

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



TUESDAY, SEPTEMBER 4, 2012

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Tuesday, September 4, 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 Tara Dorroh, Chaplain, International Fellowship of Chaplains

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 Presentations:

- Presentation – HEB, Buffalo Wild Wings, TISD Student Council, Tomball Bible Church, and Cisco’s Salsa Company – ***Tomball Kids Club at MLK, Jr. Park***
- Proclamation - ***“Texting & Driving – It Can Wait Day”***- September 19, 2012

6.0 Reports and Announcements

- **September 8, 2012 – 2nd Saturday at the Depot** – 6:00 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 Approve the Minutes of the August 20, 2012 Regular City Council Meeting

8.0 Old Business:

- 8.1 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 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
- 8.2 Adopt 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

9.0 New Business:

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

- 9.2 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.
- 9.3 Approve the Tomball Economic Development Corporation (TEDC) Fiscal Year 2012-2013 Budget
- 9.4 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
- 9.5 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
- 9.6 Consideration 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.
 - Conduct a Public Hearing on **ZONING CASE P12-477**
 - 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.
- 9.7 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

9.8 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

10.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 30th day of August 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 4, 2012

Topic:

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

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 4, 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

Data Sheet

Meeting Date: September 4, 2012

Topic:

- Presentation – HEB, Buffalo Wild Wings, TISD Student Council, Tomball Bible Church, and Cisco's Salsa Company – ***Tomball Kids Club at MLK, Jr. Park***
- Proclamation - ***“Texting & Driving – It Can Wait Day”***- September 19, 2012

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:

Proclamation - ***“Texting & Driving – It Can Wait Day”***

Office of the Mayor
Tomball, Texas

Proclamation



WHEREAS, the National Highway Traffic Safety Administration (NHTSA) and the Virginia Tech Transportation Institute (VTTI) estimate that nearly eighty percent of crashes and sixty-five percent of near-crashes involve some form of driver inattention; and

WHEREAS, NHTSA and VTTI estimate that driver distraction is a factor in approximately 4.78 million crashes, resulting in two million injuries, more than 34,000 fatalities, and as much as \$184 billion in economic damages annually; and

WHEREAS, a university study found that college students face a crash risk right times greater when texting than when not texting and VTTI found that truck drivers face a crash risk or near-crash risk 23 times greater when texting than when not texting; and

WHEREAS, the American Media Association called text messaging while driving "a public health risk," citing a study that found text messaging while driving causes a 400 percent increase in time spent with eyes off the road; and

WHEREAS, AT&T has launched a campaign to raise public awareness about the risks of texting and driving and remind all wireless consumers, especially youth, that text messages **can—and should—wait** until driving activities have ceased; and

WHEREAS, the "Texting & Driving—It Can Wait" program can literally save lives throughout our City, State and Country;

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the City of Tomball, on behalf of the Tomball City Council and all citizens hereof, I do hereby proclaim the week of **Wednesday, September 19, 2012** as:

"TEXTING & DRIVING – IT CAN WAIT DAY"

and encourage all residents of the City of Tomball and the surrounding communities to commit to refrain from texting while driving and to support AT&T in its "Texting & Driving – It Can Wait" program.



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

ATTEST:

DATE:

David Spivey
August 24, 2012

Regular City Council

Agenda Item

Data Sheet

Meeting Date: September 4, 2012

Topic:

- **September 8, 2012 – 2nd Saturday at the Depot** – 6:00 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

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:

2nd Saturday at the Depot

Bugs, Brew & Barbecue, VW Show and MusicFest

Tomball Bluegrass Festival

2nd Saturday

At the Depot in Tomball

September 8th starting at 6:00 p.m.



Rusty's Family Feature
"Journey to the Center of the Earth"
On the giant inflatable screen

DANNY'S TRIX & KIX
the Costume Superstore
3400 FM 2920 in Spring - 281.353.6618

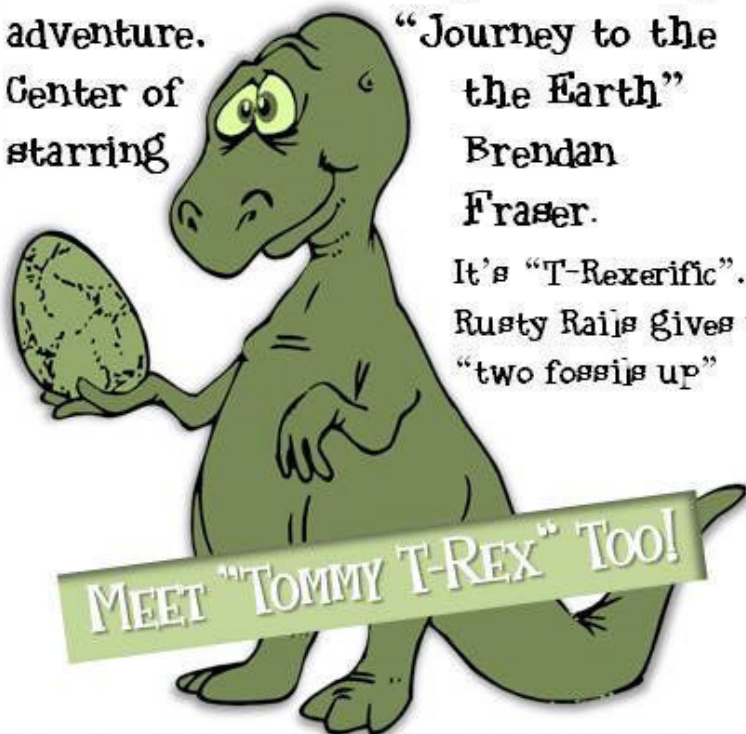
THIS 2ND SATURDAY WILL BE DINO-MITE!

- Music by "The Traditions"
- A "Dinosaur Egg" hunt for prizes
- Concessions
- Games, crafts and kids activities
- AND . . . The action-packed family adventure.

Center of
starring

"Journey to the
the Earth"
Brendan
Fraser.

It's "T-Rexerific"...
Rusty Rails gives it
"two fossils up"



MEET "TOMMY T-REX" TOO!

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

www.facebook.com/TomballTexanForFun

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

TOMBALL, TEXAS

SEPTEMBER 29TH

2012

9A.M. - 6P.M.



BUGS, BREW AND BARBECUE

VWs, Texas Craft Beer, Barbecue & Bands

TOMBALL BLUEGRASS FESTIVAL

TOMBALL

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 4, 2012

Topic:

Approve the Minutes of the August 20, 2012 Regular City Council Meeting

Background:

Origination:

Recommendation:

Funding:

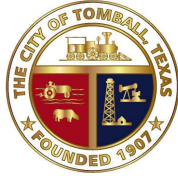
Party(ies) responsible for placing this item on agenda:

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

ATTACHMENTS:

Draft Minutes - August 20, 2012 Regular Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, AUGUST 20, 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 Townsend
Councilman Dodson
Councilman Hudgens
Councilman Brown

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Rob Hauck
Director of Public Works – David Kauffman
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
IT Specialist – Doug Tippey
Community Events Coordinator – Rosalie Dillon
Chief-NWEMS – Brian Petrilla
Kelly Violette – TEDC Executive Director

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2.0 Invocation:

- Led by Mike Beasley, Youth Pastor, ChristBridge Fellowship

3.0 Pledges to U. S. and Texas Flags

- Led by Texas Peppers 10U Fastpitch Softball Team Members

4.0 No public comments were received.

- | | |
|--|---|
| Denton Bryant
30542 Country Meadows,
77375 | - On behalf of the Sons of the Republic of Texas, presented Texas and United States flags to the City Council that have been flown over the state capitol |
| Mary Lu Wiley
14120 Carneswood, 77375 | - Expressed her opposition to the City's proposed funding of a delegation/trip to Telgte, Germany. |
| Rodney Hutson
9430 Rosie Lane, 77354 | - Expressed his concerns with two areas of the proposed sign ordinance and one section of the Downtown Specific Plan. |
| Bruce Hillegeist
20339 Telgte, 77377 | - Expressed his support for the reappointment of Ellen Stutts, Ray Lingo, and Dr. Ben Thomas to the Tomball Regional Authority Board of Directors. |

5.0 Presentations

- Mayor Fagan presented a Proclamation declaring August 20, 2012 as ***“Texas Peppers Gold – Amateur Softball Association (ASA) Girls Fastpitch 10-Under “A” Southern National Champions - Day”***
- Mayor Fagan administered the Oath of Office to newly appointed Corporals Bryan Hill and Brandon Patin, Tomball Police Department

6.0 Reports and Announcements:

- **August 28-31, 2012** – City Pool is Closed for the Season
- **September 1-3, 2012** – City Pool is Open for Labor Day Weekend
- September 8, 2012 – **Second Saturday at the Depot – 6:30 p.m.**
- **September 29, 2012 – Bugs, Brew & Barbecue, VW Show and MusicFest – TBA**
- **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 Brown, to approve the minutes of the following City Council Meetings:

Draft

- Special Tomball City Council and Tomball Economic Development Corporation Meeting – August 6, 2012
- Regular City Council Meeting – August 6, 2012

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve a Development Agreement between BK 2920, Ltd, the City of Tomball, and the Tomball Economic Development Corporation to Provide Economic Incentives for the Redevelopment of the Four Corners Shopping Center located at 14011 FM 2920, Tomball, Texas 77375.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Brown, second by Councilman Townsend, to approve, on Second Reading, Resolution No. 2012-20-TEDC, a Resolution of the City Council of the City of Tomball, Texas, Authorizing and Approving, as a Project of the Tomball Economic Development Corporation, an Economic Development Incentive between the City of Tomball (the “City”), Tomball Economic Development Corporation (the “TEDC”), and BK 2920, Ltd. (the “Developer”), to Expend Funds in Accordance with an Economic Development Agreement to Promote New and Expanded Business Development Associated with the Redevelopment of a Portion of the Four Corners Shopping Center; Containing other Provisions relating to the Subject; and Providing for Severability.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Hudgens, second by Councilman Dodson, to adopt, on Second Reading, Ordinance No. 2012-23, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2012-2013; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2011-2012 Fiscal Year in Accordance with Actual Expenditures; and Providing Other Details Relating to the Passage of This Ordinance.

Motion was made by Councilman Hudgens, second by Councilman Dodson, to amend the Fiscal Year 2012-2013 Budget to reduce the Council travel and training budget to \$11,000, and to adopt, on Second Reading, Ordinance No. 2012-23, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2012-2013; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2011-2012 Fiscal Year in Accordance with Actual

Draft

Expenditures; and Providing Other Details Relating to the Passage of This Ordinance.
Vote was as follows:

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

Motion, as amended, carried unanimously.

- 8.4 Motion was made by Councilman Dodson, second by Councilman Brown, to adopt, on Second Reading, Ordinance No. 2012-24, an Ordinance of the City of Tomball, Texas, Establishing Rates and Charges for Potable Water, Sanitary Sewer, Natural Gas, and Garbage Collection and Disposal Services; Repealing Ordinance No. 2011-20 and All Other Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; Providing for an Effective Date; Providing Other Matters Relating to the Subject; and Providing for Severability. Vote was as follows:

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

Motion carried, 3 votes Aye, 2 votes Nay.

- 8.5 Rebeca Guerra presented proposed changes to Chapter 60, Sign Ordinance. Requests and suggestions by Council will be incorporated and proposed ordinance will be presented to Council at a future meeting. No action taken.

9.0 New Business:

- 9.1 Motion was made by Councilman Dodson, second by Councilman Brown, to ratify the FY 2012-2013 Budget and Find that the Proposed Tax Rate of \$.341455/\$100 Generates More Property Tax Revenue than the FY 2011-2012 Budget.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Dodson, second by Councilman Brown, to Set September 10, 2012 and September 17, 2012 as the Dates for Public Hearings on Proposed Tax Rate for 2012, and to authorize the City Secretary to change the dates of the public hearings in the event that Harris County fails to provide the necessary information in a timely manner.

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Motion carried unanimously.

- 9.3 Jack Smith presented information to Council regarding the Tomball Regional Health Foundation. No action taken.
- 9.4 Motion was made by Councilman Townsend, second by Councilman Hudgens, to Reappoint Ellen Stutts, H. Ray Lingo, and Dr. Ben Thomas to their respective positions on the Tomball Regional Health Foundation (Tomball Hospital Authority) Board of Directors, with new terms to expire on September 1, 2014.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Townsend, second by Councilman Dodson, to appoint Billy Hemby to the City of Tomball Board of Adjustment to Regular Position 3, term expiring March 2, 2013, and to appoint Christine Roquemore to Alternate Position 1, term expiring March 2, 2014.

Motion carried unanimously.

- 9.6 Motion was made by Councilman Stoll, second by Councilman Dodson, to approve Resolution No. 2012-21, a Resolution of the City of Tomball, Texas, adopting the City's Tomball's Investment Policy, as set forth in the City's Administrative Policy No. 13, entitled "Investment Policy".

Motion carried unanimously.

- 9.7 Rodney Schmidt presented the staff report on **COMPREHENSIVE PLAN CASE P12-456**: Request by Joel C. English, on behalf of Mustafa Mandviwala, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 1.28 acres of land, legally described as Tract 1, Meadow Lark Hill, unrecorded, within the City of Tomball, Harris County, Texas, generally located on the southwestern corner of Michel Road and Johnson Road, from High Density Residential to Employment/Office.

- Mayor Fagan opened the Public Hearing on **COMPREHENSIVE PLAN CASE P12-456** at 8:17 p.m.; receiving no public comments, Mayor Fagan closed the public hearing at 8:17 p.m.
- Motion was made by Councilman Dodson, second by Councilman Stoll, to read Ordinance No. 2012-25 by caption only on First Reading.

Motion carried unanimously.

Draft

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

Motion carried unanimously.

- 9.8 Rodney Schmidt presented the staff report on **ZONING CASE P12-457**; Request by Joel C. English, on behalf of Mustafa Mandviwala, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.28 acres of land, legally described as Tract 1, Meadow Lark Hill, unrecorded, within the City of Tomball, Harris County, Texas, generally located on the southwestern corner of Michel Road and Johnson Road, from the Duplex Residential District to the Commercial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P12-457** at 8:20 p.m.; receiving no public comments, Mayor Fagan closed the public hearing at 8:20 p.m.
- Motion was made by Councilman Townsend, second by Councilman Dodson, to read Ordinance No. 2012-26 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Dodson, second by Councilman Townsend, to adopt, on First 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

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

Motion carried unanimously.

- 9.9 Motion was made by Councilman Hudgens, second by Councilman Stoll, to approve the Rank Structure for the Tomball Full-Time Firefighter Positions.

Motion carried unanimously.

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

Motion carried unanimously.

- 9.11 Discussion regarding Regulation of Left-Turns on FM 2920 During Specific Hours was withdrawn at the request of Councilman Townsend until the September 17, 2012 Council meeting.
- 9.12 Motion was made by Councilman Townsend, second by Councilman Stoll, to appoint a Committee to Investigate the North Harris County Regional Water Authority (NHCRWA) Fee Currently Being Charged to the City of Tomball Residents, consisting of Councilman Stoll, Councilman Hudgens, Barbara Tague, and Roy Lackey.

Motion carried unanimously.

- 9.13 Executive Session: The Tomball City Council did not meet in 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

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this _____ day of _____ 2012.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: September 4, 2012

Data Sheet

Topic:

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 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

Background:

On June 12, 2012, the City of Tomball met with Joel English of Siterra Properties to discuss the possible rezoning of Tract 1, Meadow Lark Hill to allow for the construction of a one-story 15,000-square foot medical office building. Mr. English was informed by City staff that the property is currently zoned Duplex District and would need to be rezoned to a zoning district allowing a Medical Office use.

City staff explained that the property has a Comprehensive Plan (CP) Future Land Use (FLU) designation of "High Density Residential" which is not compatible with the medical office building proposed for this site. Mr. English was also informed that there is a CP Amendment process he could request from the Planning & Zoning Commission and City Council to possibly have the Plan's FLU map amended to be compatible with his rezoning request.

On June 25, 2012, the City of Tomball received a CP Amendment and Rezoning application from Mr. English for the subject site. Case P12-456 is the request to amend the FLU designation from High Density Residential to Employment/Office; Case P12-457 is the request to change the zoning of the property from the Duplex District to the Commercial District.

On August 20, 2012, Council adopted Ordinance No. 2012-25 on First Reading.

Origination:

Joel C. English, on behalf of Mustafa Mandviwala

Recommendation:

Adopt Ordinance No. 2012-25 on Second Reading

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. 2012-25 - Zoning Case P12-456

Notice of Public Hearing

Property Owner Notification Letter

P12-456 Statt Report

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 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

* * * * *

Whereas, the owner of approximately 1.28 acres of land, legally described as Tract 1, Meadow Lark Hill (Unrecorded), generally located on the southwestern corner of Michel Road and Johnson Road, in the City of Tomball, Harris County, Texas, (the "Property"), has requested that the Property have its Comprehensive Plan future land use classification changed; 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 Comprehensive Plan future land use classification for the Property from High Density Residential to Employment/Office; and

Whereas, the public hearing was held at least forty (40) calendar days after the City's receipt of the request to change the Comprehensive Plan future land use classification for the Property; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council grant such proposed change to the Comprehensive Plan future land use classification for 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 Comprehensive Plan future land use classification for the Property from High Density Residential to Employment/Office, the City Council held the public hearing on the proposal to change the Comprehensive Plan future land use classification for the Property and the City Council considered the final report of the Planning & Zoning Commission regarding the change of Comprehensive Plan future land use classification; and

Whereas, the City Council deems it appropriate to grant such proposed change in the Comprehensive Plan future land use classification for 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 Comprehensive Plan future land use classification of 1.28 acres of land, legally described as Tract 1, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, is hereby changed from High Density Residential to Employment/Office subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Comprehensive Plan of the City of Tomball, Texas-Ordinance 2009-33, ("Tomball Comprehensive Plan – Vision 2030"), shall be revised and amended to show the designation of 1.28 acres of land, legally described as Tract 1, Meadow Lark Hill (Unrecorded), generally located on the southwestern corner of Michel Road and Johnson Road, as Employment/Office.

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 Comprehensive Plan future land use classification for 1.28 acres of land, legally described as Tract 1, Meadow Lark Hill (Unrecorded), generally located on the southwestern corner of Michel Road and Johnson Road, to Employment/Office.

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 20TH DAY OF AUGUST 2012.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN BROWN	<u>AYE</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 4TH DAY OF SEPTEMBER 2012.

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
AUGUST 13, 2012
&
CITY COUNCIL
AUGUST 20, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, August 13, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, August 20, 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:

COMPREHENSIVE PLAN CASE P12-456: Request by Joel C. English, on behalf of Mustafa Mandviwala, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 1.28 acres of land, legally described as Tract 1, Meadow Lark Hill, unrecorded, within the City of Tomball, Harris County, Texas, generally located on the southwestern corner of Michel Road and Johnson Road, from High Density Residential to Employment / Office.

ZONING CASE P12-457: Request by Joel C. English, on behalf of Mustafa Mandviwala, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.28 acres of land, legally described as Tract 1, Meadow Lark Hill, unrecorded, within the City of Tomball, Harris County, Texas, generally located on the southwestern corner of Michel Road and Johnson Road, from the Duplex Residential District to the Commercial 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 9th day of August 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: P12-456

APPLICANT: Joel C. English, on behalf of Mustafa Mandviwala

LOCATION: Southwestern corner of Michel Road and Johnson Road

PROPOSAL: Request to amend the City's Comprehensive Plan by altering the Future Land Use 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 Residential to Employment / Office.

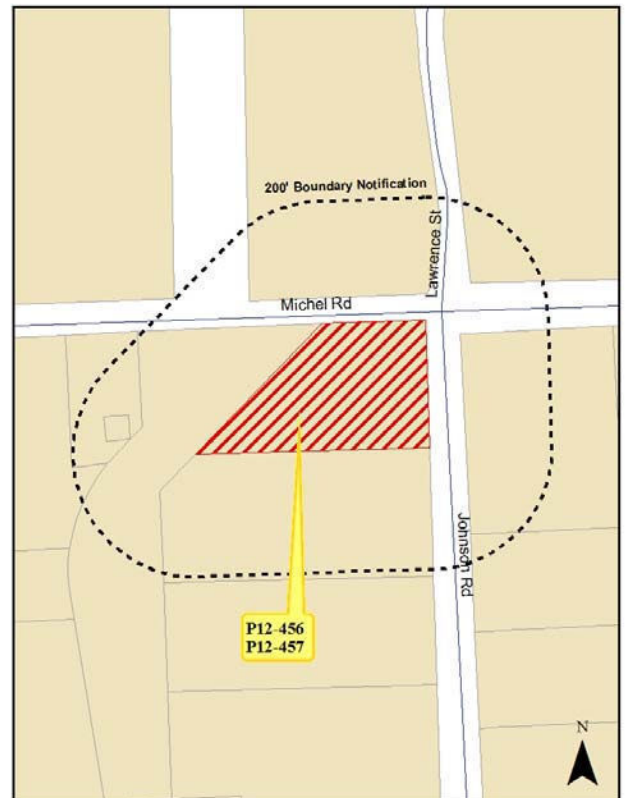
CONTACT: Rodney Schmidt

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 Comprehensive Plan amendment 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, August 13, 2012, 6:00 PM**

**City Council Public Hearing:
*Monday, August 20, 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.



Comprehensive Plan Amendment Staff Report

Planning & Zoning Commission Public Hearing Date: August 13, 2012

Comp Plan Amend Case: P12-456
Property Owner(s): Dr. Mustafa Mandviwala
Applicant(s): Joel English
Legal Description: Tract 1, Meadow Lark Hill (Unrecorded)
Location: Southwestern corner of Michel Road and Johnson Road (Exhibit "A")
Area: 1.28 acres
Present Zoning & Usage: Duplex Residential District (Exhibit "B") / Undeveloped (Exhibit "C")
FLU Designation: High Density Residential (Exhibit "D")
Proposed FLU: Employment/Office (Exhibit "D")
Adjacent Future Land Use Designation & Land Usage:
North: High Density Residential / Michel Road and apartment complex
South: High Density Residential / Apartment complex
East: Employment/Office / Johnson Road and medical office building (under construction)
West: High Density Residential / Drainage ditch

BACKGROUND

On June 12, 2012, the City of Tomball met with Joel English of Siterra Properties to discuss the possible rezoning of Tract 1, Meadow Lark Hill to allow for the construction of a one-story 15,000-square foot medical office building. Mr. English was informed by City staff that the property is currently zoned Duplex District and would need to be rezoned to a zoning district allowing a Medical Office use.

City staff explained that the property has a Comprehensive Plan (CP) Future Land Use (FLU) designation of "High Density Residential" which is not compatible with the medical office building proposed for this site. Mr. English was also informed that there is a CP Amendment process he could request from the Planning & Zoning Commission and City Council to possibly have the Plan's FLU map amended to be compatible with his rezoning request.

On June 25, 2012, the City of Tomball received a CP Amendment (Exhibit "E") and Rezoning application from Mr. English for the subject site. Case P12-456 is the request to amend the FLU

designation from High Density Residential to Employment/Office; Case P12-457 is the request to change the zoning of the property from the Duplex District to the Commercial District.

ANALYSIS

The subject site is a 1.28-acre vacant parcel on the southwest corner of Michel Road and Johnson Road. It is adjacent to an existing medical office building and apartment complex. The applicant's intent is to utilize the property in order to construct a one-story, 15,000-square foot medical office building.

The City's FLU map designates this site as "High Density Residential." According to the City's CP, this FLU designation is primarily intended to provide areas for many different types of housing projects with densities ranging from 7.26 to 26 gross dwelling units per acre. Uses consistent with a medical office building, however, are not specifically listed as permissible within this designation. The "Employment/Office" FLU designation, however, allows for employment uses that are not industrially focused. It would permit corporate headquarters, regional offices, professional offices, and small business office suites – all of which could be encompassed within a medical office building. Also, the site is in close proximity to the Medical Complex campus and adjacent to an existing medical office building, which have predominant FLU designations of Employment/Office.

The CP allows for amendments to the FLU map if relevant information affecting the use of a parcel is presented. Several considerations are offered in the Plan which provide a basis for the review of such changes. For example, amendments to the CP must be consistent with the City's Goals, Objectives, and Actions; uses adjacent to the proposed development should be similar in nature; and the proposed development should present a benefit to public health, safety, and welfare of the community.

Action LUD 1.2.3 of the CP calls for the consideration of investments made in the community when making land use and development decisions. Objective EO 1.1 further states that there shall be a maximization of the economic benefits from Tomball's Medical Campus. The City has a series of sidewalks built along Michel Road, and within the Medical Campus in general, which serve to provide pedestrian connectivity in the area and has plans to invest funds in the future to construct additional sidewalks which would allow for further linkages to be made available. Goal LUD 4 requires that there shall be a general improvement of the economic viability and quality character of commercial centers throughout Tomball. In addition, Action EO 1.1.4 recommends the encouragement of businesses in close proximity to the Medical Campus that can serve the large number of employees and patient visitors in the area. The subject site sits on the peripheral of the Medical Campus area and would continue the medical office uses prevalent in the immediate locale. As the property is currently vacant and heavily wooded, the construction of a medical office could serve enhance the fiscal feasibility of the area and maintain its professional environment. Objective LUD 5.1 mandates that land use patterns should be developed in key activity areas and at smaller scales in appropriate areas to minimize the number and length of trips and create a more pedestrian-oriented development program. Given the high density nature of the majority of the residences that exists immediately adjacent to the site, a greater availability of housing stock is provided which may serve to shorten vehicular usage for employment and encourage alternative modes of transportation (i.e. walking, etc.). Also, because of the site's relatively small size, a more compact development could occur which would allow for more centralized and coordinated medical office uses.

The CP states that uses adjacent to the proposed development should be similar in nature. To the east of the subject site is another medical office building currently under construction. And, as mentioned previously, the property sits adjacent to an area generally referred to as the Medical Campus. The Medical Campus is made up of a regional hospital, numerous in-patient and out-patient medical buildings, educational resources, support retail services, and other medically-oriented resources. This proposed medical office building would an extension of the types of services and amenities already in place. Lastly, the CP also recommends that proposed developments should present a benefit to public health, safety, and welfare of the community. Given the nature of the type of business being sought as part of this request, a rational nexus may be made between the proposed use change and the potential for future aid to the public health, safety, and welfare of the community.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on August 3, 2012; no public comments have been received.

RECOMMENDATION

That the Planning and Zoning Commission recommend:

1. APPROVAL of Comprehensive Plan Amendment Case P12-456 based on the following:
 - a. Consistency with the Goals, Objectives, and Actions of the Tomball Comprehensive Plan;
 - b. Similarity of uses adjacent to the proposed development; and
 - c. Benefit to the public health, safety, and welfare of the community.
2. APPROVAL of the Staff Report as the Planning and Zoning Commission's final recommendation to the City Council.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Site Photos
- D. Comprehensive Plan Future Land Use Map
- E. Comp Plan Amendment Application

Exhibit "A"
Aerial Photo

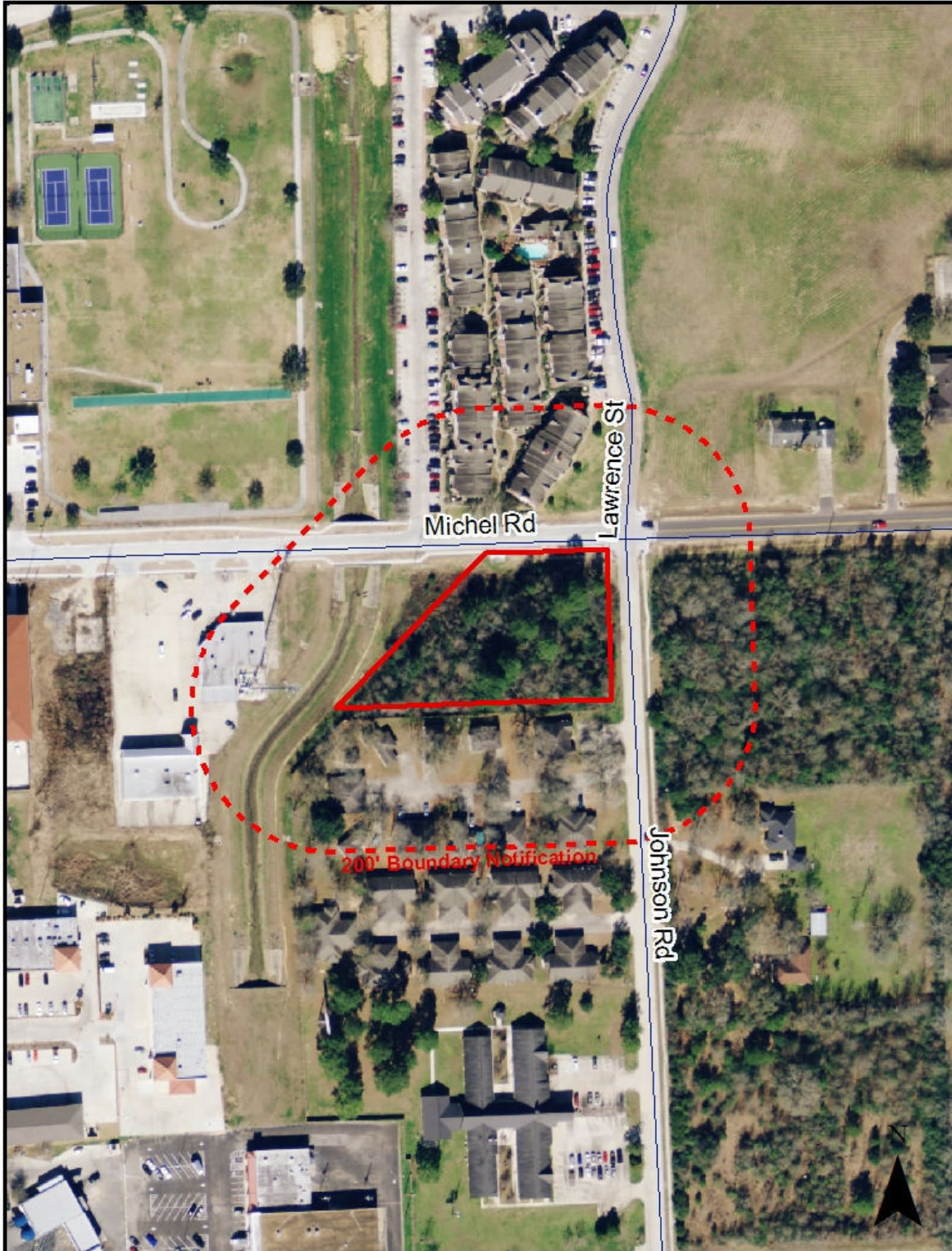


Exhibit "B"
Zoning Map

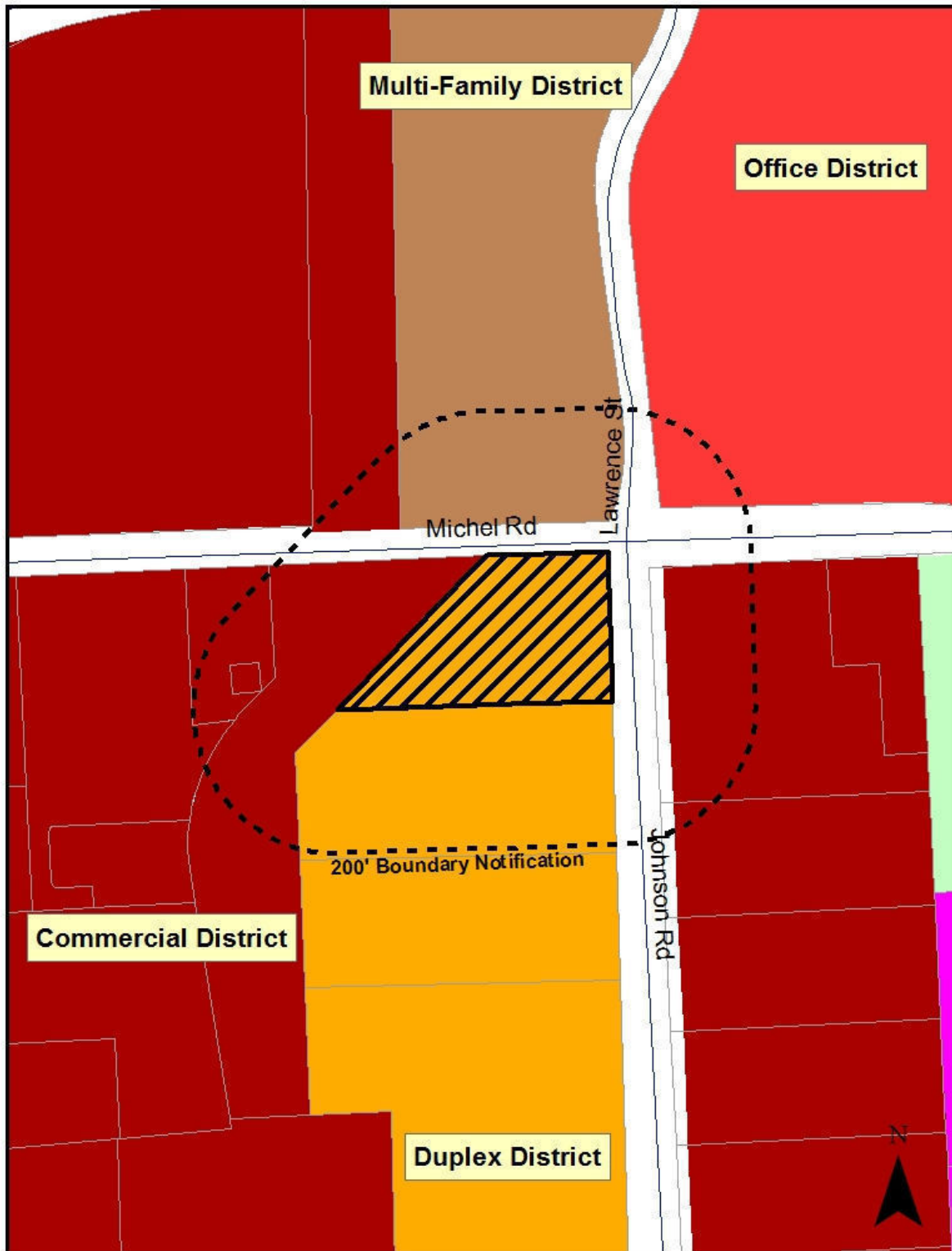


Exhibit “C”
Site Photos



Figure 1: Subject site.
Source: maps.google.com



Figure 2: Apartment complex to the north.
Source: maps.google.com



Figure 3: Apartment complex to the south.
Source: maps.google.com



Figure 4: Drainage to the west.
Source: maps.google.com



Figure 5: Medical office to the east.
Source: maps.google.com

Exhibit "D"
Comprehensive Plan Future Land Use Map

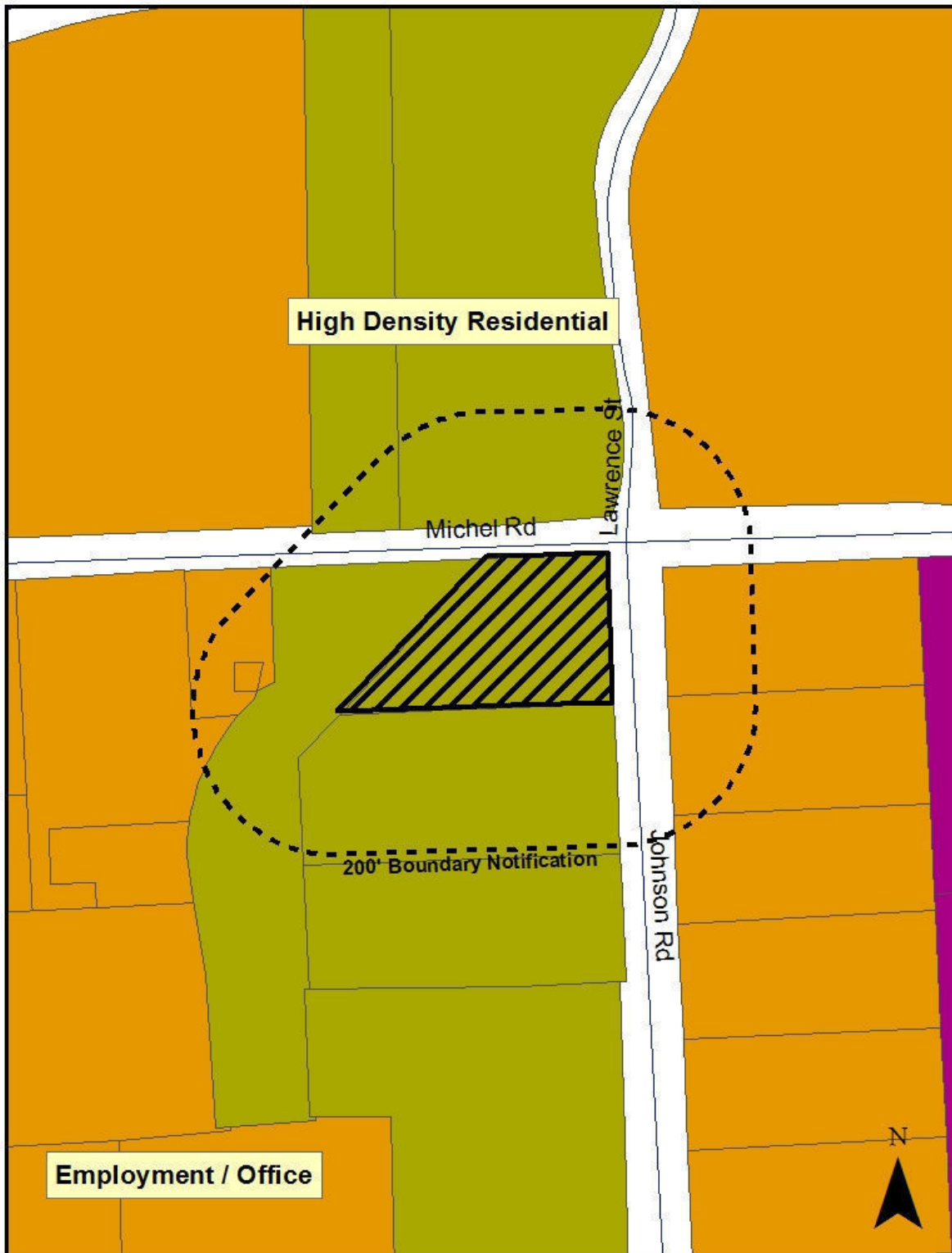


Exhibit "E"
Comp Plan Amendment Application

Revised 1/26/10



**COMPREHENSIVE PLAN
AMENDMENT APPLICATION**
Engineering & Planning Department

APPLICATION SUBMITTAL

The Comprehensive Plan serves as the City's long-range development guide. Local Government Code Section 213.003 authorizes and specifies procedures for amendments and modifications to the City's Comprehensive Plan. The process requires a public hearing and review by the City's Planning and Zoning Commission and final review and approval by the City Council.

Plan amendments for parcels of real property within Tomball may be initiated by property owners or by agents of property owners by written consent. Plan amendment(s) involving textual changes may be initiated by any interested party including the Tomball City Council, Planning & Zoning Commission, staff, or private citizens. It shall be the burden of the party requesting the amendment, not the City of Tomball, to prove that the change constitutes an improvement to the Tomball Comprehensive Plan.

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 request may be delayed until corrections or additions are received.

CONTACT INFORMATION:

Applicant
Name: Joel C. English Title: Agent for Owner
Mailing Address: 12340 Jones Road, Suite 292 City: Houston State: TX
Zip: 77070
Phone: (713) 473-7200 Fax: (713) 468-0083
Email: joel@siteproperties.com

Owner
Name: Mustafa Mandriwala Title: Doctor
Mailing Address: 13406 Medical Complex Dr. #110 City: Tomball State: TX
Zip: 77375
Phone: (281) 351-6250 Fax: (713) 468-0083
Email: mustaf4hr@aol.com

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

www.ci.tomball.tx.us

COMPREHENSIVE PLAN AMENDMENT REQUEST:

Amendment Type (check all that apply): Text ☐ Map ☒

Text Amendment(s)

Text to be modified:

Proposed Text Amendment (exact wording):

Questions to be answered in Comprehensive Plan Amendment Request Letter:

- Will the proposed text amendment enhance the City economically?
- Will the proposed text amendment enhance the City aesthetically?
- Is the proposed text amendment consistent with the City's Goals, Objectives, and Actions?
- Does the proposed text amendment encourage a better use of land/property, both for the owner/developer and the City, than that currently recommended by the Plan?
- Will the proposed text amendment impact adjacent residential areas in a positive or negative manner?
- How will the proposed text amendment impact vehicular and pedestrian access, roadway capacity, ingress and egress, and traffic?
- Will the proposed text amendment encourage land use compatibility?
- Does the proposed text amendment present a significant benefit to the public health, safety and welfare of the community?

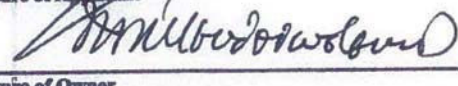
Map Amendment(s)

Current Comprehensive Plan Designation: High Density Residential
Proposed Comprehensive Plan Designation: Employment/Office
Proposed Use of Property: Medical Office Building
Physical Location of Property: Southwest Corner of Michel Road and Johnson Road
(General Location - approximate distance to nearest existing street corner)
Legal Description of Property: TR 1, Meadow Lark Hill U/R
(Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block)
Current Zoning District: D (Duplex Residential District)
Current Use of Property: raw land
HCAD Identification Number: 1048040000001
Property Acreage: 1.28 Acres

Questions to be answered in Comprehensive Plan Amendment Request Letter:

- Will the proposed map amendment enhance the City economically?
- Will the proposed map amendment enhance the City aesthetically?
- Is the proposed map amendment consistent with the City's Goals, Objectives, and Actions?
- Is the proposed map amendment a better use of land/property, both for the owner/developer and the City, than that recommended by the Plan?
- Will the proposed map amendment impact adjacent residential areas in a positive or negative manner?
- Will the proposed map amendment have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?
- Are uses adjacent to the proposed map amendment similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?
- Does the proposed map amendment present a significant benefit to the public health, safety and welfare of the community?

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		6/25/12
	Signature of Applicant	Date
X		6/27/12
	Signature of Owner	Date



12340 Jones Road, Suite 292
Houston, TX 77070

June 25, 2012

Attn: Planning and Zoning Commission
City of Tomball
501 James Street
Tomball, TX 77375

RE: Comprehensive Plan Amendment Application for 1.28 Acres on the Southwest Corner of Michel Road and Johnson Road

To whom it may concern:

I am writing on behalf of my client, Dr. Mustafa Mandviwala, in reference to our application for amending the comprehensive plan for his property located on the southwest corner of Michel Road and Johnson Road. Currently this 1.28 acre property is in the High Density Residential area, but we are seeking to get approval to amend it to be a part of the Employment/Office area of the City of Tomball Comprehensive Plan. My client would like to develop a medical office building at this location.

In response to the questions within the application, we believe that the proposed text amendment will definitely enhance the City of Tomball both economically and aesthetically, due to both the building's proposed usage and design.

In order to ensure consistency with the City's goals for Employment/Office uses, we intend to implement a very efficient land use for this property that is fiscally sustainable and that will enhance the quality of the City of Tomball. With the proposed usage, we intend to help improve the economic viability and the quality of character throughout Tomball. Changing the usage in the manner we are proposing will also help to maintain a sustainable jobs-to-population ratio and help improve the mix of locally available jobs.

In order to ensure consistency with the City's objectives and actions for Employment/Office uses, we intend to develop this property in a manner that will still promote a cohesive land use pattern and that will minimize incompatible land uses, since some of the surrounding properties are also currently part of the Employment/Office use area.

Additionally, the proposed text amendment will encourage better use of the property for both Dr. Mandviwala and the City of Tomball, without any negative impact on the adjacent residential areas. Our opinion is that the proposed property development may slightly increase traffic in the area, but not to the extent that would harm vehicular flow on either artery surrounding the property. Also, as



12340 Jones Road, Suite 292
Houston, TX 77070

Finally, we feel that the proposed amendment would present a significant benefit to the overall public health and welfare of the community, since the owner's desired usage of this property is for medical and professional office space. This will create more healthcare options in the Tomball area, and hopefully encourage the further development of Tomball's already impressive medical community.

Hopefully, this information is helpful in explaining our desired changes and amendments to the Comprehensive Plan. I have enclosed my contact information, along with all the necessary documentation. Please contact me at your earliest convenience if you need anything further to complete the application. I look forward to hearing from you, and thank you for your consideration of our application.

Regards,

A handwritten signature in black ink, appearing to be "J. English", written over a horizontal line.

Joel C. English, President/Partner
SITEERRA Properties, LLC
(281) 808-1166
joel@siterraproperties.com

Regular City Council

Agenda Item

Meeting Date: September 4, 2012

Data Sheet

Topic:

Adopt 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

Background:

On June 12, 2012, the City of Tomball met with Joel English of Siterra Properties to discuss the possible rezoning of Tract 1, Meadow Lark Hill to allow for the construction of a one-story 15,000-square foot medical office building. Mr. English was informed by City staff that the property is currently zoned Duplex District and would need to be rezoned to a zoning district allowing a Medical Office use.

City staff explained that the property has a Comprehensive Plan (CP) Future Land Use (FLU) designation of "High Density Residential" which is not compatible with the medical office building proposed for this site. Mr. English was also informed that there is a CP Amendment process he could request from the Planning & Zoning Commission and City Council to possibly have the Plan's FLU map amended to be compatible with his rezoning request.

On June 25, 2012, the City of Tomball received a CP Amendment and Rezoning application from Mr. English for the subject site. Case P12-456 is the request to amend the FLU designation from High Density Residential to Employment/Office; Case P12-457 is the request to change the zoning of the property from the Duplex District to the Commercial District.

On August 20, 2012, Council adopted Ordinance No. 2012-26 on First Reading.

Origination:

Joel C. English, on behalf of Mustafa Mandviwala

Recommendation:

Adopt Ordinance No. 2012-26 on Second Reading

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. 2012-26 - Zoning Case P12-457

Notice of Public Hearing

Property Owner Notification Letter

P12-457 Staff Report

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.

* * * * *

Whereas, the owner(s) of approximately 1.28 acres of land, legally described as Tract 1, Meadow Lark Hill (Unrecorded), generally located on the southwestern corner of Michel Road and Johnson Road, in the City of Tomball, Harris County, Texas, (the "Property"), have requested that the Property be rezoned to the Commercial District; 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 Duplex Residential District to the Commercial 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 change the zoning district classification of the Property from the Duplex District to the Office District; 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 Duplex Residential District to the Commercial 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 change the zoning district classification of the Property from the Duplex District to the Office District.

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 1.28 acres of land, legally described as Tract 1, Meadow Lark Hill (Unrecorded), within the City of Tomball, Harris County, Texas, is hereby changed from the Duplex Residential District to the Office 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 1.28 acres of land, legally described as Tract 1, Meadow Lark Hill (Unrecorded), generally located on the southwestern corner of Michel Road and Johnson Road, as Office 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 1.28 acres of land, legally described as Tract 1, Meadow Lark Hill (Unrecorded), generally located on the southwestern corner of Michel Road and Johnson Road, to the Office 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 20TH DAY OF
AUGUST 2012.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN BROWN	<u>AYE</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 4TH DAY OF
SEPTEMBER.

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
AUGUST 13, 2012
&
CITY COUNCIL
AUGUST 20, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, August 13, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, August 20, 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:

COMPREHENSIVE PLAN CASE P12-456: Request by Joel C. English, on behalf of Mustafa Mandviwala, to amend the City's Comprehensive Plan by altering the Future Land Use of approximately 1.28 acres of land, legally described as Tract 1, Meadow Lark Hill, unrecorded, within the City of Tomball, Harris County, Texas, generally located on the southwestern corner of Michel Road and Johnson Road, from High Density Residential to Employment / Office.

ZONING CASE P12-457: Request by Joel C. English, on behalf of Mustafa Mandviwala, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 1.28 acres of land, legally described as Tract 1, Meadow Lark Hill, unrecorded, within the City of Tomball, Harris County, Texas, generally located on the southwestern corner of Michel Road and Johnson Road, from the Duplex Residential District to the Commercial 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 9th day of August 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: P12-457

APPLICANT: Joel C. English, on behalf of Mustafa Mandviwala

LOCATION: Southwestern corner of Michel Road and Johnson Road

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance by rezoning 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 Commercial District.

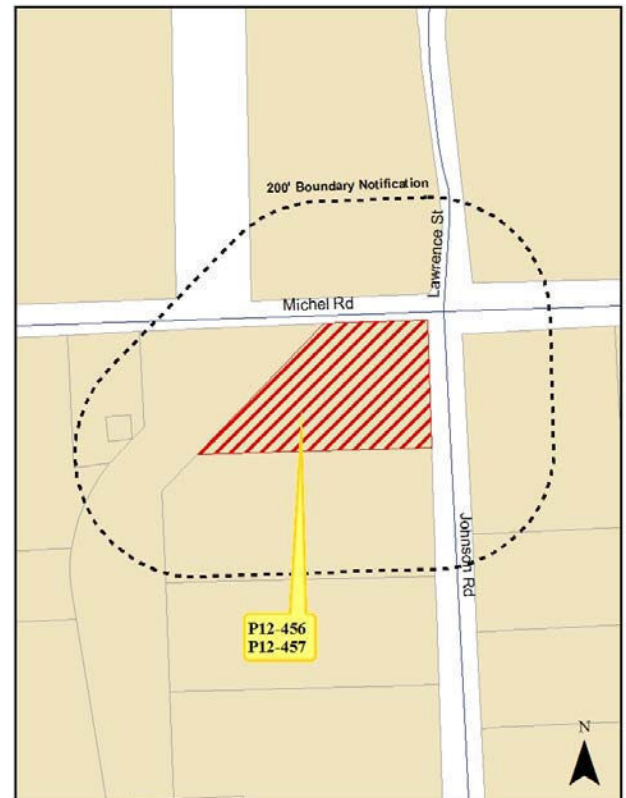
CONTACT: Rodney Schmidt

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, August 13, 2012, 6:00 PM**

**City Council Public Hearing:
*Monday, August 20, 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.



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: P12-457

APPLICANT: Joel C. English, on behalf of Mustafa Mandviwala

LOCATION: Southwestern corner of Michel Road and Johnson Road

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance by rezoning 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 Commercial District.

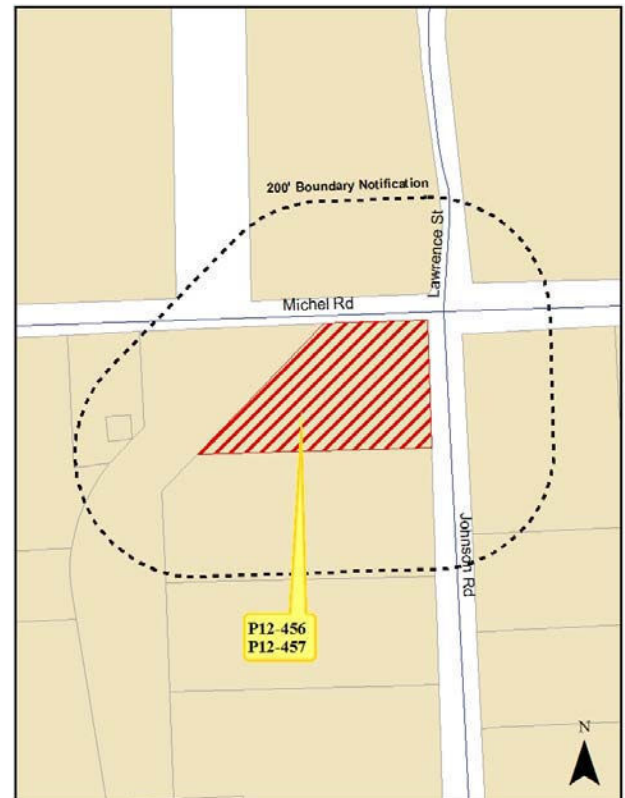
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@ci.tomball.tx.us

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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, August 13, 2012, 6:00 PM**

**City Council Public Hearing:
*Monday, August 20, 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.

Regular City Council

Agenda Item

Meeting Date: September 4, 2012

Data Sheet

Topic:

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 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 First Reading

Funding: Yes

Account Number: Grant Funds Available

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

Kelly Violette, Executive Director

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

ATTACHMENTS:

TEDC Memo
Stripes Request Letter 8-21-2012
Stripes Economic Impact Model
Stripes Performance Agreement
Resolution No. 2012-22-TEDC



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 McGaughey, 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

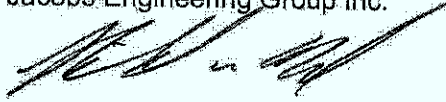
\$105,200. Please note that this amount also includes soft costs associated with the engineering design and permitting of the utilities along the SH 249 frontage only.

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

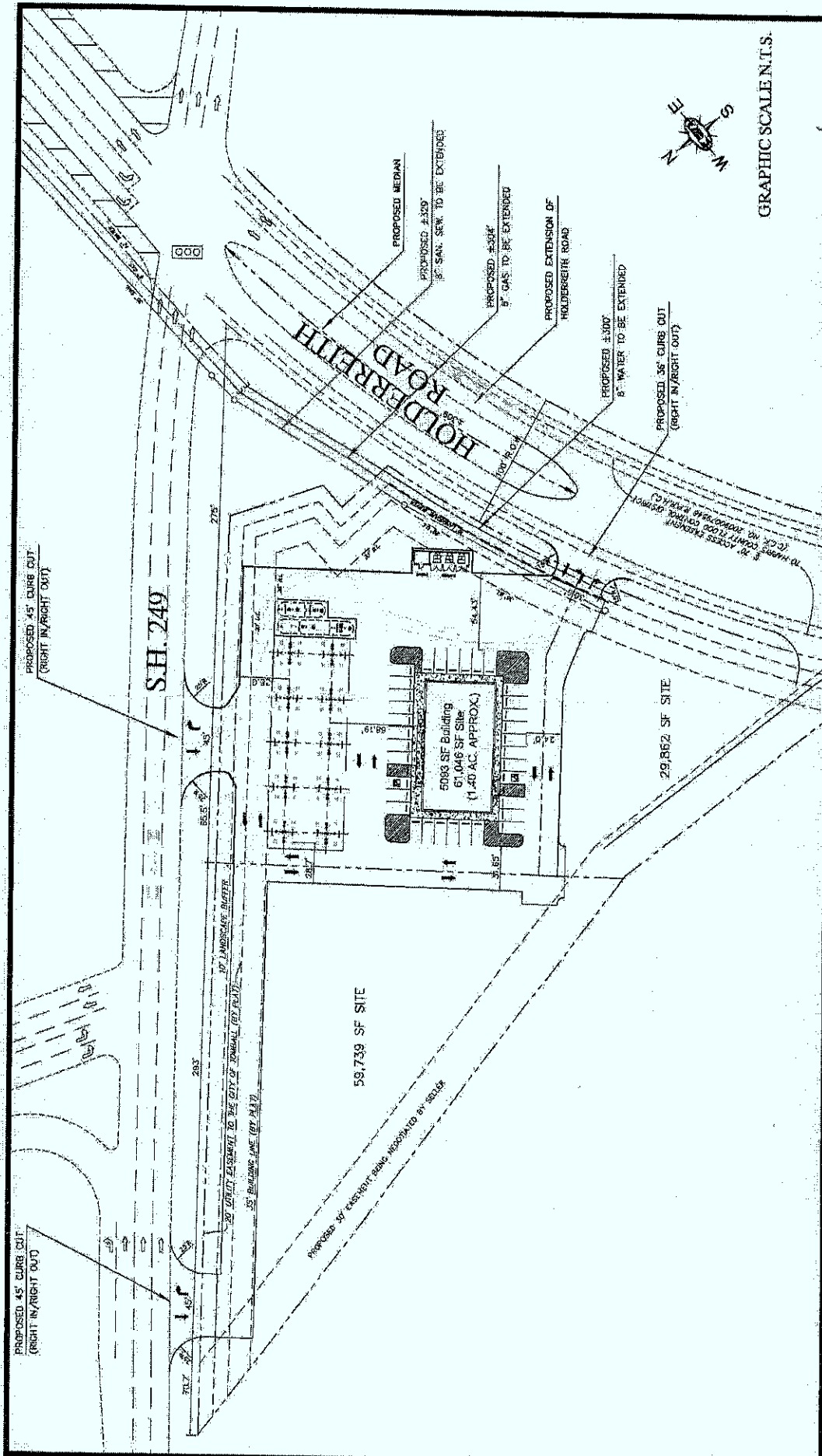
Engineer's Opinion of Probable Construction Cost

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



GRAPHIC SCALE 1"=10'

REVISIONS

NO. DESCRIPTION



S.H. 249 & Holderreith 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

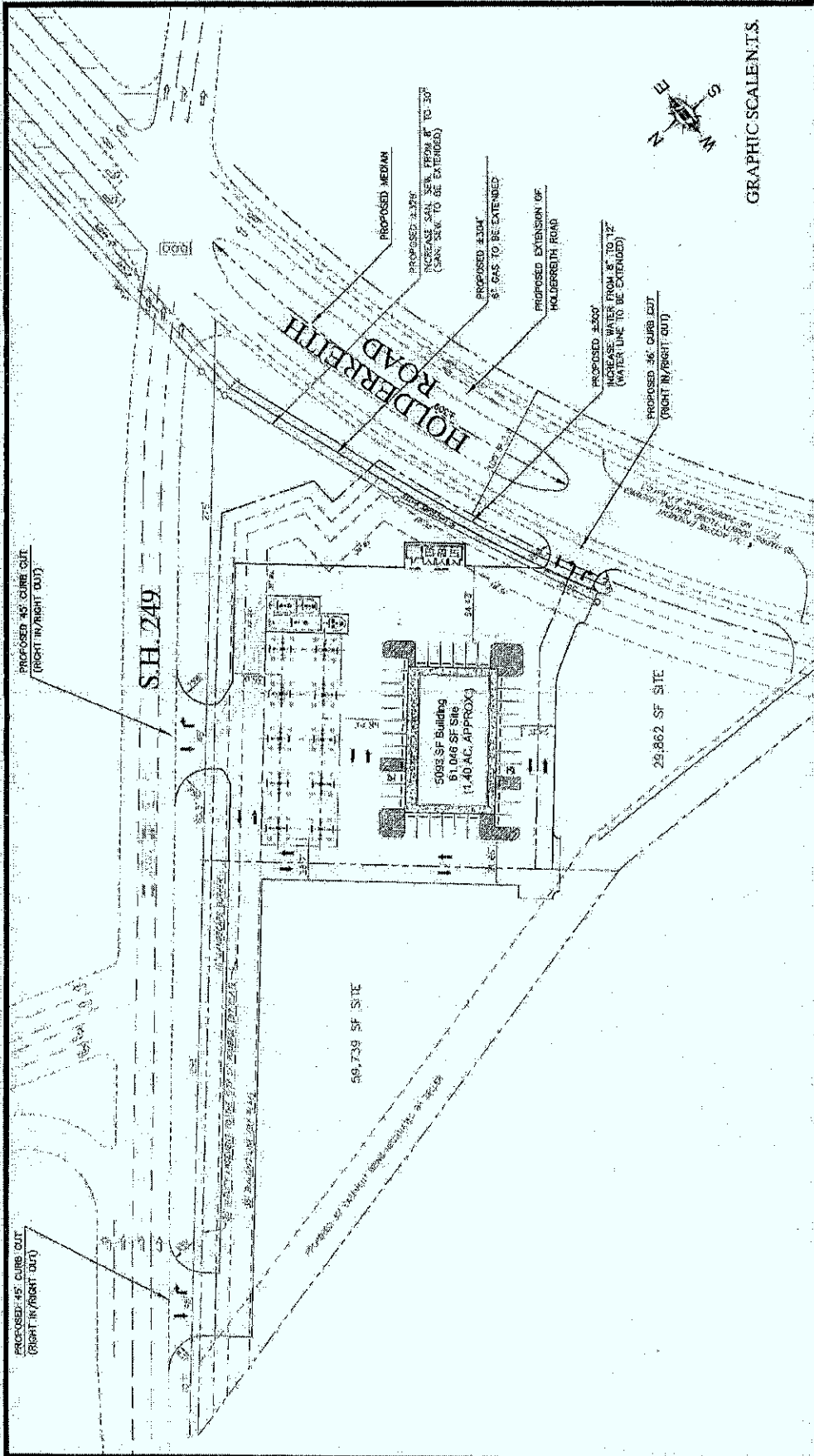
Engineer's Opinion of Probable Construction Cost

Exhibit 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



GRAPHIC SCALE: 1"=50'

REVISIONS

NO DISCUSSION



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

SHEET 2 OF 3



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

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

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 ____ day of _____, 2012.

PASSED, APPROVED, AND RESOLVED on second and final reading this ____ day of _____, 2012.

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council

Agenda Item

Meeting Date: September 4, 2012

Data Sheet

Topic:

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.

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 first reading

Funding: Yes

Account Number: Grant Funds Available

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

Kelly Violette, Executive Director

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

ATTACHMENTS:

TEDC Memo
Baker Hughes Request Letter
Baker Hughes Economic Report Summary
Baker Hughes Economic Full Report
TEDC-Baker Hughes Performance Agreement
Resolution No. 2012-23-TEDC



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,

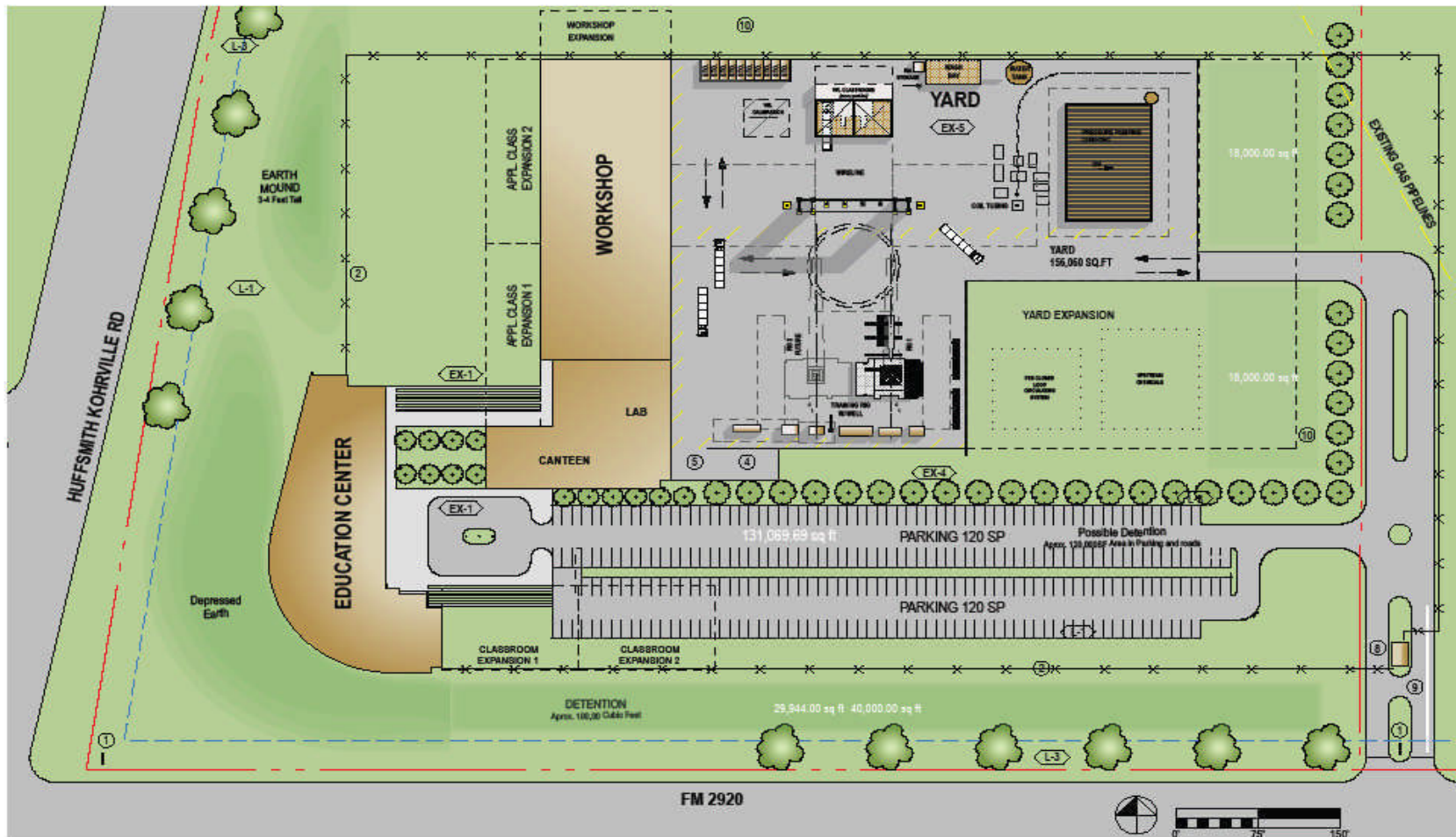


George P. Bernhardt
Managing Counsel – Global Real Estate

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
CANTEEN + 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	131,060 SF
EDUCATION WALKS + FLATWORK	16,140 SF
TOTAL:	304,260 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

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A Report of the Projected Economic Impact from Baker Hughes

Introduction

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Description of the Facility

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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			
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Lone Star College System		\$486,435			
Total	\$2,005,700	\$6,266,625	\$576,831	\$91,152	\$50,000

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City of Tomball	\$5,560,282	\$11,826		\$8,441,587
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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
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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
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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%
--	-----

The number of people in a typical worker's household	3
--	---

The number of school children in a typical worker's household	0.65
---	------

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
-------------	---

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
----------------	--

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.

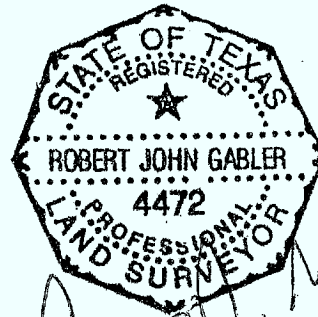
3000 Wilcrest, Suite 210

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 $02^{\circ}35'23''$ 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 $87^{\circ}24'15''$ 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.

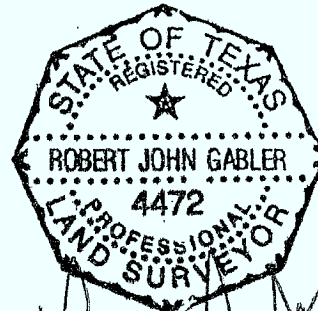
3000 Wilcrest, Suite 210

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 John Gabler", written over the bottom right 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)

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 ____ day of _____, 2012.

PASSED, APPROVED, AND RESOLVED on second and final reading this ____ day of _____, 2012.

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council

Agenda Item

Data Sheet

Meeting Date: September 4, 2012

Topic:

Approve the Tomball Economic Development Corporation (TEDC) Fiscal Year 2012-2013 Budget

Background:

TEDC Bylaws state that the TEDC is to prepare and submit to the Tomball City Council for its approval an annual budget of expected revenue and proposed expenditures for the next fiscal year.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Approval of the FY 2012-2013 TEDC Budget, as approved by the TEDC Board of Directors at its Regular Meeting on August 21, 2012.

Funding: Yes

Account Number:

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

Kelly Violette, Executive Director

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

ATTACHMENTS:

FY 2012-2013 Proposed TEDC Budget

2012-2013 Budget Notes

TEDC Account Descriptions

Tomball Economic Development Corporation
2012-2013 Proposed Budget
October 1, 2012 to September 30, 2013

		2010-2011 Actual Rev./Exp.	2011-2012 Approved Budget	2011-2012 Year End Projection	2012-2013 Proposed Budget
<u>Beginning Fund Balance</u>	\$	\$8,963,142	\$9,765,509	\$9,861,536	\$7,998,246
REVENUE					
Sales Tax	\$	\$2,333,383	\$2,300,000	\$2,550,000	\$2,550,000
Interest		\$62,224	\$50,000	\$50,000	\$50,000
Total Revenue	\$	\$2,395,607	\$2,350,000	\$2,600,000	\$2,600,000
Total Available Resources	\$	\$11,358,749	\$12,115,509	\$12,461,536	\$10,598,246
EXPENDITURES					
<u>Administrative</u>					
Salary and Benefits					
Salary-Executive Director	\$	\$95,478	\$80,000	\$80,000	\$85,000
Salary-Eco. Dev. Coordinator		\$44,736	\$50,720	\$50,720	\$54,147
Benefits-Executive Director		\$38,238	\$32,208	\$32,208	\$34,652
Benefits-Eco. Dev. Coordinator		\$20,423	\$27,133	\$27,133	\$29,689
Total Salaries and Benefits	\$	\$198,875	\$190,061	\$190,061	\$203,487
Other Personnel Expenditures					
Auto Allow-Executive Director	\$	\$6,600	\$7,200	\$7,200	\$7,200
Phone Allow-Executive Director			\$768	\$768	\$768
Local Travel Expense		\$322	\$600	\$350	\$600
Dues and Subscriptions		\$4,502	\$7,800	\$7,000	\$7,800
Seminars/Conference Registrations		\$6,494	\$7,000	\$5,500	\$7,000
Travel and Training		\$3,435	\$13,000	\$8,500	\$13,000
Total Other Personnel Expense	\$	\$21,353	\$36,368	\$29,318	\$36,368
Service and Supply Expenditures					
Contracted Administrative Services		\$13,528	\$10,000	\$10,000	\$10,000
Bank Charges		\$462	\$1,000	\$200	\$500
Insurance		\$1,444	\$2,200	\$1,200	\$2,200
Computer Equipment & Maintenance		\$2,284	\$11,000	\$10,000	\$5,000
Communications Services		\$3,721	\$4,500	\$3,750	\$4,500
Legal Fees		\$6,829	\$15,000	\$12,500	\$25,000
Lease Expense-GTACC		\$21,757	\$22,000	\$21,350	\$22,000
Office Supplies		\$4,126	\$5,000	\$1,500	\$5,000
Total Service and Supply Expense	\$	\$54,151	\$70,700	\$60,500	\$74,200
Total Administrative Expenditures	\$	\$274,379	\$297,129	\$279,879	\$314,055
<u>Indirect Economic Development Exp.</u>					
Booklet Map	\$	\$8,354	\$8,400	\$8,400	\$8,400

Chamber Street Maps	\$3,500	\$0	\$0	\$3,500
GIS License		\$2,500	\$1,625	\$550
Marketing	\$47,496	\$70,000	\$66,000	\$70,000
Event Sponsorships		\$7,500	\$4,000	\$5,500
Printing		\$5,000	\$2,000	\$5,000
Website Updates	\$6,300	\$8,000	\$3,000	\$5,000
Professional Services	\$16,481	\$175,000	\$140,000	\$200,000
Miscellaneous	\$10,014	\$10,000	\$2,500	\$10,000
Total Indirect Expenditures	\$	\$92,145	\$286,400	\$227,525
				\$307,950

City Debt Service

Southside Sewer Plant (1999 CO-2/15/2019)	\$	\$300,000	\$300,000	\$300,000	\$300,000
Utilities Expansion (2002 CO-2/15/2022)		\$420,000	\$420,000	\$420,000	\$370,000
Business Park Infrastructure			\$400,000	\$0	\$400,000
Total Debt Service	\$	\$720,000	\$1,120,000	\$720,000	\$1,070,000

Grants, Loans & Other Expenditures

Grants Designated	\$232,104	\$1,500,000	\$1,300,000	\$1,500,000
Property Acquisition		\$2,000,000	\$1,660,886	\$0
Business Improvement Grants	\$178,584	\$300,000	\$275,000	\$300,000
Total Grants/Loans	\$	\$410,689	\$3,800,000	\$3,235,886
				\$1,800,000

Total All Expenditures	\$	\$1,497,212	\$5,503,529	\$4,463,290	\$3,492,005
Revenues Over (Under) Expenditures	\$	\$898,394	(\$3,153,529)	(\$1,863,290)	(\$892,005)
Ending Fund Balance	\$	\$9,861,536	\$6,611,980	\$7,998,246	\$7,106,241



TO: Honorable Mayor and City Council

FROM: Kelly Violette, Executive Director

MEETING DATE: September 4, 2012

SUBJECT: Tomball Economic Development Corporation (TEDC)
FY 2012-2013 Proposed Budget

The Tomball Economic Development Corporation Bylaws require that the TEDC prepare and submit an annual budget of expected revenues and proposed expenditures for the next fiscal year to the Tomball City Council for its approval.

The TEDC Board of Directors approved the proposed budget at its Regular Meeting on August 21, 2012. The following notes highlight the proposed changes for the FY 2012-2013 TEDC Budget. A full description for each line item within the budget is provided in the attached document entitled "TEDC Account Descriptions."

TEDC BUDGET NOTES:

Beginning Fund Balance, Revenues, and Total Available Resources are based on current and projected numbers generated by Glenn Windsor, City of Tomball Finance Director, and Kelly Violette, Tomball Economic Development Corporation (TEDC) Executive Director.

Sales tax revenues are projected to be higher than originally budgeted for 2011-2012 based upon collections actually received from the state. Projected revenues for FY 2011-2012 are estimated at \$2,600,000, which is approximately \$250,000 over the budgeted amount. A very conservative estimate of revenues for FY 2012-2013 indicates \$2,600,000 which is consistent with revenues received this year. Additionally, interest revenue is projected to remain relatively flat in FY 2012-2013.

Administrative:

Salary and Benefits: Salary and benefit information was provided by Lisa Coe, City of Tomball Human Resources Director. The salaries for the Executive Director and the

Economic Development Coordinator reflect increases based on performance evaluations conducted by the Board of Directors at the August 21, 2012 TEDC Meeting. Additionally, 30 hours have been included in the line item for the Coordinator's salary to account for overtime.

Other Personnel Expenditures: No changes are proposed from the FY 2011-2012 approved budget.

Service and Supply Expenditures:

- **Bank Charges-** The amount has been reduced from \$1,000 to \$500 due to actual costs from FY 2011-2012, which are not anticipated to increase in FY 2012-2013.
- **Computer Equipment & Maintenance-** This item has been reduced from \$11,000 to \$5,000 because upgrades were made in FY 2011-2012 to the TEDC server, software, and equipment in order to run Geographic Information System (GIS). No additional expenses beyond maintenance are anticipated for FY 2012-2013.
- **Legal Fees-** This item has been increased from \$15,000 to \$25,000 to account for the increase in legal services needed as a result of the Tomball Business and Technology Park Project.

Indirect Economic Development Expense:

- **Chamber Street Maps-** The maps are printed every other year. \$3,500 has been budgeted to account for the printing of the map based on estimates provided by the vendor.
- **GIS License-** This item has been reduced from \$2,500 to \$550 for FY 2012-2013. The TEDC purchased a GIS license through the City of Tomball in FY 2011-2012 in order to generate and prepare customized maps, property and demographic reports, and infrastructure data to assist with business retention and recruitment efforts. The \$550 is for the annual ArcView Concurrent Use Maintenance fee.
- **Event Sponsorships-** This item has been reduced from \$7,500 to \$5,500 based on anticipated events and sponsorship opportunities for FY 2012-2013 including the Texas EDC State Conference, GTACC Small Business Conference and Chairman's Ball, event speakers, and the annual Economic Development Breakfast.
- **Website Updates-** This line item has been reduced from \$8,000 to \$5,000 due to the fact that the website was recently updated and a mobile

application was launched in 2011, thereby reducing the need for any major updates for FY 2012-2013.

- **Professional Services-** This item has been increased from \$175,000 to \$200,000 largely due to the Tomball Business and Technology Park Project. The remainder of the approved contracts for engineering, traffic impact analysis and platting will come out of this account and will constitute \$31,000 of this amount leaving \$169,000 for additional professional services.

City Debt Service

- **Utilities Expansion (2002 C.O. – 2/15/2022) -** This item is explained in the Chart of Account Descriptions. The TEDC has provided \$420,000 annually to the City of Tomball for the Certificate of Obligation that was issued in 2002. These bonds were refunded (refinanced) by the City of Tomball during 2011 and the TEDC payment for FY 2012-2013 will be reduced to \$ 370,000.

Grants, Loans & Other Expenditures:

- **Property Acquisition:** No funds have been budgeted for additional property acquisition for FY 2012-2013.

Tomball Economic Development Corporation

FY 2012-2013 Budget

Account Descriptions

REVENUE

- Sales Tax: Those revenues received from the State of Texas and through the City of Tomball for the \$0.005 portion of the \$0.020 sales tax revenues collected within the City limits of Tomball.
- Interest: Those revenues received from financial institutions for balances on hand and from funds that have been invested.

EXPENDITURES

Administrative:

Salary and Benefits

- Salary- Executive Director: The amount reimbursed to the City of Tomball for the salary paid to the Executive Director of the Tomball Economic Development Corporation. This amount includes holiday, vacation, and sick pay.
- Salary- Economic Development Coordinator: The amount reimbursed to the City of Tomball for the wages paid to the Economic Development Coordinator of the Tomball Economic Development Corporation. This amount includes holiday, vacation, and sick pay.
- Benefits- Executive Director: The amount reimbursed to the City of Tomball for the benefits paid to, or on behalf of, the Executive Director of the Tomball Economic Development Corporation. This amount includes social security taxes, medicare taxes, employer matched funds to the Texas Municipal Retirement System, health insurance premiums, life insurance, flex plan, worker compensation insurance, State of Texas unemployment tax, sick time buy back, vacation buy back, and longevity pay.
- Benefits- Economic Development Coordinator: The amount reimbursed to the City of Tomball for the benefits paid to, or on behalf of, the Economic Development Coordinator of the Tomball Economic Development Corporation. This amount includes social security taxes, medicare taxes, employer matched funds to the Texas Municipal Retirement System, health insurance premiums, life insurance, flex plan, worker compensation insurance, State of Texas unemployment tax, vacation buy back, and longevity pay.

Other Personnel Expenditures

- Auto Allowance-Executive Director: Monthly stipend allocated to cover vehicle expenses for mileage and other travel related expenses within a 50 mile radius of Tomball.
- Phone Allowance-Executive Director: Monthly stipend allocated to cover business-related cell phone expenses.
- Local Travel Expenses: The amount allocated to cover vehicle expenses for the Economic Development Coordinator of the Tomball Economic Development Corporation for mileage within a 50 mile radius of Tomball
- Dues and Subscriptions: Fees charged for memberships and related expenses to organizations that the Tomball Economic Development Corporation approves for its employees and for subscriptions to newspapers, periodicals, and books related to economic development.
- Seminars/Conference Registrations: Fees for the Tomball Economic Development Corporation staff and board members to attend related seminars and conferences.
- Travel and Training: The costs associated with attending classes and for related travel expenses. This includes hotel rooms for seminars, conferences, and classes where overnight stay is reasonable, the cost of related meals, airfare, and car rental where reasonable, parking and toll fees, and for mileage. Because the Executive Director receives a monthly mileage allotment, reimbursable mileage for that position is limited to a destination that exceeds a 50 mile radius of the City of Tomball.

Service and Supply Expenditures

- Contracted Administrative Services: The cost of administrative services provided to the Tomball Economic Development Corporation by City of Tomball personnel as indicated in the Administrative Services Agreement entered into between the Tomball Economic Development Corporation and the City of Tomball.
- Bank Charges: The various service charges for maintaining a bank account, including wire transfer fees, safekeeping fees for investments, and actual operating account fees based on the account analysis.
- Insurance: The cost of surety bonding fees and insurance premiums for the following types of insurance: General Liability, Errors and Omissions, and Property Content at 29201 Quinn Road, Suite B, Tomball, Texas.

- Computer Equipment and Maintenance: The cost of computer equipment and related expenses.
- Communication Services: The cost of telephone service, including land line phone base rate charges, DSL service, and long distance charges.
- Legal Fees: Expenses incurred for legal services related to document and agreement preparation, and obtaining advice and opinions from legal counsel related to Tomball Economic Development Corporation business activities.
- Lease Expense-GTACC: Payment to the Greater Tomball Area Chamber of Commerce for leased office space at 29201 Quinn Road, Suite B, Tomball, Texas.
- Office Supplies: The cost of various office supplies including, but not limited to copies, paper, envelopes, pens, pencils, binders, notebooks, postage, etc.

Indirect Economic Development Expenditures:

- Booklet Map: Expenses related to having a map of the Tomball area published and inserted into the Greater Tomball Area Chamber of Commerce magazine.
- Chamber Street Maps: The expenses incurred for the production and publication of maps of Tomball and the surrounding area that are issued free of charge to individuals and businesses to promote travel, tourism, and the commercial industry in Tomball.
- GIS License: The cost to maintain a license for TEDC use of the City's Geographical Information System (GIS) in order to generate customized maps, property and demographic reports, and infrastructure data to assist with business retention and recruitment efforts.
- Marketing: Expenses related to marketing Tomball, which includes advertisements in appropriate publications, information packages, promotional items, etc.
- Website Updates: Costs to maintain and update the Tomball Economic Development Corporation's website.
- Event Sponsorship: Costs to sponsor events including, but not limited to, Economic Development/Realtor Breakfast, GTACC Small Business Conference, Texas EDC Conference, GTACC Chairman's Ball, etc.
- Professional Services: Consulting fees, engineering fees, photography, and other professional services incurred in expanding the economic base of Tomball.

- Printing: The cost of printing various items including, but not limited to, Notice of Project/Public Hearing, brochures, presentation boards, community profile, business resource guide, Christmas Cards, Stationary, etc.
- Miscellaneous: Other business related expenses including, but not limited to, meals with potential business developers, name plates for Board meetings, etc.

City Debt Service

- Southside Sewer Plant (1999 CO-2/15/2019): Contributions to debt repayment for the wastewater treatment plant built on the south side of Tomball to accommodate expanded industry in the City. The Certificate of Obligation was issued in 1999 and will mature on February 15, 2019.
- Utilities Expansion: Contributions to debt repayment for the extension of utilities from FM2920 south on Hufsmith-Kohrville Road to Holderrieth Road, west to SH249 and north to Theis by Wal-Mart. The Certificate of Obligation was issued in 2002 and will mature on February 15, 2022.
- Business Park: Contributions to debt repayment for the construction of utilities, roads, drainage facilities, etc. for the Tomball Business and Technology Park Project located at the northwest corner of Hufsmith-Kohrville and Holderrieth Roads.

Grants, Loans & Other Expenditures

- Grants Designated: Disbursement of grant funds that have been designated by the Tomball Economic Development Corporation's Board of Directors and approved by the Tomball City Council.
- Property Acquisition: Costs associated with the acquisition of land related to the development of the Tomball Business and Technology Park.
- Business Improvement Grants: A program that has been approved by the Tomball Economic Development Corporation and the Tomball City Council to promote the development and expansion of new and existing business enterprises within the City of Tomball.

Regular City Council

Agenda Item

Meeting Date: September 4, 2012

Data Sheet

Topic:

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

Background:

The City was approached by Salem Ministries to approve and provide City support for its "4 Their Livers" Run fundraising event, to be held on Saturday, October 13, 2012. The 5K Walk (with 1-mile alternate route) will use the same route as the City's annual Bunny Run 5K and 1-Mile Walk event.

The event is designed to raise awareness and funds to help end malaria deaths in Africa through the purchase of mosquito bed netting to help keep out infectious night mosquitoes.

Salem Ministries requests the same support approved by Council for other events:

- police, fire, and public works support;
- possible assistance from City volunteers, including VIPs and/or Explorers; and
- possible assistance from Northwest EMS.

Based on previous walks and events in the same location, staff estimates an approximate cost for in-kind services will be \$75-\$100 for the Fire Department and \$2,500-\$3,000 for the Police and Public Works Departments. Northwest EMS estimates its costs to provide EMS standby support during the event will be \$360.00.

Origination:

Salem Ministries

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:

Salem Ministries Request Letter and Flyer

To Whom It May Concern,

My name is Jenny Honeck and I am the co-founder of Kids Caring for Kenya. Our organization stems from Salem Lutheran Ministries. Our mission is to raise awareness, prayers, and funds to buy bed nets for the people of Africa. To date our organization has raised \$25,000 with our beginning in August 2011.

On World Malaria Day, April 25, 2012, we had a fundraiser/awareness night at the local Chick-fil-A, because we desire to share our message with the community. At that event \$4,000 was raised. Shay Domann, local musician, put on a concert for us that evening to benefit the malaria initiative.

Kids Caring for Kenya desires to host a 5K run in Tomball on Saturday, October 13, 2012. Our route will be the same as the annual Bunny Run that Tomball hosts. We also would like to do the 1 mile for the kids.

I will need the city of Tomball to help us by blocking the following intersections:

Route:

- The Depot and cross 2920 on Elm Street toward the little league baseball fields.
- Left on W. Hufsmith
- Right on Baker
- Left on Quinn
- Left on Inwood
- Right on Hicks
- Right on Pine
- Cross 2920
- Left in front of Tomball Hall

We will need Tomball police officers to help guard intersections where the runners will be passing during the run.

We will set up 3 water stations, one at each mile marker. This will be manned by volunteers. We will have a first aid station at each of the water stations as well.

The time of our event will be as follows:

8:00 a.m. – Timed 5K begins

8:45 a.m. – Timed 1 mile run begins

8:50 a.m. – 1 mile Fun Run/Walk begins

Thank you for your consideration in allowing us to have the run in Tomball – We will be calling it – Run for Their Lives!

Please let me know if we need to get any more details to you. I have truly enjoyed working with the Tomball community and look forward to partnering with Tomball on the malaria initiative.

Sincerely,

Jenny Honeck
832.794.1294

Saturday, October 13, 2012

www.kidscaringforkenya.net



Presented By: Kids Caring for Kenya

Location: Historic Tomball

Train Depot Plaza

201 S. Elm Street

8:00 am 5K

8:45 am 1 mile race

8:50 am 1 mile fun run, walk and stroll

The **Run for Their Lives** event is to raise awareness and funds to help end malaria deaths in Africa. Kids are making a huge difference in helping with this cause and the caring community of Tomball is the perfect place to continue this effort. **Come run or walk to help save lives, because every life matters!**

Regular City Council

Agenda Item

Meeting Date: September 4, 2012

Data Sheet

Topic:

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

Background:

The Harris County Tax Assessor-Collector's office issued Tomball's certified tax roll on August 24, 2012, but has not provided the Notice of Effective Tax Rate in time for the City to meet the publication requirements for the originally planned September 10 and September 17 public hearing dates and the proposed September 27 and October 1 dates for the vote on the tax ordinance. The dates for the public hearings will now be September 17 and September 24, with October 1 and October 8 as the proposed dates for the vote on the tax ordinance.

Council is requested to approve September 17 and September 24 as the new dates for the public hearings on the proposed tax rate and to set October 1 and October 8 as the dates for the vote on the proposed tax rate. Under the State's Truth-in-Taxation laws (Chapter 26, Tax Code), the City must publish special notices regarding the vote on the proposed tax rate and must vote no less than 3 days and no more than 14 days after the second public hearing.

The revised dates recommended for the vote on the proposed tax rate are October 1, 2012 (regular meeting) at 6:00 p.m. and October 8, 2012 (special meeting), at 5:00 p.m., before the Planning and Zoning Commission meeting. October 8 is the 14th day after the second public hearing on September 24.

Origination:

City Secretary

Recommendation:

Approve new dates for Public Hearings and set October 1, 2012 at 6:00 p.m. and October 8, 2012 at 5:00 p.m. as the dates for votes on the proposed 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	

Regular City Council

Agenda Item

Meeting Date: September 4, 2012

Data Sheet

Topic:

Consideration 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.

- Conduct a Public Hearing on **ZONING CASE P12-477**
- 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.

Background:

Origination:

Recommendation:

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:

Notice of Public Hearing

P12-477 Staff Report

Draft Ordinance 2012-30

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
SEPTEMBER 4, 2012
4:00 P.M.
&
CITY COUNCIL
SEPTEMBER 4, 2012
6:00 P.M.**



Notice is Hereby Given that a Public Hearing will be held by the Planning & Zoning Commission of the City of Tomball at a Special Joint Meeting on **Tuesday, September 4, 2012, at 4:00 P.M.**, and a Public Hearing will be held by the City Council of the City of Tomball at a Regular Meeting on **Tuesday, September 4, 2012, at 6:00 P.M.**, 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:

DOWNTOWN SPECIFIC PLAN (DSP): To receive testimony and written evidence from the public regarding the City's proposed adoption of the Tomball Downtown Specific Plan.

CITY INITIATED REZONINGS (DSP): Request by the City of Tomball to amend the City's Comprehensive Zoning Ordinance to rezone the properties within the Old Town Area as defined by the Tomball Comprehensive Plan and including the properties located west of the BNSF railroad, south of Fannin Street, east of South Elm Street, and north of Florence Street, starting at the DSP boundary in the southeast corner at the BNSF railroad and Florence Street westerly along Florence to South Pine Street, northerly along South Pine Street to Percival Street, westerly along Percival Street to School Street, northerly along School Street to Main Street, westerly along Main Street to Baker Street, northerly along Baker Street to Hicks Street, easterly along Hicks Street to North Magnolia Street, northerly along North Magnolia Street to unimproved right-of-way north of Hicks and Epps Streets, easterly along unimproved right-of-way north of Hicks and Epps Streets to North Cherry Street, southerly along North Cherry Street to Epps Street, easterly along Epps Street to North Elm Street, southerly along North Elm Street to Main Street, Main Street southerly along South Elm Street to unimproved Fannin Street, easterly along unimproved Fannin Street to right-of-way adjacent to BNSF railroad, southerly along right-of-way adjacent to BNSF railroad to Florence Street, within the City of Tomball, Harris County, Texas, from the SF-6, OT, & MU, and General Retail Districts to the DSP

Historic Main Street, DSP Mixed Use Transition, DSP Museum Center, DSP Old Town Commercial, DSP Old Town Plaza Area, and DSP Old Town Residential Districts.

CITY INITIATED TEXT AMENDMENTS (DSP): Public hearing to consider City-initiated text amendments to the Tomball Comprehensive Zoning Ordinance (Ordinance No. 2008-01) adding a new Article VII “Downtown Specific Plan,” Section 52 “Regulating Plan and General Elements,” Section 53 “Historic Main Street District (DSP-HMS),” Section 54 “Old Town Plaza District (DSP-OTP),” Section 55 “Old Town Commercial District (DSP-OTC),” Section 56 “Mixed Use Transition District (DSP-MUT),” Section 57 “Old Town Residential District (DSP-OTR),” and Section 58 “Museum Center District (DSP-MC);” and amending Appendix A “Summary of Area Regulations by District” and Section 45 “Definitions.”

The draft Tomball Downtown Specific Plan is available for public inspection at the following locations:

- Tomball City Hall (401 Market Street) during normal business hours;
- Tomball Public Works (501 James Street) during normal business hours;
- On the City of Tomball website at www.ci.tomball.tx.us; and
- On the project website at http://www.ci.tomball.tx.us/mayor-council/board_of_commissions/DTAC/.

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.

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 and 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 City Planner**, Rebeca Guerra, (281) 290-1491, rguerra@ci.tomball.tx.us, or **Assistant City Planner** Rodney Schmidt, (281) 290-1410, rschmidt@ci.tomball.tx.us

CERTIFICATION

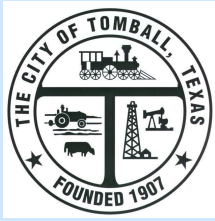
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 30th day of August 2012 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled 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.



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.

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	_____
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 17TH DAY OF
SEPTEMBER.

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 4, 2012

Data Sheet

Topic:

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

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.

Origination:

Mayor Fagan

Recommendation:

Funding:

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

George Shackelford, City Manager

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

ATTACHMENTS:

Special City Council Meeting Agenda - May 11, 2009

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

Ordinance 2012-31 Impact Fee Suspension

**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.

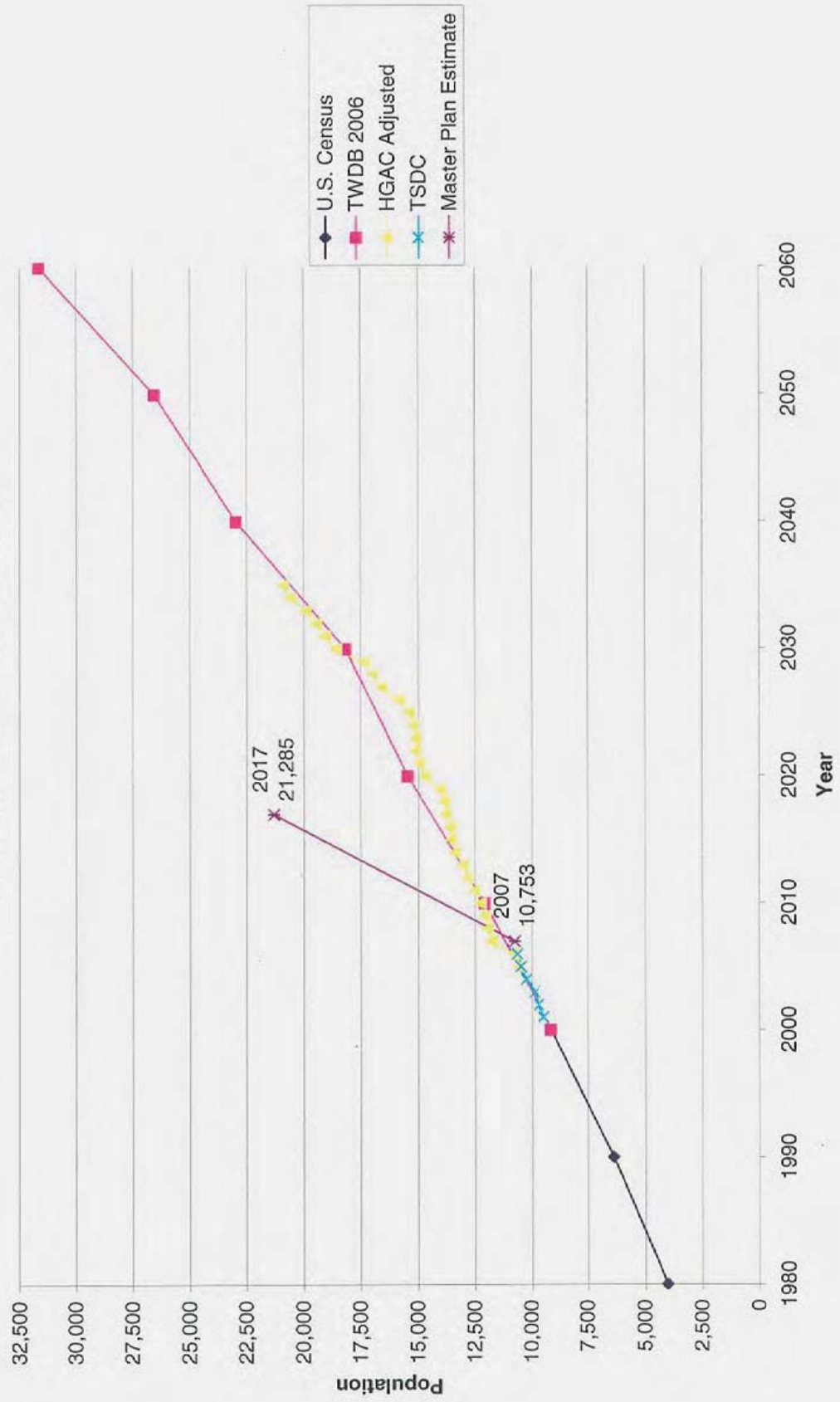
The 2007-2017 City of Tomball Infrastructure Master Plan and Impact Fee Determination estimates the growth within the City limits and City's extraterritorial jurisdiction (ETJ) from 2007-2017 and at ultimate buildout, determines the infrastructure needed to accommodate that growth, and estimates costs 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

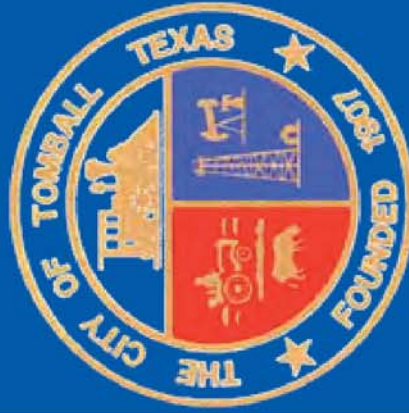
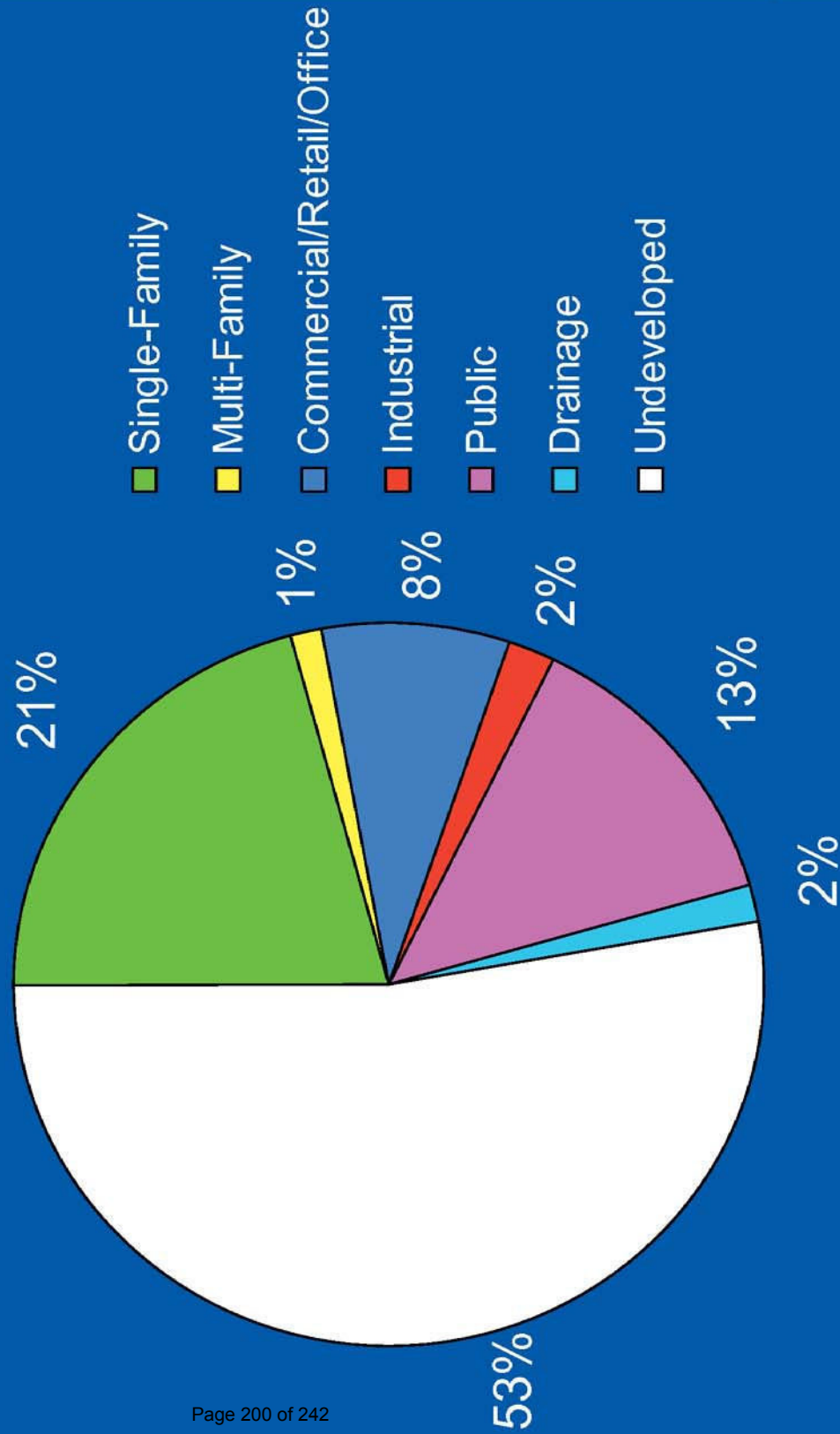
2007 and 2017

- 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



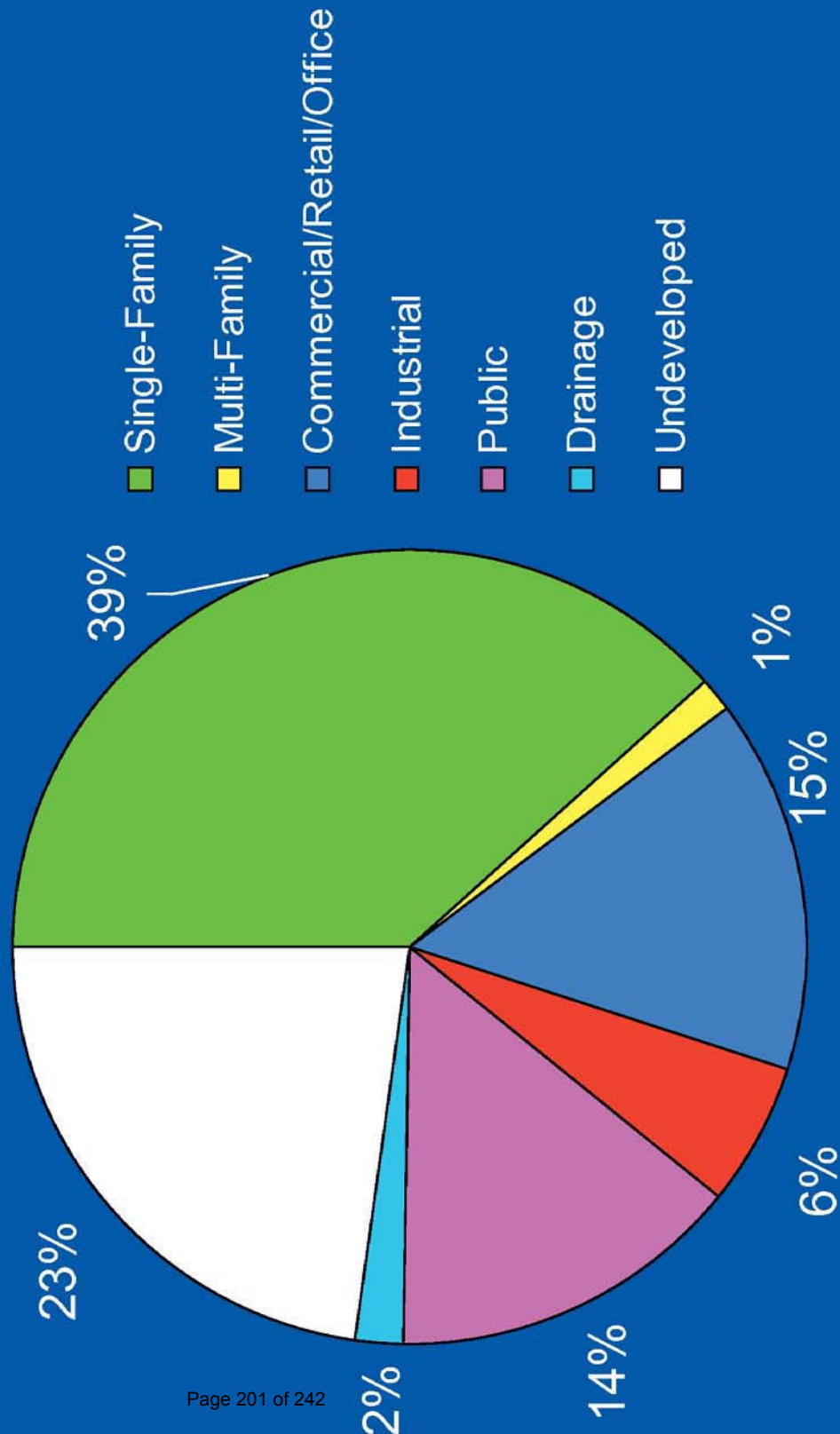
Land Use Projections

2007 Land Uses by Area within City Limits

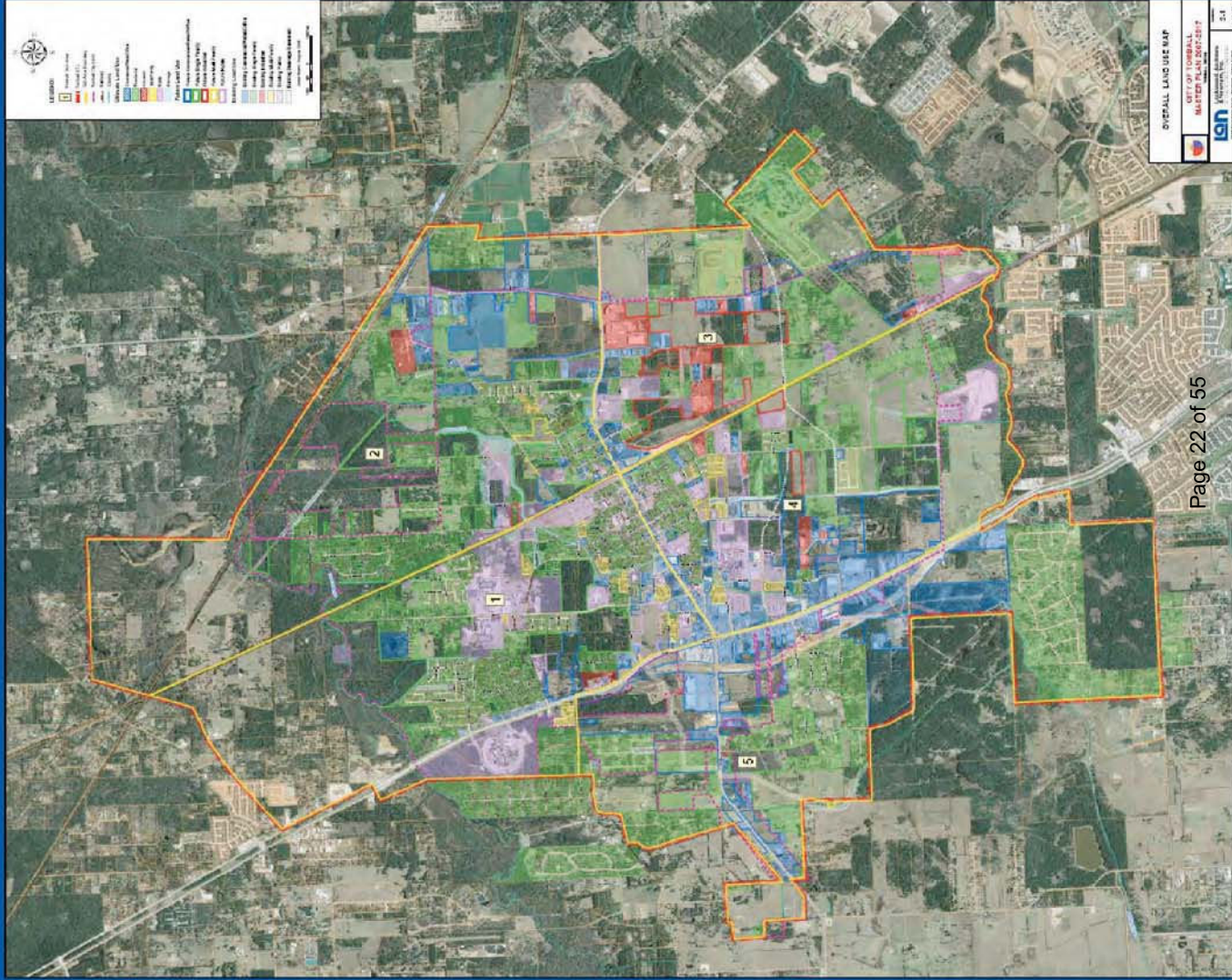
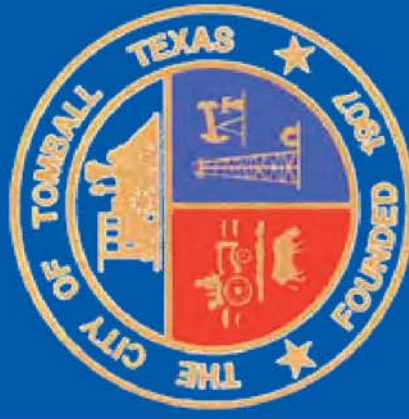


Land Use Projections

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.

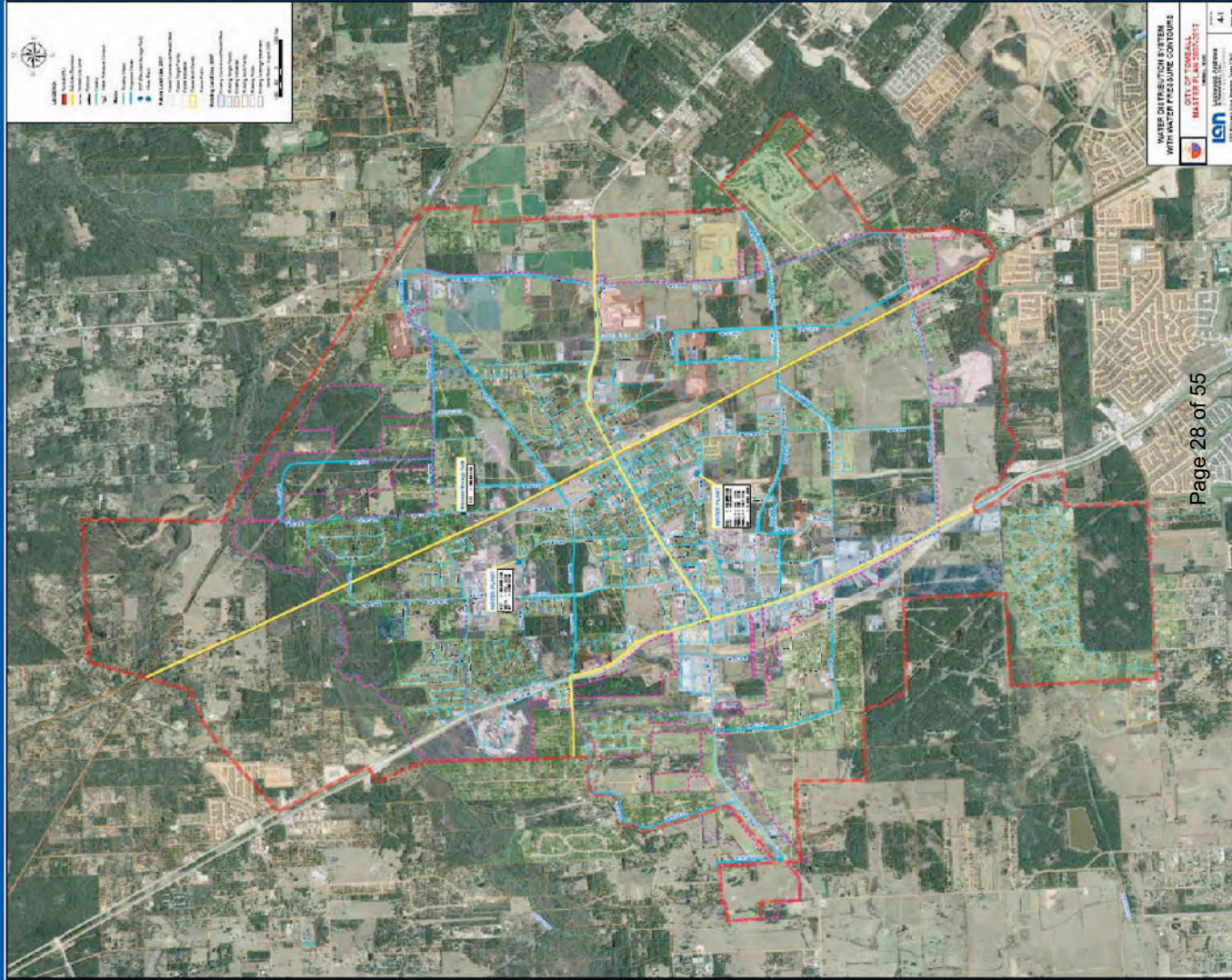
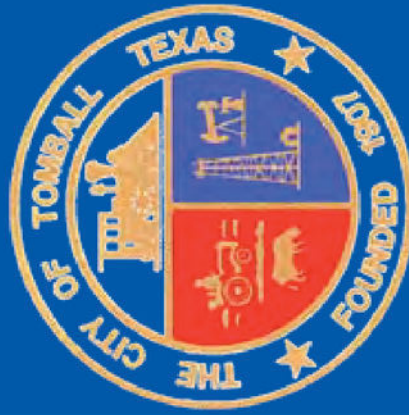


Water System

- 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



Water System



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



**SANITARY SEWER SYSTEM
SHOWING SERVICE AREAS**

**CITY OF TOMPALL
MASTER PLAN DISCUSS**

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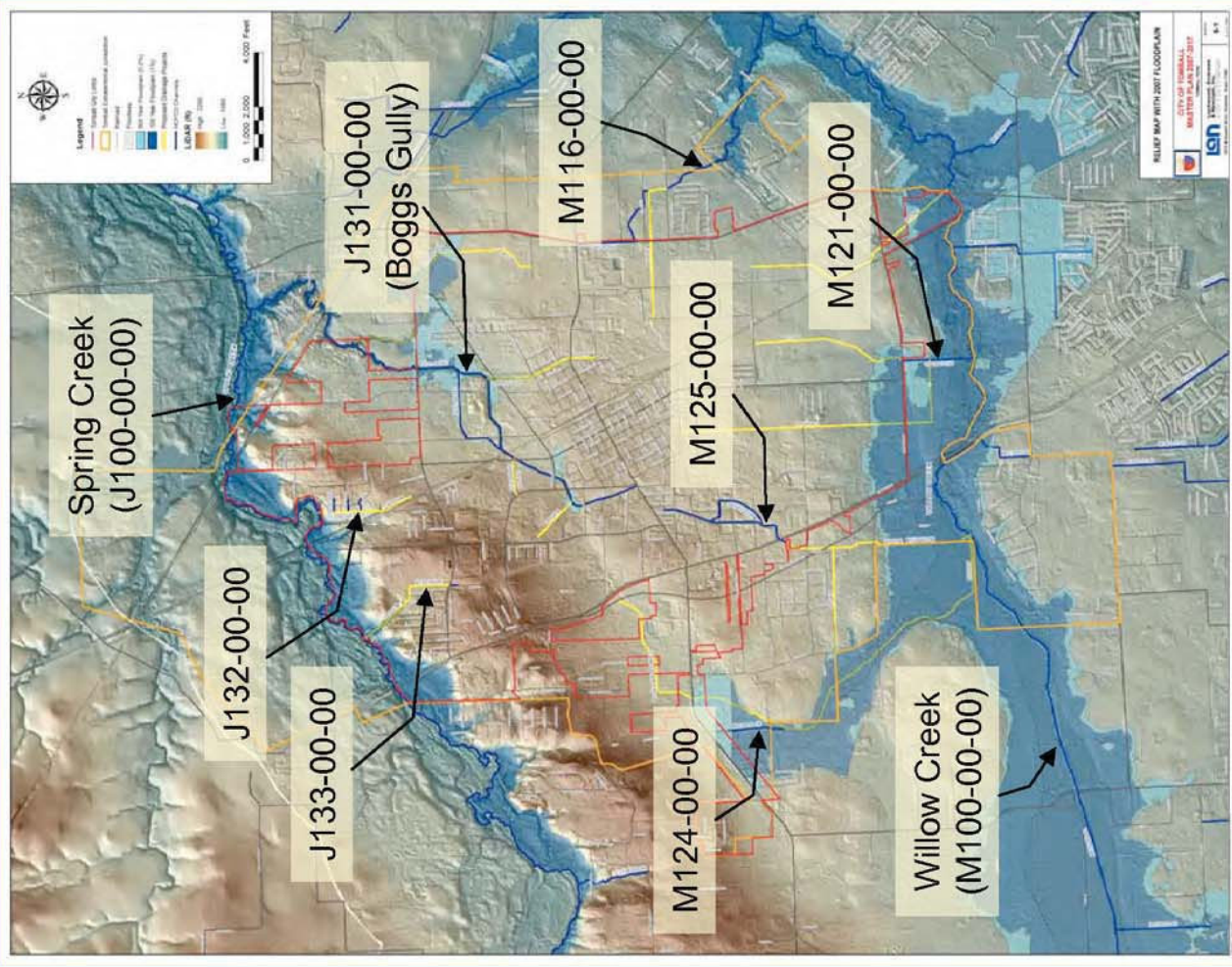


Wastewater System

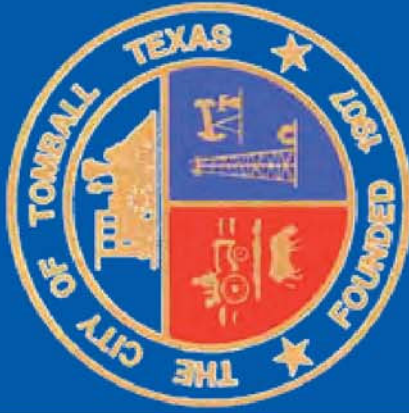
- Estimated Cost to Improve Wastewater System through 2017
 - North Wastewater Treatment Plant
 - Expansion (1.5 MGD) = \$9,000,000
 - Aeration System Rehab = \$200,000
 - Clarifier Rehab = \$150,000
 - Electrical Rehab = \$100,000
 - South Wastewater Treatment Plant
 - Expansion (1.5 MGD) = \$9,000,000
 - 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



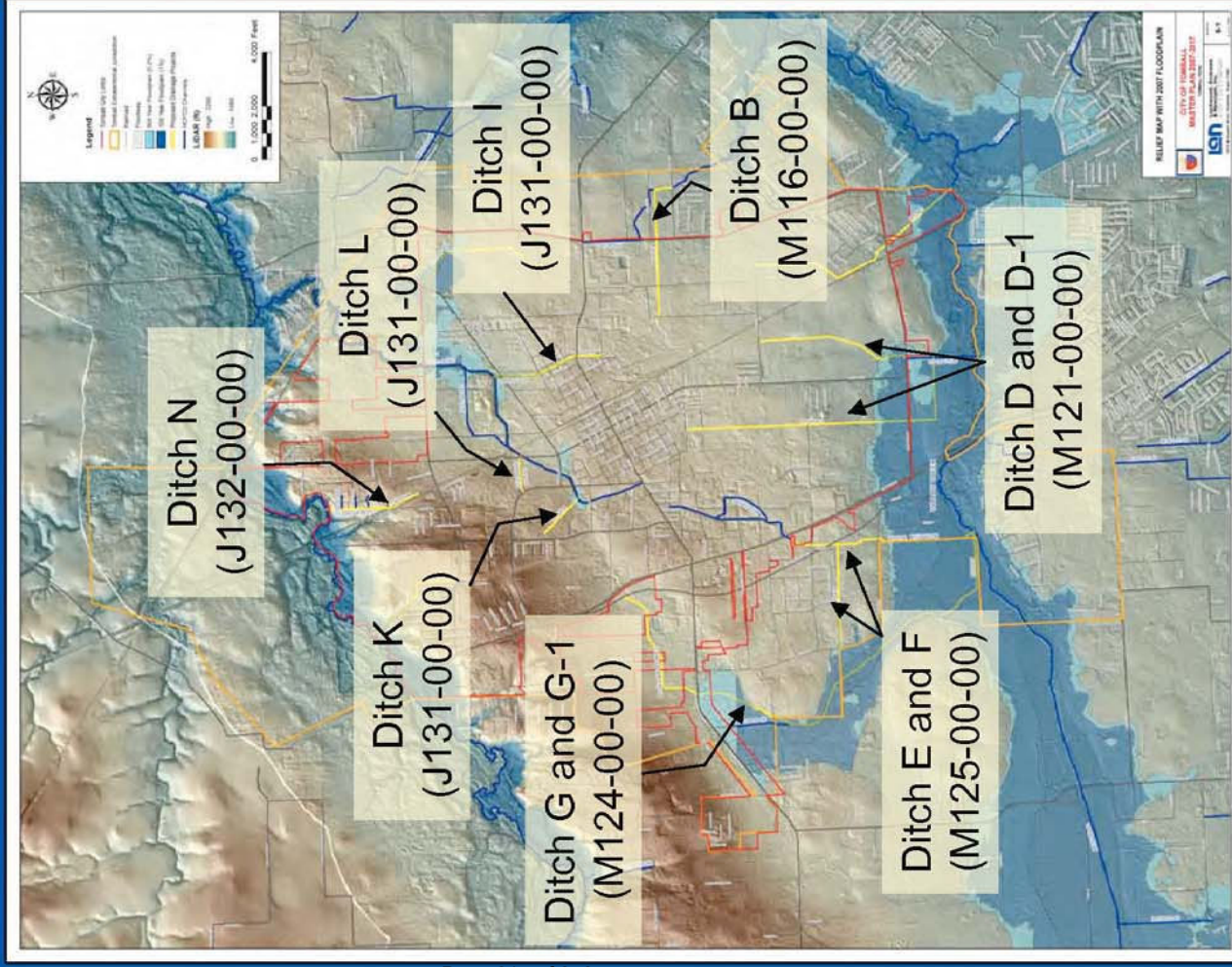
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- Estimated total cost for channel improvements is \$17.5 million

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Outfall Drainage Channel Improvements

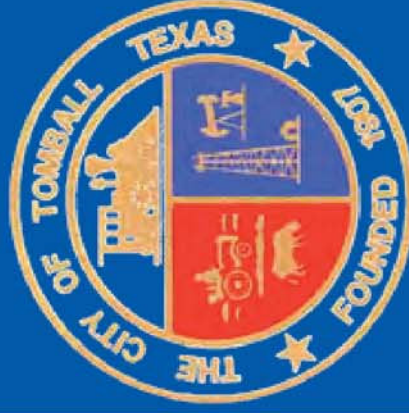
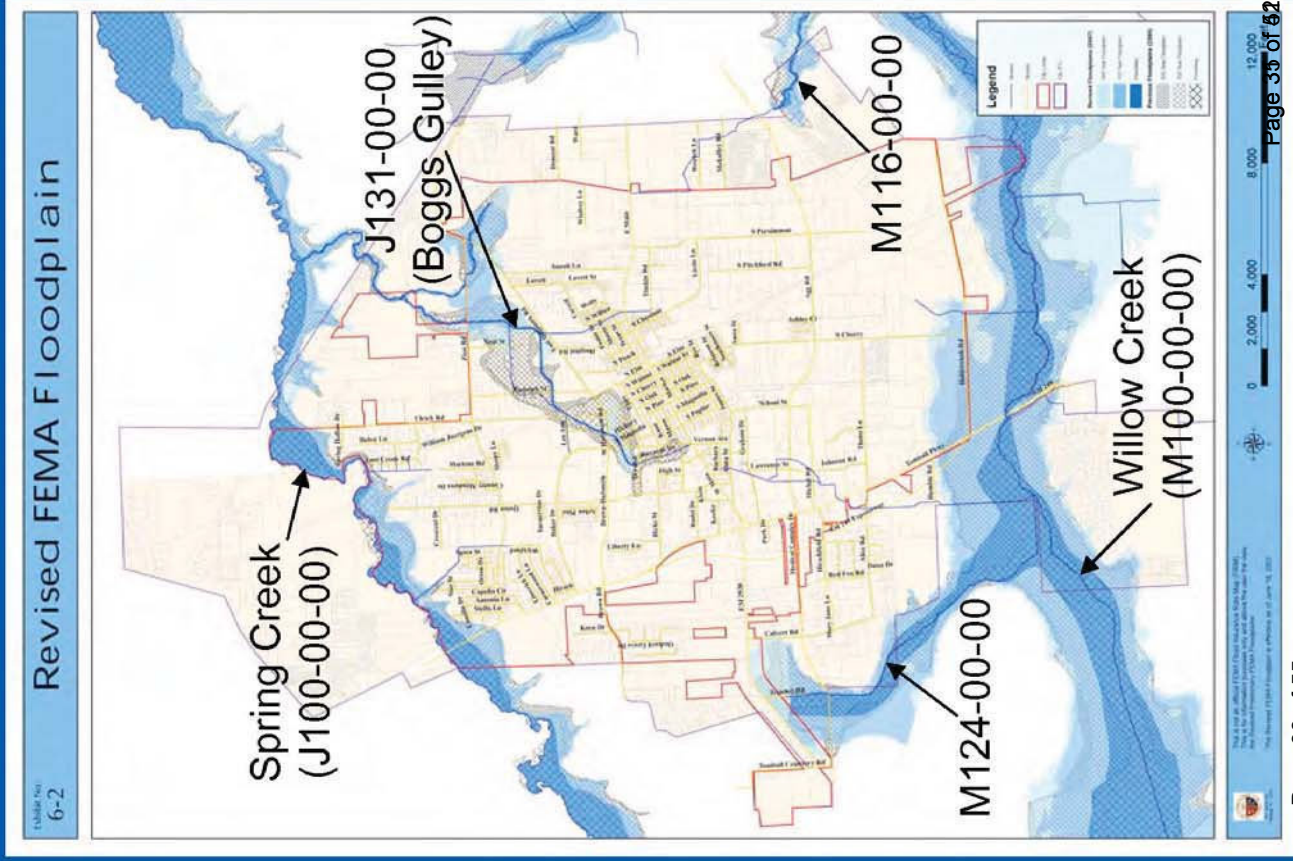


- Estimate total drainage program is \$49.1 million
- Estimated costs do not include allowances for private crossings, legal or fiscal costs, or ROW



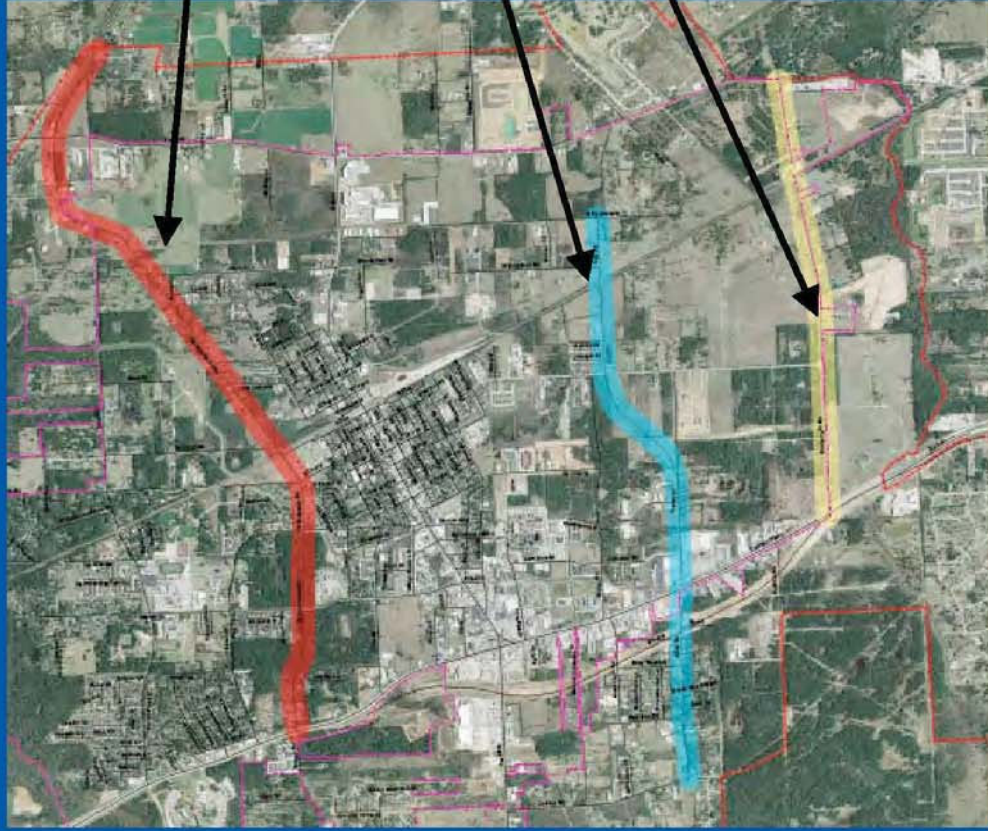
FEMA Floodplain Insurance Rate Map

- 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



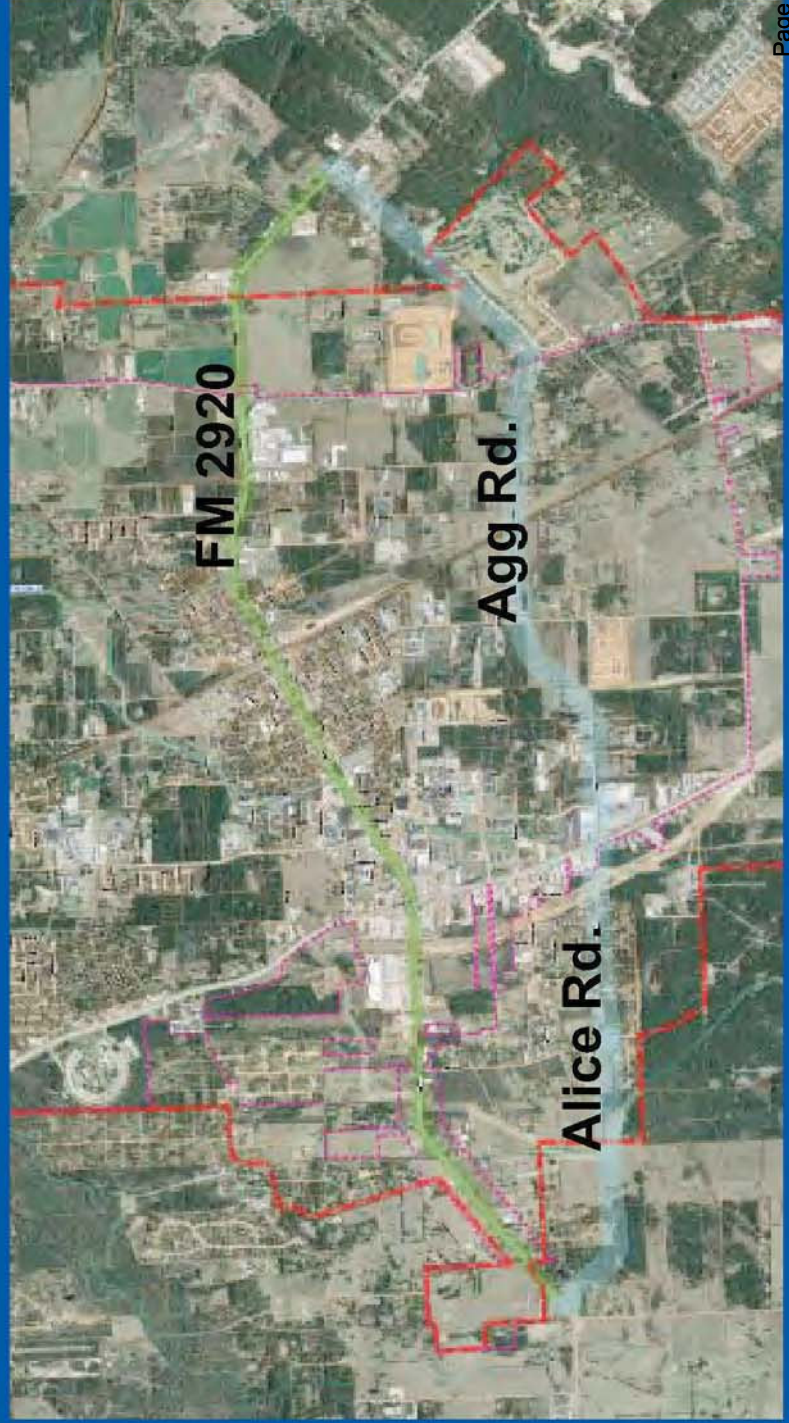
Transportation

- East-West Corridor Alternatives



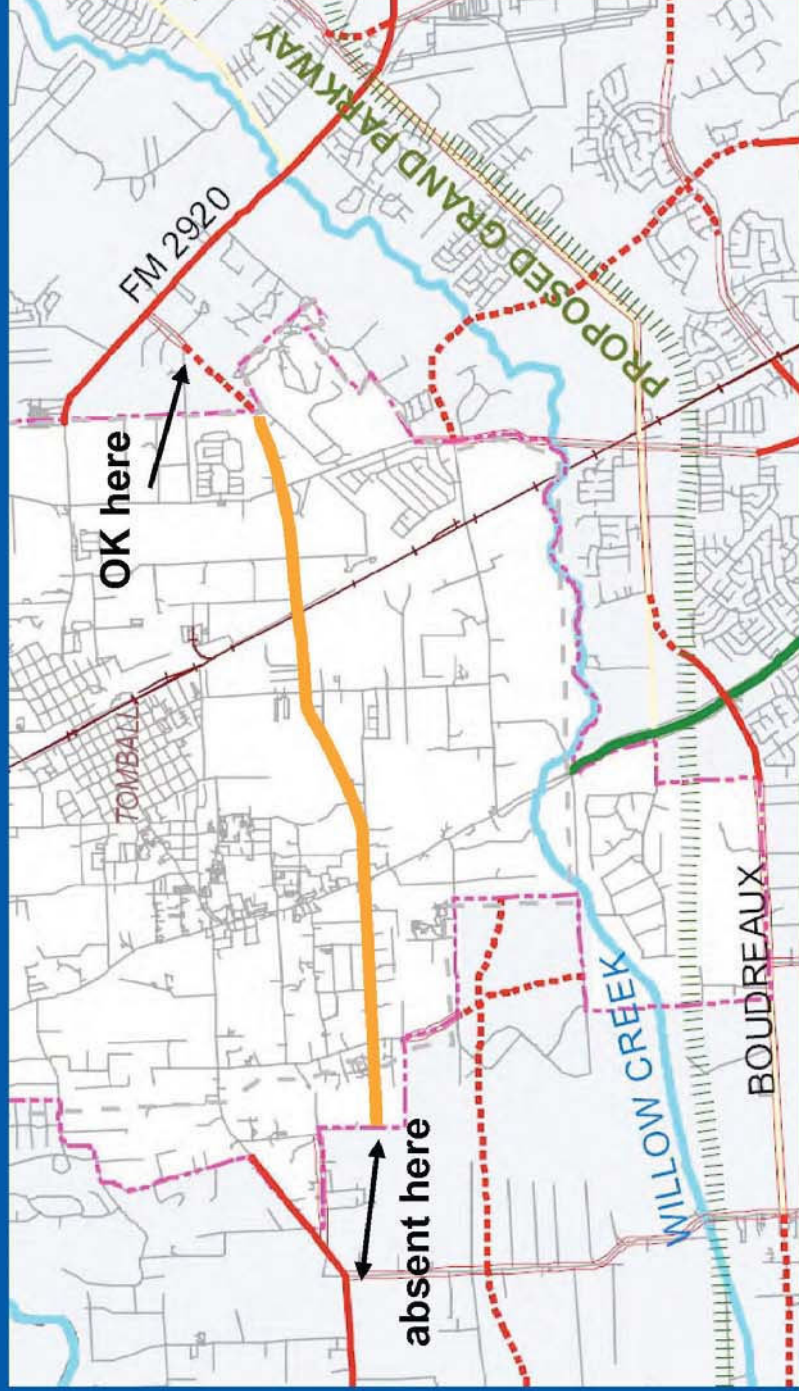
Transportation

- 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



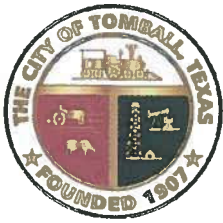
Maximum Impact Fee Determination

- 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

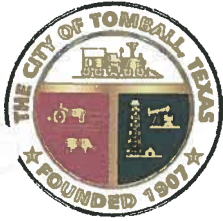
The recommended increases were unanimously approved by the CIPAC. For comparison, Exhibit B contains a chart showing a sample revision of other Cities and their current water and sewer impact fees.

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

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 150 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 ____ DAY OF _____ 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 ____ DAY OF
_____ 2012.

COUNCILMAN HUDGENS
COUNCILMAN STOLL
COUNCILMAN BROWN
COUNCILMAN TOWNSEND
COUNCILMAN DODSON

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council

Agenda Item

Data Sheet

Meeting Date: September 4, 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

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	