planning & Zoning Commission’s final recommendation to the City Council.

EXHIBITS

- A. Zoning Map
- B. Aerial Photo
- C. Comprehensive Plan FLU Map
- D. Rezoning Application
- E. Site Photos

Exhibit "A"
Zoning Map

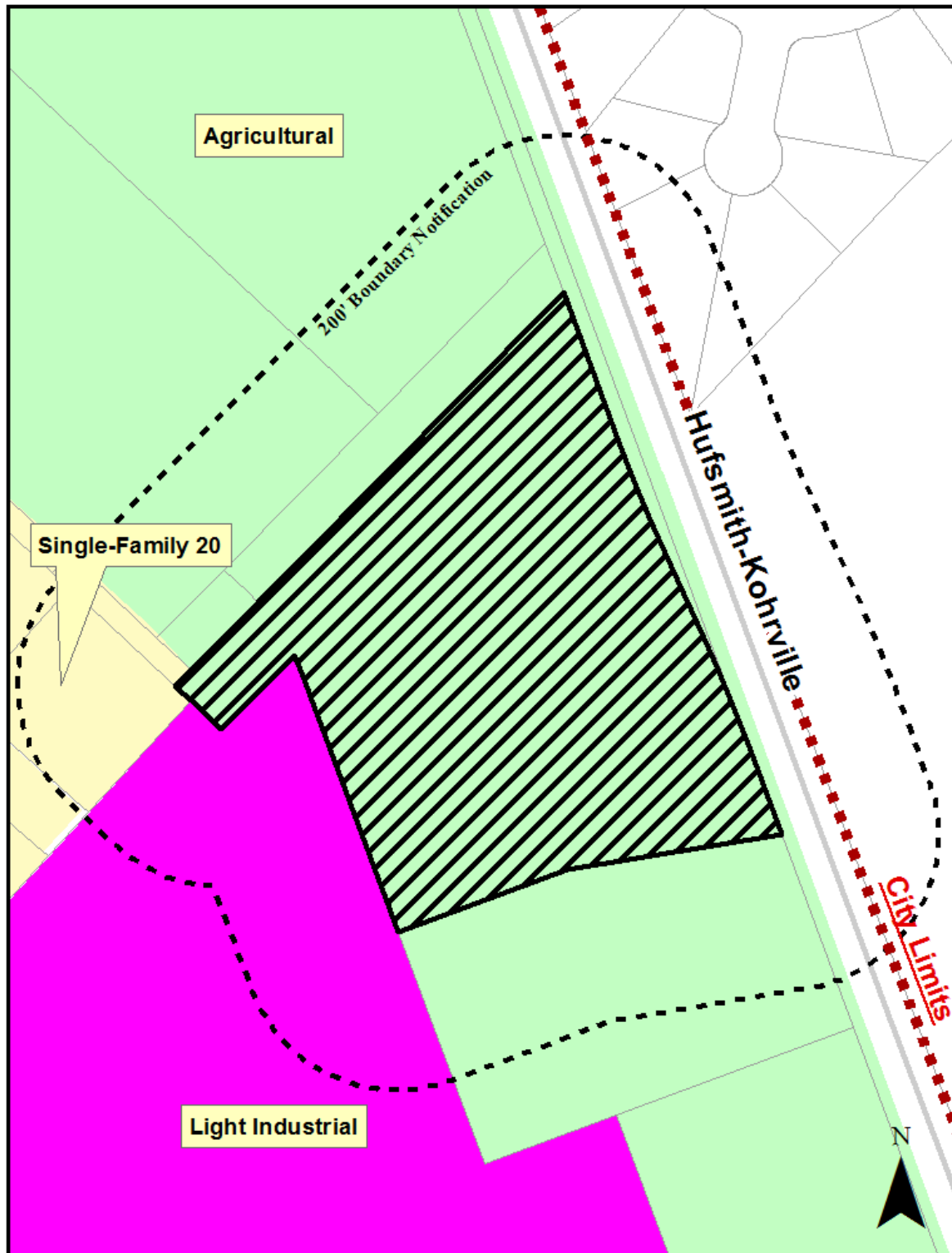


Exhibit "B"
Aerial Photo

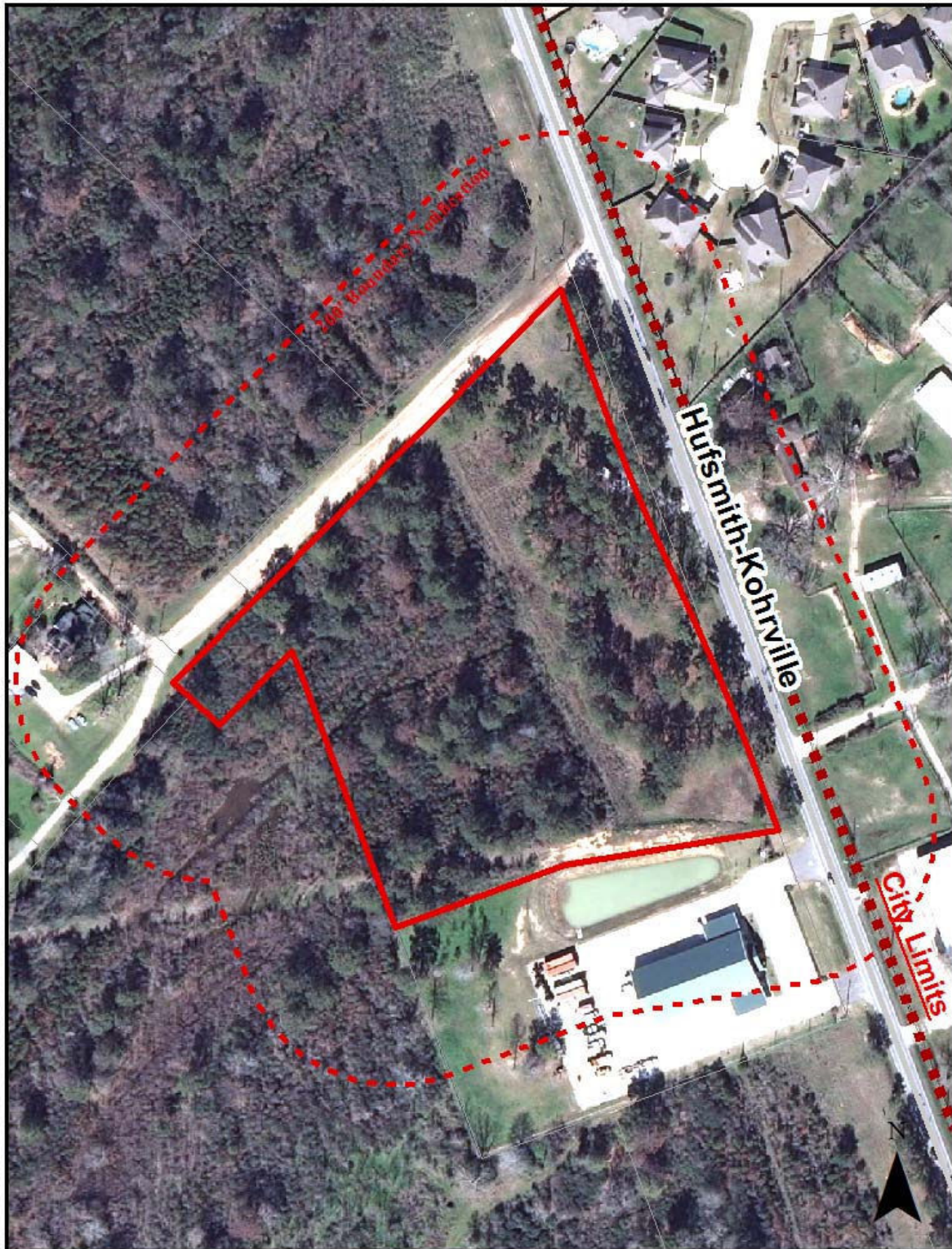


Exhibit "C"
Comprehensive Plan FLU Map

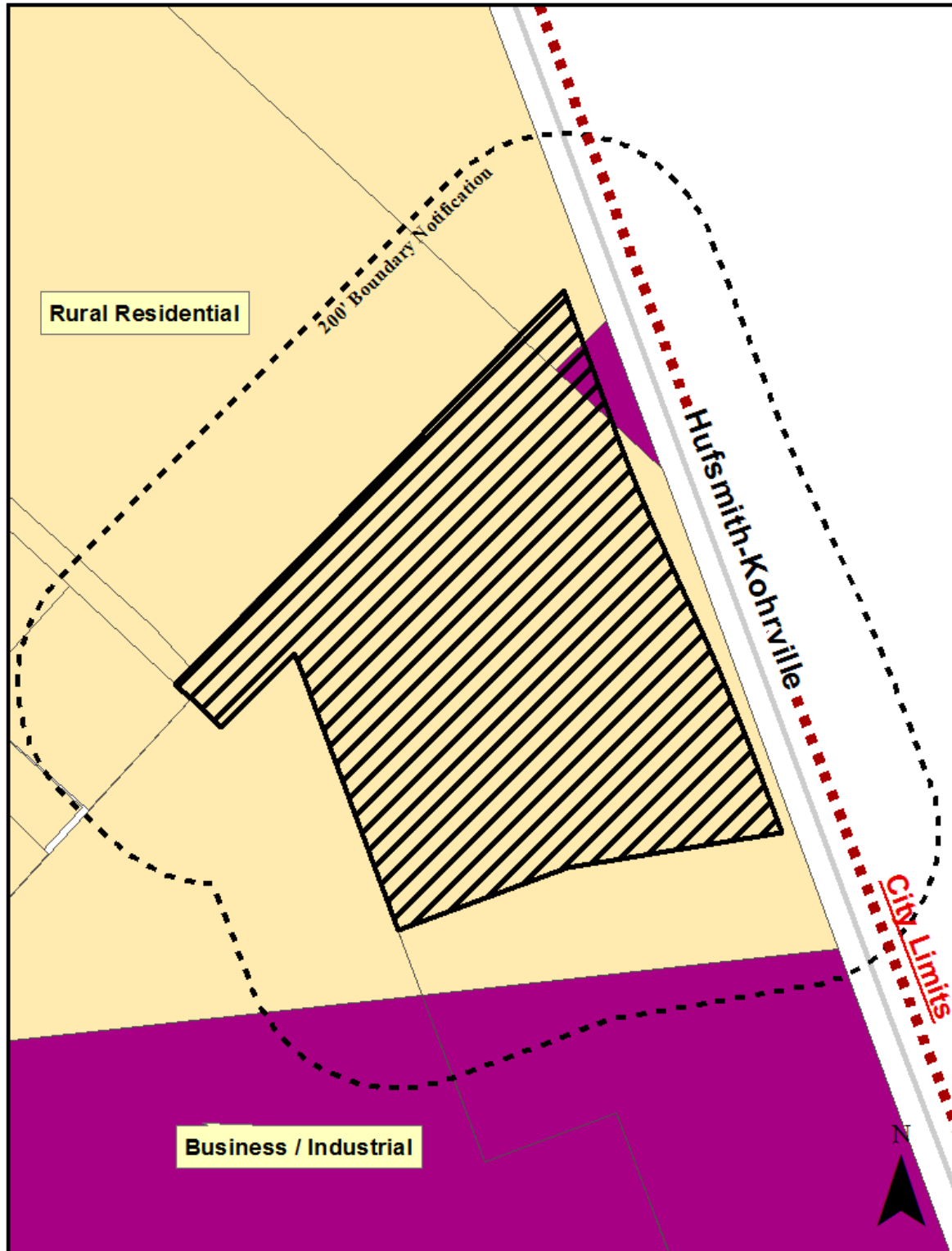
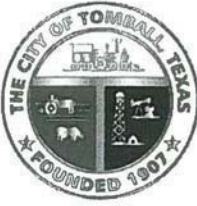


Exhibit "D"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING

Engineering & Planning Department

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

Applicant

Name: Jeff Presnal Title: Manager
Mailing Address: 25614 Bridle Creek Dr. N City: Magnolia State: TX
Zip: 77355
Phone: (713) 817-9547 Fax: () None Email: jpresnal@sbcglobal.net

Owner

Name: 2970 Industrial Properties, LLC Title: _____
Mailing Address: 25614 Bridle Creek Dr. N. City: Magnolia State: TX
Zip: 77355
Phone: (713) 817-9547 Fax: () Email: _____

Engineer/Surveyor (if applicable)

Name: None Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () Fax: () Email: _____

Description of Proposed Project: Rezone Lot 2 - Tomball South Commercial

Physical Location of Property: Hufsmith Kohville approx. 1/2 mile N of Holderwith
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: Tomball South Commercial, Block 1, Lot 2
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: AG with Vested Rights Letter allowing Commercial uses

Current Use of Property: Vacant land

Proposed Zoning District: LI - Light Industrial

Proposed Use of Property: All uses allowed within LI District

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

www.ci.tomball.tx.us

HCAD Identification Number: 132-003-001-0002 Acreage: 6.93

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

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

X Jeff Purrell Asset mgr for 2978 27 Jul 2012
Signature of Applicant Date

X Jeff Purrell Manager for 2978 27 Jul 2012
Signature of Owner Date

2978 INDUSTRIAL PROPERTIES, LLC

25614 Bridle Creek Dr. N.
Magnolia, Texas 77354

July 27, 2012

Engineering and Planning Department
City of Tomball
501 James Street
Tomball, Texas 77375

RE: Application to Rezone Lot 2, Block 1, Tomball South Commercial

Please allow this letter to serve as our request to rezone the property referenced above.

We request that the zoning be supported by staff and ultimately approved by the Planning and Zoning Commission and City Council as requested for several reasons. First, it is consistent with the City of Tomball Comprehensive Plan to be developed as a light industrial use. Second, it is adjacent to a large parcel currently owned by the Tomball EDC which is being developed for light industrial use and a small portion of Lot 4 is being traded to the EDC to facilitate their business park entrance from Hufsmith_Kohrville Road so that it aligns with Spell Road. Additionally, a Vested Rights Determination Letter was issued by the City of Tomball on July 15, 2009 regarding the property giving it a land use classification of C- Commercial District and also including uses as (a) construction contractors with storage yard and (b) traffic advisory and signaling systems/street lighting fixtures manufacturing. I enclose a copy of that letter as an attachment to this correspondence.

For these reasons the property should be rezoned from AG- Agricultural District to LI- Light Industrial District.

Sincerely,



Jeff Presnal
Manager

Attachment: Vested Rights Determination Letter dated July 15, 2009

**Exhibit “E”
Site Photos**



Figure 1: Subject site.
Source: maps.google.com



Figure 2: Undeveloped land to the north.
Source: maps.google.com



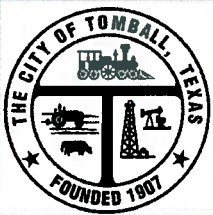
Figure 3: CREACOM, Inc. to the south.
Source: maps.google.com



Figure 4: Single-family residences to the east.
Source: maps.google.com



Figure 5: Former horse training facility to the east.
Source: maps.google.com



Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:

Thomas Crea

(please print)

Address:

KTC Holdings LLC

21333 Hufsmith Kohrville Rd, Tomball, TX 77375

Signature:

Thomas Crea

Date:

8/31/12



I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P12-468**. (Please state reasons below)



I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P12-468**. (Please state reasons below)

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

Monday, September 10, 2012, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

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

Monday, September 17, 2012, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us.

Please reference the case number in the subject line.

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



September 11, 2012

Honorable Mayor and City Council
City of Tomball
401 Market Street
Tomball, TX 77375

Dear Mayor and City Council,

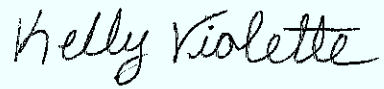
I am writing this letter in support of Zoning Cases P12-468, P12-469, and P12-481. The subject properties are located adjacent to the future Tomball Business and Technology Park owned by the Tomball Economic Development Corporation and are essential to the overall development plan for the Park. The Tomball Economic Development Corporation has worked closely with 2978 Industrial Properties on the overall design of the site to ensure adequate access and drainage for the project as well as to ensure consistency between the sites with regard to architectural regulations and development standards in the deed restrictions.

On July 2, 2012, Tomball City Council approved a development agreement between the TEDC and 2978 Industrial Properties for the coordination and exchange of property to facilitate the development of the Tomball Business and Technology Park. The development agreement provided for the dedication of right of way out of the 17.63 acres owned by 2978 Industrial Properties for the M118 Drainage Channel as well as a portion of Lot 4 of the Tomball South Commercial Plat for right of way for the entrance to the Tomball Business and Technology Park from Hufsmith-Kohrville Road. In exchange, the Tomball Economic Development Corporation will provide capacity in the storm sewer system for the Park to accommodate for Lots 2-4 of the Tomball South Commercial Plat.

I ask that you consider rezoning this site to Light Industrial as requested in order to provide for consistency in the land uses and development patterns in this area. This area is a key employment area and well suited for Business/Industrial uses. There is excellent access to major transportation facilities (SH 249 and FM 2920), sufficient utilities, and numerous industrial developments within the vicinity. Additionally, Hufsmith-Kohrville Road, which is classified as a 100 foot major arterial roadway on the City's Major Thoroughfare Plan and the 60 foot access easement to the north of Lot 2 provide sufficient separation from nearby residential properties.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Kelly Violette". The script is fluid and cursive, with the first letters of each word being capitalized and prominent.

Kelly Violette

Executive Director

Regular City Council

Agenda Item

Meeting Date: September 17, 2012

Data Sheet

Topic:

Consideration to approve **ZONING CASE P12-469**: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 17.63 acres of land, legally described as Tract 4B, Abstract 70, Elizabeth Smith Survey, Tract R20-A, Abstract 632, C.M. Pillot Survey, Lot 384, Tomball Outlots, and Tract 385A, Tomball Outlots within the City of Tomball, Harris County, Texas, generally located northerly of Holderrieth Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District, Single-Family Estate Residential-20, and Light Industrial Districts to the Light Industrial District.

- Conduct a Public Hearing on **ZONING CASE P12-469**
- Adopt on First Reading, Ordinance No. 2012-35, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Zoning Ordinance by changing the zoning district classification of approximately 17.63 acres of land, legally described as Tract 4B, Abstract 70, Elizabeth Smith Survey, Tract R20-A, Abstract 632, C.M. Pillot Survey, Lot 384, Tomball Outlots, and Tract 385A, Tomball Outlots within the City of Tomball, Harris County, Texas, from the Agricultural, Single-Family Estate Residential-20, and Light Industrial Districts to the Light Industrial District; said property being generally located northerly of Holderrieth Road, westerly of Hufsmith-Kohrville Road; providing for the amendment of the official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

On July 23, 2012, the City of Tomball met with Jeff Presnal of 2978 Industrial Properties, LLC to discuss the possible rezoning of the subject site from the Agricultural, SF-20-E, and Light Industrial Districts to the Light Industrial District. Mr. Presnal did not indicate at this meeting whether or not a particular land use was intended for this site.

City staff explained that the property is classified on the Comprehensive Plan Future Land Use (FLU) map as "Business/Industrial." On July 27, 2012, the City of Tomball received a rezoning application from Mr. Presnal for the subject site. A FLU classification of "Business/Industrial" appears to be compatible with the Light Industrial District rezoning proposed for this site.

On September 10, 2012, the Planning and Zoning Commission, after conducting a public hearing on this request, voted to recommend approval of Zoning Case P12-469. This case is now being forwarded to City Council for consideration and possible action.

Origination:

Jeff Presnal, on behalf of 2978 Industrial Properties LLC

Recommendation:

In its formal recommendation to City Council, the Planning and Zoning Commission voted to recommend approval of Zoning Case P12-469.

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

- Ordinance No. 2012-35 - Zoning Case P12-469
- Notice of Public Hearing
- Property Owner Notification Letter
- P12-469 Staff Report
- GTACC Support Letter

ORDINANCE NO. 2012-35

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 17.63 ACRES OF LAND, LEGALLY DESCRIBED AS TRACT 4B, ABSTRACT 70, ELIZABETH SMITH SURVEY, TRACT R20-A, ABSTRACT 632, C.M. PILLOT SURVEY, LOT 384, TOMBALL OUTLOTS, AND TRACT 385A, TOMBALL OUTLOTS WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL, SINGLE-FAMILY ESTATE RESIDENTIAL-20, AND LIGHT INDUSTRIAL DISTRICTS TO THE LIGHT INDUSTRIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED NORTHERLY OF HOLDERRIETH ROAD, WESTERLY OF HUFSMITH-KOHRVILLE ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, the owner(s) of approximately 17.63 acres of land, legally described as Tract 4B, Abstract 70, Elizabeth Smith Survey, Tract R20-A, Abstract 632, C.M. Pilot Survey, Lot 384, Tomball Outlots, and Tract 385A, Tomball Outlots, generally located northerly of Holderrieth Road, westerly of Hufsmith-Kohrville Road, in the City of Tomball, Harris County, Texas, (the "Property"), have requested that the Property be rezoned; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days written notice of that hearing to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the proposal to change the zoning for the Property from the Agricultural, Single-Family Estate Residential-20, and Light Industrial Districts to the Light Industrial District; and

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

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

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing on the proposal to change the zoning district classification for the Property from the Agricultural, Single-Family Estate Residential-20, and Light Industrial Districts to the Light Industrial District, the City Council held the public hearing on the proposal to

change the zoning for the Property and the City Council considered the final report of the Planning & Zoning Commission regarding the change of zoning district classification, and

Whereas, the City Council deems it appropriate to grant such proposed change in the zoning district classification of the Property.

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

Section 1. The City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

Section 2. The zoning classification of 17.63 acres of land, legally described as Tract 4B, Abstract 70, Elizabeth Smith Survey, Tract R20-A, Abstract 632, C.M. Pillot Survey, Lot 384, Tomball Outlots, and Tract 385A, Tomball Outlots, within the City of Tomball, Harris County, Texas, is hereby changed from the Agricultural, Single-Family Estate Residential-20, and Light Industrial Districts to the Light Industrial District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas-Ordinance 2008-01, ("Zoning District Map"), shall be revised and amended to show the designation of 17.63 acres of land, legally described as Tract 4B, Abstract 70, Elizabeth Smith Survey, Tract R20-A, Abstract 632, C.M. Pillot Survey, Lot 384, Tomball Outlots, and Tract 385A, Tomball Outlots, generally located northerly of Holderrieth Road, westerly of Hufsmith-Kohrville Road, as Light Industrial District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for 17.63 acres of land, legally described as Tract 4B, Abstract 70, Elizabeth Smith Survey, Tract R20-A, Abstract 632, C.M. Pillot Survey, Lot 384, Tomball Outlots, and Tract 385A, Tomball Outlots, generally located northerly of Holderrieth Road, westerly of Hufsmith-Kohrville Road, to the Light Industrial District as described above.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 7. City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex.Gov't. Code ch. 551.

FIRST READING:

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

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 1ST DAY OF
OCTOBER.

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

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
SEPTEMBER 10, 2012
&
CITY COUNCIL
SEPTEMBER 17, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, September 10, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, September 17, 2012, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P12-459: Request by Craig and Sindija Schneider to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 4.24 acres of land, legally described as Tract 1 R/S 10, Abstract 730, J.S. Smith Survey, within the City of Tomball, Harris County, Texas, generally located northerly of East Hufsmith Road, easterly of Snook Lane, from the Single-Family Estate Residential-20 District to the Agricultural District.

ZONING CASE P12-468: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 6.93 acres of land, legally described as Lot 2, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District to the Light Industrial District.

ZONING CASE P12-469: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 17.63 acres of land, legally described as Tract 4B, Abstract 70, Elizabeth Smith Survey, Tract R20-A, Abstract 632, C.M. Pillot Survey, Lot 384, Tomball Outlots, and Tract 385A, Tomball Outlots within the City of Tomball, Harris County, Texas, generally located northerly of Holderrieth Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District, Single-Family Estate Residential-20, and Light Industrial Districts to the Light Industrial District.

ZONING CASE P12-481: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 5.61 acres of land, legally described as Lot 4, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District to the Light Industrial District.

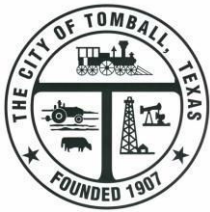
Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more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

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of September 2012 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate
Brandy Pate
Senior Administrative Assistant

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.



Notice of Public Hearing

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

CASE NUMBER: P12-469

APPLICANT: Jeff Presnal, on behalf of 2978 Industrial Properties LLC

LOCATION: Northerly of Holderrieth Road, westerly of Hufsmith-Kohrville Road

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 17.63 acres of land, legally described as Tract 4B, Abstract 70, Elizabeth Smith Survey, Tract R20-A, Abstract 632, C.M. Pillot Survey, Lot 384, Tomball Outlots, and Tract 385A, Tomball Outlots within the City of Tomball, Harris County, Texas, from the Agricultural, Single-Family Estate Residential-20, and Light Industrial Districts to the Light Industrial District.

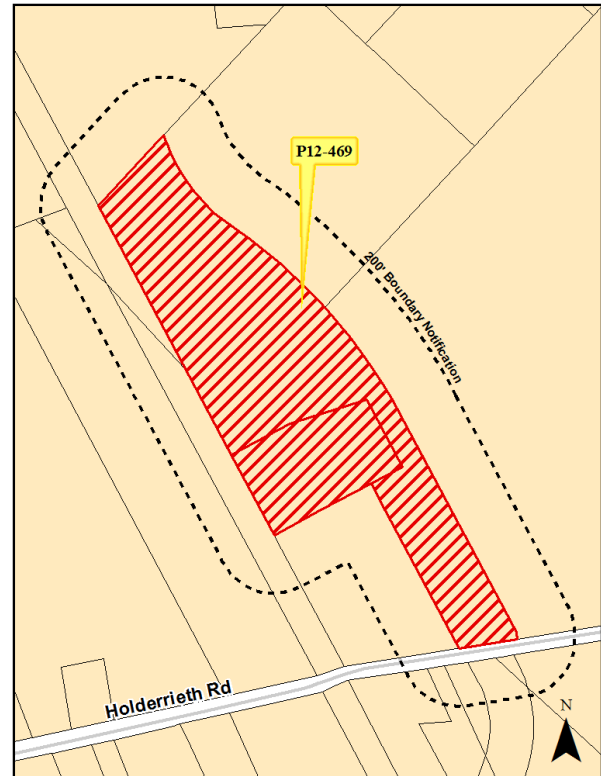
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@ci.tomball.tx.us

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

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



**Planning & Zoning Commission
Public Hearing:
Monday, September 10, 2012, 6:00 PM**

**City Council Public Hearing:
*Monday, September 17, 2012, 6:00 PM**

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

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: September 10, 2012

Rezoning Case: P12-469

Property Owner: 2978 Industrial Properties, LLC

Applicant: Jeff Presnal

Legal Description: Tract 4B, Abstract 70, Elizabeth Smith Survey, Tract R20-A, Abstract 632, C.M. Pillot Survey, Lot 384, Tomball Outlots, and Tract 385A, Tomball Outlots

Location: Northerly of Holderrieth Road, westerly of Hufsmith-Kohrville Road

Area: 17.63 acres

Present Zoning and Use: Agricultural, Single-Family Estate Residential-20 (SF-20-E), and Light Industrial Districts (Exhibit "A") / Undeveloped (Exhibit "B")

Comp Plan Designation: Business/Industrial (Exhibit "C")

Proposed Zoning and Use: Light Industrial District / Any use permitted in Light Industrial District

It should be noted, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning & Zoning Commission may consider zoning classifications other than that sought by the applicant for this property.

Adjacent Zoning & Land Uses:

North: SF-20-E District / Agricultural

South: Agricultural District and Unincorporated Harris County (unzoned) / Holderrieth Road, City of Tomball (CoT) fire station, CoT M118 stormwater detention facility, and commercial property

West: Light Industrial and SF-20-E Districts / BNSF railway, manufacturing facility (Houston Poly Bag), and undeveloped

East: Light Industrial / Undeveloped

BACKGROUND

On July 23, 2012, the City of Tomball met with Jeff Presnal of 2978 Industrial Properties, LLC to discuss the possible rezoning of the subject site from the Agricultural, SF-20-E, and Light Industrial Districts to the Light Industrial District. Mr. Presnal did not indicate at this meeting whether or not a particular land use was intended for this site.

City staff explained that the property is classified on the Comprehensive Plan Future Land Use (FLU) map as “Business/Industrial.” On July 27, 2012, the City of Tomball received a rezoning application from Mr. Presnal for the subject site (Exhibit “D”). A FLU classification of “Business/Industrial” appears to be compatible with the Light Industrial District rezoning proposed for this site.

ANALYSIS

There are several land uses in the vicinity of the subject site. To the north is agricultural land in the SF-20-E District; to the south is Holderrieth Road, a CoT fire station, and the CoT’s M118 stormwater detention facility in the Agricultural District as well as commercial property in unzoned CoT extraterritorial jurisdiction; to the west is a BNSF railway, manufacturing facility (Houston Poly Bag), and undeveloped land in the Light Industrial and SF-20-E Districts; and to the east is undeveloped property owned by the Tomball Economic Development Corporation (TEDC) proposed as an business park in the Light Industrial District (Exhibit “E”). The uses permitted in the Light Industrial District appear to be consistent with the manufacturing facility (Houston Poly Bag), the CoT’s fire station and stormwater detention facility, and the commercial use to the south, the BNSF railway to the west, and the TEDC’s proposed business park to the east.

The proposed zoning classification of Light Industrial District “...is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad.” The Light Industrial District appears to be compatible with the manufacturing facility (Houston Poly Bag), the CoT’s fire station and stormwater detention facility, and the commercial use to the south, the BNSF railway to the west, and the TEDC’s proposed business park to the east.

The Comprehensive Plan’s FLU map identifies the site as “Business/Industrial.” The Comprehensive Plan (CP) states, “The Business/Industrial land use designation indicates where industrial and intensive employment activities should occur. Activities that will require unenclosed assembly, repair and/or storage and require heavy truck or rail transportation support are acceptable. Also included would be warehousing and distribution facilities, as well as offices and showrooms. These uses may include multiple shifts of employees and trucking activities in the evening and overnight hours.” The proposed rezoning to the Light Industrial District appears to be consistent with the CP.

The future development of this site will require the applicant to comply with the City’s development regulations. A Site Plan application, which requires civil drawings, including all proposed grading, paving, drainage, and utility plans, building elevations, and landscape plans are required to be submitted and approved by the City of Tomball prior to building permit application submittal.

ZONING CONSIDERATIONS

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

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

The uses permitted in the Light Industrial District appear to be consistent with the manufacturing facility (Houston Poly Bag), the CoT's fire station and stormwater detention facility, and the commercial use to the south, the BNSF railway to the west, and the TEDC's proposed business park to the east.

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

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

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

There are multiple vacant properties in the City zoned Light Industrial District. To the east of the subject site, the TEDC recently had 97.48 acres rezoned to the Light Industrial District.

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

There has been steady development city-wide in the Light Industrial District. However, there has been no development in the Light Industrial District in the vicinity of the subject site.

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

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

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

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

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

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

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

The Comprehensive Plan’s FLU map identifies the site as “Business/Industrial.” The Comprehensive Plan (CP) states, “The Business/Industrial land use designation indicates where industrial and intensive employment activities should occur. Activities that will require unenclosed assembly, repair and/or storage and require heavy truck or rail transportation support are acceptable. Also included would be warehousing and distribution facilities, as well as offices and showrooms. These uses may include multiple shifts of employees and trucking activities in the evening and overnight hours.”

The proposed rezoning to the Light Industrial District appears to be consistent with the CP.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on August 30, 2012; no public comments have been received.

RECOMMENDATION

1. APPROVAL of Zoning Case P12-469 based on the following:
 - a. The uses permitted in the Light Industrial District appear to be consistent with the manufacturing facility (Houston Poly Bag), the CoT’s fire station and stormwater detention facility, and the commercial use to the south, the BNSF railway to the west, and the TEDC’s proposed business park to the east.
 - b. The proposed rezoning to the Light Industrial District appears to be consistent with the Comprehensive Plan; and
 - c. The proposed rezoning is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
2. APPROVAL of the staff report as the Planning & Zoning Commission’s final recommendation to the City Council.

EXHIBITS

- A. Zoning Map
- B. Aerial Photo
- C. Comprehensive Plan FLU Map
- D. Rezoning Application
- E. Site Photos

Exhibit "A"
Zoning Map

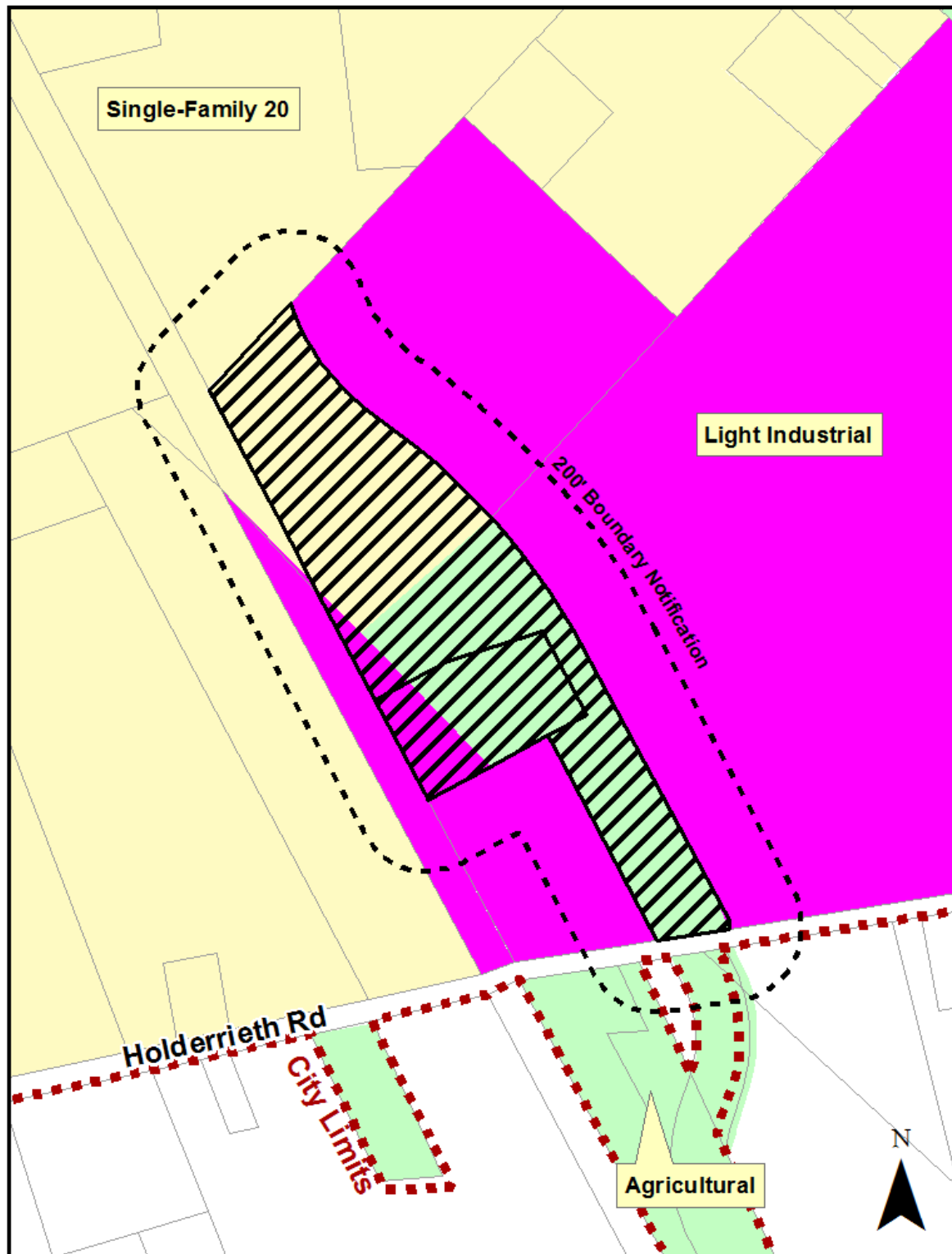


Exhibit "B"
Aerial Photo

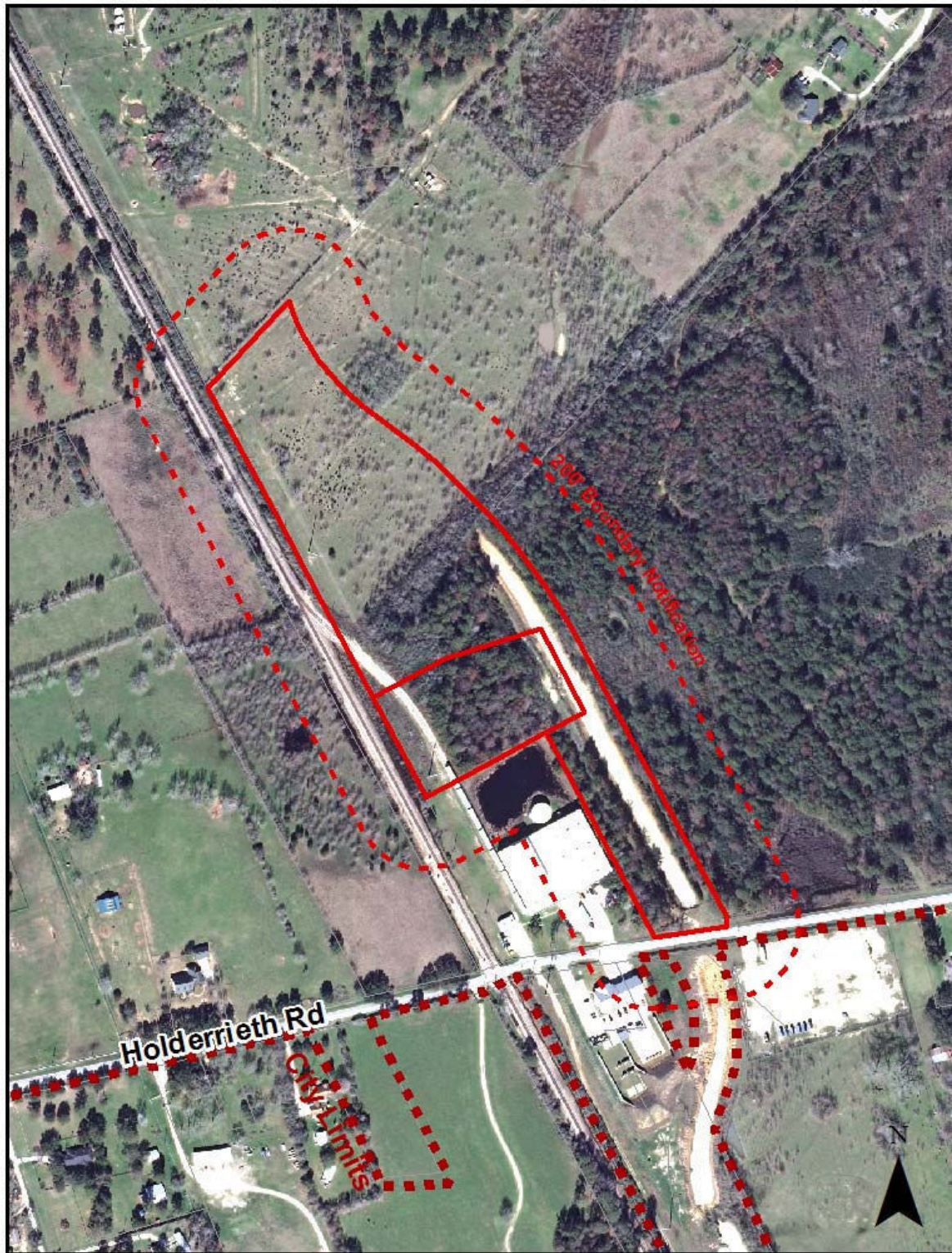


Exhibit "C"
Comprehensive Plan FLU Map

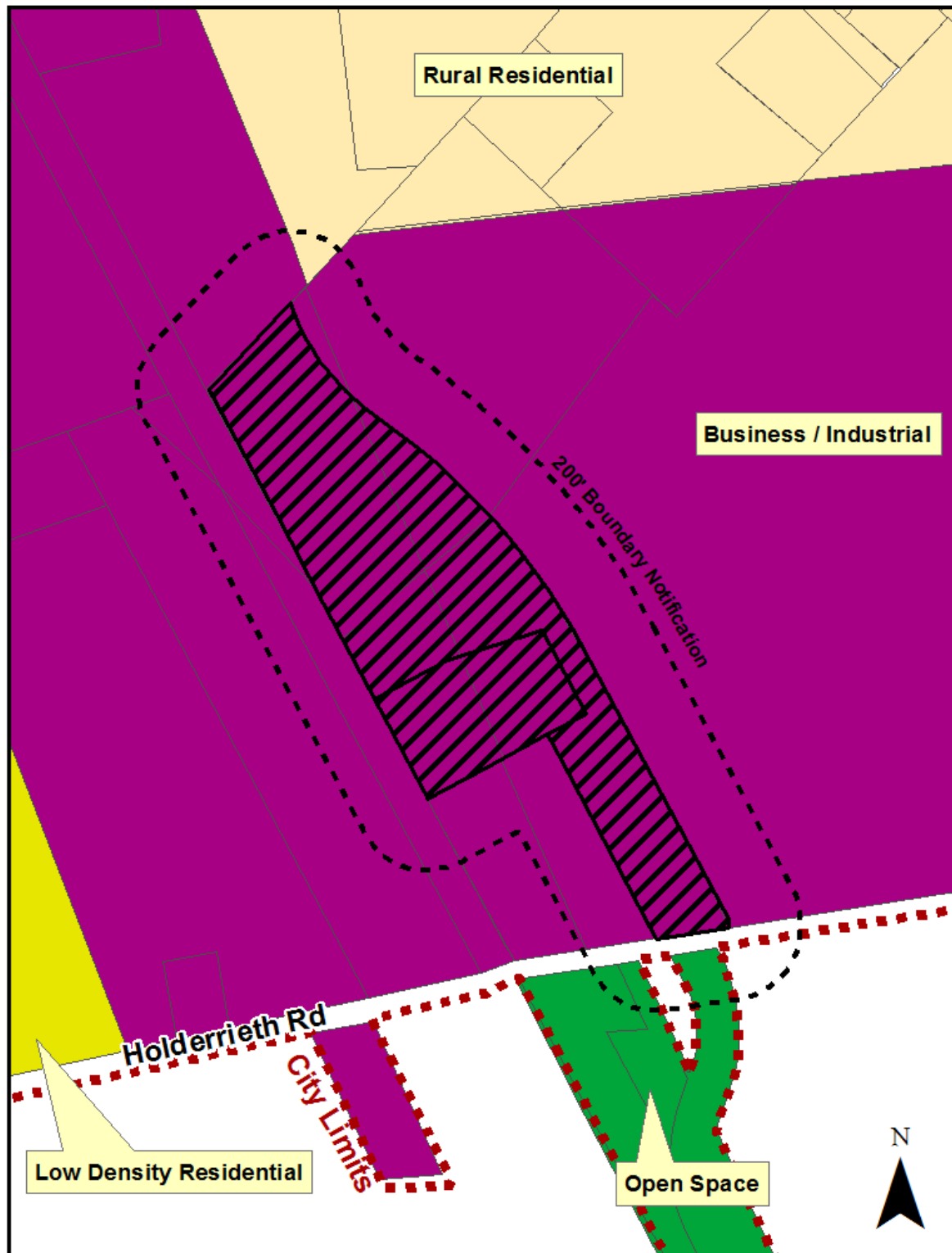


Exhibit "D"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department



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

Applicant
Name: Jeff Presnal Title: Manager
Mailing Address: 25614 Bridle Creek Dr. N. City: Magnolia State: TX
Zip: 77355
Phone: (713) 817-9547 Fax: () None Email: jpresnal@stcglobal.net

Owner
Name: 2978 Industrial Properties, LLC Title: _____
Mailing Address: 25614 Bridle Creek Dr N City: Magnolia State: TX
Zip: 77355
Phone: (713) 817-9547 Fax: () Email: _____

Engineer/Surveyor (if applicable)
Name: None Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () Fax: () Email: _____

Description of Proposed Project: Rezone 17.63 acres on Holderwith

Physical Location of Property: Holderwith approximately 1/2 mile W of Huffman/Kdrville
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: _____
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: AG and SF-20

Current Use of Property: Vacant Land

Proposed Zoning District: LI - Light Industrial

Proposed Use of Property: Office warehouse for All uses allowed within LI district.

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

www.ci.tomball.tx.us

HCAD Identification Number: 041-026-000-0297 Acreage: 17.63

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

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

X Jeff Russell, Asset Mgr for 2978 27 Jul 2012
Signature of Applicant Date

X Jeff Russell, Manager for 2978 27 Jul 2012
Signature of Owner Date

2978 INDUSTRIAL PROPERTIES, LLC

25614 Bridle Creek Dr. N.
Magnolia, Texas 77354

July 27, 2012

Engineering and Planning Department
City of Tomball
501 James Street
Tomball, Texas 77375

RE: Application to Rezone Lot 2, Block 1, Tomball South Commercial

Please allow this letter to serve as our request to rezone the property referenced above.

We request that the zoning be supported by staff and ultimately approved by the Planning and Zoning Commission and City Council as requested for several reasons. First, it is consistent with the City of Tomball Comprehensive Plan to be developed as a light industrial use. Second, it is adjacent to a large parcel currently owned by the Tomball EDC which is being developed for light industrial use and a small portion of Lot 4 is being traded to the EDC to facilitate their business park entrance from Hufsmith_Kohrville Road so that it aligns with Spell Road. Additionally, a Vested Rights Determination Letter was issued by the City of Tomball on July 15, 2009 regarding the property giving it a land use classification of C- Commercial District and also including uses as (a) construction contractors with storage yard and (b) traffic advisory and signaling systems/street lighting fixtures manufacturing. I enclose a copy of that letter as an attachment to this correspondence.

For these reasons the property should be rezoned from AG- Agricultural District to LI- Light Industrial District.

Sincerely,



Jeff Presnal
Manager

Attachment: Vested Rights Determination Letter dated July 15, 2009

**Exhibit “E”
Site Photos**



Figure 1: Subject site. Source: maps.google.com



Figure 2: CoT fire station to the south. Source: maps.google.com



Figure 1: Commercial use to the south. Source: maps.google.com



Figure 2: Houston Poly Bag to the west. Source: maps.google.com



Figure 3: Undeveloped property to the west. Source: maps.google.com



Figure 4: Undeveloped property to the east. Source: maps.google.com



September 11, 2012

Honorable Mayor and City Council
City of Tomball
401 Market Street
Tomball, TX 77375

Dear Mayor and City Council,

I am writing this letter in support of Zoning Cases P12-468, P12-469, and P12-481. The subject properties are located adjacent to the future Tomball Business and Technology Park owned by the Tomball Economic Development Corporation and are essential to the overall development plan for the Park. The Tomball Economic Development Corporation has worked closely with 2978 Industrial Properties on the overall design of the site to ensure adequate access and drainage for the project as well as to ensure consistency between the sites with regard to architectural regulations and development standards in the deed restrictions.

On July 2, 2012, Tomball City Council approved a development agreement between the TEDC and 2978 Industrial Properties for the coordination and exchange of property to facilitate the development of the Tomball Business and Technology Park. The development agreement provided for the dedication of right of way out of the 17.63 acres owned by 2978 Industrial Properties for the M118 Drainage Channel as well as a portion of Lot 4 of the Tomball South Commercial Plat for right of way for the entrance to the Tomball Business and Technology Park from Hufsmith-Kohrville Road. In exchange, the Tomball Economic Development Corporation will provide capacity in the storm sewer system for the Park to accommodate for Lots 2-4 of the Tomball South Commercial Plat.

I ask that you consider rezoning this site to Light Industrial as requested in order to provide for consistency in the land uses and development patterns in this area. This area is a key employment area and well suited for Business/Industrial uses. There is excellent access to major transportation facilities (SH 249 and FM 2920), sufficient utilities, and numerous industrial developments within the vicinity. Additionally, Hufsmith-Kohrville Road, which is classified as a 100 foot major arterial roadway on the City's Major Thoroughfare Plan and the 60 foot access easement to the north of Lot 2 provide sufficient separation from nearby residential properties.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Kelly Violette". The script is fluid and cursive, with the first letters of each word being capitalized and prominent.

Kelly Violette

Executive Director

Regular City Council

Agenda Item

Meeting Date: September 17, 2012

Data Sheet

Topic:

Consideration to approve **ZONING CASE P12-481**: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 5.61 acres of land, legally described as Lot 4, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District to the Light Industrial District.

- Conduct a Public Hearing on **ZONING CASE P12-481**
- Adopt on First Reading, Ordinance No. 2012-36, an Ordinance of the City of Tomball, Texas, amending its Comprehensive Zoning Ordinance by changing the zoning district classification of approximately 5.61 acres of land, legally described as Lot 4, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District; said property being generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road; providing for the amendment of the official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

On July 23, 2012, the City of Tomball met with Jeff Presnal of 2978 Industrial Properties, LLC to discuss the possible rezoning of the subject site from the Agricultural District to the Light Industrial District. Mr. Presnal did not indicate at this meeting whether or not a particular land use was intended for this site.

City staff explained that the property is classified on the Comprehensive Plan's Future Land Use (FLU) map as "Business/Industrial." On July 27, 2012, the City of Tomball received a rezoning application from Mr. Presnal for the subject site. A FLU classification of "Business/Industrial" appears to be compatible with the Light Industrial District rezoning proposed for this site.

On September 10, 2012, the Planning and Zoning Commission, after conducting a public hearing on this request, voted to recommend approval of Zoning Case P12-481. This case is now being forwarded to City Council for consideration and possible action.

Origination:

Jeff Presnal, on behalf of 2978 Industrial Properties LLC

Recommendation:

In its formal recommendation to City Council, the Planning and Zoning Commission voted to recommend approval of Zoning Case P12-481.

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Ordinance No. 2012-36 - Zoning Case P12-481

Notice of Public Hearing

Property Owner Notification Letter

P12-481 Staff Report

Public Comment Form

GTACC Support Letter

ORDINANCE NO. 2012-36

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 5.61 ACRES OF LAND, LEGALLY DESCRIBED AS LOT 4, BLOCK 1, TOMBALL SOUTH COMMERCIAL WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE LIGHT INDUSTRIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED NORTHERLY OF SPELL ROAD, WESTERLY OF HUFSMITH-KOHRVILLE ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, the owner(s) of approximately 5.61 acres of land, legally described as Lot 4, Block 1, Tomball South Commercial, generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road, in the City of Tomball, Harris County, Texas, (the "Property"), have requested that the Property be rezoned; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days written notice of that hearing to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the proposal to change the zoning for the Property from the Agricultural District to the Light Industrial District; and

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

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

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

Whereas, the City Council deems it appropriate to grant such proposed change in the zoning district classification of the Property.

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

Section 1. The City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

Section 2. The zoning classification of 5.61 acres of land, legally described as Lot 4, Block 1, Tomball South Commercial, within the City of Tomball, Harris County, Texas, is hereby changed from the Agricultural District to the Light Industrial District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas-Ordinance 2008-01, ("Zoning District Map"), shall be revised and amended to show the designation of 5.61 acres of land, legally described as Lot 4, Block 1, Tomball South Commercial, generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road, as Light Industrial District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for 5.61 acres of land, legally described as Lot 4, Block 1, Tomball South Commercial, generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road, to the Light Industrial District as described above.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 7. City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex.Gov't. Code ch. 551.

FIRST READING:

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

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 1ST DAY OF
OCTOBER.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
SEPTEMBER 10, 2012
&
CITY COUNCIL
SEPTEMBER 17, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, September 10, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, September 17, 2012, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P12-459: Request by Craig and Sindija Schneider to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 4.24 acres of land, legally described as Tract 1 R/S 10, Abstract 730, J.S. Smith Survey, within the City of Tomball, Harris County, Texas, generally located northerly of East Hufsmith Road, easterly of Snook Lane, from the Single-Family Estate Residential-20 District to the Agricultural District.

ZONING CASE P12-468: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 6.93 acres of land, legally described as Lot 2, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District to the Light Industrial District.

ZONING CASE P12-469: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 17.63 acres of land, legally described as Tract 4B, Abstract 70, Elizabeth Smith Survey, Tract R20-A, Abstract 632, C.M. Pillot Survey, Lot 384, Tomball Outlots, and Tract 385A, Tomball Outlots within the City of Tomball, Harris County, Texas, generally located northerly of Holderrieth Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District, Single-Family Estate Residential-20, and Light Industrial Districts to the Light Industrial District.

ZONING CASE P12-481: Request by Jeff Presnal, on behalf of 2978 Industrial Properties LLC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 5.61 acres of land, legally described as Lot 4, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, generally located northerly of Spell Road, westerly of Hufsmith-Kohrville Road, from the Agricultural District to the Light Industrial District.

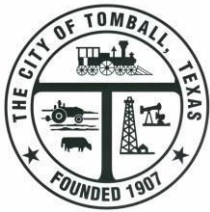
Persons interested in these cases will be given an opportunity to be heard. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more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

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of September 2012 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate
Brandy Pate
Senior Administrative Assistant

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.



Notice of Public Hearing

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

CASE NUMBER: P12-481

APPLICANT: Jeff Presnal, on behalf of 2978 Industrial Properties LLC

LOCATION: Northerly of Spell Road, westerly of Hufsmith-Kohrville Road

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 5.61 acres of land, legally described as Lot 4, Block 1, Tomball South Commercial within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District.

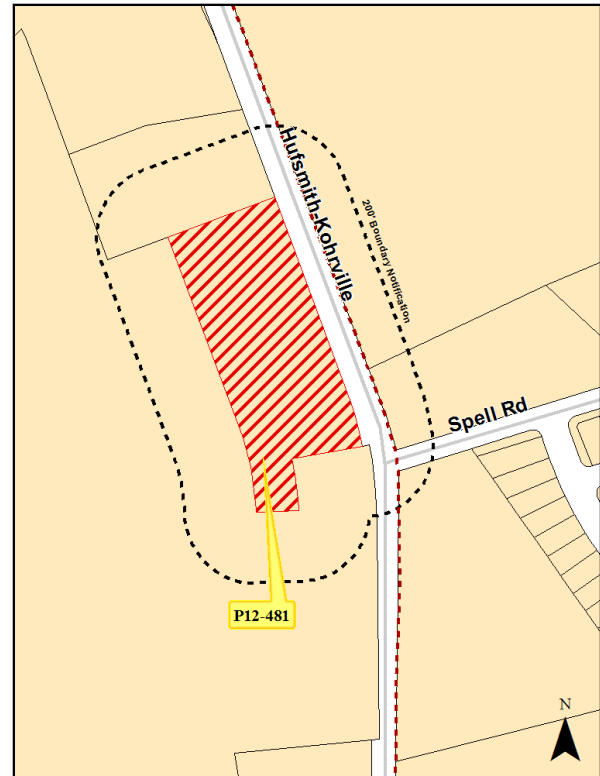
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@ci.tomball.tx.us

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

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



**Planning & Zoning Commission
Public Hearing:
Monday, September 10, 2012, 6:00 PM**

**City Council Public Hearing:
*Monday, September 17, 2012, 6:00 PM**

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

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: September 10, 2012

Rezoning Case: P12-481
Property Owner: 2978 Industrial Properties, LLC
Applicant: Jeff Presnal
Legal Description: Lot 4, Block 1, Tomball South Commercial
Location: Northerly of Spell Road, westerly of Hufsmith-Kohrville Road
Area: 5.61 acres
Present Zoning and Use: Agricultural District (Exhibit "A") / Undeveloped (Exhibit "B")
Comp Plan Designation: Business/Industrial (Exhibit "C")
Proposed Zoning and Use: Light Industrial District / Any use permitted in Light Industrial District

It should be noted, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning & Zoning Commission may consider zoning classifications other than that sought by the applicant for this property.

Adjacent Zoning & Land Uses:

North: Agricultural District / Commercial (CREACOM, Inc.)
South: Light Industrial Districts / Undeveloped
West: Light Industrial Districts / Undeveloped
East: Hufsmith-Kohrville Road, Unincorporated Harris County (unzoned) / a former horse training facility & one single-family residence

BACKGROUND

On July 23, 2012, the City of Tomball met with Jeff Presnal of 2978 Industrial Properties, LLC to discuss the possible rezoning of the subject site from the Agricultural District to the Light Industrial District. Mr. Presnal did not indicate at this meeting whether or not a particular land use was intended for this site.

City staff explained that the property is classified on the Comprehensive Plan's Future Land Use (FLU) map as "Business/Industrial." On July 27, 2012, the City of Tomball received a rezoning application from Mr. Presnal for the subject site (Exhibit "D"). A FLU

classification of “Business/Industrial” appears to be compatible with the Light Industrial District rezoning proposed for this site.

ANALYSIS

There are several land uses in the vicinity of the subject site. To the north is a commercial development (CREACOM, Inc.) in the Agricultural District; to the south and west is undeveloped property owned by the Tomball Economic Development Corporation (TEDC) proposed as an business park zoned Light Industrial District; and to the east is Hufsmith-Kohrville Road, a former horse training facility, and a single-family residence in the unzoned City of Tomball Extraterritorial Jurisdiction (Exhibit “E”). The uses permitted in the Light Industrial District appear to be consistent with the commercial land use to the north and the TEDC’s proposed business park to the south and west.

The proposed zoning classification of Light Industrial District “...is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad.” The Light Industrial District appears to be compatible with the commercial land use to the north and the TEDC’s proposed business park to the south and west.

The Comprehensive Plan’s FLU map identifies the site as “Business/Industrial.” The Comprehensive Plan (CP) states, “The Business/Industrial land use designation indicates where industrial and intensive employment activities should occur. Activities that will require unenclosed assembly, repair and/or storage and require heavy truck or rail transportation support are acceptable. Also included would be warehousing and distribution facilities, as well as offices and showrooms. These uses may include multiple shifts of employees and trucking activities in the evening and overnight hours.” The proposed rezoning to the Light Industrial District appears to be consistent with the CP.

The future development of this site will require the applicant to comply with the City’s development regulations. A Site Plan application, which requires civil drawings, including all proposed grading, paving, drainage, and utility plans, building elevations, and landscape plans are required to be submitted and approved by the City of Tomball prior to building permit application submittal.

ZONING CONSIDERATIONS

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

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

The uses permitted in the Light Industrial District appear to be consistent with the commercial land use to the north and the TEDC’s proposed business park to the south and west.

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

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

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

There are multiple vacant properties in the City zoned Light Industrial District. To the south and west of the subject site, the Tomball Economic Development Corporation recently had 97.48 acres rezoned to the Light Industrial District.

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

There has been steady development city-wide in the Light Industrial District. However, there has been no development in the Light Industrial District in the vicinity of the subject site.

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

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

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

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

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

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

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

The Comprehensive Plan’s FLU map identifies the site as “Business/Industrial.” The Comprehensive Plan (CP) states, “The Business/Industrial land use designation

indicates where industrial and intensive employment activities should occur. Activities that will require unenclosed assembly, repair and/or storage and require heavy truck or rail transportation support are acceptable. Also included would be warehousing and distribution facilities, as well as offices and showrooms. These uses may include multiple shifts of employees and trucking activities in the evening and overnight hours.”

The proposed rezoning to the Light Industrial District appears to be consistent with the CP.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on August 30, 2012; no public comments have been received.

RECOMMENDATION

1. APPROVAL of Zoning Case P12-481 based on the following:
 - a. The uses permitted in the Light Industrial District appear to be consistent with the commercial land use to the north and the TEDC’s proposed business park to the south and west.
 - b. The proposed rezoning to the Light Industrial District appears to be consistent with the Comprehensive Plan; and
 - c. The proposed rezoning is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
2. APPROVAL of the staff report as the Planning & Zoning Commission’s final recommendation to the City Council.

EXHIBITS

- A. Zoning Map
- B. Aerial Photo
- C. Comprehensive Plan FLU Map
- D. Rezoning Application
- E. Site Photos

Exhibit "A"
Zoning Map

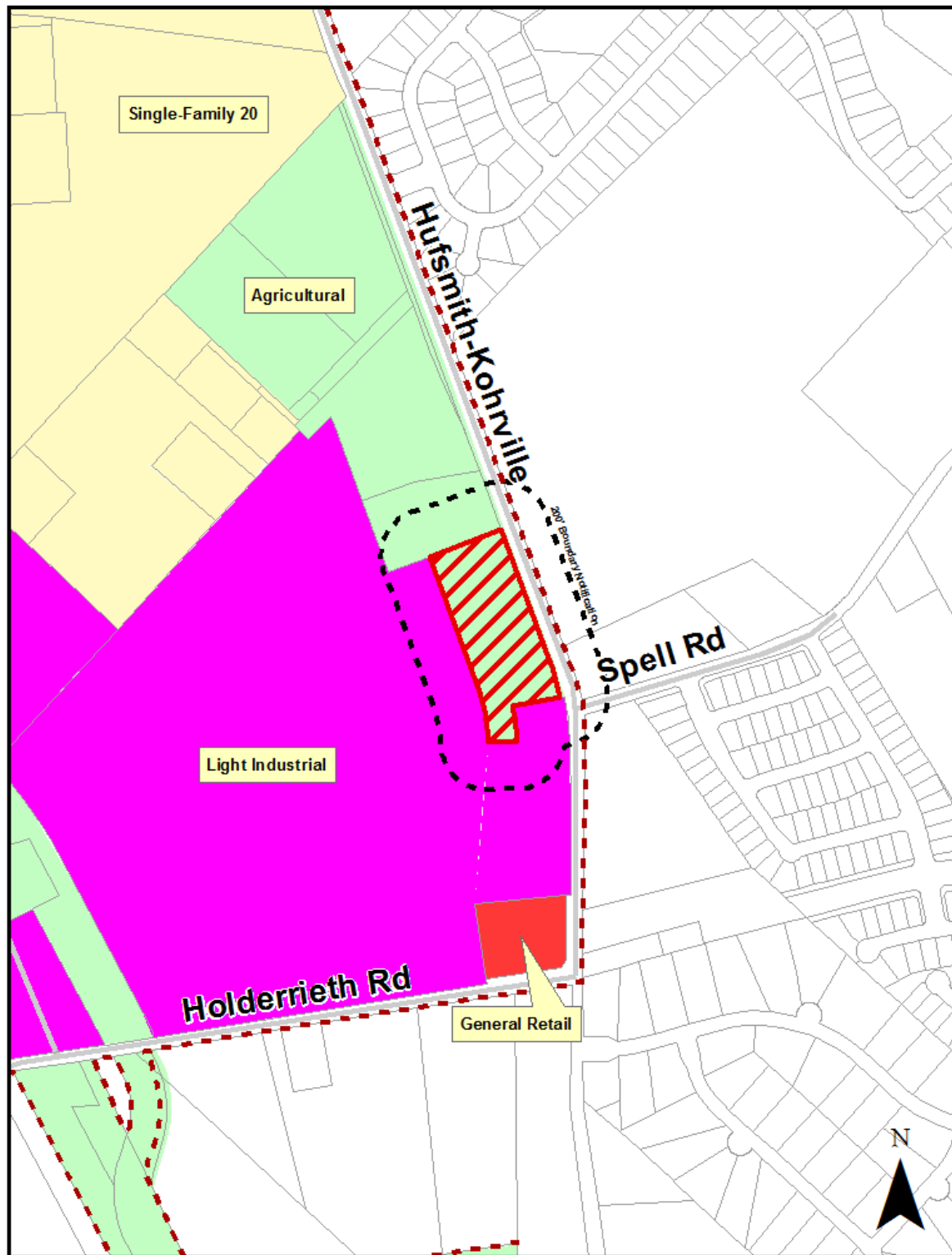


Exhibit "B"
Aerial Photo

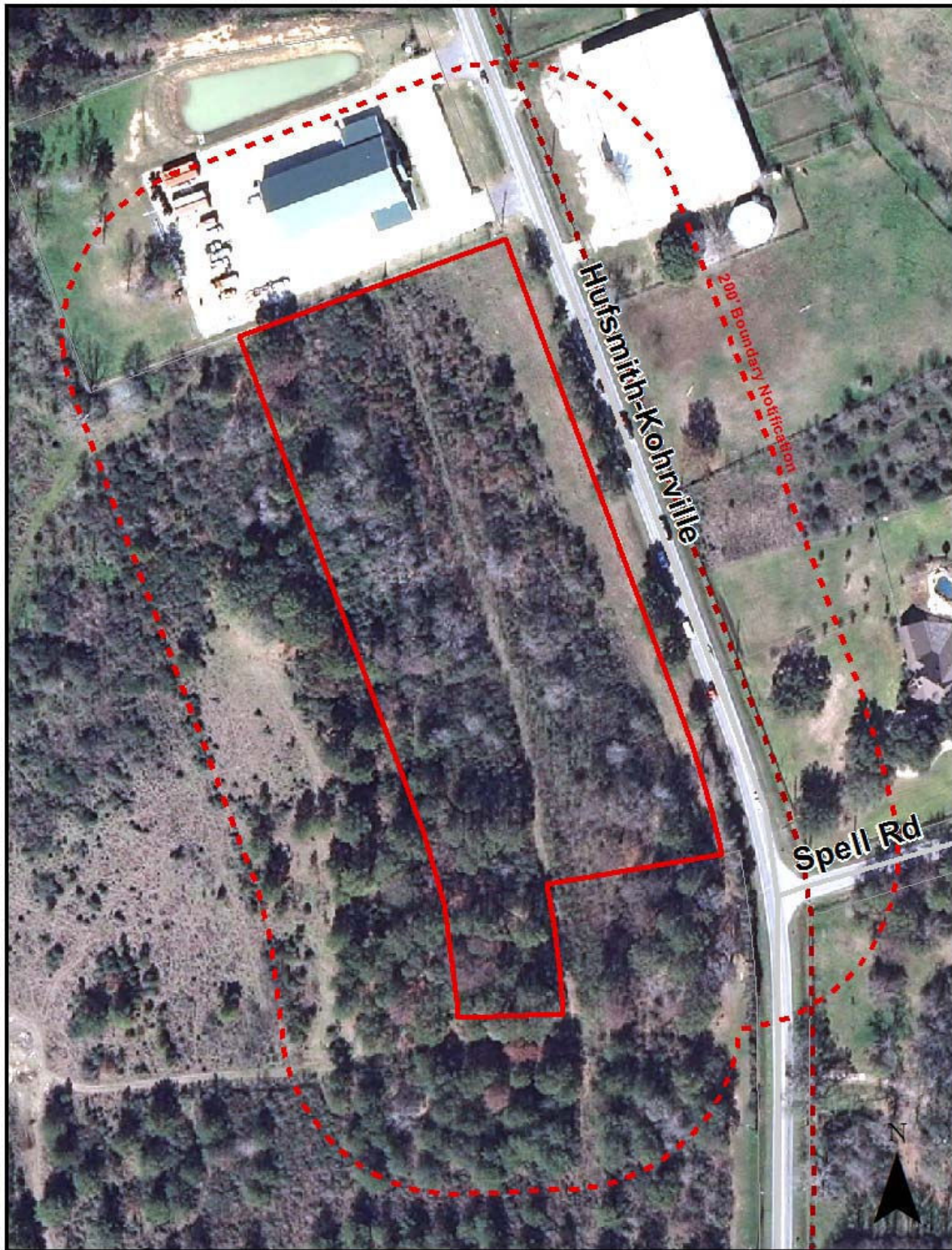


Exhibit "C"
Comprehensive Plan FLU Map

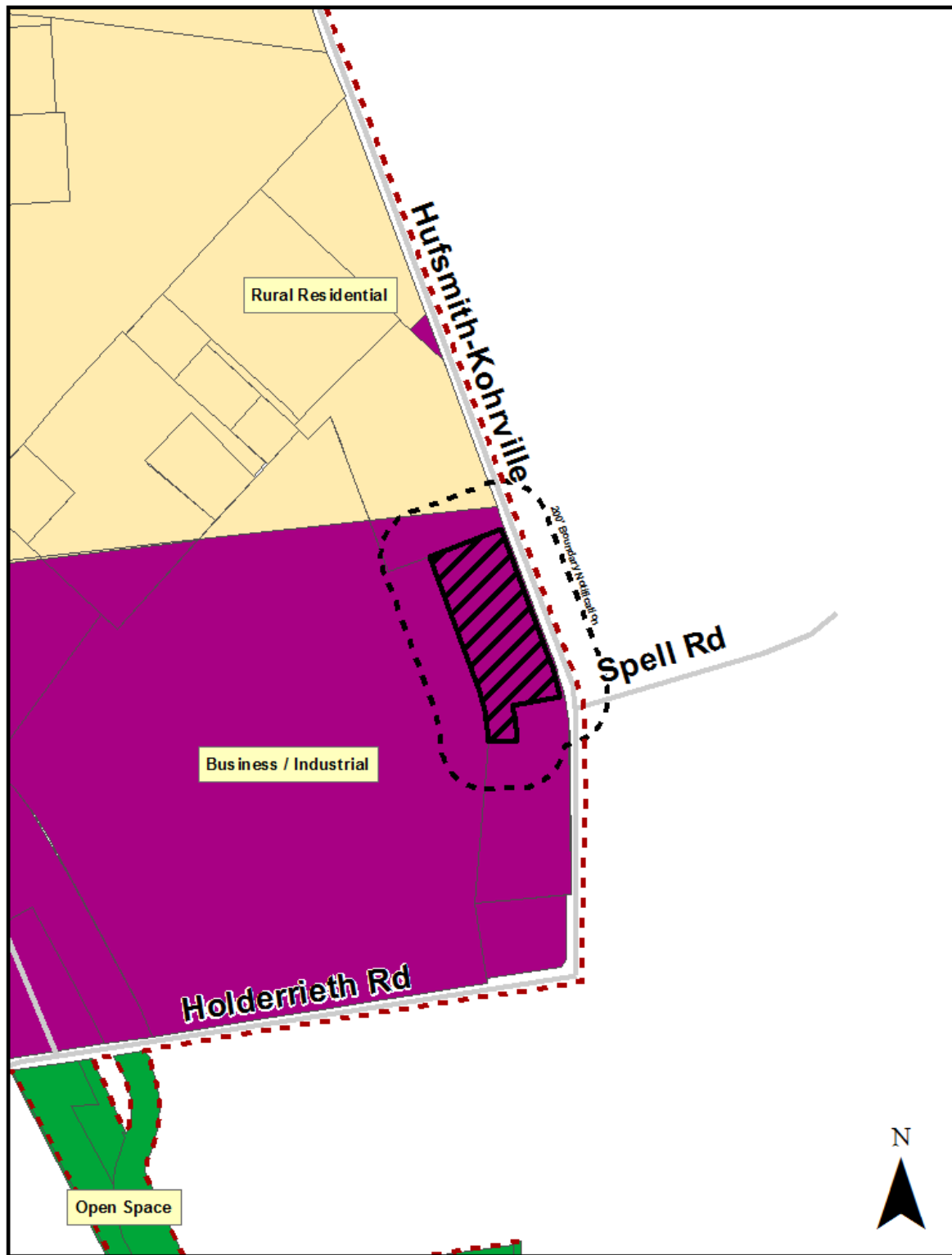
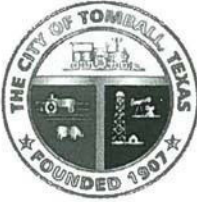


Exhibit "D"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department

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

Applicant

Name: Jeff Presnal Title: Manager
Mailing Address: 25614 Bridle Creek Dr N City: Magnolia State: TX
Zip: 77355
Phone: (713) 817-9547 Fax: () NONE Email: jpresnal@sbcglobal.net

Owner

Name: 2978 Industrial Properties, LLC Title: _____
Mailing Address: 25614 Bridle Creek Dr N City: Magnolia State: TX
Zip: 77355
Phone: (713) 817-9547 Fax: () Email: _____

Engineer/Surveyor (if applicable)

Name: NONE Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () Fax: () Email: _____

Description of Proposed Project: Rezone lot 4 - Tomball South Commercial

Physical Location of Property: Hufsmith Kohrville approx. 1/2 mile N. of Holdenville
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: Tomball South Commercial, Block 1, Lot 4
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: AG with Vested Rights letter allowing Commercial Uses

Current Use of Property: Vacant Land

Proposed Zoning District: LI - Light Industrial

Proposed Use of Property: All uses allowed within LI District

HCAD Identification Number: 132-003-001-0004 Acreage: 5.61

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

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

X Jeff Parrish Asset Mgr for 2978 27 Jul 2012
Signature of Applicant Date

X Jeff Parrish mgr for 2978 27 Jul 2012
Signature of Owner Date

**Exhibit “E”
Site Photos**



Figure 1: Subject site (maps.google.com).



**Figure 2: Commercial use (CREACOM, Inc.) to the north
(maps.google.com).**



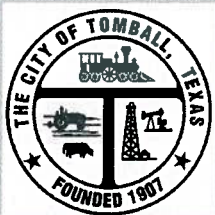
Figure 3: Undeveloped property to the south (maps.google.com).



Figure 4: Former horse training facility to the east (maps.google.com).



Figure 5: Single-family residence to the east (maps.google.com).



Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball
Attn: Rodney Schmidt
501 James Street
Tomball, TX 77375



Name:

Thomas Cren

(please print)

Address:

KTC Holdings LLC

21333 Hutsonville Kohrville Rd, Tomball, TX 77375

Signature:

Thomas Cren

Date:

8/31/12



I am **FOR** the requested rezoning as explained on the attached public notice for **Zoning Case P12-481**. (Please state reasons below)

I am **AGAINST** the requested rezoning as explained on the attached public notice for **Zoning Case P12-481**. (Please state reasons below)

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

Monday, September 10, 2012, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

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

Monday, September 17, 2012, 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to rschmidt@ci.tomball.tx.us.

Please reference the case number in the subject line.

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



September 11, 2012

Honorable Mayor and City Council
City of Tomball
401 Market Street
Tomball, TX 77375

Dear Mayor and City Council,

I am writing this letter in support of Zoning Cases P12-468, P12-469, and P12-481. The subject properties are located adjacent to the future Tomball Business and Technology Park owned by the Tomball Economic Development Corporation and are essential to the overall development plan for the Park. The Tomball Economic Development Corporation has worked closely with 2978 Industrial Properties on the overall design of the site to ensure adequate access and drainage for the project as well as to ensure consistency between the sites with regard to architectural regulations and development standards in the deed restrictions.

On July 2, 2012, Tomball City Council approved a development agreement between the TEDC and 2978 Industrial Properties for the coordination and exchange of property to facilitate the development of the Tomball Business and Technology Park. The development agreement provided for the dedication of right of way out of the 17.63 acres owned by 2978 Industrial Properties for the M118 Drainage Channel as well as a portion of Lot 4 of the Tomball South Commercial Plat for right of way for the entrance to the Tomball Business and Technology Park from Hufsmith-Kohrville Road. In exchange, the Tomball Economic Development Corporation will provide capacity in the storm sewer system for the Park to accommodate for Lots 2-4 of the Tomball South Commercial Plat.

I ask that you consider rezoning this site to Light Industrial as requested in order to provide for consistency in the land uses and development patterns in this area. This area is a key employment area and well suited for Business/Industrial uses. There is excellent access to major transportation facilities (SH 249 and FM 2920), sufficient utilities, and numerous industrial developments within the vicinity. Additionally, Hufsmith-Kohrville Road, which is classified as a 100 foot major arterial roadway on the City's Major Thoroughfare Plan and the 60 foot access easement to the north of Lot 2 provide sufficient separation from nearby residential properties.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Kelly Violette". The script is cursive and fluid, with the first letters of each word being capitalized and slightly larger than the rest of the letters.

Kelly Violette

Executive Director

Regular City Council

Agenda Item

Data Sheet

Meeting Date: September 17, 2012

Topic:

Appoint Presiding Municipal Court Judge

Background:

Presiding Municipal Court Judge Andrea Walker was appointed in August 2010 for a two-year term. Judge Walker has been a tremendous asset to the court and has helped the Court Administrator both modernize and improve the Courts practices and procedures. Judge Walker is a part-time employee of the City of Tomball, but her position requires Council reappointment for an additional two-year term.

Origination:

City Manager's Office

Recommendation:

Reappoint Judge Walker for another two-year term as Presiding Judge.

Funding: Yes

Account Number:

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

Christal Weber, Assistant City Manager

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: September 17, 2012

Topic:

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

- Sec. 551.072 – Deliberations Regarding Real Property
- Sec. 551.074 – Deliberations Regarding Personnel Matters - Evaluation of City Manager

Background:

Origination:

Recommendation:

Funding:

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

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

Regular City Council

Agenda Item

Meeting Date: September 17, 2012

Data Sheet

Topic:

Consideration and Possible Action regarding Amendments to and Extension of the Employment Contract for George Shackelford, City Manager

Background:

The final contract, containing amendments and extension requested by Council, will be provided at the Council meeting; a copy of the current contract is attached for your reference.

The effective date of the contract currently is July 12 to be consistent with the last contract. When the evaluation and contract are completed for 2012, Council will also consider the question of moving the effective date to October 1, 2012 in order to be consistent with the budget year.

Origination:

Council

Recommendation:

N/A

Funding:

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

City Secretar, HR Director

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

ATTACHMENTS:

Current Employment Contract - George Shackelford

**AN AGREEMENT OF EMPLOYMENT BY AND BETWEEN
THE CITY OF TOMBALL, TEXAS, AND GEORGE SHACKELFORD**

**THE STATE OF TEXAS,
COUNTY OF HARRIS.**

This Agreement is made and entered into by and between the City of Tomball, Texas (the "City"), a home-rule municipal corporation and political subdivision of the State of Texas acting by and through its governing body (the "City Council"), and George Shackelford ("Shackelford").

ARTICLE I. Recitals

1.01. General. In accordance with Section 7.01 of the Tomball City Charter, it is deemed prudent and advisable by the City Council and Shackelford that the City employ Shackelford as its City Manager and that the terms and conditions of that employment be expressed in this Agreement between the parties. The City desires to employ Shackelford as City Manager of the City of Tomball, Texas, as provided by home-rule charter.

ARTICLE II. Term of Employment

2.01. At-will employment. By this Agreement and subject to its terms and conditions, the City employs Shackelford as City Manager of the City and Shackelford accepts employment as City Manager at the will and pleasure of the City Council, and the City Council may terminate such employment at any time, with or without cause.

2.02. Term. The term of this Agreement shall be from Shackelford's one year anniversary of employment (the effective date shown in Section 7.05 below) for a period of two years.

ARTICLE III. Duties of City Manager

3.01. Administrative Duties. In accordance with the City Charter, Shackelford shall, as City Manager, be the administrative and executive officer of the City who shall be responsible to the City Council for the efficient and economic administration of all the affairs of the City. As City Manager of the City, Shackelford shall perform those duties required of the City Manager by the City's home-rule charter, by the Texas Local Government Code, and by the Constitution and other laws of the State of Texas, all as heretofore or hereafter amended. In addition, Shackelford shall perform such other duties commensurate with the position of City Manager and applicable laws as may be assigned to or required of him by the City Council, including, but not limited to, its minute actions, resolutions and Code of Ordinances, as heretofore or hereafter amended. The City Manager shall see that all state laws and all ordinances of the City are obeyed and enforced, exercise supervision and control over all departments of the City, exercise supervision and control over all employees and compensated municipal officers of the City other than the Judges of the municipal court; hire and discharge the employees of the City not where such duties are not specifically reserved to the Council by Charter or Ordinance; recommend to City Council compensation for all city officers and employees; attend all meetings of the city council; prepare and submit to the City Council a budget in accordance with the Charter and Chapter 101 of the Texas Local Government Code; make written reports to city council as soon as possible after the close of each month or at such other intervals as City Council may approve, that keeps the council fully advised of the financial condition and needs of the City; supervise the purchase of all materials, supplies and equipment for which funds are budgeted; supervise the administration of the City's contracts; and notify the Mayor and Councilmembers of any alleged violation by the City or any of its officers or

employees of a federal, state, or city law, rule or regulation, or of any cause of action or lawsuit against the City that may subject the City to any civil, criminal or monetary liability.

3.02. Other Responsibilities and Conditions. Shackelford shall devote his time, ability, and attention to the affairs and activities of City while he serves as City Manager. He shall not directly or indirectly render any service of a business, commercial, or professional nature to any person or organization, whether for compensation or otherwise, that would be in conflict with the functions, objectives, and obligations of the City or inconsistent or incompatible with his duties and responsibilities as its City Manager. For and during the term of this Agreement, Shackelford agrees, except as to City Manager's personal residence or residential property acquired or held for future use as City Manager's personal residence, not to invest, without the prior written consent of the City Council, in any other real estate or real property improvements in the corporate limits or extraterritorial jurisdiction of the City of Tomball.

ARTICLE IV. Compensation

4.01. Salary. As compensation for services rendered under this Agreement, Shackelford shall be entitled to receive from the City a salary in the amount of Twelve Thousand Two Hundred Fifty (\$12,250.00) per month beginning July 12, 2011. Such salary shall be paid at the same interval as other employees of the City are paid.

4.02. Review. At any time during the term of this Agreement, the City Council may in its discretion, review and adjust the salary of the City Manager subject to the limitations contained herein. The City Council shall review and evaluate, at least annually, the performance and salary of Shackelford, and the City Council may adjust the salary in such amount and to such extent as the City Council, at its sole discretion, deems necessary and appropriate. The annual performance reviews and evaluation shall be in writing and in accordance with criteria and format developed

jointly by the City Council and Shackelford. The City Council shall provide the City Manager a reasonable and adequate opportunity to discuss with the City Council and/or respond to the City Manager's evaluation. The City Council and the City Manager agree that such evaluations shall be conducted in closed meetings. Nothing herein shall prohibit legal counsel for the City Council or the City Manager from participation in such meetings or from receiving the content of the City Manager's evaluation.

ARTICLE V. Benefits

5.01. Participation in Employee Benefit Plans. The City agrees to include Shackelford in such employee benefit plan(s) as the City may provide for its employees from time to time. As used herein the term "employee benefit plan(s)" shall include dental, hospitalization, medical, surgical, vision, and life insurance, sick leave, holidays, vacation time, and related or similar benefits provided by the City for its full-time exempt employees. The City agrees to pay the premiums for health, hospitalization, vision, dental and comprehensive medical insurance for Shackelford pursuant to the group health care plan provided by the City and in the same manner as other full-time exempt employees. Shackelford is further eligible to receive any other benefit afforded all other full time exempt employees of the City not specifically referenced herein. Provided, further, that (1) Shackelford shall be entitled to three weeks vacation each year accrued in accordance with the accrual schedule for other City employees and (2) Shackelford may bank two weeks vacation with permission from the Mayor as agreed during hire negotiations.

5.02. Retirement. The City agrees to pay the Employer portion only of all contributions made to the Texas Municipal Retirement System ("TMRS") for and on behalf of the City Manager, as provided to all other full time employees of the City.

5.03. Car Allowance. The City agrees to pay a car allowance to Shackelford in an amount not less than Six Hundred Dollars (\$600.00) per month. The purpose of this car allowance is to reimburse Shackelford his expenses related to city business travel within the City of Tomball, Montgomery and Harris Counties, and the City agrees to reimburse business related travel beyond those boundaries to Shackelford as any other employee of the City. The amount of such allowance may be periodically reviewed and adjusted whenever the City Council, at its sole discretion, deems it necessary and appropriate. Shackelford shall acquire and maintain a suitable motor vehicle during the term of this Agreement, which shall be available for Shackelford's exclusive and unrestricted use in the performance of his duties hereunder. Shackelford shall be responsible for paying all liability, property damage, and comprehensive insurance coverage for such motor vehicle, and shall further be responsible for all expenses attendant to the purchase, operation, maintenance, repair and regular replacement of the motor vehicle. The City Manager may use the vehicle for Shackelford's own personal use. Upon the expiration of the term hereof, or upon the resignation or termination of Shackelford's employment for any reason, the monthly vehicle allowance shall be prorated to the effective date of such expiration, resignation, or termination. It is understood and agreed that the City shall pay such car allowance to Shackelford in full compliance with the Federal Internal Revenue Code, as it may from time to time be amended. Such allowance shall be paid in equal monthly installments.

5.04. Dues, Subscriptions and Professional Development. The City agrees to budget and to pay for professional dues of Shackelford necessary for Shackelford's continuation and participation in the Texas City Management Association (TCMA) and International City/County Management Association (ICMA). The City further agrees to pay for Shackelford's participation in such other organizations related to Shackelford's professional development for

which funds are made available in the City's budget. Any dues and subscriptions related to organizations of this nature for which funds are not available in the City's budget must be approved by City Council prior to the expenses being incurred. Any professional development programs for which funds are not available in the City's budget must be approved by City Council prior to the expenses being incurred.

5.05 Civic Activities. Shackelford is encouraged to participate in community and civic organizations and activities. The cost of such activities may be borne by the City upon prior approval of City Council.

5.06. Bonding. The City shall bear the full cost of any fidelity or other bonds required of the City Manager under any law or ordinance.

5.07. Other communication devices. Recognizing the importance of constant and instant communication, as well as to maximize productivity, the City agrees to either provide a cell phone to Shackelford for the city business related calls or to pay a cell phone allowance to Shackelford consistent with the City's policy for other City employees.

5.08 Other City/Business Related Expenses. The City agrees to reimburse Shackelford other reasonable and necessary city business related expenses provided the City has budgeted funds for such expenses and that Shackelford submits written claim and proof of expenses within 90 days of the expense.

5.09. Moving/Relocation Expense. In connection with the necessary relocation of Shackelford to Tomball, the City agrees to reimburse Shackelford for necessary and reasonable expenses incurred in moving and relocating Shackelford and Shackelford's belongings, provided that the amount reimbursed by the City shall not exceed \$5,000.00. Shackelford shall document all moving and relocation expenses with receipts, cancelled checks or credit card statements, and the

City shall reimburse Shackelford for all such documented expenses within 30 calendar days of the City's receipt of such documented expenses.

ARTICLE VI. Termination.

6.01. Discharge or Resignation. Subject to the terms and conditions hereinafter set forth, the City may terminate the employment of Shackelford under this Agreement and discharge Shackelford as City Manager at any time, with or without cause. Shackelford may terminate his employment under this Agreement and resign as City Manager by giving the City Council notice in writing of his intent to do so at least 30 days prior to the effective date of such resignation.

6.02. Termination For Cause or Resignation. If the City should terminate the employment of Shackelford under this Agreement and discharge Shackelford as City Manager "for cause," as such term is hereinafter defined, or should Shackelford terminate his employment hereunder and resign as City Manager, then the City shall not be obligated to pay to Shackelford and Shackelford shall not be entitled to receive from the City any termination or severance pay. In such an event, Shackelford shall be entitled, in accordance with the City Policy for other employees, to the salary, including any accrued but unused sick and vacation leave, earned by Shackelford prior to the date of such termination and discharge or resignation, computed pro rata to and including that date.

6.03. Definition of "For Cause." As used herein and as it relates to the termination of Shackelford's employment under this Agreement and to his discharge as City Manager, the term "for cause" shall mean a) misfeasance or malfeasance in office, b) criminal conduct constituting a felony or misdemeanor involving moral turpitude, c) failure or refusal by Shackelford to perform the duties of his office as described in this Agreement, including the duties prescribed by the City's Charter, the Texas Local Government Code, or as otherwise assigned or prescribed by the City Council, d) the death of Shackelford, or e) a physical or mental disability of Shackelford that

precludes or prevents Shackelford from performing the duties of City Manager of City for a period of at least 60 consecutive days.

6.04. Termination Without Cause. If the City should terminate the employment of Shackelford under this Agreement and discharge him as City Manager without cause, then the City shall pay to Shackelford 12 month's salary and benefits, not including allowances for vehicle and communication devices in addition to any accrued but unused sick and vacation benefits paid in accordance to City Policy to other city employees, as severance from the City. In the event the City at any time reduces the salary, compensation or other benefits of Shackelford in a greater percentage than an applicable across-the-board reduction for all FLSA-exempt employees of the City, or in the event the City refuses to comply with any other provision benefiting Shackelford as provided by this Agreement, including the budgeting of funds sufficient to fund the severance payments provided for by this Agreement, then, in that event, Shackelford may, at his option, may consider himself terminated without cause, as provided herein. Shackelford may not, however, consider himself terminated until Shackelford gives written notice to the City of the nature of the City's noncompliance with this agreement and permits the City 45 days to cure such noncompliance. Provided, further, that the City agrees to provide Shackelford at least 90 days written notice of the non-renewal or extension of this Agreement beyond its two year term. If the City fails to give such written notice and then discharges Shackelford after the expiration of the term of this Agreement, then the City shall pay Shackelford, in addition to any accrued but unused sick and vacation leave paid in accordance to City Policy to other city employees, a sum of money equal to his then salary and benefits for 90 days from the date of the discharge

6.05. Payment of Termination and Severance Pay. The termination and severance pay provided for in this Article, if any, shall be due and payable to Shackelford within 60 calendar days following the date of Shackelford's termination and discharge.

ARTICLE VII. General Provisions

7.01. Supersedes Prior Agreements. This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the employment of Shackelford as City Manager of the City and contains the entire agreement between the parties with respect to such employment in and of any manner whatsoever. Except as otherwise specifically provided herein, this Agreement may be amended or modified only by written instrument signed by both parties and dated subsequent to the effective date hereof.

7.02. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of Texas. All rights, duties and obligations under this Agreement are payable in Harris County, Texas, and in the event of a dispute arising hereunder, venue shall be set in Harris County, Texas.

7.03. Effect of Headings. The Article and Section headings herein are for convenience only and shall not affect the construction of this Agreement.

7.04. Severability. In the event any provision of this Agreement shall be declared invalid, illegal, or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining provisions shall not be affected or impaired in any way thereby.

7.05. Effective Date. This Agreement shall become effective July 12, 2011 and shall continue thereafter until terminated in accordance with the terms hereof.

EXECUTED IN DUPLICATE ORIGINALS in the City of Tomball, County of Harris, State of Texas, as of the 20th day of September, 2011.

CITY OF TOMBALL, TEXAS

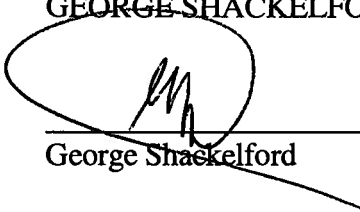
By: _____


Gretchen Fagan
Mayor

ATTEST:


Doris Speer,
City Secretary

GEORGE SHACKELFORD


George Shackelford