

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



MONDAY, MAY 7, 2012

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, May 7, 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 Charles Hall, President Spring Creek County Historical Association
- 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:

- Proclamations:
 - April 23, 2012 – ***“Rochelle Cook – Heritage Tea Award Recipient for 2012” Day***
 - May 2012 – ***“Motorcycle Safety Awareness Month”***
 - May 5, 2012 – ***“Billie Ann Dio Day”***
 - May 14, 2012 – ***“Tomball Renewal Center Day”***
 - May 15, 2012 and May 13-19, 2012 – ***“2012 Peace Officers Memorial Day and Police Week”***

6.0 Reports and Announcements

- May 5-6, 2012 – ***Rails and Tails Mudbug Festival at the Depot*** – 11:00 a.m.-6:00 p.m.
- May 8, 2012 – **Last Day for Early Voting** for May 12, 2012 General Election and ESD #8 Directors and Tax Election – May 8, 2012 at City Hall –7:45 a.m.-7:45 p.m.
- May 8, 2012 – **Mayor’s Coffee – Sol de Luna, 207 Commerce** – 5:00 p.m.
- **May 12, 2012 - General Election and ESD #8 Directors and Tax Election – 7:00 a.m. to 7:00 p.m. at Tomball City Hall, 401 Market Street**
- May 12, 2012 – **2nd Saturday at the Depot** – 6:00 p.m. (NEW time)
- May 21, 2012 – Canvass the Results of the May 12, 2012 General Election
- May 21, 2012 - Appoint Members to the Tomball Economic Development Board for Terms Expiring May 31, 2012
- May 21, 2012 - Appoint Members to the City of Tomball Planning and Zoning Commission for Terms Expiring June 1, 2012
- May 26, 2012 – ***Memorial Day Weekend Chili Challenge at the Depot*** – 11:00 a.m.-6:00 p.m.
- May 29, 2012 - **Harris County Primary Election**; Runoff Date is July 31, 2012
- July 4, 2012 – City of Tomball Fourth of July Celebration - **TBA**
- ***Walk Tomball!*** – Every Saturday at 8:00 a.m. at the Depot (NEW time)
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Narciso Lira – Report regarding Progress on Capital Improvement Program
 - Robert Hauck – Memorial Presentation, Sherine Amanollahi, Tomball Police Department
 - David Kauffman - Report on Recycling and E-Waste Event
 - Mike Baxter - Report on Rails and Tails Mudbug Festival

7.0 Approve the Minutes of the April 16, 2012 Regular City Council Meeting

8.0 Old Business:

- 8.1 Adopt, on Second Reading, Ordinance No. 2012-05, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 10 acres of land, Legally described as Lots 330 and 333, Tomball Outlots, Within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District; Said property being generally located easterly of South

Persimmon Road, southerly of F.M. 2920; Providing for the Amendment of the Official Zoning Map of the City; Providing for severability; Providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, Making findings of fact; and providing for other related matters

- 8.2 Adopt, on Second Reading, Ordinance No. 2012-06, an Ordinance of the City of Tomball, Texas, Adopting Homestead Exemptions for Property Owners Sixty-Five Years of Age and Over, and for Property Owners Who Qualify for Disability Benefits Under the Federal Old Age, Survivors, and Disability Insurance Program for the Year 2012 and Future Years, Unless Revised, on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; Providing for Severability; and Providing Other Matters Relating to the Subject
- 8.3 Adopt, on Second Reading, Ordinance No. 2012-07, an Ordinance of the City of Tomball, Texas, Amending the Code of Ordinances of the City of Tomball by Amending Chapter 60, Signs, to Add a New Subsection (b)(6) to Section 60-9, Off-Premises Sign Provisions, to Allow the Addition of an LED Clock Display to Off-Premise Signs

9.0 New Business:

- 9.1 Public Hearing Regarding a Proposal to Adopt an Ordinance creating Reinvestment Zone No. 3; Said Reinvestment Zone No. 3 is Proposed to Include a Tract of Land containing 7.2854 Acres, More or Less, out of Tomball Outlot No. 133 (American National Carbide)
- 9.2 Adopt, on First Reading, Ordinance No. 2012-08, an Ordinance Creating City of Tomball, Texas, Reinvestment Zone No. 3; an Approximately 7.2854-Acre Tract of Land, Located at 915 Cherry Street within the City of Tomball, Harris County, Texas; Making Certain Findings; Repealing Ordinances Inconsistent or in Conflict Herewith; and Providing for Severability
- 9.3 Approve Resolution No. 2012-09, a Resolution of the City Council of the City of Tomball, Texas Authorizing the Purchase of Property from Harkins and Bartlett Investments, Ltd. and Arbor Quercus Delta, Ltd. for Use in the Medical Complex Drive Expansion Project; and Authorizing the City Manager to Execute all Documents Related Thereto, in the Amount of \$1,185
- 9.4 Approve Resolution No. 2012-10, a Resolution of the City Council of the City of Tomball, Texas Authorizing the Purchase of Property from Harkins and Bartlett Investments, Ltd. for Use in the Medical Complex Drive Expansion Project; and Authorizing the City Manager to Execute all Documents Related Thereto, in the Amount of \$18,505
- 9.5 Approve Resolution No. 2012-11, a Resolution of the City Council of the City of Tomball, Texas, Authorizing the Purchase of Property from Harkins and Bartlett Investments, Ltd. for Use in the Medical Complex Drive Expansion

Project; and Authorizing the City Manager to Execute all Documents Related Thereto, in the Amount of \$19,603

- 9.6 Award Contract to Reliable Commercial Roofing, for RFP No. 2012-05 - Police Department/Jail Roof Replacement, in the Amount of \$139,000

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 3rd day of May 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: May 7, 2012

Topic:

- Led by Charles Hall, President Spring Creek County Historical Association

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: May 7, 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: May 7, 2012

Topic:

- Proclamations:
 - April 23, 2012 – *“Rochelle Cook – Heritage Tea Award Recipient for 2012” Day*
 - May 2012 – *“Motorcycle Safety Awareness Month”*
 - May 5, 2012 – *“Billie Ann Dio Day”*
 - May 14, 2012 – *“Tomball Renewal Center Day”*
 - May 15, 2012 and May 13-19, 2012 – *“2012 Peace Officers Memorial Day and Police Week”*

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:

Rochelle Cook – Heritage Tea Award Recipient for 2012” Day
May 2012 – “Motorcycle Safety Awareness Month”
May 5, 2012 – “Billie Ann Dio Day”
May 14, 2012 – “Tomball Renewal Center Day”
2012 Peace Officers Memorial Day and Police Week

Office of the Mayor
Tomball, Texas

Proclamation



- WHEREAS,** Rochelle Cook has served the Spring Creek County Historical Association, also known as the *Tomball Museum*, as a Board Director, Chair for numerous committees, a Docent during the annual Candlelight Tours, and as the decorator of the Griffin House for many years; and
- WHEREAS,** Dink and Rochelle Cook became Tomball citizens in the early 1970s and Rochelle became the Financial Secretary at Hildebrandt Intermediate School, where she spent 22 years before retiring in 1997; and
- WHEREAS,** Rochelle Cook and her husband, Dink, as third-generation Texans, have been blessed with three children, Candy, Melissa and Bill, seven grandchildren, and eight great-grandchildren; and
- WHEREAS,** since her retirement, Rochelle has volunteered with Tomball United Methodist Church, Tomball Regional Hospital, The Regional Arts Council Board, the Tomball Chamber of Commerce, and the Spring Creek County Historical Association, giving generously of her time and energy; and
- WHEREAS,** Rochelle Cook has won the respect and affection of Tomball's citizens and the Spring Creek County Historical Association honored Rochelle Cook on April 23, 2012 as their Heritage Tea Award Recipient for 2012 and Volunteer of the Year;

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 **Sunday, April 23, 2012**, as:

“Rochelle Cook – Heritage Tea Award Recipient for 2012” Day



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

ATTEST:

DATE:

Doni Spier
May 3, 2012

Office of the Mayor
Tomball, Texas

Proclamation



- WHEREAS,** today's society finds more citizens involved in motorcycling on the roads of our country, both for affordable transportation and recreation; and
- WHEREAS,** motorcyclists are less protected and therefore more prone to injury or death in a crash than other vehicle drivers; and
- WHEREAS,** campaigns have helped inform riders and motorists alike regarding motorcycle safety issues to reduce motorcycle-related risks, injuries, and, most of all, fatalities, through a comprehensive approach to motorcycle safety; and
- WHEREAS,** it is the responsibility of all who put themselves behind the wheel to become aware of motorcyclists, regarding them with the same respect as any other motorist and vehicle traveling the highways of this country, and it is the responsibility of riders and motorists alike to obey all traffic laws and safety rules; and
- WHEREAS,** the City of Tomball wishes to join with the Houston Region of the Texas Confederation of Clubs and Independents, Texas Motorcycle Safety Coalition, in urging every citizen in our community to become aware of the inherent danger involved in operating a motorcycle and for riders and motorists alike to give each other the mutual respect they deserve;

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 month of May 2012 as:

"MOTORCYCLE SAFETY AND AWARENESS MONTH"

and urge all residents to do their part to increase safety and awareness in our community.



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

[Signature]

ATTEST: *[Signature]*

DATE: *March 30, 2012*

Office of the Mayor
Tomball, Texas

Proclamation



- WHEREAS,** in the nearly seven years that Mrs. Billie Ann Dio has been teaching at Tomball High School, she has become a vital part of the community, as well as the school; and
- WHEREAS,** Mrs. Dio's optimism and dedication to her work, students, and family is truly inspirational, as is her constant demonstration of compassion, kindness, faith, and hard work; and
- WHEREAS,** Mrs. Dio has organized, led and participated in charitable events such as the *March of Dimes*, *Susan G. Komen Race for the Cure*, the beloved Second Saturday at the Depot events, and the *Shower for Shane* project; motivating others to do the same through her spirit and her "no quit-can do" attitude, and
- WHEREAS,** her persistence for excellence and dedication to perfection has led the Student Council, which she sponsors, to win Sweepstakes in state level projects, to receive the Golden Emblem Award on the national level (given to fewer than 200 high schools across the nation), and to receive an award on the state level as one of the Top 10 projects for the *Shower for Shane* project; and
- WHEREAS,** her students consider her part of their family and as a second mother by all of her Student Council members, due to the enormous impact she has made on their lives, helping them to achieve more and to reach beyond their capabilities and goals; and
- WHEREAS,** the City of Tomball wishes to join the Tomball High School students in honoring Mrs. Dio for all the amazing things she has done and all of the wonderful memories she has created;

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 **May 5, 2012**, as:

"BILLIE ANN DIO DAY"

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

ATTEST:

DATE:

Doris Spier

April 23, 2012



Office of the Mayor
Tomball, Texas

Proclamation



- WHEREAS,** the Tomball Renewal Center is currently under construction at 2443 S. Cherry in Tomball, Texas; and
- WHEREAS,** the Tomball Renewal Center will provide a physical, emotional, and spiritual path of deliverance for mothers and their young children who have been determined by the TRC board of directors to be abandoned by their husbands and are facing the imminent loss of their home; and
- WHEREAS,** the Tomball Renewal Center facilities will consist of dorm apartments that provide housing, a common cafeteria, laundry, food storage, administrative office, and chapel resources; and
- WHEREAS,** the City of Tomball wishes to congratulate the Tomball Renewal Center Board on their vision of *"A place of renewal for single moms and their young children"* and the progress that Tomball Renewal Center and generous supporters have made toward the completion of the Tomball Renewal Center; and
- WHEREAS,** the City of Tomball wishes to join with Tomball Renewal Center, Eagles Nest Christian Fellowship, and the Tomball community at large to celebrate this new and exciting venture;

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 **Tuesday, May 14, 2012**, as:

"TOMBALL RENEWAL CENTER DAY"



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

ATTEST:

DATE:

Debi Spurr

April 23, 2012

Office of the Mayor
Tomball, Texas

Proclamation



- WHEREAS,** in every American community, law enforcement officers are committed to the preservation of life and property, risking their lives to protect us from all who would mock the law, providing protection, law and order and serving the cause of justice; and
- WHEREAS,** law enforcement officers, including members of the **Tomball Police Department**, accept a profound responsibility and work to uphold our laws, safeguard our rights and freedoms, and serve on the front lines in the fight against crime and terrorism; and
- WHEREAS,** we honor the heroism of all our law enforcement officers, especially those who have given their lives so that others might live, asking God's blessing for the families and friends they left behind; and
- WHEREAS,** by Joint Resolution approved October 1, 1962, as amended, Congress authorized and President Kennedy proclaimed May 15th of each year "**Peace Officers Memorial Day**" in honor of the Federal, State and municipal officers who have been killed or disabled in the line of duty, further designating the calendar week in which May 15 falls "**Police Week**," and has directed that flags be flown at half staff on "**Peace Officers Memorial Day**"; under Public Law 103-322, as amended, and
- WHEREAS,** across the nation, **Police Week** is observed with ceremonies, including the hanging of a blue bow or ribbon to honor law enforcements officers who have sacrificed their lives in the line of duty and to honor those who still strive to keep us safe; and
- WHEREAS,** I encourage all citizens to express their deep appreciation to the men and women who risk their lives to guard and protect us;

NOW, THEREFORE, I, GRETCHEN FAGAN, Mayor of the City of Tomball, do hereby proclaim **Tuesday, May 15, 2012** as:

"PEACE OFFICERS MEMORIAL DAY"

and May 13-19, 2012 as:

"TOMBALL POLICE WEEK"

and ask the citizens of Tomball and those with us today to join us as we

"HONOR THE STANDING AND THE FALLEN"



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

[Signature]
ATTEST: *[Signature]*
DATE: *May 2, 2012*

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 7, 2012

Topic:

- May 5-6, 2012 – ***Rails and Tails Mudbug Festival at the Depot*** – 11:00 a.m.-6:00 p.m.
- May 8, 2012 – **Last Day for Early Voting** for May 12, 2012 General Election and ESD #8 Directors and Tax Election – May 8, 2012 at City Hall –7:45 a.m.-7:45 p.m.
- May 8, 2012 – **Mayor's Coffee – *Sol de Luna, 207 Commerce*** – 5:00 p.m.
- **May 12, 2012 - General Election and ESD #8 Directors and Tax Election – 7:00 a.m. to 7:00 p.m. at Tomball City Hall, 401 Market Street**
- May 12, 2012 – **2nd Saturday at the Depot** – 6:00 p.m. (NEW time)
- May 21, 2012 – Canvass the Results of the May 12, 2012 General Election
- May 21, 2012 - Appoint Members to the Tomball Economic Development Board for Terms Expiring May 31, 2012
- May 21, 2012 - Appoint Members to the City of Tomball Planning and Zoning Commission for Terms Expiring June 1, 2012
- May 26, 2012 – ***Memorial Day Weekend Chili Challenge at the Depot*** – 11:00 a.m.-6:00 p.m.
- May 29, 2012 – **Harris County Primary Election**; Runoff Date is July 31, 2012
- July 4, 2012 – City of Tomball Fourth of July Celebration - **TBA**
- ***Walk Tomball!*** – Every Saturday at 8:00 a.m. at the Depot (NEW time)
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Narciso Lira – Report regarding Progress on Capital Improvement Program
 - Robert Hauck – Memorial Presentation, Sherine Amanollahi, Tomball Police Department
 - David Kauffman - Report on Recycling and E-Waste Event
 - Mike Baxter - Report on Rails and Tails Mudbug Festival

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:

Rails and Tails Mudbug Festival at the Depot

Mayor's Coffee

2nd Saturday at the Depot

RAILS & TAILS MUDBUG FESTIVAL AT THE DEPOT



**MAY 5-6, 2012 - 11 A.M. TO 6 P.M.
TOMBALL, TEXAS**

Tons of crawfish, boudin, and more . . . Kids area, too!

Live music from The Fab 5, Bayou Roux and

Louisiana's own Joel Martin on Saturday, May 5th.

*On Sunday, May 6th it's Waylon Thibodeaux, Bayou Roux
and The Grateful Geezers*

CALL 281-351-5484 OR VISIT WWW.CI.TOMBALL.TX.US FOR INFO!

201 S. ELM STREET - TOMBALL, TEXAS - 77375

Tuesday, May 8, 2012
5:00 P.M.
Sol de Luna
(Cisco's Banquet Room)
207 Commerce

Mayor's Coffee

Stop by to get in
touch



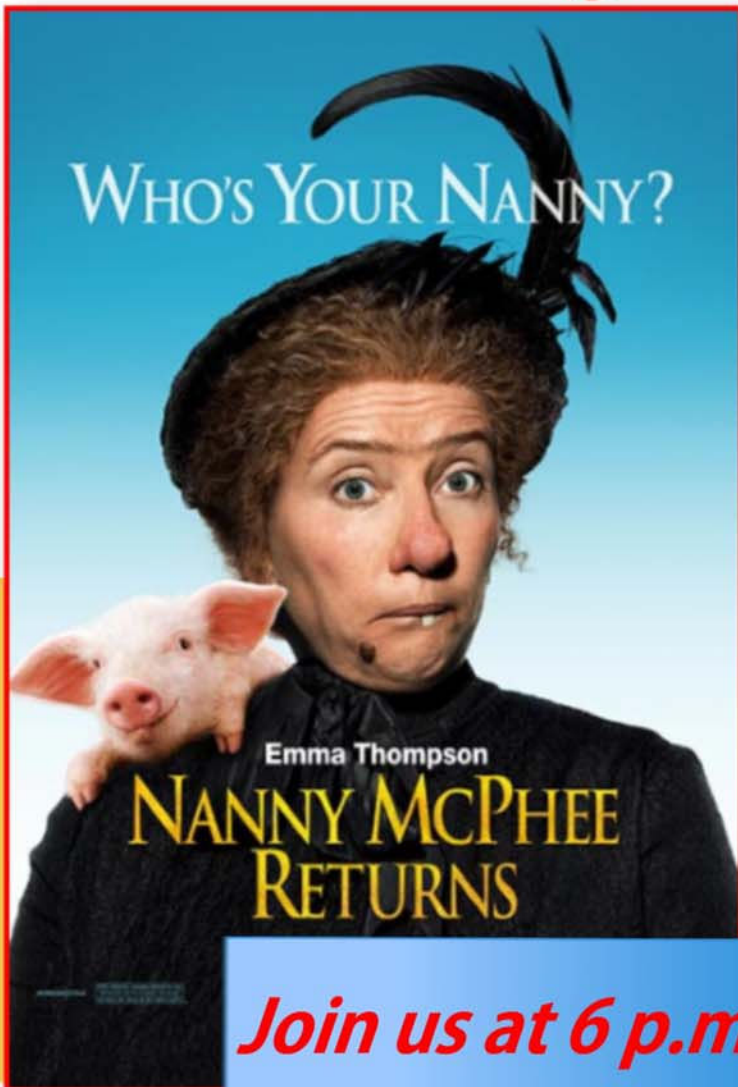
Gretchen Fagan
Mayor

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



Tomball's 2nd Saturday at The Depot!

Saturday, May 12th



- Pig Petting Zoo from EJC Farms
- Games and Activities
- Food and Family Fun
- Tudy the Flute Player
- Make mom a card and gift (while supplies last)
- The Movie Starts at

Dark!

- Enjoy the new Splash Pad . . . bring a towel!

Admission is Always Free!

Historic Tomball Depot Plaza

201 South Elm Street

Bring your lawn chairs!

Call 281-351-5484 for information

Join us at 6 p.m.

facebook

*In the case of rain, the event will be held at the Tomball Community Center, 221 Market Street

Regular City Council Agenda Item Data Sheet

Meeting Date: May 7, 2012

Topic:

Approve the Minutes of the April 16, 2012 Regular City Council Meeting

Background:

Origination:

Recommendation:

Funding:

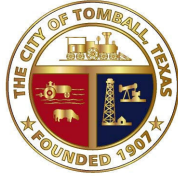
Party(ies) responsible for placing this item on agenda:

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

ATTACHMENTS:

Draft Minutes - April 16, 2012 Regular Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, APRIL 16, 2012
6:00 P.M.**

1.0 Call to Order

The Council meeting was called to order by Mayor Gretchen Fagan. Other members present were:

Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson

Councilman Hudgens – Excused Absence

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Marketing Director – Mike Baxter
Assistant City Planner – Rodney Schmidt
Community Events Coordinator – Rosalie Dillon
Chief-NWEMS – Brian Petrilla

draft

2.0 Invocation

- Led by Pastor Arthur Purvis, Christ Fellowship Church

3.0 Pledges to U. S. and Texas Flags

- Led by Members of the Tomball High School Student Council

4.0 No Public Comments were received.

Draft

5.0 Presentations:

- Mayor Fagan presented a Proclamation declaring **May 5 through 13, 2012 as “National Travel and Tourism Week – Tomball, Texas”** to Mike Baxter.

Tomball HEB Unit Director, Tom Smith, and Unit Coordinator, Beverly Leday presented a \$10,000 Donation to the City of Tomball, Sponsoring the ***Rails and Tails Mudbug Festival at the Depot*** and the ***Memorial Day Weekend Chili Challenge at the Depot***.

6.0 Reports and Announcements:

- April 21, 2012 – ***Art Walk Tomball!*** – 11:00 a.m.-6:00 p.m.
- April 23-28, 2012 – **Annual Tomball Clean-up Week** – 8:00 a.m.-4:30 p.m. daily
- April 24, 2012 – **City of Tomball Volunteer Fire Fighters and Fire Corps, Reserve Police Officers & Volunteers in Policing Appreciation Banquet** – 6:00 p.m.-8:00 p.m. at the Community Center
- April 28, 2012 – **Annual Tomball Clean-up Recycling Day – E-Waste and Drug Take-Back Program – Tuesday Morning/Old Kroger Center Parking Lot, 9:00 a.m.-1:00 p.m.**
- **April 30-May 8, 2012 - Early Voting** for May 12, 2012 General Election and ESD #8 Directors and Tax Election – April 30 through May 8, 2012 at City Hall (Monday, Wednesday, and Thursday – 7:45 a.m.-5:00 p.m.) (Tuesday – 7:45 a.m.-7:45 p.m.) and (Friday – 7:45 a.m.-4:00 p.m.)
- May 3, 2012 – **National Day of Prayer** at the Gazebo, 12:00 Noon
- May 5-6, 2012 – ***Rails and Tails Mudbug Festival at the Depot*** – 11:00 a.m.-6:00 p.m.
- May 8, 2012 – **Mayor’s Coffee – Sol de Luna – 207 Commerce, 5:00 p.m.**
- May 26 – ***Memorial Day Weekend Chili Challenge at the Depot*** – 11:00 a.m.-6:00 p.m.
- **May 29, 2012** - Harris County Primary Election Date; Runoff Date is July 31, 2012
- ***Walk Tomball!*** (every Saturday at 9:00 a.m. at the Depot; 8:00 a.m. beginning in May)
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Randy Parr introduced James Jones, new Lieutenant, C Shift, Tomball Fire Department.
 - Councilman Townsend advised that Councilman Hudgens is in the hospital.
 - Glenn Windsor provided update on the ***4th Annual Bunny Run 5K and Kids 1M*** – 345 participants in the 5K this year versus 198 participants in the 5K in 2011.

7.0 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Minutes of the April 2, 2012 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Dodson, second by Councilman Brown, to adopt, on Second Reading, Ordinance No. 2012-04, an Ordinance of the City of Tomball, Texas, amending Article V. Records Management, Division 1, Generally, Section 2-222. Records Control Schedules—to be Developed; Approval; Filing with State, by Deleting Section 2-222 in its Entirety and Adopting a New Section 2-222. Records Control Schedule, Providing for the Publication of this Ordinance; and Making Other Findings and Provisions Related Thereto. 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>Absent</u>

draft

Motion carried unanimously.

9.0 New Business:

- 9.1 Rodney Schmidt presented an overview of the proposed **ZONING CASE P12-421**: Requested by Shintaro Yoshida, on behalf of Baker Oilfield Operations, Inc., to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 10 acres of land, legally described as Lots 330 and 333, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located easterly of South Persimmon Road, southerly of F.M. 2920, from the Agricultural District to the Light Industrial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P12-421** at 6:21 p.m.; the following public comments were received:

No public comments being received, Mayor Fagan closed the public hearing at 6:21 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2012-05 by caption only on First Reading.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Dodson, to approve on First Reading, Ordinance No. 2012-05, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 10 acres of land, Legally described as Lots 330 and 333, Tomball Outlots, Within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District; Said property being generally located easterly of South Persimmon Road,

southerly of F.M. 2920; 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>Absent</u>
Councilman Stoll	<u>Aye</u>

draft

Motion carried unanimously.

- 9.2 Motion was made by Councilman Townsend, second by Councilman Brown, to approve Letter of Support on behalf of the Tomball Sister City Organization for Road Closure of South Cherry Street, a County Road, in Connection with the German Christmas Market, December 7-9, 2012 and the German Heritage Festival, March 22-24, 2013 and Authorize Mayor Fagan to Issue Letter of Support to Harris County Commissioners Court, and to include an additional statement in the Letter of Support to advise Harris County that there will be no cost to Harris County for the closure of South Cherry Street.

Motion carried unanimously.

- 9.3 Request was made by Loren Smith, City Attorney to move consideration and/or action regarding the Lease Agreement between the City of Tomball and Burlington Northern Santa Fe Railroad (BNSF), Covering Lease of Property off of North Elm Street for City's Parking Lot Project, at an Annual Lease Rate of \$3,000.00, and Authorize a Payment to Cover the Railroad Protective Liability Insurance required by BNSF, in the Amount of \$885.00 to one of the May 2012 Council meetings.

No action taken.

- 9.4 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve Resolution No. 2012-06, a Resolution of the City of Tomball, Texas, Stating the City of Tomball's Intent to Participate in Tax Abatement and Establishing the Guidelines and Criteria for Granting Tax Abatements in a Reinvestment Zone Created in the City of Tomball and to include the additional changes/corrections to the policy as recommended by the City Manager to change the abatement formula to be calculated on the capital investment value instead of the appraised value used previously.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Dodson, second by Councilman Brown, to approve Resolution No. 2012-07, a Resolution of the City Council of the City of Tomball, Texas, Authorizing the Purchase of Property from Gill Real Estate, LLC, a Texas Limited Liability Company, for Use in the Medical Complex Drive Expansion Project; and Authorizing the City Manager to Execute all Documents Related Thereto, in the Amount of \$30,718.

Motion carried unanimously.

- 9.6 Motion was made by Councilman Dodson, second by Councilman Brown, to approve Resolution No. 2012-08, a Resolution of the City Council of the City of Tomball, Texas, Authorizing the Purchase of Property from Orbit Development, Inc., for Use in the Medical Complex Drive Expansion Project; and Authorizing the City Manager to Execute all Documents Related Thereto, in the Amount of \$4,191.

Motion carried unanimously.

- 9.7 Motion was made by Councilman Dodson, second by Councilman Townsend, to read Ordinance No. 2012-06 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Dodson, to adopt, on First Reading, Ordinance No. 2012-06, an Ordinance of the City of Tomball, Texas, Adopting Homestead Exemptions for Property Owners Sixty-Five Years of Age and Over, and for Property Owners Who Qualify for Disability Benefits Under the Federal Old Age, Survivors, and Disability Insurance Program for the Year 2012 and Future Years, Unless Revised, on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; Providing for Severability; and Providing Other Matters Relating to the Subject. Vote was as follows:

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

Draft

Motion carried unanimously.

- 9.8 Motion was made by Councilman Dodson, second by Councilman Stoll, to read Ordinance No. 2012-07 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2012-07, an Ordinance of the City of Tomball, Texas, Amending the Code of Ordinances of the City of Tomball by Amending Chapter 60, Signs, to Add a New Subsection (b)(6) to Section 60-9, Off-Premises Sign Provisions, to Allow the Addition of an LED Clock Display to Off-Premise Signs.

Motion to amend was made by Councilman Dodson, second by Councilman Stoll, to amend the ordinance to include the word “timer” or “time counter” to new subsection (b)(6), Section 60-9. Vote was as follows:

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

Draft

Motion carried unanimously.

- 9.9 The City Council recessed at 6:40 p.m. to 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
- Sec. 551.087 – Deliberations Regarding Economic Development

Upon reconvening into regular session at 7:24 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 7th day of May 2012.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: May 7, 2012

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2012-05, an Ordinance of the City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance by changing the Zoning District Classification of approximately 10 acres of land, Legally described as Lots 330 and 333, Tomball Outlots, Within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District; Said property being generally located easterly of South Persimmon Road, southerly of F.M. 2920; 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 February 29, 2012, the Community Development Department received a rezoning application from the applicant, Shintaro Yoshida of Energy Architecture, on behalf of the property owner, Baker Hughes. According to their application, "We request rezoning of Baker Hughes-owned lands that are currently classified as agricultural to light industrial. This will allow Baker Hughes to utilize the entire site as indicated on the proposed plan." The conceptual site plan shows the subject site, Lots 330 and 333, Tomball Outlots, being utilized for a detention pond and 50,000-square foot warehouse. The proposed detention will replace the existing detention pond on the south side of the Baker Hughes' campus.

There is a mixture of land uses in the vicinity. To the north of the subject site is an undeveloped City of Tomball right-of-way and the Baker Hughes oilfield operations campus within the Light Industrial District; to the south is undeveloped land within the Agricultural District; to the east is undeveloped land and single-family residences within the Agricultural District; and to the west are commercial and warehouse uses in the Commercial District.

On April 9, 2012, the Planning and Zoning Commission, after conducting a public hearing on this request, voted to recommend approval of Zoning Case P12-421. On April 16, 2012, Council adopted Ordinance No. 2012-05 on First Reading.

Origination:

Community Development

Recommendation:

Adopt Ordinance No. 2012-05 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. 2012-05

Notice of Public Hearing

Property Owner Notification

P12-421 Staff Report

ORDINANCE NO. 2012-05

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 10 ACRES OF LAND, LEGALLY DESCRIBED AS LOTS 330 AND 333, TOMBALL OUTLOTS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE LIGHT INDUSTRIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED EASTERLY OF SOUTH PERSIMMON ROAD, SOUTHERLY OF F.M. 2920; 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 10 acres of land, legally described as Lots 330 and 333, Tomball Outlots, generally located easterly of South Persimmon Road, southerly of F.M. 2920, in the City of Tomball, Harris County, Texas, (the "Property"), have requested that the Property be rezoned; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days written notice of that hearing to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the proposal to change the zoning for the Property from the Agricultural District to the Light Industrial District; and

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

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

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

Whereas, the City Council deems it appropriate to grant such proposed change in the zoning district classification of the Property.

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

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

Section 2. The zoning classification of 10 acres of land, legally described as Lots 330 and 333, Tomball Outlots, within the City of Tomball, Harris County, Texas, is hereby changed from the Agricultural District to the Light Industrial District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas-Ordinance 2008-01, ("Zoning District Map"), shall be revised and amended to show the designation of 10 acres of land, legally described as Lots 330 and 333, Tomball Outlots, generally located easterly of South Persimmon Road, southerly of F.M. 2920, as Light Industrial District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for 10 acres of land, legally described as Lots 330 and 333, Tomball Outlots, generally located easterly of South Persimmon Road, southerly of F.M. 2920, to the Light Industrial District as described above.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 7. City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex.Gov't. Code, Ch. 551.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16TH DAY OF APRIL 2012.

COUNCILMAN HUDGENS	<u>ABSENT</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 7TH DAY OF MAY 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
APRIL 9, 2012
&
CITY COUNCIL
APRIL 16, 2012**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, April 9, 2012, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, April 16, 2012, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P12-421: Request by Shintaro Yoshida, on behalf of Baker Oilfield Operations, Inc., to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 10 acres of land, legally described as Lots 330 and 333, Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located easterly of South Persimmon Road, southerly of F.M. 2920, from the Agricultural District to the Light Industrial District.

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

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5th day of April 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 AND ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P12-421

APPLICANT: Shintaro Yoshida, on behalf of Baker Oilfield Operations, Inc.

LOCATION: Easterly of South Persimmon Road, southerly of F.M. 2920

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 10 acres of land, legally described as Lots 330 and 333, Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District.

* * *

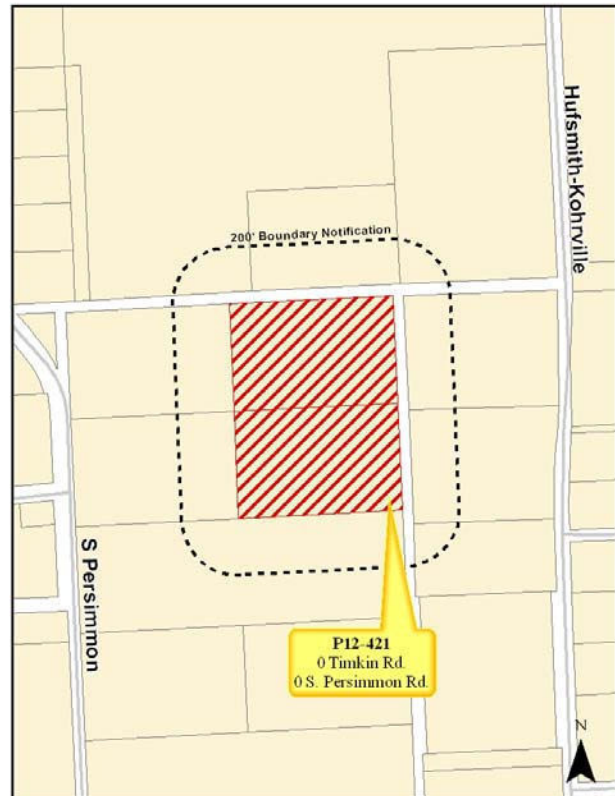
CONTACT PLANNER: Rodney Schmidt

PHONE: (281) 290-1410

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

Interested parties may contact the City Planner 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 Engineering and Planning 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 and Zoning Commission
Public Hearing:**

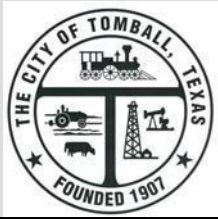
Monday, April 9, 2012, 6:00 PM

City Council Public Hearing:

***Monday, April 16, 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 and Zoning Commission.



Rezoning Staff Report

Planning and Zoning Commission Public Hearing Date: April 9, 2012

Rezoning Case: P12-421
Property Owner(s): Baker Oilfield Operations, Inc.
Applicant(s): Shintaro Yoshida
Legal Description: Lots 330 and 333, Tomball Outlots
Location: Generally located easterly of South Persimmon Road, southerly of F.M. 2920
Area: 10 acres
Present Zoning and Use: Agricultural District / Undeveloped
Comp Plan Designation: Business / Industrial
Proposed Zoning and Use: Light Industrial District / Detention Pond and Warehouse

It should be noted, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning & Zoning Commission may consider zoning classifications other than that sought by the applicant for this property.

Adjacent Zoning & Land Uses:

North: Light Industrial District / Undeveloped City of Tomball Right-of-Way and Baker Oilfield Operations Campus
South: Agricultural District / Undeveloped
East: Agricultural District / Single-Family Residences and Undeveloped
West: Commercial District / Commercial and Warehouse

BACKGROUND

The subject site is legally described as Lots 330 and 333, Tomball Outlots within the City of Tomball, Harris County, Texas totaling approximately 10 acres. The site is generally located between Hufsmith-Kohrville and South Persimmon Roads, southerly of F.M. 2920, is undeveloped (Exhibit "A"), and is currently zoned Agricultural District (Exhibit "B").

On February 29, 2012, the Community Development Department received a rezoning application and letter for the subject site (Exhibits "C" and "D") from the applicant, Shintaro Yoshida of Energy Architecture. According to their application, "We request rezoning of Baker Hughes owned lands that are currently classified as agricultural to light industrial. This will allow Baker Hughes to utilize the entire site as indicated on the proposed plan." The conceptual site plan

(Exhibit “E”) shows Lots 330 and 333 being utilized for a detention pond and 50,000 square foot warehouse. The proposed detention will replace the existing detention pond on the south side of the Baker Hughes Oilfield Operations campus.

ANALYSIS

According to the Tomball Zoning Ordinance, “The LI, Light Industrial, district is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad.”

There is a mixture of land uses in the vicinity (Exhibits “A” and “B”). To the north of the subject site is an undeveloped City of Tomball right-of-way and the Baker Hughes oilfield operations campus within the Light Industrial District; to the south is undeveloped land within the Agricultural District; to the east is undeveloped land and single-family residences within the Agricultural District; and to the west are commercial and warehouse uses in the Commercial District.

The Comprehensive Plan’s future land use map identifies the site as “Business/Industrial” (Exhibit “F”). It states the “Business/Industrial” land use classification is “where industrial and intensive employment activities should occur. Activities that will require unenclosed assembly, repair and/or storage and require heavy truck or rail transportation support are acceptable. Also included would be warehousing and distribution facilities, as well as offices and showrooms.” The proposed rezoning to the Light Industrial District and the expansion of the Baker Hughes oilfield operations campus are generally consistent with the Comprehensive Plan. **It should be noted that any use permitted in the Light Industrial District would be allowed at this location if the zoning is changed.**

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

ZONING CONSIDERATIONS

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

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

There is a mixture of land uses in the vicinity (Exhibits “A” and “B”). To the north of the subject site is an undeveloped City of Tomball right-of-way and the Baker Hughes oilfield operations campus within the Light Industrial District; to the south is undeveloped land within the Agricultural District; to the east is undeveloped land and single-family residences within the Agricultural District; and to the west are commercial

and warehouse uses in the Commercial District. See the attached site photos (Exhibit “G”).

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

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

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

There is an undeveloped 10.4 acre tract at the southeast corner of the Baker Hughes oilfield operations campus zoned Light Industrial.

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

There has been steady development city-wide and within the vicinity in the Light Industrial District.

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

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

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

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

G. Whether the request is consistent with the Comprehensive Plan.

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

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

The Comprehensive Plan's future land use map identifies the site as "Business/Industrial" (Exhibit "F"). It states the "Business/Industrial" land use classification is "where industrial and intensive employment activities should occur. Activities that will require unenclosed assembly, repair and/or storage and require heavy truck or rail transportation support are acceptable. Also included would be warehousing and distribution facilities, as well as offices and showrooms." The proposed rezoning to the Light Industrial District and the expansion of the Baker Hughes oilfield operations campus are generally consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on March 29, 2012 and, as of the writing of this report, no public comment forms were received.

RECOMMENDATION

That the Planning and Zoning Commission recommend:

1. APPROVAL of Zoning Case P12-421 based on the following:
 - a. The proposed zoning of Light Industrial District is compatible with the Tomball Comprehensive Plan.
 - b. The proposed zoning of Light Industrial District will not negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
 - c. There is sufficient utility capacity to service a light industrial use on this site.
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. Rezoning Application
- D. Rezoning Request Letter
- E. Conceptual Site Plan
- F. Comprehensive Plan Future Land Use Map
- G. Site Photos

Exhibit “A”
Aerial Photo



**Exhibit “B”
Zoning Map**



Exhibit "C"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department



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

Applicant

Name: Shintaro Yoshida Title: Project Manager
Mailing Address: 2777 Allen Parkway, Suite 460 City: Houston State: TX
Zip: 77019
Phone: (713) 487-3416 Fax: (713) 554-3077 Email: shintaroy@energyarch.com

Owner

Name: Baker Oilfield Operations, Inc. successor by merger to BJ Services Company, U.S.A. Title: _____
Mailing Address: 2929 Allen Parkway, Suite 2100 City: Houston State: TX
Zip: 77019
Phone: (713) 439-8600 Fax: (713) 439-8558 Email: george.bernhardt@bakerhughes.com

Engineer/Surveyor (if applicable)

Name: Salman Qadir, P.E. Title: President
Mailing Address: 12651 Briar Forest, Suite 151 City: Houston State: TX
Zip: 77077
Phone: (281) 741-1998 Fax: (281) 741-2068 Email: sal@momentumtx.com

Description of Proposed Project: Manufacturing facilities for an oilfield service company.

Physical Location of Property: 11211 FM 2920, Tomball, TX 77375

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

Legal Description of Property: Lots 330 and 333 Tomball Outlots

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Agriculture District

Current Use of Property: Agriculture

Proposed Zoning District: Light Industrial

Proposed Use of Property: Detention Pond to serve light industrial facility

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

www.ci.tomball.tx.us

035-290-000-0330

HCAD Identification Number: 035-290-000-0333

Acreage: 10.0242 Acres

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

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

X Shivara 2/10/12
Signature of Applicant Date

X Daniel E E FEB 9, 2012
Signature of Owner Date

Exhibit "D"
Rezoning Request Letter

DATE: February 28, 2012

TO: City of Tomball Engineering & Planning Department
501 James Street
Tomball, TX 77375

RE: 11211 FM 2920 Baker Hughes Oilfield Operations Inc.

To Whom it May Concern,

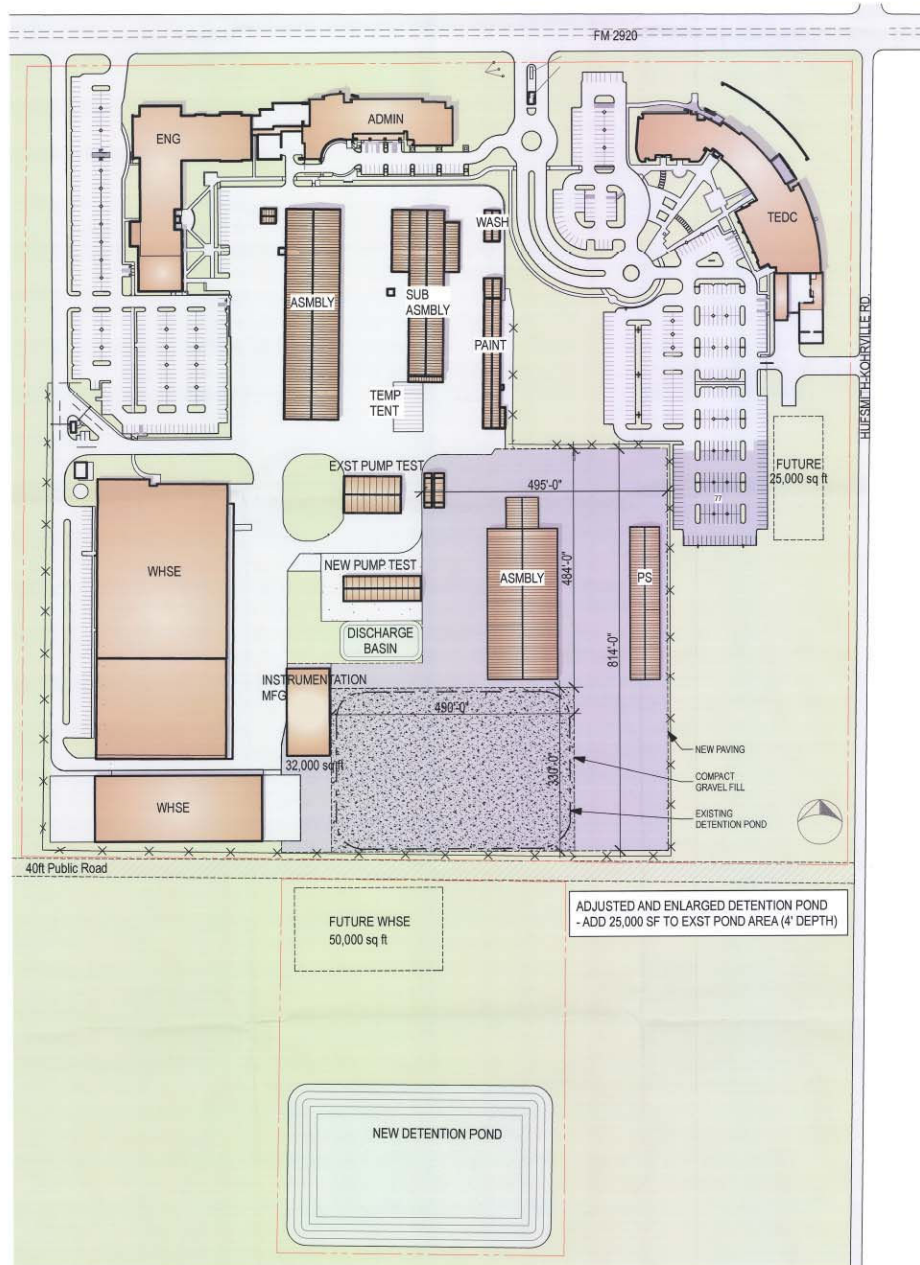
We request rezoning of Baker Hughes owned lands that are currently classified as agricultural to light industrial. This will allow Baker Hughes to utilize the entire site as indicated on the proposed plan.

Sincerely,

Shintaro Yoshida
Energy Architecture
2777 Allen Parkway, Suite 460
Houston, TX 77019

Exhibit "E"

Conceptual Site Plan



1 PROPOSED PLAN
SCALE: 1" = 200'

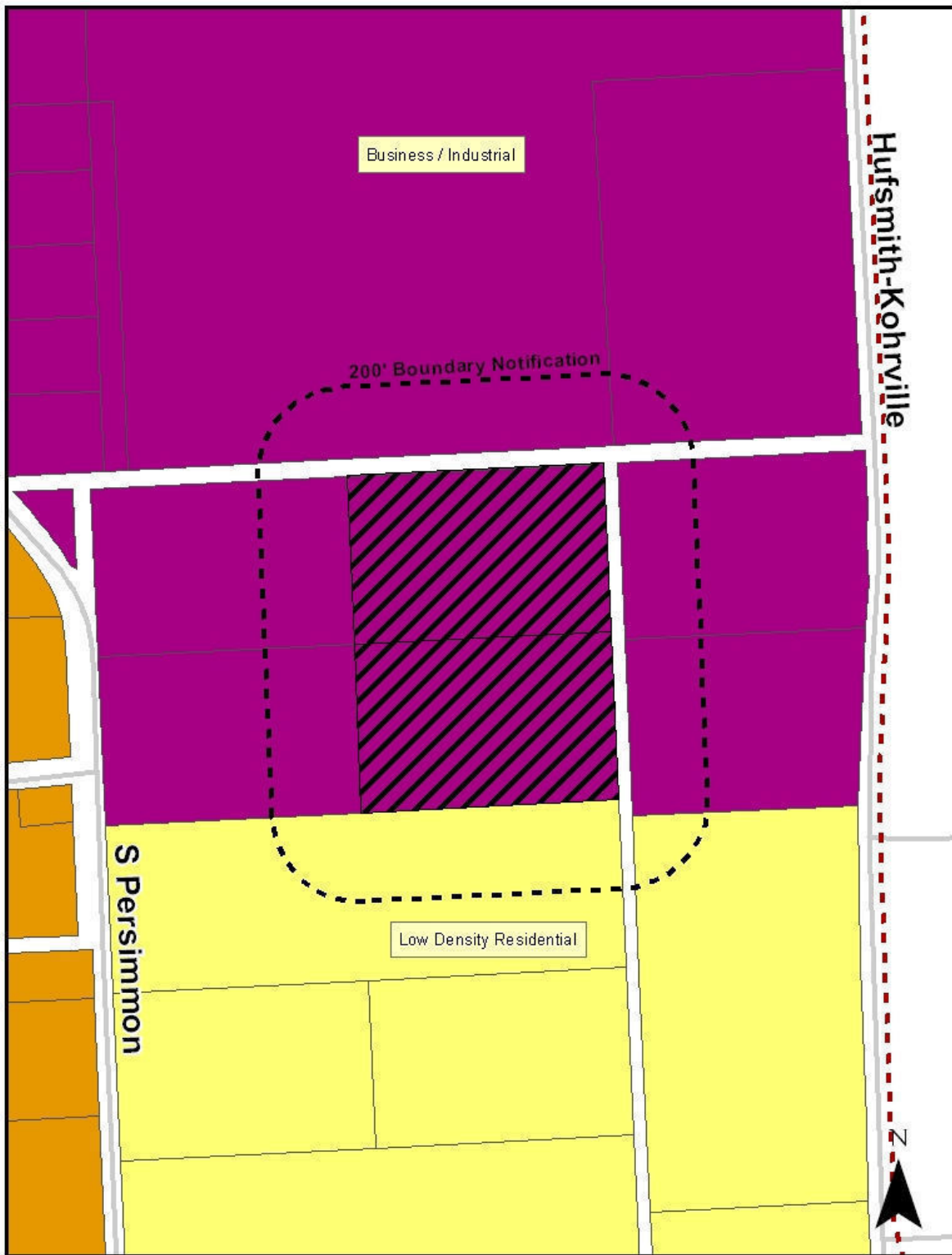
0 200' 400'

energy
ARCHITECTURE
6699 Portwest Drive, Suite 120
Houston, Texas
77024
713.554.3070 ph
713.554.3077 fx

Tomball Campus Office Test Fit
MASTER PLAN PROPOSED
12/15/11
11084

**BAKER
HUGHES**

Exhibit "F"
Comprehensive Plan Future Land Use Map



**Exhibit “G”
Site Photos**



Figure 1: Baker Hughes campus to the north of subject site.



Figure 2: Undeveloped property to the south of subject site.



Figure 3: Commercial property to the west of subject site.



Figure 4: Residences to the east of subject site.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 7, 2012

Topic:

Adopt, on Second Reading, Ordinance No. 2012-06, an Ordinance of the City of Tomball, Texas, Adopting Homestead Exemptions for Property Owners Sixty-Five Years of Age and Over, and for Property Owners Who Qualify for Disability Benefits Under the Federal Old Age, Survivors, and Disability Insurance Program for the Year 2012 and Future Years, Unless Revised, on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; Providing for Severability; and Providing Other Matters Relating to the Subject

Background:

The Harris County Tax Assessor-Collector's office has requested that Tomball adopt the amount of the City's tax exemptions (homestead exemptions) for the 2012 tax year before the July 1, 2012 deadline, as required by the Texas Tax Code, Section 11.13.

In the past, the City has adopted the homestead exemptions in the annual tax levy ordinance; the proposed ordinance will adopt the current homestead tax exemptions for the year 2012 and future years, until the exemption is revised.

Origination:

Harris County Tax Assessor-Collector

Recommendation:

Adopt Ordinance No. 2012-07 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. 2012-06

Harris County Tax Assessor Request Letter

ORDINANCE NO. 2012-06

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, ADOPTING HOMESTEAD EXEMPTIONS FOR PROPERTY OWNERS SIXTY-FIVE YEARS OF AGE AND OVER, AND FOR PROPERTY OWNERS WHO QUALIFY FOR DISABILITY BENEFITS UNDER THE FEDERAL OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM FOR THE YEAR 2012 AND FUTURE YEARS, UNLESS REVISED, ON ALL TAXABLE REAL AND PERSONAL PROPERTY LOCATED IN THE CITY OF TOMBALL, TEXAS; PROVIDING FOR PENALTY, INTEREST, AND ADDITIONAL PENALTY ON TAXES NOT TIMELY PAID; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, pursuant to the provisions of the Texas Tax Code, Section 11.13, which states that taxing units must adopt the amount of their tax exemptions for the 2102 tax year before July 1, 2012, the City Council of the City of Tomball, Texas, being vested with the power to levy, assess and collect an annual tax upon all taxable real and personal property located within the City Limits, and with the power to grant homestead exemptions for all City of Tomball property owners sixty-five years of age and over or who are disabled; and

WHEREAS, pursuant to the Charter of the City of Tomball, this ordinance has been read two (2) times and considered at two (2) sessions of the City Council, and published in the City's official newspaper after the first reading;

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are found to be true and correct and are hereby adopted, ratified, and confirmed.

Section 2. That the City of Tomball adopts an allowance of a \$90,000.00 homestead exemption for City of Tomball property owners sixty-five (65) years of age and over, and for those property owners (regardless of age) who qualify for disability benefits under the Federal

Old Age, Survivors, and Disability Insurance Program administered by the Social Security Administration. An eligible disabled person who is sixty-five (65) years of age or over may not receive the homestead exemption for both qualifying as "65 or over" and "disabled", but may choose either. Each person desiring such exemption shall file an application with the Harris County Appraisal District, such application being in a form and filed at such time as shall be required by law.

Section 3. That the adopted tax exemption shall be effective for the year 2012 and all future years, unless and until the tax exemption is revised by City Council.

Section 4. All ordinances and parts of ordinances inconsistent or in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

ORDINANCE NO. 2012-06
PAGE 3

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 16TH DAY OF APRIL 2012.

COUNCILMAN HUDGENS	<u>ABSENT</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 A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 7TH DAY OF MAY 2012.

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

GRETCHEN FAGAN, MAYOR
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball



DON SUMNERS, CPA, RTA
HARRIS COUNTY TAX ASSESSOR - COLLECTOR
WWW.UCTAX.NET

March 16, 2012

Mr. Glenn Windsor
City of Tomball
501 James Street
Tomball, TX 77375

Re: Adoption of property tax exemptions for 2012

Dear Mr. Windsor:

The Texas Tax Code, Sec. 11.13, states that taxing units must adopt the amount of their tax exemptions for the 2012 tax year before July 1, 2012. Please provide us with a resolution or ordinance adopting the amount of your taxing units exemptions for general homestead, over-65, and disability for the 2012 tax year, even if there is no change in the current exemption amounts.

Please note, if you have not done so, you may avoid this annual requirement by specifying in this year's resolution or ordinance that the adopted exemptions are "for 2012 and all future years, unless revised." If your taxing unit is considering increasing any of your exemptions, we can estimate the tax revenue reduction resulting from the proposed change for you.

Remember, your governing body must approve the exemption amounts before July 1, 2012.

For assistance, please call me at (713) 274-8119.

Sincerely,

Carolyn Miedke, RTA, CTA
Manager, Special Tax & Jurisdiction Support
Office of DON SUMNERS
Tax Assessor-Collector

Regular City Council

Agenda Item

Meeting Date: May 7, 2012

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2012-07, an Ordinance of the City of Tomball, Texas, Amending the Code of Ordinances of the City of Tomball by Amending Chapter 60, Signs, to Add a New Subsection (b)(6) to Section 60-9, Off-Premises Sign Provisions, to Allow the Addition of an LED Clock Display to Off-Premise Signs

Background:

On March 5, 2012, Tomball Regional Medical Center submitted a request to install a digital clock on the following billboard locations:

1. SignAd #87541 located at FM 2920 West of FM 2978
2. Clear Channel #9090 SH 249 (across from Lone Star College)
3. JGI #18 Highway 249, North of Holderrieth Rd.
4. SignAd #26713 SH 249 South of Tomball #3

The proposed digital clocks will be used to display the average wait time in their emergency room. Currently the City's Ordinance does not allow for off-premise signs to be CEVMS. Based on the nature of this particular use, the digital clocks although electronic in nature are not used in the same concept as CEVMS.

Changing the CEVMS portion of the sign ordinance to allow for CEVMS as off-premise signs would not be consistent with the vision the City has established as part of the Comprehensive Plan. Instead staff proposes amending Section 60-9 "Off-premise sign provisions" of the ordinance to allow for LED clocks on off-premise signs as shown on the attached amended ordinance.

Attached are the following items for your reference:

- 1) Tomball Regional Medical Center Request
- 2) Illustration of the LED Clock
- 3) Ch. 60 Ordinance with amendment

At the April 16, 2012 meeting, Council requested the addition of language to the ordinance to include the word "timer" or "time counter" to new subsection (b)(6), Section 60-9; the Ordinance has been revised to include the requested language.

Origination:

Narciso Lira, Director of Community Development

Recommendation:

Adopt Ordinance No. 2012-07 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. 2012-07

TMRC Request

Illustration of LED Time Counter

Chapter 60. Signs. Proposed Revision

ORDINANCE NO. 2012-07

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL BY AMENDING CHAPTER 60, SIGNS, TO ADD A NEW SUBSECTION (b) (6) TO SECTION 60-9, OFF-PREMISES SIGN PROVISIONS, TO ALLOW THE ADDITION OF AN LED CLOCK DISPLAY TO OFF-PREMISE SIGNS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000.00 FOR EACH VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas desires to amend Section 60-9, Off-premises sign provisions, of Chapter 60, Signs, to allow the addition of LED clocks for informational purposes to off-premise signs; and

WHEREAS, pursuant to the Charter of the City of Tomball, this ordinance has been read two (2) times and considered at two (2) sessions of the City Council, and published in the City's official newspaper after the first reading;

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are found to be true and correct and are hereby adopted, ratified, and confirmed.

Section 2. Section 60-9, Off-premises sign provisions, of Chapter 60, Signs, of the Code of Ordinances of the City of Tomball is hereby amended to add a new subsection (b) (6) to Section 60-9 thereof to read as follows:

.

(b) (6) The addition of an LED clock or time counter for informational purposes to off-premise signs shall be allowed. The LED clock or time counter shall not constitute more than ten percent (10%) of the total sign area.

Section 3. All ordinances and parts of ordinances inconsistent or in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Any person intentionally, knowingly, recklessly or with criminal negligence violating any provision of this Ordinance shall, upon conviction, be subject to a penalty not to exceed \$2,000.00 for each violation. Each day of violation shall constitute a separate violation.

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.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 16TH DAY OF APRIL 2012.

COUNCILMAN HUDGENS	<u>ABSENT</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 A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 7TH DAY OF MAY 2012.

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

GRETCHEN FAGAN, MAYOR
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

Narciso Lira

From: George Shackelford
Sent: Monday, March 05, 2012 11:43 AM
To: Rodney Schmidt; Lori Lakatos; Narciso Lira
Cc: Christal Weber
Subject: FW: Digital Clocks
Attachments: ER30_14x48OD3 (2) Billboard.pdf

From: Abbey Lee [<mailto:ALEE@tomballhospital.org>]
Sent: Monday, March 05, 2012 10:54 AM
To: George Shackelford
Subject: Digital Clocks

George,

I am writing today to request approval to put a digital clock on billboards in the Tomball area. The digital clock will show at any given point one or two numbers to reflect the average wait time in our emergency room. Billboards under consideration include:

1. SignAd #87541 located at FM2920 West of FM 2978
2. Clear Channel #9090 SH 249 (across from Lone Star College)
3. JGI #18 Highway 249, North of Holderrieth Rd.
4. SignAd #26713 SH 249/S of Tomball #3

Attached, you will find the design concept we have created. The digital clock will be set inside the yellow stopwatch.

Thank you for your consideration and I look forward to hearing from you.

Abbey Lee | Director of Marketing | Tomball Regional Medical Center
605 Holderrieth Blvd. | Tomball, TX 77375 | Tel. 281 401 7785 | Fax 281 401 7010 | Cell 832 585 7263

Disclaimer: This electronic message may contain information that is Confidential or legally privileged. It is intended only for the use of the individual(s) and entity named in the message. If you are not an intended recipient of this message, please notify the sender immediately and delete the material from your computer. Do not deliver, distribute or copy this message and do not disclose its contents or take any action in reliance on the information it contains.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Average E.R. wait: minutes.



**TOMBALL REGIONAL
MEDICAL CENTER**

Based on the average time to be initially seen by a physician, physician assistant or nurse practitioner. If you are experiencing a medical emergency, call 911.

Chapter 60

SIGNS*

* **Editors Note:** Ord. No. 2002-12, § 2, adopted May 6, 2002, enacted provisions intended for use as chapter 58, §§ 58-1--58-10, 58-26--58-33. At the direction of the city, said provisions have been redesignated as chapter 60, §§ 60-1--60-10, 60-26--60-33.

Article I. In General

Sec. 60-1. Definitions.
Sec. 60-2. Scope; conflicts.
Sec. 60-3. Classifications.
Sec. 60-4. Sign administrator and enforcement.
Sec. 60-5. Sign permits and fees.
Sec. 60-6. Sign maintenance and removal.
Sec. 60-7. Miscellaneous sign provisions.
Sec. 60-8. On-premises sign provisions.
Sec. 60-9. Off-premises sign provisions.
Sec. 60-10. Nonconforming signs.
Secs. 60-11--60-25. Reserved.

Article II. Design and Structural Requirements

Sec. 60-26. Design.
Sec. 60-27. Construction.
Sec. 60-28. Electrical requirements.
Sec. 60-29. Height limitation.
Sec. 60-30. Size limitation.
Sec. 60-31. Method of determining area of sign.
Sec. 60-32. Clearances.
Sec. 60-33. Portable signs.

ARTICLE I.

IN GENERAL

Sec. 60-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Advertising means to seek the attraction of or to direct the attention of the public to any goods, services, or merchandise whatsoever.

Business purposes means the erection or use of any property, building or structure, permanent or temporary, for the primary purpose of conducting in the building or structure or on the property a legitimate commercial enterprise in compliance with all ordinances and regulations of the city governing such activity; business purpose shall not include any property, building, or structure erected or used for the primary purpose of securing a permit to erect a sign.

Commercial or industrial activity means property that is devoted to use for business purposes, and not for residential purposes. "Commercial or industrial activity" shall not include the following:

- (1) Signs;
- (2) Agricultural, forestry, ranching, grazing, farming, and related activities;
- (3) Activities not housed in a permanent building or structure;
- (4) Activities conducted in a building primarily used as a residence.

Curbline means an imaginary line drawn along the edge of the pavement on either side of a public street.

Display surface means the entire surface of a sign, on one side, devoted to exhibiting or contrasting exhibits of advertising. The display surface shall generally include the entire sign surface except for the sign frame and incidental supports thereto.

Electrical sign means any sign containing electrical wiring or utilizing electric current, but not including signs illuminated by an exterior light source.

Ground sign means a sign, which is supported by uprights or braces in or upon the ground, including portable signs as defined herein.

Integrated business development shall mean a planned development, comprised of two or more separate commercial entities, whether located on a single lot, tract, or parcel of land or not, which provides common off-street parking, pedestrian ways, landscaping, and/or other areas designed, constructed, and maintained for the common use and benefit of the development's tenants or occupants, and the customers thereof.

Marquee sign means a projecting sign attached to or hung from a canopy or covered structure projecting from and supported by a frame or pipe support extending beyond a building.

Off-premises sign means any sign advertising a business, person, activity, goods, products, or services not usually located on the premises where the sign is installed and maintained, or which directs persons to any location not on the premises.

On-premises sign means any sign identifying or advertising the business, person, activity, goods, products, or services primarily sold or offered for sale on the premises where the sign is installed and maintained when such premises are used for business purposes.

Person means an individual, company, corporation, partnership, association, or any other entity.

Portable sign means any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier, or other nonmotorized mobile structure; a portable sign which has its wheels removed shall still be considered a portable sign.

Projecting sign means any sign which is affixed to any building wall or structure and extends beyond the building wall or structure more than 12 inches.

Public right-of-way means any part of a right-of-way not privately owned or controlled, and which is the responsibility of the city or other similar public agency to maintain.

Public street means the entire width between property lines of any road, street, way, alley, bridge, or other similar thoroughfare, not privately owned or controlled, when any part thereof is open to the public for vehicular traffic, is the responsibility of the city or other similar public agency to maintain, and over which the city has legislative jurisdiction under its police power.

Reflectorized lights means any lamp constructed with reflector-type materials so as to focus, intensify, flood, or spot such lamp in a certain direction, including, but not limited to, lamps designated by the manufacturers as flood, spot, reflector or flood, reflector spot, reflector light, or clear reflector.

Residential purposes means property devoted to use as a single-family or multifamily residence. Residential purposes shall include, but not be limited to, property used for houses, duplexes, condominiums, townhomes, patio homes, and apartments; property used for hotels, motels, and boardinghouses shall not be considered as used for residential purposes. Property devoted to both residential and nonresidential use shall be considered as used for residential purposes if its principal use is residential.

Roof sign means any sign erected, constructed, or maintained above the roof of any building.

Sign means any outdoor display, design, pictorial, or other representation, which is constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever, that is designed, intended, or used for advertising. The term "sign" shall include the sign structure. Every sign shall be classified and conform to the requirements of each of such classification set forth in this chapter.

Sign facing or *facing* means a separate and distinguishable portion of the overall display surface.

Sign structure means any structure which supports or is capable of supporting any sign. A sign structure may be a single pole and may or may not be an integral part of a building.

Wall sign means any sign affixed to or painted upon the wall of any building.
(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-2. Scope; conflicts.

(a) In accordance with the provisions of § 216.902 of the Texas Local Government Code, the provisions of this chapter shall apply to all signs, as that term is defined herein, within the city and shall also extend to and be enforced within the extraterritorial jurisdiction of the city.

(b) Where this chapter shall differ or conflict with article II of chapter 14, adopting the Standard Building Code, or any other ordinance, this chapter will prevail.
(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-3. Classifications.

(a) For the purpose of this chapter, a sign shall be first classified as either an on-premises sign or an off-premises sign.

(b) All signs shall further be classified into one of the following type signs:

- (1) Ground sign;
- (2) Marquee sign;
- (3) Projecting sign;
- (4) Roof sign; or
- (5) Wall sign.

(c) Any on-premises or off-premises sign of any type may also be included within one or more of the following additional classifications according to special functions:

- (1) Electrical sign;
- (2) Portable sign; or
- (3) Temporary sign.

(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-4. Sign administrator and enforcement.

(a) *Sign administrator.* The city manager shall appoint a sign administrator. The sign administrator is empowered to delegate the duties and powers granted to and imposed upon him by this chapter to other persons serving under the sign administrator. The sign administrator is directed to enforce and carry out all provisions of this chapter.

(b) *Enforcement responsibility.* The duties of the sign administrator shall include not only the approval of permits as required by this chapter, but also the responsibility of insuring that all signs comply with this chapter and any other applicable law, and that all signs for which a permit is required, do in fact, have a permit. The sign administrator shall make such inspections as may be necessary and initiate appropriate action to bring about compliance with this chapter and other applicable law if such inspection discloses an instance of noncompliance. The sign administrator shall investigate thoroughly any complaints of alleged violations of this chapter.

(c) *Powers of sign administrator.* The sign administrator shall have the power and authority to administer and enforce the conditions of this chapter and all other laws relating to signs. Included among such powers are the following specific powers:

- (1) Every sign for which a permit is required shall be subject to the inspection and approval of the sign administrator or delegated representative.
- (2) Upon presentation of proper identification to the owner, agent, or tenant in charge of such property, the sign administrator or his representative may enter, for the purposes of inspecting and investigating signs or sign structures, any building, structure, or other premises or property between the hours of 8:00 a.m. and 5:00 p.m., Mondays through Saturdays; provided, however, that in cases of an emergency where extreme hazards are known to exist which may involve imminent injury to persons, loss of life, or severe property damage, and where the owner, agent, or tenant in charge of the property is not available after the sign administrator has made a good faith effort to locate same, the sign administrator may enter the aforementioned structures and premises at any time upon presentation of proper identification to any other person upon the premises. Whenever the sign administrator is denied admission to inspect any premises, inspection shall be made only under authority of a warrant issued by a magistrate authorizing the inspection for violations of this chapter.
- (3) Upon notice and issuance of a stop order from the sign administrator, work on any sign that is being conducted in a manner contrary to the provisions of this chapter or is being conducted in a dangerous or unsafe manner shall be immediately stopped. Such notice and order shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, written notice shall not be required to be given by the sign administrator. Following the issuance of a stop order, the sign administrator shall initiate proceedings to revoke any permit issued for the work covered by such stop order, consistent with subsection (c)(4) of this section, unless the cause of the stop order is resolved to the sign administrator's satisfaction.
- (4) The sign administrator is hereby granted the power and authority to revoke any and all permits authorized by this chapter for violation of the terms and provisions of this chapter.

(d) *Violations and penalties.* Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in section 1-14.

(e) *Appeals.* Any person wishing to appeal a decision of the sign administrator on the grounds that the decision misconstrues or wrongly interprets this chapter may appeal the same to the city council, pursuant to its rules and regulations, provided that the appealing party shall give notice of appeal in writing to the city secretary no less than ten days following the decision appealed from and provided further that the appealing party shall comply with the sign administrator's decision pending appeal unless the sign administrator shall direct otherwise.

(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-5. Sign permits and fees.

(a) *Permit required.* No person shall erect, construct, or reconstruct a sign without first having secured a written permit from the city to do so, subject to the exceptions in subsection (b).

(b) *Exceptions.*

- (1) *Governmental/public signs.* No permit shall be required under this chapter for signs erected by the city, county, public school district, the state, or other political subdivisions thereof, the federal government, signs otherwise required by federal, state, or local laws, and signs otherwise authorized by the city as public signs.
- (2) *Signs for civic events.* Temporary signs that provide information about and/or direct the public to a special event of civic interest, including, but not limited to, parades, organized community holiday festivities or celebrations, and special events organized by charitable or nonprofit organizations.
- (3) *Other signs.* On-premises signs of the following descriptions; any sign listed hereunder shall be erected and maintained in a safe condition in conformity with section 60-7, all other city ordinances, and the building codes of the city:
 - a. Signs painted on glass surfaces or windows or doors;
 - b. Wall signs;
 - c. Marquee signs;
 - d. Railroad signs;
 - e. Projecting signs;
 - f. Legal notices and house numbers;
 - g. A sign not over 40 square feet in area setting forth information concerning a building or other structure under repair or construction or advertising the sale or rental of the premises;
 - h. Temporary signs setting forth the location of or directions to parking or buildings located on the premises, or regulating of the flow of on-premises traffic. Such directional signs may be lighted, consistent with the other requirements for electrical signs in this chapter and with the requirements of the building code.
 - i. Signs displayed, designed, or used for or upon motor vehicles;
 - j. Signs designed and used for display upon or with lighter or heavier-than-air craft;
 - k. Temporary garage sale signs.
- (c) *Application procedure.*
 - (1) The application for a permit shall be submitted in such form as the sign administrator may prescribe and shall be accompanied by drawings and descriptive data to verify compliance with

the provisions of this chapter. Construction permit applications for new ground signs when erected or constructed to heights exceeding 20 feet above ground level, or for new roof signs when erected 20 feet above ground level, shall be accompanied by a drawing of the sign structure and the sign prepared by and certified by a professional engineer registered in the state; the sign administrator at his option may also require similar certification by a registered professional engineer where any unusual structural provisions of a proposed sign indicate such certification is necessary in the interest of public safety.

- (2) Every application shall be executed by both the owner of the premises upon which the sign is to be constructed, or the authorized lessee of such premises, and the sign company, stating that the sign is authorized to be erected or to be thereafter maintained on the premises, and shall contain a statement of the owner or lessee and the sign company that the sign does not violate any applicable deed restrictions or other similar restrictions on the premises.
- (3) If the location, plans, and specifications set forth in any application for permit conform to all of the requirements of this chapter and other applicable provisions of the building code and other codes, the sign administrator shall issue the permit.

(d) *Existing signs.* All signs lawfully existing on the date of adoption of this chapter, must conform to the requirements of section 60-6 and subsection 60-7(a) through (k). Signs previously erected or in the process of being erected, and lawfully permitted in the city's extraterritorial jurisdiction shall be considered as existing signs under this subsection (d)(1); provided, however, that the date of the first publication of notice for a public hearing (as required by V.T.C.A., Local Government Code § 43.052) regarding the proposed annexation of an area, shall for the purposes of this chapter, be considered the date to determine the applicability of this chapter to any sign within the extraterritorial jurisdiction, as extended by such annexation. Any sign within such area required by any proper authority to be licensed or permitted shall not be considered to have been legally permitted for the purposes of this subsection (d)(1) unless such license or permit has been properly issued.

(e) *Construction permit effectiveness; renewal permit.* Any permit for construction of a sign shall become null and void unless construction of the sign is completed within 180 days, or the permit is renewed for an additional 180 days, in which case an additional fee shall be payable and the proposed sign shall meet all of the requirements of this chapter on the date of renewal.

(f) *Fees.* Permit fees shall be in accordance with the schedule of fees adopted by the city council.

(g) *No refund of fees.* The applicant for a permit or holder of a permit shall not be entitled to a refund of any fee paid in case the permit is revoked.

(h) *Electrical signs.* Any electrical sign shall conform fully to the electrical code of the city and shall receive a permit under the provisions of that code.
(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-6. Sign maintenance and removal.

- (a) All signs shall be kept in good repair and, unless of galvanized or noncorroding metal or treated

with appropriate wood preservative, shall be thoroughly painted as often as is necessary consistent with good maintenance. All braces, bolts, clips, supporting frame, and fastenings shall be free from deterioration, termite infestation, rot, or loosening. All signs shall be able to withstand safely at all times the wind pressures specified elsewhere in this chapter. In case any sign is not so maintained, the sign administrator shall give written notice to the owner or lessee thereof to so maintain the sign, or to remove the sign.

(b) Should any sign in the opinion of the sign administrator become insecure or in danger of falling or otherwise unsafe, the sign administrator shall give written notice of the condition of the sign to the person owning, leasing, or responsible for the sign. Such person so notified shall correct the unsafe condition of the sign in a manner to be approved by the sign administrator in conformity with the provisions of this chapter.

(c) In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this chapter, the sign administrator shall give written notice to the owner, lessee, or person responsible for the sign ordering such owner, lessee, or person to alter the sign so as to comply with this chapter or to remove the sign.

(d) Any written notice to alter or to remove a sign shall be given by the sign administrator by certified mail or written notice served personally upon the owner, lessee, or person responsible for the sign, or the owner's agent. If such order is not complied with within ten days, the sign administrator shall revoke the permit and direct the owners, lessee, or person responsible therefore to remove the sign.
(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-7. Miscellaneous sign provisions.

(a) *Christmas displays.* Christmas displays and similar temporary displays erected without advertising shall not be subject to the provisions of this chapter, but shall be subject to the fire code and rules and regulations for fire safety promulgated by the fire marshal and shall not violate article II of chapter 66.

(b) *Political signs.* No permit shall be required under this chapter for a sign erected solely for and relating to a public election for a period commencing 60 days prior to and for ten days following such public election, provided that such unpermitted sign shall be located on private property only. Such signs shall also comply with article II of chapter 66. If the sign pertains to a runoff or rescheduled election the initial period shall extend until ten days following the runoff or rescheduled election.

(c) *Signs on public rights-of-way.*

(1) With the exception of signs lawfully permitted or erected prior to the effective date of this chapter, it shall be unlawful to place a sign upon a public street, public sidewalk, public alley, public right-of-way, public curb, or other public improvement in any public street or grounds, on any public bridge or part of same, or on any public building or structure of any kind belonging to the city, or in any public place, or on any public improvement unless express consent therefore shall have first been granted by the city council. However, coin-operated devices used to display and vend newspapers may so be placed, so long as they are not placed to impede vehicular or pedestrian traffic. This subsection does not apply to public property leased for private business purposes.

- (2) Subdivision identification signs erected or painted directly upon the face of lawfully existing fences or walls are permitted provided that:
- a. The subdivision sign is facing a street which serves as an entrance to the subdivision to which such sign pertains;
 - b. The subdivision sign, or any part thereof, does not extend outward more than six inches from the face of the fence or wall upon which it is mounted; and
 - c. The subdivision sign, or any part thereof, does not extend above the fence or wall upon which it is mounted.

- (3) Any unlawful sign found on public property, buildings, or structures belonging to the city or within a public right-of-way of a public street, public sidewalk, or public alley shall be seized and removal thereof is hereby authorized in addition to authority under article II of chapter 66. The sign administrator, employees of the police department and the department of public works are hereby authorized to impound any signs found on public property, buildings or structures, or a public street, public sidewalk, or public alley and transport or cause the same to be transported to a location to be designated by the sign administrator for storage. Any sign impounded and stored and not redeemed by the owner thereof within 30 days may be destroyed or sold at public auction in the same manner as surplus property of the city.

(d) *Signs on private property.* No person shall place a sign on private property or utility easement without the written consent of the owner or agent for the owner of the private property or utility easement.

(e) *Signs resembling official signs.* No sign shall be constructed which resembles any official marker erected by the city, state, or any governmental agency or which by reason of position, shape, or color would conflict with the proper functioning of any traffic sign or signal or which by its shape or color would conflict with or be confused with emergency vehicle lights, especially blinking lights. Use of words such as "stop", "look", "danger", or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic is prohibited.

(f) *Sight obstruction at intersections.* No sign shall be erected, constructed, reconstructed, or maintained in violation of the provisions of article II of chapter 66.

(g) *Signs not to obstruct.*

- (1) No sign shall be erected, constructed, or maintained so as to obstruct any means of egress, or any opening necessary for required light, ventilation, or firefighting or for escape from the premises, or so as to prevent free passage from one part of a roof to any part thereof.
- (2) No sign shall be attached to any exterior stairway, fire escape, fire tower balcony, or balcony serving as a horizontal exit.

(h) *Signs not to create easements.* No permit for a sign extending beyond private property onto a public street, public sidewalk, or public alley shall constitute a permanent easement, and every such permit shall

be revocable at any time by action of the city council, and the city shall not be liable for any damages to the owner by reason of such revocation.

(i) *Change of ornamental features, electric wiring, or advertising display.* No sign permit is required for the change of any of the ornamental features, electric wiring or devices, or the advertising display of a sign lawfully existing or permitted. This provision shall not release a person from complying with all other applicable permitting requirements of the city, including those of the city building code.

(j) *Signs obscuring or interfering with view.* Signs may not be located or illuminated in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or so as to obstruct or interfere with the view of a driver of approaching, emerging, or intersecting traffic, or so as to prevent any traveler on any street from obtaining a clear view of approaching vehicles for a distance of 250 feet along the street.

(k) *Proper shielding of lighted signs; interference with drives of motor vehicles.* Signs containing lights which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled way from which the sign is primarily viewed and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interferes with any driver's operation of a motor vehicle, are prohibited.
(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-8. On-premises sign provisions.

(a) The provisions of this section apply only to on-premises signs.

(b) On-premises signs, including ground signs, wall signs, marquee signs, projecting signs, and roof signs erected, constructed, or reconstructed after the date of adoption of this chapter shall comply with the requirements of this chapter.

(c) On-premises ground signs shall be permitted as follows:

- (1) One on-premises ground sign shall be permitted on a lot, tract, or parcel of land for each 100 feet of frontage on a public street, provided that there is a minimum separation of 100 feet between ground signs (on-premises and off-premises) located on the same lot, tract, or parcel of land, measured in a straight line from the base of each sign structure. Each lot, tract, or parcel of land shall, in any event, be entitled to at least one on-premises ground sign.
- (2) A lot, tract, or parcel of land having frontage on more than one public street shall be entitled to one on-premises ground sign on each frontage, notwithstanding the provisions of subsection (c)(1), provided the frontage on which the sign is located measures at least 50 feet and there is a minimum separation between ground signs (on-premises and off-premises) of 100 feet, measured along the property line at the street frontage.
- (3) An integrated business development shall be permitted one on-premises ground sign for each five entities, with a maximum sign area of 300 square feet plus 50 square feet for each entity in the development identified on such sign in excess of five. Provided, further, if more than one

on-premises ground sign is permitted hereby, there shall be separation between ground signs (on-premises and off-premises) of a minimum distance of 100 feet, measured in a straight line from the base of each sign structure.

(Ord. No. 2002-12, § 2, 5-6-02; Ord. No. 2006-18, § 1, 11-20-06)

Sec. 60-9. Off-premises sign provisions.

(a) The provisions of this section shall apply only to off-premises signs.

(b) No new permits shall be issued for off-premises signs and no additional off-premises signs shall be erected except as authorized by this section. Off-premises ground signs shall be permitted upon compliance with the following standards:

- (1) Maximum sign height shall be 12 feet measured from the highest point on the sign to the natural grade level of the ground surface in which the sign supports are placed.
- (2) Maximum sign face area shall be 40 square feet.
- (3) There shall be a minimum separation of 500 feet between the off-premises ground sign and any other off-premises sign, and a minimum separation of 100 feet between the off-premises sign and any on-premises ground sign. Such distance shall be measured by the shortest distance in a straight line between the two signs.
- (4) No off-premises ground sign shall be permitted within 350 feet of an intersection of public streets.
- (5) Signs permitted under this section shall otherwise comply with all applicable requirements of this chapter.

| (6) The addition of LED Clocks to off-premise signs shall be allowed

(c) Any off-premises sign structure lawfully erected and maintained which has no copy, transcript, model, likeness, image, advertisement, or written material for 120 consecutive days is hereby declared to be in violation of this section and as such shall be restored to use or removed by the owner or permittee within 30 days after notice by the sign administrator of such violation.

(Ord. No. 2002-12, § 2, 5-6-02; Ord. No. 2006-18, § 2, 11-20-06)

Sec. 60-10. Nonconforming signs.

A permanent sign lawfully erected within the city or its extraterritorial jurisdiction prior to the date of adoption of this chapter, which does not conform to the regulations of this chapter, shall be deemed to be a nonconforming sign which shall be allowed to continue, with normal maintenance and repair only; provided, however, a nonconforming sign may not be enlarged upon, expanded, or extended. It is not the intent of this section to encourage the survival of nonconforming signs; to the contrary, nonconforming signs are discouraged and contrary to the intent and purpose of this chapter.

- (1) *Obsolescence or destruction.* A nonconforming sign shall not be enlarged, expanded, replaced, or rebuilt in case of obsolescence or total destruction by any means or cause.
- (2) *Repair or reconstruction if damaged.* In the event a nonconforming sign is damaged by any means or cause and the repair or reconstruction cost, whichever is applicable, equals or exceeds 60 percent of the cost of erecting a new sign of the same type at the same location, it must be removed or brought into compliance with this chapter.

(Ord. No. 2002-12, § 2, 5-6-02)

Editors Note: Ord. No. 2002-12, § 2, adopted May 6, 2002, enacted provisions intended for use as subsections (a) and (b). To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as subsections (1) and (2).

Secs. 60-11--60-25. Reserved.

ARTICLE II.

DESIGN AND STRUCTURAL REQUIREMENTS

Sec. 60-26. Design.

All signs and sign structures shall be designed and constructed to resist wind forces as follows:

Wind Load Pressures in Pounds per Square Foot for all Signs

Height above ground* (feet)	Pressure (pounds/ft.)
0--5	0
6--30	20
31--50	25
51--99	35
*Measured above the average level of the ground adjacent to the structure.	

(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-27. Construction.

The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed, and erected in conformance with the requirements of the city building code.

(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-28. Electrical requirements.

All electrical fixtures, equipment, and appurtenances installed in conjunction with a sign shall be designed and installed in accordance with the city building code.

(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-29. Height limitation.

No ground sign shall be established, constructed, or erected which exceeds an overall height of 42 1/2 feet including cutouts extending above the rectangular border, measured from the highest point on the sign to the natural grade level of the ground surface in which the sign supports are placed. A roof or wall sign shall not at any point exceed eight feet above the roof level.

(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-30. Size limitation.

No on-premises sign, other than an on-premises wall sign and a ground sign permitted by subsection 60-8(c)(3), shall be established, constructed, or erected which has a face area exceeding 300 square feet, including cutouts, but excluding uprights.

(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-31. Method of determining area of sign.

In determining the area of any sign, the dimensions of the rectangle enclosing the signboard, excluding the supporting structure, shall be used. If the sign includes cutouts or facings extending beyond the dimensions of the rectangular signboard, the measurement of the sign area shall include the actual area of the cutout or extended facings. For signs of a double-faced, back-to-back, or V-type nature, each face shall be considered a separate sign in computing the face area.

(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-32. Clearances.

Signs shall be located at a minimum distance of six feet measured horizontally and 12 feet measured vertically from overhead electric conductors, which are energized in excess of 750 volts.

(Ord. No. 2002-12, § 2, 5-6-02)

Sec. 60-33. Portable signs.

(a) Every portable sign not in transit shall be securely anchored to the ground by cables, ground supports, or other means acceptable to the sign administrator to prevent overturning in high winds.

(b) Portable signs shall, for the purposes of this chapter, be considered nonmobile, nonportable ground signs and thereby are subject to all provisions of this chapter, including the structural requirements, permitting fee requirements, on-premises and off-premises provisions, and all other provisions of this chapter applicable to ground signs unless a provision which applies by its terms to portable signs is in conflict with a provision applying to ground signs, in which case the provision applying specifically to portable signs shall control.

(Ord. No. 2002-12, § 2, 5-6-02)

Regular City Council

Agenda Item

Meeting Date: May 7, 2012

Data Sheet

Topic:

Public Hearing Regarding a Proposal to Adopt an Ordinance creating Reinvestment Zone No. 3; Said Reinvestment Zone No. 3 is Proposed to Include a Tract of Land containing 7.2854 Acres, More or Less, out of Tomball Outlot No. 133 (American National Carbide)

Background:

American National Carbide has requested that the City consider a Tax Abatement agreement related to their proposed expansion project. Before Council can approve a Tax Abatement agreement, it must designate a Reinvestment Zone for Tax Abatement--a geographic area in which abatement may be offered. A public hearing is required before passage of the designation ordinance.

As required, the notice of the public hearing was published in the Tomball-Magnolia Tribune on April 30, 2012. The notice was also delivered to all taxing authorities within whose jurisdiction the proposed zone would be located. At time of posting, no other eligible jurisdiction has indicated intent to offer additional tax abatement within the zone.

Designation of the zone does not bind Council to approving any particular agreement.

Origination:

City Manager's Office

Recommendation:

Funding:

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

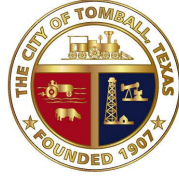
George Shackelford, City Manager

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

ATTACHMENTS:

Notice of Public Hearing - Reinvestment Zone No. 3

NOTICE OF PUBLIC HEARING
ON PROPOSAL TO CREATE CITY OF TOMBALL, TEXAS,
REINVESTMENT ZONE NO. 3



MONDAY, MAY 7, 2012

Notice is hereby given that a **PUBLIC HEARING** will be held by the Tomball City Council, as the Governing Body of the City of Tomball, Texas. at a Regularly Scheduled Council Meeting on Monday, May 7, 2012 at 6:00 p.m., in the Council Chamber, City Hall, 201 Market Street, Tomball, Texas, to Consider:

A Proposal to Adopt an Ordinance creating Reinvestment Zone No. 3.
Said Reinvestment Zone No. 3 is Proposed to Include a Tract of Land
containing 7.2854 Acres, More or Less, more Specifically Described as Follows:

Being the remaining 7.2854 acres out of Tomball Outlot No. 133, as per map or plat thereof recorded in Volume 2, Page 65, Map Records, Harris County, Texas; said 7.2854 acres being more particularly described as follows:

BEGINNING at a pinched iron pipe marking the Northeasterly corner of said Outlot No. 133 and the Southeasterly corner of Outlot No. 132 and in the Westerly Right of Way line of the T. & B.V.R.R.;

THENCE South 25 degrees 30 minutes East 616.95 feet along the Westerly Right of line of said T. & B.V.R.R. to 5/8-inch iron rod for corner;

THENCE North 89 degrees 45 minutes 23 seconds West 800.45 feet along the North line of a 30-foot wide unimproved roadway to 5/8-inch iron rod in a curve in the Easterly Right of Way line of Cherry Street;

THENCE Northerly 276.24 feet along said curve to the left to 5/8-inch iron rod for corner, radius of curve 984.72 feet, central angle 16 degrees 04 minutes 22 seconds and being in the Northwesterly line of said Outlot No. 133 and the Southeasterly line of said Outlot No. 132;

THENCE North 64 degrees 24 minutes East 698.99 feet to PLACE OF BEGINNING and containing 7.2854 acres of land.

Pursuant to the terms of such proposed ordinance, improvements constructed, erected, or placed on the property within such proposed Reinvestment Zone No. 3 will be eligible to receive tax abatement.

All persons desiring to address Council regarding the adoption of such proposed ordinance creating Reinvestment Zone No. 3 will be given an opportunity to be heard.

The City Council will, in addition, receive written comments if filed with the City Secretary prior to commencement of the public hearing. Legal descriptions and maps of said property are available for inspection at the office of the City Secretary, 401 Market Street, Tomball, Texas.

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 25th day of April 2012 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer
Doris Speer
City Secretary, TRMC, CMC

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

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 7, 2012

Topic:

Adopt, on First Reading, Ordinance No. 2012-08, an Ordinance Creating City of Tomball, Texas, Reinvestment Zone No. 3; an Approximately 7.2854-Acre Tract of Land, Located at 915 Cherry Street within the City of Tomball, Harris County, Texas; Making Certain Findings; Repealing Ordinances Inconsistent or in Conflict Herewith; and Providing for Severability

Background:

American National Carbide has requested that the City consider a Tax Abatement agreement related to their expansion project. Before approving a Tax Abatement agreement, Council must designate a Reinvestment Zone for Tax Abatement--a geographic area in which abatement may be offered. A public hearing (previous agenda item) is required before passage of the designation ordinance.

As required, the notice of the public hearing was published in the Tomball-Magnolia Tribune on April 30, 2012. The notice was also delivered to all taxing authorities within whose jurisdiction the proposed zone would be located. At the time of posting, no other eligible jurisdiction has indicated intent to offer additional tax abatement within the zone.

Designation of the zone does not bind Council to approving any particular agreement.

STRATEGIC INITIATIVE: Support the growth and development of existing businesses.

Origination:

City Manager's Office

Recommendation:

Funding:

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

George Shackelford, City Manager

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

ATTACHMENTS:

Ordinance No. 2012-08

ORDINANCE NO. 2012-08

AN ORDINANCE CREATING CITY OF TOMBALL, TEXAS, REINVESTMENT ZONE NO. 3; AN APPROXIMATELY 7.2854 ACRE TRACT OF LAND, LOCATED AT 915 CHERRY STREET WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; MAKING CERTAIN FINDINGS; REPEALING ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, on April 16, 2012, the City Council passed and approved a “Tax Abatement Policy;” and

WHEREAS, pursuant to that Policy, the City Council has received an application for creation of a reinvestment zone; and

WHEREAS, after the giving of proper notice, as required by law, the City Council held a public hearing where all interested persons were given an opportunity to speak and present evidence for and against the creation of Reinvestment Zone No. 3; and

WHEREAS, notice was given to all taxing entities where the proposed zone is to be located; and

WHEREAS, the City Council has determined that the improvements sought to be located in proposed Reinvestment Zone No. 3 are feasible and practical and would be a benefit to the land to be included in the Zone and to the City after the expiration of a tax abatement agreement; and

WHEREAS, the creation of Reinvestment Zone No. 3 will be reasonably likely, as a result of its creation, to contribute to the retention or expansion of primary employment or to attract major investment into the Zone that would benefit the property located therein and that will contribute to the economic development of the City of Tomball; **now, therefore,**

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

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

Section 2. Reinvestment Zone No. 3 is hereby created for the purpose of encouraging economic development through tax abatement. A metes and bounds description of the property that comprises said Reinvestment Zone No. 3 is attached hereto as Exhibit "A" and incorporated herein as though it was set forth in its entirety in this Ordinance. Improvements and personal property constructed, erected, or placed within Reinvestment Zone No. 3 as created hereby shall be eligible for commercial-industrial tax abatement.

Section 3. This designation shall be effective for a period of ten (10) years, commencing on the date of adoption hereof. The expiration of the designation shall not affect an existing tax abatement agreement made under the provisions of the Texas Tax Code.

Section 4. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 7TH DAY OF MAY 2012.

COUNCILMAN HUDGENS
COUNCILMAN STOLL
COUNCILMAN BROWN
COUNCILMAN TOWNSEND
COUNCILMAN DODSON

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 21ST DAY OF MAY 2012.

COUNCILMAN HUDGENS
COUNCILMAN STOLL
COUNCILMAN BROWN
COUNCILMAN TOWNSEND
COUNCILMAN DODSON

GRETCHEN FAGAN, MAYOR
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

Regular City Council

Agenda Item

Meeting Date: May 7, 2012

Data Sheet

Topic:

Approve Resolution No. 2012-09, a Resolution of the City Council of the City of Tomball, Texas Authorizing the Purchase of Property from Harkins and Bartlett Investments, Ltd. and Arbor Quercus Delta, Ltd. for Use in the Medical Complex Drive Expansion Project; and Authorizing the City Manager to Execute all Documents Related Thereto, in the Amount of \$1,185

Background:

First American Title Company is requiring City Council to adopt a Resolution authorizing the purchase of property for the Medical Complex Drive expansion project.

Origination:

Loren B. Smith, Attorney, Olson & Olson

Recommendation:

Adopt Resolution No. 2012-09

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:

Resolution No. 2012-09 - Parcel 4

RESOLUTION NO. 2012-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS AUTHORIZING THE PURCHASE OF PROPERTY FROM HARKINS AND BARTLETT INVESTMENTS, LTD. AND ARBOR QUERCUS DELTA, LTD. FOR USE IN THE MEDICAL COMPLEX DRIVE EXPANSION PROJECT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED THERETO.

* * * * *

WHEREAS, the City of Tomball needs to purchase Parcel 4, being a parcel containing 0.0054 acres (237 square feet) of land situated in the William Hurd Survey, A-378, Harris County, Texas, and being out of and a part of Lot 2, Block 1, Park Manor of Tomball, a subdivision or record at Film Code Number 617004, Harris County Map Records (H.C.M.R.) and being out of and a part of a 2.4863-acre residue of a called 7.619-acre tract conveyed to Harkins and Bartlett Investments by deed dated July 18, 2003 and recorded under Harris County Clerks File (H.C.C.F.) Number W846777 and a called 7.619-acre tract conveyed to Arbor Quercus Delta, LTD. by deed dated July 18, 2003 and recorded under H.C.C.F. Number W846778 (the "Property") for the completion of the Medical Complex Drive Expansion project; and

WHEREAS, the City of Tomball has reached an agreement with the owners of the Property, Harkins and Bartlett Investments, LTD. and Arbor Quercus Delta, LTD., for the purchase of the property; and

WHEREAS, the City Council of the City of Tomball wishes to approve the purchase of the Property and to authorize the City Manager to execute all documents related to the purchase of the Property; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS that the purchase of the Property described above is hereby approved and the City Manager is hereby authorized to execute all documents related to the purchase of the Property.

PASSED, APPROVED, AND RESOLVED this 7th day of May 2012.

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

DRAFT

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 7, 2012

Topic:

Approve Resolution No. 2012-10, a Resolution of the City Council of the City of Tomball, Texas Authorizing the Purchase of Property from Harkins and Bartlett Investments, Ltd. for Use in the Medical Complex Drive Expansion Project; and Authorizing the City Manager to Execute all Documents Related Thereto, in the Amount of \$18,505

Background:

First American Title Company is requiring City Council to adopt a Resolution authorizing the purchase of property for the Medical Complex Drive expansion project.

Origination:

Loren B. Smith, Attorney, Olson & Olson

Recommendation:

Adopt Resolution No. 2012-10

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:

Resolution No. 2012-10 - Parcel 6

RESOLUTION NO. 2012-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS AUTHORIZING THE PURCHASE OF PROPERTY FROM HARKINS AND BARTLETT INVESTMENTS, LTD. FOR USE IN THE MEDICAL COMPLEX DRIVE EXPANSION PROJECT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED THERETO.

* * * * *

WHEREAS, the City of Tomball needs to purchase Parcel 6, being a parcel containing 0.0999 acres (4,354 square feet) of land situated in the J. Pruitt Survey, Abstract No. 629, Harris County, Texas, and being out of and a part of Lot 5 of Tomball Medical Park Replat of Reserve B and a Portion of a 0.38-Acre Tract Final, a subdivision of record at Film Code Number 571288, Harris County Map Records (H.C.M.R.) and being out of and a part of a 2.1968-acre tract of land, the residue of a called 3.1968-acre remainder of a called 29.723-acre tract conveyed to Harkins and Bartlett Investments, LTD. by deed dated May 31, 2002 and recorded under Harris County Clerks File Number V834843 (the "Property") for the completion of the Medical Complex Drive Expansion project; and

WHEREAS, the City of Tomball has reached an agreement with the owners of the Property, Harkins and Bartlett Investments, LTD., for the purchase of the property; and

WHEREAS, the City Council of the City of Tomball wishes to approve the purchase of the Property and to authorize the City Manager to execute all documents related to the purchase of the Property; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS that the purchase of the Property described above is hereby approved and the City Manager is hereby authorized to execute all documents related to the purchase of the Property.

PASSED, APPROVED, AND RESOLVED this 7th day of May 2012.

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

DRAFT

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 7, 2012

Topic:

Approve Resolution No. 2012-11, a Resolution of the City Council of the City of Tomball, Texas, Authorizing the Purchase of Property from Harkins and Bartlett Investments, Ltd. for Use in the Medical Complex Drive Expansion Project; and Authorizing the City Manager to Execute all Documents Related Thereto, in the Amount of \$19,603

Background:

First American Title Company is requiring City Council to adopt a Resolution authorizing the purchase of property for the Medical Complex Drive expansion project.

Origination:

Loren B. Smith, Attorney, Olson & Olson

Recommendation:

Adopt Resolution No. 2012-11

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:

Resolution No. 2012-11 - Parcel 7

RESOLUTION NO. 2012-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS AUTHORIZING THE PURCHASE OF PROPERTY FROM HARKINS AND BARTLETT INVESTMENTS, LTD. FOR USE IN THE MEDICAL COMPLEX DRIVE EXPANSION PROJECT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED THERETO.

* * * * *

WHEREAS, the City of Tomball needs to purchase Parcel 6, being a parcel containing 0.0948 acres (4,127 square feet) of land situated in the J. Pruitt Survey, Abstract No. 629, Harris County, Texas, and being out of and a part of Lot 6 of Tomball Medical Park, a subdivision of record at Film Code Number 571288, Harris County Map Records (H.C.M.R.) and being out of and a part of a called 7.2514-acre remainder of a called 29.723-acre tract conveyed to Harkins and Bartlett Investments, LTD. by deed dated May 31, 2002 and recorded under Harris County Clerks File (H.C.C.F.) Number V834843 (the "Property") for the completion of the Medical Complex Drive Expansion project; and

WHEREAS, the City of Tomball has reached an agreement with the owners of the Property, Harkins and Bartlett Investments, LTD., for the purchase of the property; and

WHEREAS, the City Council of the City of Tomball wishes to approve the purchase of the Property and to authorize the City Manager to execute all documents related to the purchase of the Property; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS that the purchase of the Property described above is hereby approved and the City Manager is hereby authorized to execute all documents related to the purchase of the Property.

PASSED, APPROVED, AND RESOLVED this 7th day of May 2012.

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

DRAFT

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 7, 2012

Topic:

Award Contract to Reliable Commercial Roofing, for RFP No. 2012-05 - Police Department/Jail Roof Replacement, in the Amount of \$139,000

Background:

The City solicited proposals for the Police Department & Jail roof replacement project. The City received six responses that were evaluated by our project architect, William Hutz. The architect's evaluation, proposal tabulation, and recommendation are attached and Mr. Hutz will be present at the meeting to discuss his findings and recommendation.

The draft contract with Reliable Commercial Roofing is also attached.

Origination:

Public Works

Recommendation:

N/A

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

Christal Weber for David Kauffman, Public Works Director

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

ATTACHMENTS:

Draft Contract

Award Recommendation Letter

Proposal Evaluation Scores

Proposal Tabulation

DRAFT AIA® Document A101™ – 2007

Standard Form of Agreement Between Owner and Contractor *where the basis of payment is a Stipulated Sum*

AGREEMENT made as of the «Seventh» day of «May» in the year «Two Thousand Twelve»

(In words, indicate day, month and year.)

BETWEEN the Owner:

(Name, legal status, address and other information)

«City of Tomball»«, Other»
«401 Market Street
Tomball, Texas 77375»
«Telephone Number: (281) 290-1426»
«Fax Number: (281) 351-4735»

and the Contractor:

(Name, legal status, address and other information)

«Reliable Commercial Roofing Services, Inc.»«, General Corporation»
«4560 W. 34th Street, Suite H
Houston, TX, 77092»
«Telephone Number: (713) 680-9700»
«Fax Number: (713) 680-9725»

for the following Project:

(Name, location and detailed description)

«City of Tomball - Police Department / Jail Roof Replacement»
«401 Market Street
Tomball, Texas 77375»
«Remove existing roofing and sheet metal components and replace with new SBS
Modified Bitumen Membrane Roofing system and new sheet metal.»

The Architect:

(Name, legal status, address and other information)

«Amtech Building Sciences, Inc.»«, General Corporation»
«10520 Meadowglen Lane
Houston, Texas 77042-4032»
«Telephone Number: (713) 266-4829»
«Fax Number: (713) 266-4977»

The Owner and Contractor agree as follows.

ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

AIA Document A201™-2007, General Conditions of the Contract for Construction, is adopted in this document by reference. Do not use with other general conditions unless this document is modified.

ELECTRONIC COPYING of any portion of this AIA® Document to another electronic file is prohibited and constitutes a violation of copyright laws as set forth in the footer of this document.

TABLE OF ARTICLES

- 1 THE CONTRACT DOCUMENTS
- 2 THE WORK OF THIS CONTRACT
- 3 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION
- 4 CONTRACT SUM
- 5 PAYMENTS
- 6 DISPUTE RESOLUTION
- 7 TERMINATION OR SUSPENSION
- 8 MISCELLANEOUS PROVISIONS
- 9 ENUMERATION OF CONTRACT DOCUMENTS
- 10 INSURANCE AND BONDS

ARTICLE 1 THE CONTRACT DOCUMENTS

The Contract Documents consist of this Agreement, Conditions of the Contract (General, Supplementary and other Conditions), Drawings, Specifications, Addenda issued prior to execution of this Agreement, other documents listed in this Agreement and Modifications issued after execution of this Agreement, all of which form the Contract, and are as fully a part of the Contract as if attached to this Agreement or repeated herein. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations or agreements, either written or oral. An enumeration of the Contract Documents, other than a Modification, appears in Article 9.

ARTICLE 2 THE WORK OF THIS CONTRACT

The Contractor shall fully execute the Work described in the Contract Documents, except as specifically indicated in the Contract Documents to be the responsibility of others.

ARTICLE 3 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

§ 3.1 The date of commencement of the Work shall be the date of this Agreement unless a different date is stated below or provision is made for the date to be fixed in a notice to proceed issued by the Owner.

(Insert the date of commencement if it differs from the date of this Agreement or, if applicable, state that the date will be fixed in a notice to proceed.)

«The commencement date will be fixed in a notice to proceed.»

If, prior to the commencement of the Work, the Owner requires time to file mortgages and other security interests, the Owner's time requirement shall be as follows:

« »

§ 3.2 The Contract Time shall be measured from the date of commencement.

§ 3.3 The Contractor shall achieve Substantial Completion of the entire Work not later than «Thirty» («30») days from the date of commencement, or as follows:

(Insert number of calendar days. Alternatively, a calendar date may be used when coordinated with the date of commencement. If appropriate, insert requirements for earlier Substantial Completion of certain portions of the Work.)

« »

Portion of Work**Substantial Completion Date**

, subject to adjustments of this Contract Time as provided in the Contract Documents.

(Insert provisions, if any, for liquidated damages relating to failure to achieve Substantial Completion on time or for bonus payments for early completion of the Work.)

«Work is to be performed within time limits established in the bidding and contract documents or in the "notice to proceed." Should the work not be completed by the specified date, the contractor further agrees to compensate the owner at the rate of \$600.00 a day. This compensation will be deducted from the retainage held by the owner.»

ARTICLE 4 CONTRACT SUM

§ 4.1 The Owner shall pay the Contractor the Contract Sum in current funds for the Contractor's performance of the Contract. The Contract Sum shall be «One Hundred Thirty-nine Thousand Dollars and Zero Cents» (\$ «139,000.00»), subject to additions and deductions as provided in the Contract Documents.

§ 4.2 The Contract Sum is based upon the following alternates, if any, which are described in the Contract Documents and are hereby accepted by the Owner:

(State the numbers or other identification of accepted alternates. If the bidding or proposal documents permit the Owner to accept other alternates subsequent to the execution of this Agreement, attach a schedule of such other alternates showing the amount for each and the date when that amount expires.)

«N/A»

§ 4.3 Unit prices, if any:

(Identify and state the unit price; state quantity limitations, if any, to which the unit price will be applicable.)

Item**Units and Limitations****Price Per Unit (\$0.00)**

Unit Prices are Listed in Document
00 0410 – Proposal Form Page 3 attached
as Exhibit "B"

§ 4.4 Allowances included in the Contract Sum, if any:

(Identify allowance and state exclusions, if any, from the allowance price.)

Item**Price**

Contingency Allowance

\$ 4,000.00

ARTICLE 5 PAYMENTS**§ 5.1 PROGRESS PAYMENTS**

§ 5.1.1 Based upon Applications for Payment submitted to the Architect by the Contractor and Certificates for Payment issued by the Architect, the Owner shall make progress payments on account of the Contract Sum to the Contractor as provided below and elsewhere in the Contract Documents.

§ 5.1.2 The period covered by each Application for Payment shall be one calendar month ending on the last day of the month, or as follows:

« »

§ 5.1.3 This Agreement is subject to the provisions of the Texas Prompt Payment Act, Texas Government Code Chapter 2251.

(Federal, state or local laws may require payment within a certain period of time.)

§ 5.1.4 Each Application for Payment shall be based on the most recent schedule of values submitted by the Contractor in accordance with the Contract Documents. The schedule of values shall allocate the entire Contract Sum among the various portions of the Work. The schedule of values shall be prepared in such form and supported by such data to substantiate its accuracy as the Architect may require. This schedule, unless objected to by the Architect, shall be used as a basis for reviewing the Contractor's Applications for Payment.

§ 5.1.5 Applications for Payment shall show the percentage of completion of each portion of the Work as of the end of the period covered by the Application for Payment.

§ 5.1.6 Subject to other provisions of the Contract Documents, the amount of each progress payment shall be computed as follows:

- .1 Take that portion of the Contract Sum properly allocable to completed Work as determined by multiplying the percentage completion of each portion of the Work by the share of the Contract Sum allocated to that portion of the Work in the schedule of values, less retainage of «Ten» percent («10.00» %). Pending final determination of cost to the Owner of changes in the Work, amounts not in dispute shall be included as provided in Document 00 0700 – General Conditions;
- .2 Add that portion of the Contract Sum properly allocable to materials and equipment delivered and suitably stored at the site for subsequent incorporation in the completed construction (or, if approved in advance by the Owner, suitably stored off the site at a location agreed upon in writing), less retainage of «Ten» percent («10.00» %);
- .3 Subtract the aggregate of previous payments made by the Owner; and
- .4 Subtract amounts, if any, for which the Architect has withheld or nullified a Certificate for Payment as provided in Document 00 0700 – General Conditions.

§ 5.1.7 The progress payment amount determined in accordance with Section 5.1.6 shall be further modified under the following circumstances:

- .1 Add, upon Substantial Completion of the Work, a sum sufficient to increase the total payments to the full amount of the Contract Sum, less such amounts as the Architect shall determine for incomplete Work, retainage applicable to such work and unsettled claims; and
(Document 00 0700 – General Conditions requires release of applicable retainage upon Substantial Completion of Work with consent of surety, if any.)
- .2 Add, if final completion of the Work is thereafter materially delayed through no fault of the Contractor, any additional amounts payable in accordance with Document 00 0700 – General Conditions.

§ 5.1.8 Reduction or limitation of retainage, if any, shall be as follows:

(If it is intended, prior to Substantial Completion of the entire Work, to reduce or limit the retainage resulting from the percentages inserted in Sections 5.1.6.1 and 5.1.6.2 above, and this is not explained elsewhere in the Contract Documents, insert here provisions for such reduction or limitation.)

«None»

§ 5.1.9 Except with the Owner's prior approval, the Contractor shall not make advance payments to suppliers for materials or equipment which have not been delivered and stored at the site.

§ 5.2 FINAL PAYMENT

§ 5.2.1 Final payment, constituting the entire unpaid balance of the Contract Sum, shall be made by the Owner to the Contractor when

- .1 the Contractor has fully performed the Contract except for the Contractor's responsibility to correct Work as provided in Document 00 0700 – General Conditions, and to satisfy other requirements, if any, which extend beyond final payment; and
- .2 a final Certificate for Payment has been issued by the Architect.

§ 5.2.2 The Owner's final payment to the Contractor shall be made no later than 30 days after the issuance of the Architect's final Certificate for Payment, or as follows:

« »

ARTICLE 6 DISPUTE RESOLUTION

§ 6.1 INITIAL DECISION MAKER

The Architect will serve as Initial Decision Maker pursuant to Document 00 0700 – General Conditions, unless the parties appoint below another individual, not a party to this Agreement, to serve as Initial Decision-Maker.

(If the parties mutually agree, insert the name, address and other contact information of the Initial Decision Maker, if other than the Architect.)

« »
« »
« »
« »

§ 6.2 BINDING DISPUTE RESOLUTION

For any Claim subject to, but not resolved by, mediation pursuant to Document 00 0700 – General Conditions, the method of binding dispute resolution shall be as follows:

(Check the appropriate box. If the Owner and Contractor do not select a method of binding dispute resolution below, or do not subsequently agree in writing to a binding dispute resolution method other than litigation, Claims will be resolved by litigation in a court of competent jurisdiction.)

☐ Arbitration pursuant to Document 00 0700 – General Conditions

☐ Litigation in a court of competent jurisdiction

☐ Other *(Specify)*

« »

ARTICLE 7 TERMINATION OR SUSPENSION

§ 7.1 The Contract may be terminated by the Owner or the Contractor as provided in Document 00 0700 – General Conditions.

§ 7.2 The Work may be suspended by the Owner as provided in Document 00 0700 – General Conditions.

ARTICLE 8 MISCELLANEOUS PROVISIONS

§ 8.1 Where reference is made in this Agreement to a provision of Document 00 0700 – General Conditions or another Contract Document, the reference refers to that provision as amended or supplemented by other provisions of the Contract Documents.

§ 8.2 Payments due and unpaid under the Contract shall bear interest from the date payment is due at the rate stated below, or in the absence thereof, at the legal rate prevailing from time to time at the place where the Project is located.

(Insert rate of interest agreed upon, if any.)

« » % « »

§ 8.3 The Owner's representative:
(Name, address and other information)

«Steve Purvis»
«501 James Street
Tomball, Texas 77375»
«Telephone Number: (281) 290-1426»
«Fax Number: (281) 351-4735»
«Mobile Number: (281) 806-1088»
«Email Address: spurvis@ci.tomball.tx.us»

§ 8.4 The Contractor's representative:
(Name, address and other information)

«Dan McLaughlin»
«Reliable Commercial Roofing Services, LLC 4520 W. 34th, Suite F, Houston, TX, 77092»
«Telephone Number: (713) 680-9700»

«Fax Number: (713) 680-9725»
«Mobile Number: (281) 802-1595»
«Email Address: dan@reliablecommercialroofing.com»

§ 8.5 Neither the Owner's nor the Contractor's representative shall be changed without ten days written notice to the other party.

§ 8.6 Other provisions:

« »

ARTICLE 9 ENUMERATION OF CONTRACT DOCUMENTS

§ 9.1 The Contract Documents, except for Modifications issued after execution of this Agreement, are enumerated in the sections below.

§ 9.1.1 The Agreement is this executed AIA Document A101–2007, Standard Form of Agreement Between Owner and Contractor.

§ 9.1.2 The General Conditions are Document 00 0700 – General Conditions.

§ 9.1.3 The Supplementary and other Conditions of the Contract:

Document	Title	Date	Pages
00 0800	Supplementary Conditions	March 26, 2012	One (1)

§ 9.1.4 The Specifications:

(Either list the Specifications here or refer to an exhibit attached to this Agreement.)

«Title of Specifications exhibit: Title of Specifications exhibit: Title of Specifications Exhibit: Document 00 0010 - Table of Contents attached as Exhibit "A". »

Section	Title	Date	Pages

§ 9.1.5 The Drawings:

(Either list the Drawings here or refer to an exhibit attached to this Agreement.)

« »

Number	Title	Date
R1	Roof Plan	March 26, 2012
R2	Roof Details	March 26, 2012

§ 9.1.6 The Addenda, if any:

Number	Date	Pages

Portions of Addenda relating to bidding requirements are not part of the Contract Documents unless the bidding requirements are also enumerated in this Article 9.

§ 9.1.7 Additional documents, if any, forming part of the Contract Documents:

- 1 AIA Document E201™–2007, Digital Data Protocol Exhibit, if completed by the parties, or the following:

«None»

- 2 Other documents, if any, listed below:

(List here any additional documents that are intended to form part of the Contract Documents. Document 00 0700 – General Conditions provides that bidding requirements such as advertisement or invitation to bid, Instructions to Bidders, sample forms and the Contractor's bid are not part of the Contract Documents unless enumerated in this Agreement. They should be listed here only if intended to be part of the Contract Documents.)

«None»

ARTICLE 10 INSURANCE AND BONDS

The Contractor shall purchase and maintain insurance and provide bonds as set forth in Document 00 0700 – General Conditions.

(State bonding requirements, if any, and limits of liability for insurance required in Document 00 0700 – General Conditions.)

Type of insurance or bond	Limit of liability or bond amount (\$0.00)
Worker's Compensation and Employer's Liability Insurance	Statutory \$500,000.00 for each accident \$500,000.00 disease policy limit and \$500,000.00 each employee
Comprehensive General Liability Insurance	\$500,000.00 per occurrence and a total combined single limit policy aggregate amount of \$1,000,000.00. Property damage deductible shall not exceed \$500.00 per occurrence.
Comprehensive Motor Vehicle Liability Insurance	Not less than \$1,000,000.00 for combined single limit each occurrence.
Umbrella Excess Liability Insurance	At least \$1,000,000.00 for this specific Project

This Agreement entered into as of the day and year first written above.

OWNER (Signature)

«George Shackelford»«City Manager»

(Printed name and title)

CONTRACTOR (Signature)

«Dan McLaughlin»«President»

(Printed name and title)

EXHIBIT "A"
DOCUMENT 00 0010 - TABLE OF CONTENTS

<u>NUMBER</u>	<u>TITLE</u>	<u>Pages</u>
<u>INTRODUCTORY INFORMATION</u>		
00 0001	PROJECT TITLE PAGE	00 0001 - 1
00 0010	TABLE OF CONTENTS	00 0010 - 1 THRU 00 0010 - 2
<u>PROPOSAL REQUIREMENTS</u>		
00 0100	PROPOSAL SOLICITATION	00 0100 - 1 THRU 00 0100 - 2
00 0200	INSTRUCTIONS TO PROPOSERS	00 0200 - 1 THRU 00 0200 - 7
00 0210	CONTRACTOR EVALUATION CRITERIA	00 0200 - 1
00 0410	PROPOSAL FORM	00 0410 - 1 THRU 00 0410 - 4
	RAFT AIA DOCUMENT A101 - 2007	1 THRU 7
<u>CONTRACTING REQUIREMENTS</u>		
00 0500	AGREEMENT	00 0500 - 1 THRU 00 0500 - 8
00 0600	BONDS AND CERTIFICATES	00 0600 - 1
00 0700	GENERAL CONDITIONS	00 0700 - 1 THRU 00 0700 - 16
00 0800	SUPPLEMENTARY CONDITIONS	00 0800 - 1
<u>CONSTRUCTION PRODUCTS AND ACTIVITIES</u>		
<u>DIVISION 01 - GENERAL REQUIREMENTS</u>		
01 1000	SUMMARY	01 1000 - 1 THRU 01 1000 - 3
01 2100	ALLOWANCES	01 2100 - 1 THRU 01 2100 - 2
01 2200	UNIT PRICES	01 2200 - 1 THRU 01 2200 - 2
01 2500	SUBSTITUTION PROCEDURES	01 2500 - 1 THRU 01 2500 - 4
01 2600	CONTRACT MODIFICATION PROCEDURES	01 2600 - 1 THRU 01 2600 - 3
01 2900	PAYMENT PROCEDURES	01 2900 - 1 THRU 01 2900 - 4
01 3100	PROJECT MANAGEMENT AND COORDINATION	01 3100 - 1 THRU 01 3100 - 5
01 3200	CONSTRUCTION PROGRESS DOCUMENTATION	01 3200 - 1 THRU 01 3200 - 4
01 3233	PHOTOGRAPHIC DOCUMENTATION	01 3233 - 1 THRU 01 3233 - 3
01 3300	SUBMITTAL PROCEDURES	01 3300 - 1 THRU 01 3300 - 8
01 4000	QUALITY REQUIREMENTS	01 4000 - 1 THRU 01 4000 - 5
01 4200	REFERENCES	01 4200 - 1 THRU 01 4200 - 6
01 5000	TEMPORARY FACILITIES AND CONTROLS	01 5000 - 1 THRU 01 5000 - 4
01 6000	PRODUCT REQUIREMENTS	01 6000 - 1 THRU 01 6000 - 7
01 6100	SUBSTITUTION REQUEST FORM	01 6100 - 1
01 7300	EXECUTION	01 7300 - 1 THRU 01 7300 - 4
01 7329	CUTTING AND PATCHING	01 7329 - 1 THRU 01 7329 - 3
01 7700	CLOSEOUT PROCEDURES	01 7700 - 1 THRU 01 7700 - 5
01 7839	PROJECT RECORD DOCUMENTS	01 7839 - 1 THRU 01 7839 - 3
01 7850	APPLICATOR'S WARRANTY	01 7850 - 1 THRU 01 7850 - 2

EXHIBIT "A"
DOCUMENT 00 0010 - TABLE OF CONTENTS

<u>NUMBER</u>	<u>TITLE</u>	<u>PAGES</u>
<u>DIVISION 06 - WOOD, PLASTICS, AND COMPOSITES</u>		
06 1055	ROOFING CARPENTRY	06 1055 - 1 THRU 06 1055 - 5
<u>DIVISION 07 - THERMAL AND MOISTURE PROTECTION</u>		
07 0150.19	ROOF REPLACEMENT PREPARATION	07 0150.19 - 1 THRU 07 0150.19 - 8
07 5216	STYRENE-BUTADIENE-STYRENE (SBS) MODIFIED BITUMINOUS MEMBRANE ROOFING	07 5216 - 1 THRU 07 5216 - 17
07 6200	SHEET METAL FLASHING AND TRIM	07 6200 - 1 THRU 07 6200 - 15
07 7129	MANUFACTURED ROOF EXPANSION JOINTS	07 7129 - 1 THRU 07 7129 - 3
07 7200	ROOF ACCESSORIES	07 7200 - 1 THRU 07 7200 - 9
07 9200	ROOFING SEALANTS	07 9200 - 1 THRU 07 9200 - 6
<u>DIVISION 22 - PLUMBING</u>		
22 0500	COMMON WORK RESULTS FOR PLUMBING	22 0500 - 1 THRU 22 0500 - 5
<u>DIVISION 23 - HEATING VENTILATING AND AIR CONDITIONING</u>		
23 0500	COMMON WORK RESULTS FOR HVAC	23 0500 - 1 THRU 23 0500 - 5
<u>DIVISION 26 - ELECTRICAL</u>		
26 0500	COMMON WORK RESULTS FOR ELECTRICAL	26 0500 - 1 THRU 26 0500 - 5

LIST OF DRAWINGS

<u>DRAWING NUMBER</u>	<u>TITLE</u>	<u>DATE</u>
R-1	ROOF PLAN	MARCH 26, 2012
R-2	ROOF DETAILS	MARCH 26, 2012

END OF TABLE OF CONTENTS

11. SCHEDULE OF UNIT PRICES:

11.1. Proposer proposes following sums as additions to or deductions from the Base Proposal amount for Unit Price Work more fully described in referenced Specification Sections in the Contract Documents. Proposer must provide an amount for each Unit Price item listed or entire Proposal may be considered non-responsive.

<u>SPECIFICATION SECTION</u>	<u>ITEM</u>	<u>UNIT PRICE</u>	<u>UNIT OF MEASURE</u>
07 0150.19	Replace Steel Roof Deck (Following Sizes):		
11.1.	1-panel wide x 1 span (5-6 feet)	\$ <u>126.00</u>	per Each
11.2.	1-panel wide x 2 spans (11-12 feet)	\$ <u>252.00</u>	per Each
11.3.	2-panels wide x 2 span (11-12 feet)	\$ <u>509.00</u>	per Each
11.4.	Over 200 square feet in one area	\$ <u>7.00</u>	per Square Ft
07 0150.19	Repair Lightweight Concrete Roof Deck (Following Sizes):		
11.5.	2-feet x 2-feet	\$ <u>28.00</u>	per Each
11.6.	4-feet x 4-feet	\$ <u>112.00</u>	per Each
11.7.	Over 200 square feet in one area	\$ <u>7.00</u>	per Square Ft
07 0150.19	Replace Wood Blocking (Following Nominal Sizes):		
11.8.	2x4	\$ <u>30.00</u>	per Ten Linear Ft
11.9.	2x6	\$ <u>40.00</u>	per Ten Linear Ft
11.10.	2x8	\$ <u>50.00</u>	per Ten Linear Ft
11.11.	2x10	\$ <u>70.00</u>	per Ten Linear Ft
11.12.	2x12	\$ <u>10.00</u>	per Ten Linear Ft
11.13.	1x4	\$ <u>3.00</u>	per Ten Linear Ft
11.14.	1x6	\$ <u>40.00</u>	per Ten Linear Ft
11.15.	1-x 12-inch plywood	\$ <u>20.00</u>	per Ten Linear Ft
26 0500	Replace Conduit (Following Sizes):		
11.16.	1-inch	\$ <u>12.00</u>	per Ten Linear Ft
11.17.	2-inch	\$ <u>30.00</u>	per Ten Linear Ft

12. SCHEDULE OF ROOF AREA and INTENDED MANUFACTURER:

12.1. Provide total roof area and proposed membrane manufacturer in spaces below.

12.2. **TOTAL ROOF AREA:** _____ **SQUARE FEET**

12.3. **INTENDED MANUFACTURER –** _____
Modified Roofing System: _____

May 1, 2012

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

Subject: City of Tomball – Police Department / Jail Roof Replacement
Project Number 2012-05
Proposal Review and Recommendation

Dear Mr. Kauffman:

I have reviewed the six (6) Proposals received on April 30, 2012 in response to the City of Tomball Request for Proposal based on the Proposal Documents prepared by Amtech Building Sciences, Inc. for this Project. Based upon the information included in these Proposals I prepared the attached Proposal Tabulation of all that were submitted. Based on discussions with Ms. Teresa Witt and Mr. Steve Purvis following the public opening of these Proposals, I prepared the attached Evaluation Criteria Summary for the three lowest base Proposal Contract Amounts (cost) and graded each Proposer according to the Evaluation Criteria established in the Proposal Documents.

Based on the Evaluation Criteria Summary, Reliable Commercial Roofing Services, Inc. scored the highest point total and is the Roofing Contractor to which I recommend the City of Tomball award this Project. I have prepared and attached a DRAFT "AIA A101 – 2007 Standard Form of Agreement Between Owner and Contractor" for your consideration. Once this is accepted, I will prepare a Final AIA A101 for signature by both parties.

Although Sea-Breeze Roofing, Inc. had an equal Base Bid Amount in their Proposal, they did not score as well on the Evaluation Criteria, primarily because I do not have as much personal experience working with them.

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

Sincerely,

AMTECH BUILDING SCIENCES, INC.



William G. Hutz, AIA
Architect

Attachments:

Police-Jail Roof Proposal Evaluation Scores & Summary (4-30-12) – 4 pages
Tomball Police-Jail Proposal Tabulation (4-30-12) – 4 pages
AIA A101 – 2007 Standard Form of Agreement Between Owner and Contractor
(DRAFT) - 10 pages

SUMMARY

Evaluation Criteria Summary

			Reliable Commercial Roofing Services, Inc.	Sea-Breeze Roofing, Inc.	Restoration Services, Inc.
	Relative Weight	Score (1-5)	Weighted Score	Weighted Score	Weighted Score
Quantitative Criteria					
1. Contract Amount (60%)	60%	5	60	60	36
2. Proposed Duration (days) (2%)	2%	5	1.6	2	1.6
Qualitative Criteria					
3. Contractor Qualifications (3%)	3%	1	3	1.8	3
4. Sub-Contractor Qualifications (3%)	3%	1	1.8	1.8	1.8
5. Contractor's Relevant Experience (3%)	3%	1	3	3	3
6. Contractor's Safety Record (3%)	3%	1	3	2.4	3
7. MWBE Plan / Compliance (10%)	10%	1	6	6	6
8. Cost Savings / Methodology (3%)	3%	5	1.8	1.8	1.8
9. Contractor's Proposed Personnel (10%)	10%	1	10	6	8
10. Contractor's Bonding and Stability (3%)	3%	1	3	2.4	3
Total of All Criteria (100 points maximum)			93.2	87.2	67.2

###

Indicates Highest Weighted Score

Reliable Commercial Roofing Ser

Evaluation Criteria

	Relative Weight	Score (1-5)	Weighted Score
Quantitative Criteria			
1. Contract Amount (60%)	60%	5	60
2. Proposed Duration (days) (2%)	2%	4	1.6
Qualitative Criteria			
3. Contractor Qualifications (3%)	3%	5	3
4. Sub-Contractor Qualifications (3%)	3%	3	1.8
5. Contractor's Relevant Experience (3%)	3%	5	3
6. Contractor's Safety Record (3%)	3%	5	3
7. MWBE Plan / Compliance (10%)	10%	3	6
8. Cost Savings / Methodology (3%)	3%	3	1.8
9. Contractor's Proposed Personnel (10%)	10%	5	10
10. Contractor's Bonding and Stability (3%)	3%	5	3
Total of All Criteria (100 points maximum)			93.2

Sea-Breeze Roofing, Inc.

Evaluation Criteria

	Relative Weight	Score (1-5)	Weighted Score
Quantitative Criteria			
1. Contract Amount (60%)	60%	5	60
2. Proposed Duration (days) (2%)	2%	5	2
Qualitative Criteria			
3. Contractor Qualifications (3%)	3%	3	1.8
4. Sub-Contractor Qualifications (3%)	3%	3	1.8
5. Contractor's Relevant Experience (3%)	3%	5	3
6. Contractor's Safety Record (3%)	3%	4	2.4
7. MWBE Plan / Compliance (10%)	10%	3	6
8. Cost Savings / Methodology (3%)	3%	3	1.8
9. Contractor's Proposed Personnel (10%)	10%	3	6
10. Contractor's Bonding and Stability (3%)	3%	4	2.4
Total of All Criteria (100 points maximum)			87.2

Restorattion Services Inc.

Evaluation Criteria

	Relative Weight	Score (1-5)	Weighted Score
Quantitative Criteria			
1. Contract Amount (60%)	60%	3	36
2. Proposed Duration (days) (2%)	2%	4	1.6
Qualitative Criteria			
3. Contractor Qualifications (3%)	3%	5	3
4. Sub-Contractor Qualifications (3%)	3%	3	1.8
5. Contractor's Relevant Experience (3%)	3%	5	3
6. Contractor's Safety Record (3%)	3%	5	3
7. MWBE Plan / Compliance (10%)	10%	3	6
8. Cost Savings / Methodology (3%)	3%	3	1.8
9. Contractor's Proposed Personnel (10%)	10%	4	8
10. Contractor's Bonding and Stability (3%)	3%	5	3
Total of All Criteria (100 points maximum)			67.2

City of Tomball

PROPOSAL RESULTS

AMTECH BUILDING SCIENCES, INC.

10520 Meadowglen Lane
Houston, TX 77042
713-266-4829 Phone
713-266-4799 FAX

Police-Jail - PROPOSALS

Ranking - Low to High							Proposed Mfr.		
	Bidder	Base Proposal (\$)	P&P Bonds	Base less P&P Bonds	Received Add. #1	Contract Days	SBS Modified		
		1.1	8.2				12.3	Variance from Low Base Proposal	
1	Reliable Commercial Roofing, Inc.	\$ 139,000.00	\$ 2,100.00	\$ 136,900.00	Y	30	GAF	\$ -	
2	Sea Breeze Roofing	\$ 139,000.00	\$ 5,000.00	\$ 134,000.00	Y	25	Johns Manville	\$ -	
3	Restoration Services, Inc.	\$ 142,996.00	\$ 2,260.00	\$ 140,736.00	Y	30	Soprema	\$ 3,996.00	3%
4	F. W. Walton, Inc.	\$ 157,622.00	\$ 3,150.00	\$ 154,472.00	Y	30	Soprema	\$ 18,622.00	13%
5	PRC Roofing Company, Inc.	\$ 176,132.00	\$ 3,620.00	\$ 172,512.00	Y	30	Firestone	\$ 37,132.00	27%
6	Atlas Universal	\$ 186,000.00	\$ 189,720.00	\$ (3,720.00)	Y	30	Soprema	\$ 47,000.00	34%
7	Con-Tex Services, LP	No Bid							
8	Hallmark-Farrell Roofing	No Bid							
9	J. Reynolds & Co., Inc.	No Bid							
10	NS Lonestar	No Bid							
11	Taylor Contracting & Roofing	No Bid							
	Low Price in Category	\$ 139,000.00	\$ 2,100.00	\$ (3,720.00)		25			
	High Price in Category	\$ 186,000.00	\$ 189,720.00	\$ 172,512.00		30			
	Average Price	\$ 156,791.67	\$ 34,308.33	\$ 122,483.33		29.2			
			Listed in Order of Proposal Cost Ranking						
		\$ ###	Bold type indicates best Price in category						
		\$ or ????	Red Bold type indicates missing required information						
		*	Indicates Revised Proposal Form Submitted after July 7, 2011 10 AM Proposal Receipt Time						

City of Tomball

PROPOSAL RESULTS

AMTECH BUILDING SCIENCES, INC.

10520 Meadowglen Lane
Houston, TX 77042
713-266-4829 Phone
713-266-4799 FAX

Police-Jail - UNIT PRICES

Ranking - Low to High	Bidder	Unit Prices																
		07 0150.19 Replace Steel Roof Deck				07 0150.19 Repair Lightweight Concrete Roof Deck			07 0150.19 Wood Blocking by 10 LF								Conduit Replacement	
		1-panel wide x 1 span (5-6 feet)	1-panel wide x 2 span (11-12 feet)	2-panel wide x 2 span (11-12 feet)	Over 200 SF in one area	2-feet x 2-feet	2-feet x 2-feet	Over 200 SF in one area	2 x 4	2 x 6	2 x 8	2 x 10	2 x 12	1 x 4	1 x 6	1 x 12 Plywd	1-inch	2-inch
		11.5	11.6	11.6	11.7	11.2	11.3	11.4	11.8	11.9	11.10	11.11	11.12	11.13	11.14	11.15	11.16	11.17
1	Reliable Commercial Roofing, Inc.	\$ 126.00	\$ 252.00	\$ 509.00	\$ 28.00	\$ 112.00	\$ 40.00	\$ 7.00	\$ 30.00	\$ 40.00	\$ 50.00	\$ 70.00	\$ 10.00	\$ 3.00	\$ 40.00	\$ 20.00	\$ 12.00	\$ 30.00
2	Sea Breeze Roofing	\$ 108.00	\$ 216.00	\$ 432.00	\$ 5.50	\$ 14.00	\$ 56.00	\$ 3.25	\$ 55.00	\$ 55.00	\$ 55.00	\$ 60.00	\$ 65.00	\$ 55.00	\$ 55.00	\$ 15.00	\$ 100.00	\$ 150.00
3	Restoration Services, Inc.	\$ 150.00	\$ 300.00	\$ 600.00	\$ 7.50	\$ 35.00	\$ 105.00	\$ 6.00	\$ 25.00	\$ 30.00	\$ 30.00	\$ 35.00	\$ 35.00	\$ 20.00	\$ 25.00	\$ 45.00	\$ 450.00	\$ 650.00
4	F. W. Walton, Inc.	\$ 144.00	\$ 288.00	\$ 566.00	\$ 1,600.00	\$ 36.00	\$ 144.00	\$ 1,800.00	\$ 1.50		\$ 2.50	\$ 3.00	\$ 3.50	\$ 1.50	\$ 2.00	\$ 60.00	\$ 15.00	\$ 20.00
5	PRC Roofing Company, Inc.	\$ 165.00	\$ 195.00	\$ 450.00	\$ 6.50	\$ 45.00	\$ 80.00	\$ 5.50	\$ 15.00	\$ 20.00	\$ 25.00	\$ 40.00	\$ 50.00	\$ 10.00	\$ 15.00	\$ 40.00	\$ 250.00	\$ 500.00
6	Atlas Universal	\$ 300.00	\$ 600.00	\$ 1,200.00	\$ 1,800.00	\$ 225.00	\$ 500.00	\$ 1,200.00	\$ 20.00	\$ 3.50	\$ 4.75	\$ 7.00	\$ 14.00	\$ 2.00	\$ 2.75	\$ 12.00	\$ 10.00	\$ 22.50
7	Con-Tex Services, LP																	
8	Hallmark-Farrell Roofing																	
9	J. Reynolds & Co., Inc.																	
10	NS Lonestar																	
11	Taylor Contracting & Roofing																	
	Low Price in Category	\$ 108.00	\$ 195.00	\$ 432.00	\$ 5.50	\$ 14.00	\$ 40.00	\$ 3.25	\$ 1.50	\$ 3.50	\$ 2.50	\$ 3.00	\$ 3.50	\$ 1.50	\$ 2.00	\$ 12.00	\$ 10.00	\$ 20.00
	High Price in Category	\$ 300.00	\$ 600.00	\$ 1,200.00	\$ 1,800.00	\$ 225.00	\$ 500.00	\$ 1,800.00	\$ 55.00	\$ 55.00	\$ 55.00	\$ 70.00	\$ 65.00	\$ 55.00	\$ 55.00	\$ 60.00	\$ 450.00	\$ 650.00
	Average Price	\$ 165.50	\$ 308.50	\$ 626.17	\$ 574.58	\$ 77.83	\$ 154.17	\$ 503.63	\$ 24.42	\$ 29.70	\$ 27.88	\$ 35.83	\$ 29.58	\$ 15.25	\$ 23.29	\$ 32.00	\$ 139.50	\$ 228.75
		\$ ###	Bold type indicates best Price in category															
		###	Red Bold type indicates apparent error															
		*	Indicates Revised Proposal Form Submitted after July 7, 2011 10 AM Proposal Receipt Time															

City of Tomball

PROPOSAL RESULTS

AMTECH BUILDING SCIENCES, INC.

10520 Meadowglen Lane
Houston, TX 77042
713-266-4829 Phone
713-266-4799 FAX

Police-Jail - UNIT PRICES

Ranking - Low to High		Subcontractor information							
		Proposed Subcontractor				Proposed Subcontract Amounts			
		Carpentry 13.2	Mechanical 13.3	Plumbing 13.4	Electrical 13.5	Carpentry 13.2	Mechanical 13.3	Plumbing 13.4	Electrical 13.5
	Bidder								
1	Reliable Commercial Roofing, Inc.	N/A	Martin Mechanical	Gemini	TRB	\$ -	\$ -	\$ -	\$ -
2	Sea Breeze Roofing	N/A	N/A	N/A	N/A	\$ -	\$ -	\$ -	\$ -
3	Restoration Services, Inc.	N/A	Blue Northern	N/A	N/A	\$ -	\$ 1,500.00	\$ -	\$ -
4	F. W. Walton, Inc.	Walton	Graco	Walton	Graco	\$ -	\$ 350.00	\$ -	\$ 350.00
5	PRC Roofing Company, Inc.	N/A	NDSC Heating & Air	N/A	NDSC Heating & Air	\$ -	\$ 1,200.00	\$ -	\$ 600.00
6	Atlas Universal	N/A	N/A	N/A	N/A	\$ -	\$ -	\$ -	\$ -
7	Con-Tex Services, LP								
8	Hallmark-Farrell Roofing								
9	J. Reynolds & Co., Inc.								
10	NS Lonestar								
11	Taylor Contracting & Roofing								
	Low Price in Category					\$ -	\$ -	\$ -	\$ -
	High Price in Category					\$ -	\$ 1,500.00	\$ -	\$ 600.00
	Average Price					\$ -	\$ 508.33	\$ -	\$ 158.33

City of Tomball

PROPOSAL RESULTS

AMTECH BUILDING SCIENCES, INC.

10520 Meadowglen Lane
Houston, TX 77042
713-266-4829 Phone
713-266-4799 FAX

Police-Jail - BREAKDOWN

Ranking - Low to High			Roof Area and Price			
	Bidder					
		Proposed Contract Time (days)	Roof Area 12.2	Price	\$ per SF	Variance from Low Bid
1	Reliable Commercial Roofing, Inc.	30	12,200	\$ 139,000	\$ 11.39	\$ -
2	Sea Breeze Roofing	25	14,500	\$ 139,000	\$ 9.59	\$ -
3	Restoration Services, Inc.	30	11,800	\$ 142,996	\$ 12.12	\$ 3,996.00
4	F. W. Walton, Inc.	30	11,100	\$ 157,622	\$ 14.20	\$ 18,622.00
5	PRC Roofing Company, Inc.	30	11,800	\$ 176,132	\$ 14.93	\$ 37,132.00
6	Atlas Universal	30	12,000	\$ 186,000	\$ 15.50	\$ 47,000.00
7	Con-Tex Services, LP	0		No Bid		
8	Hallmark-Farrell Roofing	0		No Bid		
9	J. Reynolds & Co., Inc.	0		No Bid		
10	NS Lonestar	0		No Bid		
11	Taylor Contracting & Roofing	0		No Bid		
	Low Price in Category		11,100	\$ 139,000	\$ 9.59	
	High Price in Category		14,500	\$ 186,000	\$ 15.50	
	Average		12,233	\$ 156,792	\$ 12.95	
		\$ ###		Bold type indicates best Price in category		
		###		Red Bold type indicates apparent error		