

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



MONDAY, AUGUST 22, 2011

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, August 22, 2011 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 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*
- 3.0 Old Business:
 - 3.1 Adopt on Second Reading, Ordinance No. 2011-15, an Ordinance Terminating the Designation of a Continuous Geographic Area within the City of Tomball as Tax Increment Reinvestment Zone Number One, City of Tomball, Texas, for Tax Increment Financing Purposes, Pursuant to Chapter 311 of the Texas Tax Code; Containing Findings and Provisions related to the Termination; Providing for Severability; and Providing an Effective Date
 - 3.2 Adopt on Second Reading, Ordinance No. 2011-17; an Ordinance amending

Chapter 38 of the Code of Ordinances of the City of Tomball, Texas to add a New Article IV, Drainage Design, to Chapter 38, Flood Damage Prevention, to allow Minimum Standards for Stormwater Drainage System Design to be adopted by Resolution of City Council; Providing a Penalty in an Amount of Not More than \$2,000 for Violation of any Provision Hereof, with Each Day Constituting a Separate Violation; Providing for Savings and Severability; Providing for Publication; and Making Other Provisions and Findings Related Thereto.

- 3.3 Adopt, on Second Reading, Ordinance No. 2011-20, Establishing Rates and Charges for Potable Water, Sanitary Sewer, Natural Gas, and Garbage Collection and Disposal Services; Repealing Ordinance No. 2010-18 and all Other Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; Providing for an Effective Date; Providing other Matters Relating to the Subject; and Providing for Severability

4.0 New Business:

- 4.1 Public Hearing for the Purpose of Adopting the City of Tomball's Budget for Fiscal Year 2011-2012
- 4.2 Adopt, on First Reading, Ordinance No. 2011-18, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2011-2012; and Authorizing the City Manager to Approve Intra-departmental (within the same Department only) Transfers of Budgeted Funds; and Providing other Details Relating to the Passage of This Ordinance.
- 4.3 Presentation and Possible Action to Approve Proposed Participation Agreement for a "*Today in America*" Video, to Approve Payment of a Scheduling Fee by the City of Tomball and/or Tomball Economic Development Corporation in the Amount of \$24,800, and to Authorize the Mayor or Executive Director of the TEDC to Execute the Participation Agreement

5.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 19th day of August 2011 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

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

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

Special City Council

Agenda Item

Meeting Date: August 22, 2011

Data Sheet

Topic:

Adopt on Second Reading, Ordinance No. 2011-15, an Ordinance Terminating the Designation of a Continuous Geographic Area within the City of Tomball as Tax Increment Reinvestment Zone Number One, City of Tomball, Texas, for Tax Increment Financing Purposes, Pursuant to Chapter 311 of the Texas Tax Code; Containing Findings and Provisions related to the Termination; Providing for Severability; and Providing an Effective Date

Background:

On September 17, 2007, the City of Tomball created Tax Increment Reinvestment Zone (TIRZ) #1. The proposed Lakes at Crosspoint development requested the TIRZ to help facilitate financing infrastructure construction and other needs related to that project. The Lakes at Crosspoint project is no longer proposed and the majority of the land is under new ownership. The new majority landowners have requested termination of the TIRZ since it can no longer serves its original intent.

Since TIRZ 1 never advanced beyond Council approval (i.e. no Board appointed, no project plans approved, and no bonds issued), the Council can terminate the zone by simple ordinance.

Termination of TIRZ 1 does not prohibit future developments or prevent the City from creating a new zone in a similar area if the area meets the criteria for TIRZ creation.

Origination:

City Manager's Office

Recommendation:

Adopt Ordinance No. 2011-17 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. 2011-15 - Dissolution of TIRZ1

ORDINANCE NO. 2011-15

AN ORDINANCE TERMINATING THE DESIGNATION OF A CONTINUOUS GEOGRAPHIC AREA WITHIN THE CITY OF TOMBALL AS TAX INCREMENT REINVESTMENT ZONE NUMBER ONE, CITY OF TOMBALL, TEXAS, FOR TAX INCREMENT FINANCING PURPOSES, PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE TERMINATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, on September 17, 2007, after all required notices and hearings, and after review and consideration of the preliminary reinvestment zone project and financing plan, the City Council of the City of Tomball passed and approved Ordinance No. 2007-09, which created a reinvestment zone, pursuant to Chapter 311 of the Texas Tax Code, as amended (the “Act”), within the area of the City as described in Exhibit “A” attached hereto and referred to as Tax Increment Reinvestment Zone Number One (the “Zone”); and

WHEREAS, Section 4 of Ordinance 2007-09 provides as follows:

Section 4. Duration of the Zone.

The Zone shall take effect on January 1, 2008, for the deposit of tax increments into the Tax Increment Fund established pursuant to Section 7 of this Ordinance, and termination of the operation of the Zone shall occur on December 31, 2037, or at an earlier time designated by subsequent ordinance, or at such time, subsequent to the issuance of tax increment bonds, if any, that all project costs, tax increment bonds, notes and other obligations of the Zone, and the interest thereon, have been paid in full.

; and

WHEREAS, the Zone was created to facilitate the proposed multi-use development (the “Lakes at Crosspoint”) in a predominantly open, underdeveloped area that lacked public utilities which impaired and arrested the sound growth of the City; and

WHEREAS, the Lakes of Crosspoint project is no longer proposed for development; therefore, the Zone's final project and financing plans were not developed and the Zone's Board was never created; and

WHEREAS, the Zone does not have any outstanding project costs, tax increment bonds, interest on any bonds, or other obligations; and

WHEREAS, the City of Tomball desires to terminate the Zone and hereby set an effective date for termination of the Zone;

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

Section 1. Findings.

The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are adopted as part of this Ordinance for all purposes.

Section 2. Termination of the Zone.

The City, acting under the provisions of the Act, including Section 311.017(a)(1) thereof, does hereby terminate the designation of the reinvestment zone, named "Tax Increment Reinvestment Zone Number One", over the area described in Exhibit "A" and depicted in the map attached hereto as Exhibit "B". The effective date for the termination of the Zones is the date of this Ordinance and such termination is effective immediately.

Section 3. Tax Increment Fund.

The City hereby terminates the Tax Increment Fund created for payment of any obligations or project costs of the Zone since no tax increment bonds or other obligations have been issued and any and all project costs have been paid in full.

Section 4. Severability.

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person to set circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining provisions of this Ordinance or their application to other persons or set of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or regulations connected herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

Section 8. Open Meetings.

It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the Time required by law preceding its meeting, as required by the Texas Open Meetings Act, Texas Government Code, Ch. 551, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered, and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

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 15TH DAY OF AUGUST 2011.

COUNCILMEMBER HUDGENS	<u>AYE</u>
COUNCILMEMBER STOLL	<u>AYE</u>
COUNCILMEMBER BROWN	<u>AYE</u>
COUNCILMEMEBER TOWNSEND	<u>AYE</u>
COUNCILMEMEMBER 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 22ND DAY OF
AUGUST 2011.

COUNCILMEMBER HUDGENS	_____
COUNCILMEMBER STOLL	_____
COUNCILMEMBER BROWN	_____
COUNCILMEMEBER TOWNSEND	_____
COUNCILMEMEMBER DODSON	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

EXHIBIT "A"

BOUNDARY DESCRIPTION

264.873 Acres

John S. Smith Survey, Abstract Number 730

Jesse Pruitt Survey, Abstract Number 629

Harris County, Texas

Being a 264.873 acre tract of land situated in the John S. Smith Survey, Abstract Number 730, and the Jesse Pruitt Survey, Abstract Number 629, both of Harris County, Texas, being all of a called 93.3660 acre tract described in deed recorded in Clerk's File Number D421761, all of a called 0.972 acre tract described in deed recorded in Clerk's File Number Z376562, all of a called 7.0483 acre tract described in deed recorded in Clerk's File Number R739130, all of a called 9.5140 acre tract described in deed recorded in Clerk's File Number F258268, all of a called 20.68 acre tract described in deed recorded in Clerk's File Number D821485, all of a called 10.0447 acre tract described in deed recorded in Clerk's File Number D580465, all of a called 7.6527 acre tract described in deed recorded in Clerk's File Number D580475, all of a called 4.5874 acre tract described in deed recorded in Clerk's File Number D580465, all of a called 78.5298 acre tract described in deed recorded in Clerk's File Number X170158, and all of a called 4.000 acre tract described in deed recorded in Clerk's File Number Z177722, all of the Real Property Records of Harris County, Texas, and being all of a called 0.75 acre tract described in deed recorded in Volume 3273, Page 361, all of a called 6.68 acre tract described in deed recorded in Volume 941, Page 462, all of a second called 6.68 acre tract described in deed recorded in Volume 1101, Page 507, all of the Deed Records of Harris County, Texas, together with all of Lot 8 of the Stockley Estates Partition as described in instrument recorded in Volume 1163, Page 270 of said Deed Records, and part of Unrestricted Reserve "B", Block One of TOMBALL EAST GATE CENTER, a subdivision in Harris County, Texas according to the map or plat thereof recorded in Film Code Number 542107 of the Map Records of Harris County, Texas; said 264.873 acres being more particularly described as follows with all bearings based on the recorded deed for the 93.3660 acre tract;

BEGINNING at a 5/8 inch iron rod, found for the most Easterly Northeast corner of the herein described tract, common with the most Easterly Northeast corner of the 93.3660 acre tract, same being in the West right-of-way line of FM 2978, and proceeding:

THENCE S 00°24'20" W, a distance of 1,873.08 feet, along the outer East line of the herein described tract, common with an East line of the 93.3660 acre tract, the East line of the 0.972 acre tract, the lower East line of the 93.3660 acre tract, and the West right-of-way line of FM 2978, to a concrete monument, found at the beginning of a curve to the right;

THENCE continuing along the outer East line of the herein described tract, common with the lower East line of the 93.3660 acre tract, the East line of the 7.0483 acre tract, the East line of the 9.5140 acre tract, and the West right-of-way line of FM 2978, around said curve to the right, having a radius of 3,759.77 feet, a central angle of 11°56'16", an arc length of 783.36 feet, and a chord which bears S 06°22'28"W, 781.94 feet, to a point for corner;

THENCE S 12°26'14" W, 474.45 feet, continuing along the outer East line of the herein described tract, common with the East line of the 9.5140 acre tract and the West right-of-way line of FM 2978, to a point for corner;

THENCE S 12°21'25" W, 1,309.80 feet, continuing along the outer East line of the herein described tract, common with the outer East line of the 78.5298 acre tract, the East line of said Unrestricted Reserve "B", and the West right-of-way line of FM 2978, to a point for the most Easterly Southeast corner of the herein described tract;

THENCE S 89°22'22" W, 202.48 feet, along a South line of the herein described tract, and severing Unrestricted Reserve "B", to a point for an interior corner of the herein described tract;

THENCE S 12°24'29" W, 77.29 feet, along an East line of the herein described tract, and continuing to sever Unrestricted Reserve "B", to a point for corner;

THENCE S 89°23'50" W, 180.27 feet, along a South line of the herein described tract, common with the upper South line of Unrestricted Reserve "B", to a point for an interior corner of the herein described tract;

THENCE S 00°29'06" E, 197.39 feet, along the lower East line of the herein described tract, common with the lower East line of Unrestricted Reserve "B", to a point for the most Southerly Southeast corner of the herein described tract, same being in the North right-of-way line of FM 2920;

THENCE S 89°26'55" W, 1,293.66 feet, along the lower South line of the herein described tract, common with the lower South line of Unrestricted Reserve "B", the lower South line of the 78.5298 acre tract, and the North right-of-way line of FM 2920, to a point for the most Southerly Southwest corner of the herein described tract;

THENCE N 08°51'17" W, a distance of 1,323.96 feet, along the lower West line of the herein described tract, common with the lower West line of the 78.5298 acre tract, the West line of the 4.000 acre tract, and the upper West line of the 78.5298 acre tract, to a point for corner;

THENCE N 00°19'31" E, a distance of 2,047.81 feet, continuing along the lower West line of the herein described tract, common with the upper West line of the 78.5298 acre tract, the West line of the first 6.68 acre tract and the West line of the second 6.68 acre tract, to a 3/8 inch iron rod, found for an interior corner of the herein described tract, common with the Northwest corner of the second 6.68 acre tract, same being in the South line of the 10.0447 acre tract;

THENCE N 89°49'53" W, a distance of 781.37 feet, along an upper South line of the herein described tract, common with the South line of the 10.0447 acre tract, the South line of said Lot 8, the South line of the 7.6527 acre tract and the South line of the 4.5874 acre tract, to an iron rod with survey cap stamped "EIC", found for the most Westerly Southwest corner of the herein described tract, common with the Southwest corner of the 4.5874 acre tract, same being in the East right-of-way line of Snook Road;

THENCE N 00°28'45" E, a distance of 813.76 feet, along the outer West line of the herein described tract, common with the West line of the 4.5874 acre tract and the East right-of-way line of Snook Road, to an iron rod with survey cap stamped "EIC", found for the most Westerly Northwest corner of the herein described tract, common with the most Westerly Northwest corner of the 4.5874 acre tract;

THENCE along the North line of the 4.5874 acre tract, and the West, Northwest, East and lower North lines of the 7.6527 acre tract, the following bearings and distances:

S 89°56'02" E, a distance of 99.67 feet;

N 00°07'47" E, a distance of 75.39 feet, to an axle;

S 85°56'51" E, a distance of 140.52 feet, to a one inch iron pipe;

N 00°09'36" E, a distance of 187.23 feet;

S 90°00'00" W, a distance of 36.75 feet;

N 00°02'50" E, a distance of 345.44 feet, to an iron rod with survey cap stamped "EIC";

N 56°28'52" E, a distance of 236.92 feet, to an iron rod with survey cap stamped "EIC";

S 00°09'36" W, a distance of 481.48 feet, to a 5/8 inch iron rod; and

S 88°47'58" E, a distance of 73.31 feet, to a 1/2 inch iron pipe, found for corner, common with the lower Northeast corner of the 7.6527 acre tract and the Northwest corner of said Lot 8;

THENCE along the North line of said Lot 8 and the North line of the 10.0447 acre tract, the following bearings and distances:

N 89°44'26" E, a distance of 126.58 feet, to a 5/8 inch iron rod; and

S 89°22'20" E, a distance of 581.78 feet, to an iron rod with survey cap stamped "EIC", found for an interior corner of the herein described tract, common with the Northeast corner of the 10.0447 acre tract, same being in the upper West line of the 93.3660 acre tract;

THENCE N 00°28'13" E, a distance of 1,017.76 feet, along the upper West line of the herein described tract, common with the upper West line of the 93.3660 acre tract, to a 1 inch iron pipe, found for the Northwest corner of the herein described tract, common with the Northwest corner of the 93.3660 acre tract;

THENCE S 89°11'33" E, a distance of 828.82 feet, along the upper North line of the herein described tract, common with the upper North line of the 93.3660 acre tract, to a 5/8 inch iron rod, found for the most Northerly Northeast corner of the herein described tract, common with the most Northerly Northeast corner of the 93.3660 acre tract;

THENCE S 00°15'15" E, a distance of 732.15 feet, along the upper East line of the herein described tract, common with the upper East line of the 93.3660 acre tract, to a 5/8 inch iron rod, found for an interior corner of the herein described tract, common with an interior corner of the 93.3660 acre tract;

THENCE S 89°48'32" E, a distance of 381.21 feet, along a North line of the herein described tract, common with the lower North line of the 93.3660 acre tract, to a 5/8 inch iron rod, found for corner;

THENCE S 89°49'17" E, a distance of 737.15 feet, continuing along a North line of the herein described tract, common with the lower North line of the 93.3660 acre tract, back to the **POINT OF BEGINNING** and containing 264.873 acres of land.

(signed) Steven L. Crews

Steven L. Crews, Registered Professional Land Surveyor, Number 4141

06-0336T

08/06/07

EXHIBIT “B”
BOUNDARY MAP

Special City Council

Agenda Item

Meeting Date: August 22, 2011

Data Sheet

Topic:

Adopt on Second Reading, Ordinance No. 2011-17; an Ordinance amending Chapter 38 of the Code of Ordinances of the City of Tomball, Texas to add a New Article IV, Drainage Design, to Chapter 38, Flood Damage Prevention, to allow Minimum Standards for Stormwater Drainage System Design to be adopted by Resolution of City Council; Providing a Penalty in an Amount of Not More than \$2,000 for Violation of any Provision Hereof, with Each Day Constituting a Separate Violation; Providing for Savings and Severability; Providing for Publication; and Making Other Provisions and Findings Related Thereto.

Background:

On March 23, 2009, the City of Tomball entered into a Professional Services Agreement with AECOM for consulting services related to updating the floodplain ordinance and development of a drainage ordinance.

The Tomball Drainage Regulations were developed to provide the City of Tomball with adopted standards for the design and construction of stormwater infrastructure (storm sewers and inlets, roadside ditches, culverts and channels, and detention facilities). Prior to this time, the City has relied on a process of informal reference to the stormwater infrastructure standards of Harris County.

The stormwater infrastructure design standards of the City of Houston and Harris County, which are very similar, were reviewed in detail to develop hybrid standards for the City of Tomball. The standards for the City of Tomball utilize the best features of the City of Houston and Harris County standards. Further modification of the draft hybrid standards was conducted to adapt certain portions of the regulations to the particular needs and requirements of the City of Tomball. In addition, the requirements for design of stormwater detention facilities was adapted from Missouri City regulations since the review process indicated that those requirements better matched the needs of the Tomball community.

Therefore, the final product represents the best regulatory standards for stormwater infrastructure design in the city of Tomball as incorporated and adapted from the City of Houston, Harris County and the City of Missouri City standards.

The Minimum Standards for Stormwater Drainage Design is attached for your review. The manual will be adopted by resolution at the second reading of this ordinance.

Origination:

Engineering and Planning

Recommendation:

Adopt Ordinance No. 2011-17 on second reading.

Funding:

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

City Secretary

ACTION TAKEN

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

Ordinance No. 2011-17 - Chapter 38 Drainage

Minimum Standards for Stormwater Drainage System Design

ORDINANCE NO. 2011-17

AN ORDINANCE AMENDING CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS TO ADD A NEW ARTICLE IV, DRAINAGE DESIGN, TO CHAPTER 38, FLOOD DAMAGE PREVENTION, TO ALLOW MINIMUM STANDARDS FOR STORMWATER DRAINAGE SYSTEM DESIGN TO BE ADOPTED BY RESOLUTION OF CITY COUNCIL; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000 FOR VIOLATION OF ANY PROVISION HEREOF, WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; PROVIDING FOR SAVINGS AND SEVERABILITY; PROVIDING FOR PUBLICATION; AND MAKING OTHER PROVISIONS AND FINDINGS RELATED THERETO.

* * * * *

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

Section 1. The Code of Ordinances of the City of Tomball is hereby amended by adding a new Article IV, Stormwater Drainage System Design, to Chapter 38, Flood Damage Prevention, with the new Article IV to read as follows:

“ARTICLE IV. DRAINAGE DESIGN

Sec. 38-46. Stormwater Drainage System Design

Drainage facilities shall be designed and constructed in accordance with all federal, state, and local rules and regulations, including the "City of Tomball Minimum Standards for Stormwater Drainage System Design" manual. The City of Tomball Minimum Standards for Stormwater Drainage System Design manual shall be adopted or amended by Resolution of the City Council and a copy shall be maintained in the Office of the City Secretary.”

Section 2. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 3. It is the intent of the City that this Ordinance shall comply in all respects with the applicable provisions of the United States Constitution, the Texas Constitution, and the

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

Section 4. Any person, firm or corporation that knowingly violates any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Tomball, Texas, and, upon conviction, shall be punished by a fine not to exceed two thousand (\$2,000.00) dollars for each offense with each day of violation constituting a separate offense.

Section 5. This Ordinance shall take effect immediately from and after its passage and the publication of the caption hereof, as provided by law and the City's home rule Charter.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 15TH DAY OF AUGUST 2011.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 22ND DAY OF
AUGUST 2011.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

City of Tomball

Minimum Standards for Stormwater

Drainage Design

[Include Effective Date]

City of Tomball

Engineering and Planning Department

I. DRAINAGE POLICY

A. Design Requirements

1. Drainage criteria administered by the City of Tomball and complemented by Harris County and the Harris County Flood Control District (HCFCD) for newly designed areas provides protection from structural flooding from a 100-year storm event. This is accomplished through application of various drainage enhancements, such as storm sewers, roadside ditches, open channels, detention and overland (sheet) run-off. The combined system is intended to prevent structural flooding from extreme events up to a 100-year storm.
 2. Recognizing that each site has unique characteristics that may enhance the opportunity to provide proper drainage, the intent of these criteria is to specify minimum requirements that may be modified provided that the objective for drainage standards is maintained. For projects which require a site specific approach and where unique engineering solutions will achieve drainage objectives, a request for consideration of alternative standards (pipe flow, overland sheet flow, and detention storage) shall be submitted to the City of Tomball Engineering and Planning Department, 501 James Street, for review and approval.
- B. Street Drainage: Street ponding of short duration is anticipated and designed to contribute to the overall drainage capability of the system. Storm sewers and roadside ditch conduits are designed as a balance of capacity and economics. These conduits are designed to convey less intense, more frequent rainfalls with the intent of allowing for traffic movement during these events. When rainfall events exceed the capacity of the storm sewer system, the additional run-off is intended to be stored or conveyed overland in a manner that reduces the threat of flooding to structures.
- C. Overland Run-off: Proposed new development, redevelopment, or in-fill development shall not alter existing overland flow patterns and shall not increase or redirect existing sheet flow to adjacent private or public property. Where the existing sheet flow pattern is blocked by construction (i.e. raising the site elevation) of the development, the sheet flow shall be re-routed within the developed property to return flow to original configuration or to the public right-of-way.
- D. Flood Control: The City of Tomball is a participant in the National Flood Insurance Program (NFIP). The flood insurance program makes insurance available at low cost where the community implements measures that reduce the likelihood of structural flooding. The design criteria in this chapter are provided to support the NFIP. All development shall comply with this chapter, if located within the City limits.

- E. Relationship to the Platting Process: Approval of storm drainage systems, detention facilities, and flood channel improvements is a part of the review process for planning and platting of new development. Review and approval of plats, as well as storm drainage, is conducted by the Engineering and Planning Department.
- F. Development in Areas that have Deficient Drainage Systems: The City will consider joint project funding with a private entity for construction of drainage systems that improve existing drainage infrastructure or construct new infrastructure. The City's first priority will be to fund those projects included in the Capital Improvement Plan (CIP). Where feasible, City funding will be leveraged with other funding sources including private entities, civic organizations, and other public agencies (Harris County, HCFCD, Corps of Engineers) and other funding sources). For drainage systems that have been identified as deficient and are not scheduled to receive funding in the current CIP, the City will consider authorizing improvements performed by the private entity that comply with the City's objectives.
- G. The criteria in this document shall apply to all projects located in the City limits and in the City's Extraterritorial Jurisdiction (ETJ). If the criteria conflicts with Harris County, HCFCD, Montgomery County or other jurisdictions the most restrictive criteria shall govern.

II. REFERENCES

- A. Regulations of Harris County, Texas, for the Approval and Acceptance of Infrastructure (Harris County Infrastructure Regulations).
- B. National Weather Service Documents
 - 1. TP-40 Rainfall Frequency Atlas of the United States.
 - 2. Hydro-35; 5-to-60-Minute Precipitation Duration for the Eastern and Central United States.
- C. Hydraulic Engineering Circular No. 22, (HEC-22) Second Edition, "Urban Drainage Design Manual", Federal Highway Administration (FHWA).
- D. ASCE Manual and Reports of Engineering Practice No. 77, Design and Construction of Urban Stormwater Management Systems.
- E. HouStorm – The City of Houston's version of The Texas Department of Transportation's (TxDOT) WinStorm software.
- F. HCFCD Policy, Criteria, and Procedure Manual (HCFCD Criteria Manual).

III. DEFINITIONS

A. Conduit – Any open or closed device for conveying flowing water.

B. Continuity Equation:

$$Q = VA$$

Where: Q = discharge (cfs or cms)
V = velocity (ft/sec or m/sec)
A = cross sectional area of Conduit (square feet or square meters)

C. Design Storm Event – Rainfall intensity upon which the drainage facility will be sized.

D. Development – The term includes New Development, Redevelopment, and In-fill Development.

1. In-fill Development – Development of open tracts of land in areas where the storm drainage infrastructure is already in place and takes advantage of the existing infrastructure as a drainage outlet.
2. New Development – Development of open tracts of land in areas where the storm drainage infrastructure has not been constructed and a drainage outlet must be extended to a channel under the jurisdiction of the HCFCD.
3. Redevelopment – A change in land use that alters the impervious cover from one type of development to either the same type or another type, and takes advantage of the existing infrastructure in place as a drainage outlet.

E. Drainage Area Map – Area map of watershed which is subdivided to show each area served by each subsystem.

F. FEMA – Federal Emergency Management Agency.

G. HCFCD – Harris County Flood Control District.

H. HouStorm – The City of Houston's version of The Texas Department of Transportation's (TxDOT) WinStorm software. The program is available at [City of Houston eGovernment Center](#).

I. Hydraulic Grade Line - A line representing the pressure head (water surface elevation) available at any given point within the drainage system.

J. Manning's Equation:

$$V = (K/n)R^{2/3} S_f^{1/2}$$

Where: V = velocity (ft/sec or m/sec)
K = 1.49 for English units,
1.00 for metric units
R = hydraulic radius (ft. or m) (area/wetted perimeter)
S_f = friction slope (headloss/length)
n = 0.012 for corrugated profile-wall polyethylene pipe,
0.013 for concrete pipes,
0.015 for concrete boxes,
0.024 for corrugated metal pipes (CMP)

K. Rainfall Frequency - Probability of a rainfall event of defined characteristics occurring in any given year at a given location. Information on Rainfall Frequency is published by the National Weather Service. For the purpose of storm drainage design, the following frequencies are applicable:

1. 2-year frequency - a rainfall intensity having a 50 percent probability of occurrence in any given year that occurs on the average every 2 years over a long period of time.
2. 3-year frequency-a rainfall intensity having a 33 percent probability of occurrence in any given year. That occurs on the average every 3 years over a long period of time.
3. 5-year frequency - a rainfall intensity having a 20 percent probability of occurrence in any given year, that occurs on the average every 5 years over a long period of time.
4. 10-year frequency- a rainfall intensity having a 10 percent probability of occurrence in any given year, that occurs on the average every 10 years over a long period of time.
5. 25-year frequency - a rainfall intensity having a 4 percent probability of occurrence in any given year, that occurs on the average every 25 years over a long period of time.
6. 100-year frequency - a rainfall intensity having a 1 percent probability of occurrence in any given year, that occurs on the average every 100 years over a long period of time.

7. 500-year frequency - a rainfall intensity having a 0.2 percent probability of occurrence in any given year, that occurs on the average every 500 years over a long period of time.
- L. Rational Method Formula - A method for calculating the peak run-off for a storm drain system using the following equation for run-off:
- $$Q = I (CA)$$
- Where:
- Q = flow (cfs)
 - C = watershed coefficient
 - A = area (acres)
 - I = rainfall intensity (inches per hour)
- M. Sheet Flow - Overland storm run-off that is not conveyed in a defined conduit and is typically in excess of the capacity of the existing conduit system.
- N. Structural Flooding – The water surface elevation from the storm event exceeds the top of slab elevation of the building (for pier and beam construction the top of first floor elevation), resulting in water entering the structure.

IV. DESIGN REQUIREMENTS

- A. Design of drainage facilities shall meet requirements of the City of Tomball Standard Specifications and Minimum Construction Standards for Community Improvements (Standard Construction Details). The Regulations of Harris County, Texas, for the Approval and Acceptance of Infrastructure and the Harris County Flood Control District Policy, Criteria and Procedure Manual are used to complement the City of Tomball standards. HouStorm shall be used to perform design analysis and design of storm drainage systems as follows:
1. City of Tomball CIP Projects - Required. In conjunction with design analysis using HouStorm designs shall comply with guidelines provided in Technical paper No. 100 (TP-100), Storm Sewer Design Applications for the City of Houston, Texas, Capital Improvement Plan Projects, February 2005, or the latest published date.
 2. Private Projects within City Limits which include City funding participation- Required.

3. 100% Privately-funded Project located in City Limits or its ETJ - HouStorm preferred but alternative equivalent analysis procedures with the prior approval of the City Engineer will be accepted.

B. Determination of Run-off

1. Design Storm Events

- a. Rainfall Duration:

- i. For design purposes, the rainfall duration for drainage areas less than 200 acres will be no less than 3 hours in duration.
 - ii. For design purposes, the rainfall duration for drainage areas more than 200 acres will be no less than 6 hours in duration.

- b. Intensity-Duration Curves, Figure 1, IDF Curves, depicts the intensity-duration curves to be used for storm sewer and roadside ditch design in the City or its ETJ. These curves were derived from the National Weather Service publications referenced in this Chapter.

2. Application of Run-Off Calculation Models

- a. The Rational Method will be used for storm sewer designs for areas up to 600 acres.
 - b. Rainfall Run-Off Modeling will be applied to areas greater than 600 acres in size or any areas that are drained by an open channel provided the model considers the storage and ponding in streets. Models must be acceptable to FEMA if they are to support a submittal for a map change.

3. Coefficients for the Rational Method

- a. Calculation of Run-Off Coefficient:

- i. The Run-Off Coefficient C values in the Rational Method Formula will vary based on the land use. Land use types and C-values which can be used are as follows:

<u>Land Use Type</u>	<u>Run-off Coefficient (C)</u>
Residential Districts	
Lots more than 3/4 acre	0.35
Lots 1/4 - 3/4 acre	0.45
Lots less than 1/4 acre	0.55

Multi-Family areas	
Less than 20 Service Units/Acre	0.65
20 Service Units/Acre or Greater	0.80
Business Districts	0.80
Industrial Districts	
Light Areas	0.65
Heavy Areas	0.75
Railroad Yard Areas	0.30
Parks/Open Areas	0.18

- ii. Alternatively, the Run-Off Coefficient C in the Rational Method Formula can be calculated from the equation:

$$C = 0.6/a + 0.2$$

Where: C = watershed coefficient
a = impervious area/total area

- iii. If the alternate form is to be submitted, the calculation of C shall be provided as part of the drainage calculations.

- b. Determination of Time of Concentration:

Time of Concentration can be calculated from the following formula:

$$TC = 10A^{0.1761} + 15$$

Where: TC = time of concentration (minutes)
A = subarea (acres)

- c. Sample Calculation Forms:

- i. Figure 2, Storm Sewer Calculation Form, is a sample calculation form for storm sewer systems.
ii. Figure 3, Roadside Ditch Worksheet, is a sample calculation form for roadside ditch systems.

C. Design of Storm Sewers

1. Design Frequency

- a. New Development: The design storm event for sizing storm sewers in newly developed areas will be a 2-year rainfall.

- b. Redevelopment or In-fill Development: The existing storm drain (sewer, ditch) will be evaluated using a 2-year design storm, assuming no development takes place. The storm drain will then be evaluated for the 2-year design event with the development in place.
 - i. If the proposed redevelopment has a lower or equal impervious cover, no modifications to the existing storm drain are required.
 - ii. If the proposed development results in the hydraulic gradient of the existing storm drain below the gutter line, no improvements to the existing storm drain are required. Detention shall comply with Paragraph IV.G. Flow discharged to the storm drain shall be in compliance with Paragraph IV.G.5.c.
 - iii. If the analysis of the existing conditions finds that the existing storm drain is deficient (i.e., the hydraulic grade line is above the gutter line), the applicant should check with the City to see if a CIP project is proposed that will require a impact fee. If a CIP project is not proposed for the subject system, then on-site detention will be required in accordance with Paragraph IV.G. Flow discharged to the storm drain shall be in compliance with Paragraph IV.G.5.c.
- c. City Projects (CIP): Proposed City capital improvements may indicate a larger diameter storm sewer is planned in the area proposed for drainage improvements. The Engineering and Planning Department has information on proposed improvements and should be consulted for impact on new development.
- d. Private Drainage Systems: Storm sewers for private drainage systems should conform to the City of Tomball International Building Code for development within the City limits.
- e. The City Engineer may require a design storm event frequency less than 2-year if special conditions warrant.

2. Velocity Considerations

- a. Storm sewers should be constructed to flow in subcritical hydraulic conditions if possible.
- b. Minimum velocities should not be less than 3 feet (3') per second with pipe flowing full, under the design conditions.

- c. Maximum velocities should not exceed 8 feet (8') per second.

3. Pipe Sizes and Placement

- a. Soil boring with logs shall be made along the alignment of all storm sewers having a cross section equal to or greater than seventy-two inches (72") in diameter or equivalent cross sectional area. Each boring shall be taken at intervals not to exceed five hundred (500') linear feet and at a depth of less than three feet (3') below the flow line of the sewer. The required bedding will be determined from the soil boring.
- b. Use storm sewer and inlet leads with at least 24-inch (24") inside diameter or equivalent cross section. Box culverts shall be at least 2 feet (2') by 2 feet (2'). Closed conduits; circular, elliptical, or box, shall be selected based on hydraulic principals and economy of size and shape.
- c. Larger pipes upstream should not flow into smaller pipes downstream unless construction constraints prohibit the use of a larger pipe downstream, or the improvements outfall into an existing system, or the upstream system is intended for use as detention storage.
- d. Match crowns of trunk storm sewer pipe at any change in pipe size unless severe depth constraints prohibit the matching of crowns. Severe depth constraints include any system in which the outfall system exists and the designed storm system cannot achieve 2 feet (2') or more of cover at the point of lowest cover without additional fill. This includes:
 - i. Any system that includes a lake or detention pond, and the depth of the storm sewers is constrained by that lake or detention pond, and the designed storm sewer system cannot achieve 2 feet (2') or more cover at the point of lowest cover without additional fill.
 - ii. Any time there is a conflict with the existing utility system which cannot be reasonably relocated. This includes large diameter water lines, underground electrical conduits, underground telecommunication conduits, petrochemical pipelines, or sanitary sewers.

- iii. Any time there is a conflict with a proposed sanitary sewer system which cannot be avoided due to design criteria constraints. This includes but may not be limited to sanitary sewers and their service leads.
 - iv. The saving of specimen trees which would be harmed by fill on lots with a minimum lot size of 8,400 sf. A tree survey must be provided showing location, size and species of trees proposed to be saved.
 - e. Locate storm sewers in public street rights-of-way or in approved easements.
 - f. All precast, reinforced, concrete conduits must be laid in a straight line. Deflection in accordance with manufacturer's specifications will be allowed if on approved drawings.
 - g. In all easements restricted to storm sewers, the conduit shall be centered within the limits of the easement. The minimum width of the easement shall be two (2) times the depth plus the diameter of the pipe rounded up to the next highest five foot (5') increment but shall never be less than twenty feet (20').
 - h. For storm sewers located in easements adjacent to public street rights-of-way, the minimum width shall be increased for larger pipe or conduit by requiring that a minimum distance of five feet (5') shall be maintained between the easement line and the outside edge of the sewer, and a minimum distance of two feet (2') shall be maintained from the right-of-way line to the outside edge of the sewer pipe or conduit.
4. Starting Water Surface Elevation and Hydraulic Gradient
- a. The hydraulic gradient shall be calculated assuming the top of the outfall pipe as the starting water surface elevation.
 - b. At any junction with a vertical drop in the invert of the downstream pipe, the upstream hydraulic grade line shall be calculated assuming that the hydraulic grade line is not lower than the soffit of the upstream pipe at that junction.
 - c. For the design storm, the hydraulic gradient shall at all times be below the gutter line for all newly developed areas.

5. Manhole Locations

- a. Use manholes for precast conduits at the following locations:
 - i. Size or cross section changes.
 - ii. Inlet lead and conduit intersections.
 - iii. Changes in pipe grade.
 - iv. Street intersections.
 - v. A maximum spacing of 500 feet (500') measured along the conduit run.
- b. Use manholes for monolithic-concrete storm sewers at the same locations as precast conduits, except they are not required at the intersection of inlet leads unless needed to provide maintenance access.
- c. Do not place manholes in driveways or in streets in front of or immediately adjacent to a driveway.

6. Inlets

- a. Locate inlets at all low points in gutter or at intermediate points in the profile grade to provide proper drainage.
- b. Valley gutters across intersections are prohibited.
- c. Inlet spacing is a function of gutter slope. The minimum gutter slope shall comply with **Minimum Construction Standards for Community Improvements**. For minimum gutter slopes, the maximum spacing of inlets shall result from a gutter run of 700 feet from high point in pavement or the adjacent inlet on a continuously graded street section, with a maximum of 1400 feet (1400') of pavement draining towards any one inlet location.

- i. Minor and collector streets: Maximum spacing of inlets shall result from a gutter run of 700 feet (700') from high point in pavement to the adjacent inlet on a continuously graded street section, with a maximum of 1400 feet (1400') of pavement draining towards any one inlet location.
- ii. Minor and major arterials: Maximum spacing of inlets shall result from a gutter run of 300 feet (300') from high point in pavement to the adjacent inlet on a continuously graded street section with a maximum of 600 feet (600') of pavement draining towards any one inlet location.
- d. Use only City of Tomball standard inlets as listed in Table 1.

Table 1
STANDARD STORM SEWER INLETS

**Minimum Construction Standards for Community Improvements
(Standard Construction Details)**

INLET	APPLICATION	CAPACITY	City of Tomball Drawing NOS.
Type A	Parking Lots/Small Areas	2.5 cfs	COT STM-16
Type B-B	Residential/Commercial	5.0 cfs	COT STM-17
Type C	Residential/Commercial	5.0 cfs	COT STM-21
Type C-1	Commercial	10.0 cfs	COT STM-21
Type C-2	Commercial	15.0 cfs	COT STM-21
Type C-3	Commercial	20.0 cfs	COT STM-21
Type D	Parking Lots	2.0 cfs	COT STM-23
Type E	Roadside ditches	20.0 cfs	COT STM-24
Type H-2	Residential Commercial	5.0 cfs	COT STM- 2502633-01,-02

- e. Do not use beehive grate inlets or other specialty inlets.
- f. Do not use grate top inlets in unlined roadside ditches.
- g. Do not place inlets in the circular portion of cul-de-sac streets without providing justification based on special conditions.

- h. Place inlets at the end of proposed pavement, if drainage will enter or leave pavement.
 - i. Do not locate inlets adjacent to esplanade openings.
 - j. For new residential development, locate inlets at the center of lots, such that inlets are not located within the driveway and between the radius end points as defined by the driveway radius intersection with the curb or edge of pavement.
 - k. Place inlets on side streets intersecting major streets, unless justification based on special conditions can be provided for alternate location.
 - l. For private development with internal site drainage, only one connection is permitted to any one inlet, and that connection (lead) shall be made to the back of the inlet. Connection shall not be made to the front face and to the short side of the inlet unless approved by the City. Design the connection not to exceed the pipe capacity minus either the capacity listed in Table 1, Standard Storm Sewer Inlets, or calculated inlet inflow.
 - m. For all new construction, convey public or private alleyway drainage to an inlet prior to entering the public street drainage system.
7. Design of Outfalls: All outfall designs shall conform to HCFCD Standards.
- D. Design of Roadside Ditches
- 1. Roadside ditch design is permissible only for single family residential lots or commercial areas equal to or larger than 0.75 acres.
 - 2. The City Engineer may approve deviations from residential and commercial standards based on the particular characteristics of the proposed development. The developer should submit a written request for such a deviation along with all supporting material to the Engineering and Planning Department prior to initiating detailed project design.
- 3 Design Frequency.
- a. The design storm event for roadside ditches shall be a minimum of 2-year rainfall.

- b. Design capacity for a roadside ditch shall be to a minimum of 0.5 feet below the edge of the pavement or 0.5 feet (0.5') below the natural ground at right-of-way line, whichever is lower.
 - c. The design must include an extreme event analysis to indicate that structures will not be flooded, and the maximum ponding elevation for the extreme event complies with Paragraph IV.E.3
 - d. Outfall drainage to existing roadside ditches shall be limited to tracts with frontage along the roadside ditch. If no frontage to the roadside ditch exists, but it can be shown with detail topographic surveys that the tract ultimately drains to the roadside ditch, then outfall will only be considered with full detention of the storm water during the design rainfall event.
 - e. The City Engineer may require a design storm event frequency less than 2-year if special conditions warrant.
4. Velocity Considerations.
- a. For grass-lined sections, the maximum design velocity shall be 4.0 feet per second during the design event.
 - b. A grass-lined or unimproved roadside ditch shall have side slopes no steeper than three (3) horizontal to one (1) vertical (3:1). Soil conditions may dictate the use of lesser slopes. Steeper slopes will be allowed when the existing right-of-way is limited or other construction features dictate the design. The steepest slope shall not exceed two (2) horizontal to one (1) vertical (2:1).
 - c. Minimum grades for roadside ditches shall be 0.1-foot per 100 feet.
 - d. Calculation of velocity will use a Manning's roughness coefficient (n) of 0.04 for earthen sections and 0.025 for ditches with paved inverts.
 - e. Erosion control methods shall be used when design velocities are expected to be greater than four feet (4') per second or where erodible soil conditions are indicated in the geotechnical report.
5. Culverts.
- a. Culvert standards for driveways are provided by Drawing No. COT DW-06, Minimum Construction Standards for Community Improvements.

- b. Culverts shall be placed at all driveway and roadway crossings, and at other locations deemed necessary.
 - c. Roadside culverts are to be sized based on drainage area. The minimum culvert size shall be 18 inches (18") in residential areas and 24 inches (24") in non-residential areas unless otherwise approved by the Engineering and Planning Department. Calculations shall be provided for review upon request.
 - d. All proposed culverts shall be included in the hydraulic profile. The proposed culvert shall not create a headloss of more than 0.20 feet (0.20') greater than the normal water surface profile without the culvert.
 - e. Stormwater discharging from a ditch into a storm sewer system must be received by use of an appropriate structure. (i.e., stubs with ring grates or Type E Inlets.).
6. Invert Protection.
- a. Ditch invert protection shall be used when velocities exceed 4 feet (4') per second.
 - b. Ditch invert protection will be used at the upstream and downstream ends of all culverts.
7. Depth and Size Limitations.
- a. The maximum depth for a roadside ditch shall not exceed four feet (4') below the adjacent road centerline top of pavement. There may be instances where extreme conditions may warrant a deeper ditch. In those cases, specific written prior approval must be obtained from the Engineering and Planning Department.
 - b. Roadside ditch bottoms shall be at least two feet (2') wide, unless design analysis supports a narrower width and prior written approval is obtained from the Engineering and Planning Department.
 - c. A minimum distance of two feet (2') shall be established and maintained between the right-of-way line and the adjacent edge of the bank of a ditch.
8. Design of Outfalls: All outfall designs shall conform to HCFCD Standards.

E. Consideration of Overland Flow for the Extreme Event

1. Design Frequency: Design frequency for consideration of overland flow shall consider extreme storm events (100-year storm) which exceed the capacity of the underground storm sewer system resulting in ponding and overland flow from the development to the primary outlet.
2. Design Analysis: An overland flow analysis of the proposed drainage system shall be prepared by the design engineer. The design engineer shall submit supporting calculations, exhibits, and drawings.
 - a. Three analysis methods as presented in Technical Paper No. 101, Simplified 100-year Event Analyses of Storm Sewers and Resultant Water Surface Elevations for Improvement Projects in the City of Houston, Harris County, Texas Region will be acceptable to the City.
 - b. Analysis using the U.S. Environmental Protection Agency's Storm Water Management Model (SWMM) will be acceptable to the City.
3. Relationship of Structures to Street: All structures shall be higher than the highest level of ponding anticipated resulting from the extreme event analysis.
4. The following parameters are independent measures that shall be evaluated for each project. The limiting parameter will depend on project-specific conditions, and the most restrictive condition (the lowest ponded water elevation) shall govern.
 - a. Streets shall be designed so that consecutive high points in the street will provide for a gravity flow of drainage to the ultimate outlet.
 - b. The maximum depth of ponding at high points shall be 6 inches above top of curb.
 - c. The maximum depth of ponding at low points shall be 18 inches above top of curb.
 - d. Provide a minimum 20-foot (20') easement to accommodate sheet flow that is routed between lots or across reserve tracts. Fence lines and other improvements shall not be constructed on or across dedicated drainage easements.

- e. A drawing(s) shall be provided to delineate extreme event flow direction through a proposed development and how this flow is discharged to the primary drainage outlet. The drawing(s) shall show a profile of the roadway (or overland flow path) from the upper reach of the drainage area to the primary drainage outlet. The drawing(s) shall be exaggerated vertical scale and shall include roadway profile at the gutter, ground profile at the right-of-way, and the hydraulic gradient for the extreme event (100-year storm), or an alternative equivalent drawing accepted by the City
- f. In areas where ponding occurs and no sheet flow path exists, a calculation shall be provided showing that run-off from the 100-year event can be conveyed and remain in compliance with the other requirements of the paragraph.
- g. Maximum Ponding Elevation: The design engineer shall demonstrate that the minimum slab elevation of a proposed structure shall be the highest of:
 - i. Eighteen inches (18") above the 1% probability recurrence interval (100-year) flood event; or,
 - ii. One foot (1') above the elevation of the center of the road or nearest sanitary or storm sewer manhole, whichever is higher; or,
 - iii. One foot (1') above the calculated ponding depth.
- 5. Evacuation Routes and Emergency Service Routes. This standard applies to routes designated by the City for emergency evacuation and for routes where access by emergency service vehicles is a public safety need. Ponding of surface runoff is not allowed in the highest travel lane (each direction) for the 100-year event. Exceptions to this standard based on technical infeasibility or cost limitations will require approval of the Engineering and Planning Department This standard may be modified or exempted for locations in the 100-year floodplain.
- 6. Interim off-site sheet flow: Drainage swales may be used for interim offsite sheet flow in lieu of closed conduits in phased projects and for projects adjacent to existing development. This is required any time the proposed development will cause ponding on an adjacent owner's property.

F. Design of Open Channels

1. Design Frequency: Design and construction standards for open channel and outfalls into channels shall conform to those in the HCFCD Criteria Manual.
2. Determination of Water Surface Elevation.
 - a. Water surface elevations shall be calculated using Manning's Equation and the Continuity Equation.
 - b. For the design storm event, the water surface shall be calculated to remain within banks.
3. Design of Culverts.
 - a. Head losses in culverts shall conform to TxDOT Hydraulics Manual, Chapter 4, Culverts.
 - b. Corrugated metal pipe will not be approved for permanent culverts in the City of Tomball right-of-way except at railroad crossings, and if used underneath the railroad crossing, the culvert shall be designed to railroad loadings.
4. Design of Outfalls: All outfall designs shall conform to HCFCD Standards.

G. Stormwater Detention

1. Stormwater detention is intended to mitigate the affects of new development on an existing drainage system. An engineer may provide calculations using acceptable design criteria to show that the impact can be mitigated using detention criteria different from the requirements of the HCFCD Criteria Manuals.
2. Application of Detention.

The use of on-site detention is required when reported incidence of structural flooding exists; when in-fill or redevelopment will result in a potential threat to existing structures unless the current infrastructure is improved; when detention is required in accordance with the appropriate, adopted watershed master drainage plan; when post development flows result in street ponding levels which exceed City requirements; or if in the opinion of the City Engineer, post development flows will have an adverse

impact on adjacent properties. If the City has developed a plan for a regional detention facility to serve a watershed, then the development is responsible for all costs of constructing the system to convey flows from their project to the regional facility. The City may elect to participate in oversizing of this conveyance if regional drainage interests are served.

Detention is not required under the following conditions.

- a. If redevelopment occurs without increasing the overall impervious character of the site, then no detention will be required by the City unless the application of detention will prevent existing structural flooding or bring the street ponding level on a major thoroughfare to within City requirements.
 - b. If the proposed development has less or equal impervious land cover than that used in the design of the storm sewer system as shown on the drainage area map in the roadway construction plans or other hydraulic computations.
 - c. If the hydraulic grade line from the current design storm of the receiving storm sewer system remains below the elevation of the gutter throughout the system with the proposed development included and considering ultimate conditions of the storm sewer watershed.
3. Detention volume for redevelopment areas is calculated on the basis of the amount of area of the redeveloped impervious cover or the detention factor for entire site determined by the basin the project is located in, typically 0.55 acre-ft per acre.
 4. Private parking areas, private streets, and private storm sewers may be used for detention provided the maximum depth of flooding does not exceed six inches (6") directly over the inlet. Underground detention facilities may be proposed for consideration by the City.
 5. Calculation of Outlet Size

Detention pond discharge pipe into an existing storm sewer line or existing City of Tomball or other public entity facility:

- a. Maximum pool elevation at or below the design hydraulic grade at the outfall - The discharge line shall be sized for the design storm with the outfall pipe flowing full. The pond will float on the drainage system to provide maximum benefit.

- b. Maximum pool elevation at or above the hydraulic grade at the outfall – Provide a reducer or restrictor pipe to be constructed inside the discharge line. The discharge line shall be sized for the design storm with the outfall pipe flowing full.
- c. Reducer or Restrictor Pipes shall be sized as follows:
 - i. The reducer or restrictor will be sized for undeveloped rate of discharge at no greater than 0.5 cubic feet per second per acre unless capacity for a greater flowrate is verified in the receiving system and approved by the City Engineer.
 - ii. Use the following equations to calculate the required outflow orifice:

$$Q = CA (2gh)^{1/2}$$

$$D = Q^{1/2} / (2.25 h^{1/4})$$

Where:

Q = outflow discharge (cfs)

C = 0.8

A = orifice area (square feet)

g = gravitational factor (32.2)

h = head, water surface differential (feet)

D = orifice diameter (feet)

- iii. Restrictor shall be either of the required diameter or of the equivalent cross-sectional area. The orifice diameter D shall be a minimum of 0.5 feet.
 - d. In addition to a pipe outlet, the detention basin shall be provided with a gravity spillway that will protect structures from flooding should the detention basin be overtopped.
 - e. Detention ponds shall maintain a minimum freeboard of one foot (1') between the top of bank and the 100-year water surface elevation.
6. Detention Facility Ownership and Easements.
- a.. Private Facilities:
 - i. Pump discharges into a roadside ditch require the submittal of pump specifications on the design drawings. The maximum discharge rate of pumped facilities to a roadside ditch is 0.5 cubic feet per second

unless capacity for a greater flowrate is verified in the receiving system and approved by the City Engineer. Energy dissipaters and erosion protection is required for pumped outfalls.

- ii. The City reserves the right to prohibit the use of pump discharges where their use may aggravate flooding in the public right-of-way.
- iii. Responsibility for maintenance of the detention facility must be indicated by letter submitted to the City as part of the design and plan review process.
- iv. All private properties being served shall have drainage access to the pond. Dedicated private drainage easements may be required.
- v. Public properties shall not drain into private detention ponds.
- vi. A private maintenance agreement shall be provided when multiple tracts are being served.

b. Public Facilities:

- iv. Facilities will only be accepted for maintenance by the City in cases where public drainage is being provided.
- v. The City requires a maintenance work area of 30-foot width surrounding the extent of the detention area. Public rights-of-way or permanent access easements may be included as a portion of this 30-foot (30') width.
- vi. A dedication of easement shall be provided by plat or by separate instrument.
- vii. Proper dedication of public access to the detention pond must be shown on the plat or by separate instrument. This includes permanent access easements with overlapping public utility easements.

V. SUBMITTALS

- A. Preliminary Submittals - Submittal, for review and comment, of one-line drawings is recommended and may be required as part of the platting process. One-line drawings should include:

1. Approximate definition of lots and street patterns.
 2. The approximate drainage areas for each system.
 3. A definition of the proposed drainage system by single line.
 4. The proposed pipe diameters.
 5. Any proposed drainage easements.
 6. Floodplain information, including floodplain and floodway boundaries, if any; FEMA map number, effective map date and zone.
- B. Final Design - Submit the following for approval:
1. Copies of any documents which show approval of exceptions to the City design criteria.
 2. Design calculations for time of concentration, storm line sizes and grades, and for detention facilities, if any.
 3. Design calculations for the hydraulic grade line of each line or ditch, and for detention facilities, if any.
 4. Drainage Area Map with the following information:
 - a. Existing contour map.
 - b. Drainage area and sub-drainage area boundaries.
 - c. Drainage area (acres) and flow quantity (cfs) draining to each inlet and each pipe segment from manhole to manhole.
 - d. Extreme event (100-year) sheet flow direction.
 - e. Existing condition and developed condition sheet flow direction for the surrounding properties.
 5. Plan and profile sheets showing stormwater design (public facilities only).
 6. Projects located within a floodplain boundary or within a floodplain management area shall:

- a. Show the floodplain boundary or floodplain area, as appropriate, on the one-line drawing or Drainage Area Map.
 - b. Comply with all applicable submittal requirements of this chapter.
- 7. Profile drawing of roadway (or overland flow path) with exaggerated vertical scale from the upper reach of drainage area to the primary drainage outlet. Show roadway profile at gutter, ground profile at the public right-of-way, and hydraulic gradient for the 100-year extreme event; or an alternative equivalent drawing accepted by the City.
- 8. Calculation for proportional amount of pipe capacity allocated to the development along with the drainage area map used for these calculations.
- C. Signature Stage - Submit the following for approval:
 - 1. Review prints.
 - 2. Original drawings.
 - 3. Stormwater detention maintenance agreement letters.
 - 4. Drainage Area Map with the following information:
 - a. Existing contour map.
 - b. Drainage area and sub-drainage area boundaries.
 - c. Drainage area (acres) and flow quantity (cfs) draining to each inlet and each pipe segment from manhole to manhole.
 - d. Extreme event (100-year) sheet flow direction.
 - e. Existing condition and developed condition sheet flow direction for the surrounding properties.
 - 5. Profile drawing as specified in Paragraph V.B.7.

VI. QUALITY ASSURANCE

Prepare calculations and design drawings under the supervision of a professional engineer trained and licensed under the disciplines required by the project scope. The final design drawings and all design calculations must be sealed, signed, and dated by the professional engineer, licensed by the State of Texas, responsible for the development of the drawings.

VII. DESIGN ANALYSIS

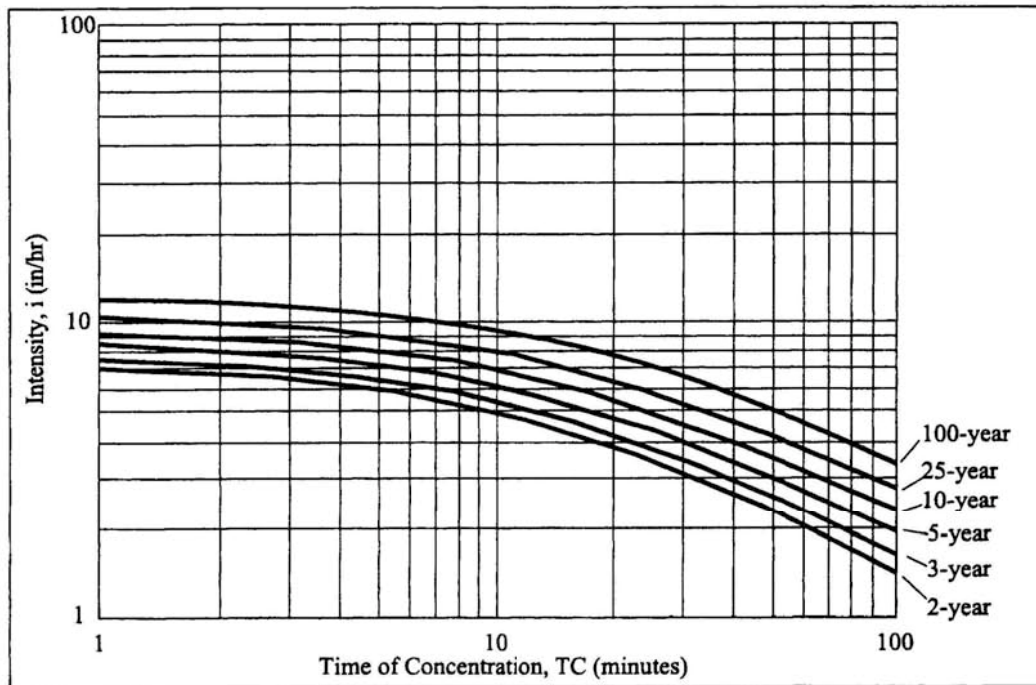
- A. Projects shall be tied to the National Geodetic Survey (NGS) datum adjustment which matches the Federal Emergency Management Agency (FEMA) rate maps or the most current NGS datum which matches the FEMA rate maps. In the event GPS surveying is used to establish bench marks, at least two references to bench marks relating to the rate maps shall be identified. Equations may be used to translate other datum adjustments to the required adjustment.
- B. Drawing sets shall include a drainage area map, which will contain calculations of flow by the rational method.
- C. Drainage systems for curb-and-gutter pavements shall be underground closed conduits; individual residential lot drainage is exempt. Drainage systems for pavements without curb and gutter shall be roadside open-ditch sections.

VIII. LOW IMPACT DEVELOPMENT

Low impact development is a comprehensive land planning and engineering design approach with the goal of maintaining, as the minimum, the pre-development hydrologic regime in a watershed. This technique shall be allowed provided the following criteria are met:

- A. The post-development hydrograph for the 10 and 100 year events indicates the peak flows are at or below the pre-development hydrographs.
- B. Other provisions of these regulations are met, excluding detention, or variances to those provisions are approved.
- C. A conceptual design meeting is held with the City Engineer and design concepts are approved prior to proceeding to preliminary design.

FIGURE 1
City of Tomball IDF Curves
Intensity vs. Time of Concentration vs Rainfall Frequency
Source: Hydro 35/TP-40



$$i = \frac{b}{(d+TC)^e}$$

$$TC = 10A^{0.1761} + 15$$

$A = \text{area in acres}$

<i>Rainfall Frequency</i>	<i>b</i>	<i>d</i>	<i>e</i>
2-year	75.01	16.2	0.8315
3-year	77.27	17.1	0.8075
5-year	84.14	17.8	0.7881
10-year	93.53	18.9	0.7742
25-year	115.9	21.2	0.7808
100-year	125.4	21.8	0.7500

Figure 2

Project:
Job No:
System:
By:
Checked:

[illegible]

Figure 3

Project: _____
 Job No: _____
 System: _____
 By: _____
 Checked by: _____

[illegible]

Special City Council

Agenda Item

Meeting Date: August 22, 2011

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2011-20, Establishing Rates and Charges for Potable Water, Sanitary Sewer, Natural Gas, and Garbage Collection and Disposal Services; Repealing Ordinance No. 2010-18 and all Other Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; Providing for an Effective Date; Providing other Matters Relating to the Subject; and Providing for Severability

Background:

This item is for the adoption of Ordinance No. 2011-20 which will adopt the water, sanitary sewer, gas, and garbage collection rates for the new 2011-2012 fiscal year.

The utility rates for water, sanitary sewer, and garbage collection will remain the same this next year; however, the rate charged for gas will be REDUCED from the current rate of \$12.75 for each one thousand cubic feet (MCF) after the first one thousand cubic feet (MCF) to \$11.75 for each one thousand cubic feet (MCF) after the first one thousand cubic feet.

Origination:

Finance Department

Recommendation:

Adopt Ordinance No. 2011-20 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. 2011-20 - Utility Rates for 2011-2012

ORDINANCE NO. 2011-20

AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR POTABLE WATER, SANITARY SEWER, NATURAL GAS, AND GARBAGE COLLECTION AND DISPOSAL SERVICES; REPEALING ORDINANCE NO. 2010-18 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING OTHER MATTERS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, pursuant to Section 82-50 of the Code of Ordinances of the City of Tomball, Texas, the City Council is to establish rates and charges for utility services provided by the City; and

WHEREAS, pursuant to Section 62-37 of the Code of Ordinances of the City of Tomball, Texas, the City Council is to establish rates and charges for garbage and trash collection and disposal services provided by the City; and

WHEREAS, the City Council now deems it necessary and appropriate to adjust such rates and charges heretofore established; now therefore

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

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

Section 2. Definitions. For the purposes of this Ordinance, the following words shall have the meanings ascribed thereto:

- a. Residential shall mean a residential dwelling unit receiving service for which metering and billing is on an individual basis.
- b. Commercial shall mean all non-residential units, and residential units which are provided service, and are billed, collectively with one (1) or more other residential units.

Section 3. The monthly rates and charges for potable water provided by the City shall be as follows:

- a. Small Residential. A base rate of \$10.90, plus a consumption charge of \$2.85 for each 1,000 gallons used. "Small Residential" shall mean residential customers using 10,000 gallons or less during the billing month.
- b. Medium Residential. A base rate of \$12.54, plus a consumption charge of \$3.56 for each 1,000 gallons used. "Medium Residential" shall mean residential customers using 10,001 gallons or more up to 15,000 gallons during the billing month.

- c. Large Residential. A base rate of \$14.42, plus a consumption charge of \$4.45 for each 1,000 gallons used. "Large Residential" shall mean residential customers using 15,001 gallons or more during the billing month.
- d. Small Commercial. A base rate of \$18.45, plus a consumption charge of \$3.45 for each 1,000 gallons used. "Small Commercial" shall mean commercial customers using up to 5,000 gallons during the billing month.
- e. Medium Commercial. A base rate of \$29.70, plus a consumption charge of \$4.32 for each 1,000 gallons used. "Medium Commercial" shall mean commercial customers using 5,001 gallons or more up to 51,000 gallons during a billing month.
- f. Large Commercial. A base rate of \$51.99, plus a consumption charge of \$5.40 for each 1,000 gallons used. "Large Commercial" shall mean commercial customers using 51,001 gallons or more during a billing month.

Bulk Sales. A base rate of \$87.05, plus a consumption charge of \$4.83 for each 1,000 gallons used. Additionally, if a meter is desired, the deposit will be \$1,000.00.

The City collects additional surcharges, based on rates established by the North Harris County Regional Water Authority, for each 1,000 gallons used on behalf of NHCRWA, which will be adjusted as the surcharge increases.

Section 4. The monthly rates and charges for sanitary sewer services provided by the City for customers who receive potable water services from the City shall be as follows:

- a. Residential - Winter Rates (November-February): A base rate of \$8.51, plus a charge of \$2.98 for each 1,000 gallons of potable water used.

Residential - Summer Rates (March-October): Rates for summer months are calculated at the same rate as winter rates and may be based upon the previous winter months' average monthly water consumption. The rate charged shall be the lesser of actual water consumption or the previous winter month's average consumption.

- b. Small Commercial. A base rate of \$13.69, plus a consumption charge of \$3.78 for each 1,000 gallons of potable water used. "Small Commercial" shall mean commercial customers using up to 5,000 gallons of potable water during the billing month.
- c. Medium Commercial. A base rate of \$20.76, plus a consumption charge of \$4.72 for each 1,000 gallons of potable water used. "Medium Commercial" shall mean commercial customers using 5,001 gallons or more up to 51,000 gallons in the billing month.

- d. Large Commercial. A base rate \$43.06, plus a charge of \$5.90 for each 1,000 gallons of potable water used. "Large Commercial" shall mean commercial customers using 51,001 gallons or more of potable water during a billing month.

Section 5. The monthly rates and charges for sanitary sewer services provided by the City for customers who do not receive potable water services from the City shall be as follows:

- a. Residential. A base rate of \$35.01, plus a charge of \$2.29 for each drain in excess of ten (10) drains within such residence.
- b. Commercial. A base rate of \$58.26, plus a charge of \$2.32 for each drain in excess of fifteen (15) drains within such commercial unit.

Section 6. The monthly rates and charges for garbage and trash collection and disposal services provided by the City, excluding applicable sales tax, shall be as follows:

- a. Residential. \$14.74
- b. Commercial
- (1) Hand Loaded. For once a week pickup, \$24.00 for the first container, \$21.00 for each additional container. For twice a week pickup, \$29.00 for the first container, \$24.00 for each additional container. Each collection of excess garbage and refuse (i.e. - garbage and refuse in volume which exceeds the capacity of the approved container(s) for which the customer's regular billing is determined) shall be assessed a \$5.00 excess collection fee and can only be collected on Monday and Thursday collection days.
- (2) Roll-Off Container:

	Size Container, Cubic Yards		
	20	30	40
Delivery Fee	\$ 115.46	\$ 115.46	\$ 115.46
Monthly Rental	141.36	141.36	141.36
Daily Rental	4.71	4.71	4.71
Haul and Disposal Rate	266.00	307.77	348.87

The monthly rental rate for a permanent container used more than a year is \$0. In order for a container to qualify as permanent, it cannot have an end date. (i.e. if a business was being constructed and used the container for 18 months during build out, then it would not be considered a permanent container, so the monthly rental rate would apply).

(3) Compactor/Equipment:

Monthly Rental	(As quoted)
Haul Rate	\$250.00
Disposal Fee/Ton	25.00

(4) Monthly Rate for Dumpsters:

Size	Extra Pickup Rate	Services Per Week					
		1	2	3	4	5	6
3 Yd – 1 st Container	\$30.00	\$75.00	\$119.00	\$178.00	\$224.00	\$279.00	\$335.00
Each add'l container		71.00	105.00	159.00	198.00	247.00	298.00
4 Yd – 1 st Container	\$35.00	81.00	128.00	192.00	241.00	299.00	361.00
Each add'l container		72.00	115.00	173.00	216.00	270.00	323.00
6 Yd – 1 st Container	\$40.00	105.00	164.00	247.00	309.00	386.00	462.00
Each add'l container		93.00	148.00	222.00	278.00	336.00	416.00
8 Yd – 1 st Container	\$50.00	126.00	202.00	300.00	377.00	463.00	565.00
Each add'l container		114.00	178.00	271.00	339.00	394.00	510.00

(5) <u>Locking Dumpsters</u> - Gravity Lock System	\$55.00
Front Panel Padlock System	\$40.00

(6) Exchange Charge - \$45.00

Section 7. The monthly rates and charges for natural gas provided by the City shall be as follows:

- a. All Customers. A base rate of \$12.75, plus \$12.75 for each thousand cubic feet (MCF) after the first thousand cubic feet (MCF).

Section 8. The charges for connections and disconnections of utility services provided by the City, including those provided at customer request or convenience, or as a result of delinquent accounts, shall be as follows:

- a. During Normal Scheduled Service Periods (7:00 a.m.-4:45 p.m. weekdays), a Service Call-Out Fee of \$50.00, as a result of a delinquent account, or at a customer's request, excluding new service.
- b. During Unscheduled Service Periods (after hours and weekends), a Service Call-Out Fee of \$100.00, at a customer's request, including new service.

Section 9. The charge for damage to utility facilities from (i) customer's tampering with valves, or (ii) customer's damaging meter in any manner, shall be \$200.00.

Section 10. Delinquent Accounts.

- a. All utility bills, both residential and commercial, shall be due and payable on the close of the last business day of the month. If the month ends on a Saturday, Sunday, or holiday, the bill is due on the prior business day (the last workday of the City at closing time on that day).
- b. Residential customers who are age 65 and over or considered disabled by Social Security may be exempt from penalty fees for late payment upon application accompanied by verifying documentation to the Utilities Supervisor. This exemption may not exceed the final date of benefits designated by the Social Security Administration.
- c. Within two (2) work days following the "Due Date" a "Cut-off Notice" shall be mailed to customer giving notice that following the expiration of seven (7) days following such notice service will be discontinued unless the customer requests a hearing before the Utilities Supervisor regarding such proposed disconnection prior to the expiration of such seven (7) day period.
- d. Upon the showing of good cause and arrangement for prompt payment by a customer, the Utilities Supervisor shall be authorized to withdraw a disconnection order. Any such action by the Utilities Supervisor shall be evidence in writing, outlining the basis for the decision and, if applicable, the required payment schedule for the customer. The Utilities Supervisor shall cause a copy of such order to be delivered to the appropriate billing personnel of the City.

Section 11. Repealer. City of Tomball Ordinance 2010-18 passed and approved the 7th day of October, 2010 is hereby repealed. All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 12. Severability. 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 of 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, or whether there be one or more parts.

Section 13. Effective Date This ordinance shall be effective October 1, 2011.

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 15TH DAY OF AUGUST 2011.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>NAY</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 REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 22ND DAY OF AUGUST 2011.

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

GRETCHEN FAGAN
Mayor

ATTEST:

DORIS SPEER
City Secretary

Special City Council

Agenda Item

Data Sheet

Meeting Date: August 22, 2011

Topic:

Public Hearing for the Purpose of Adopting the City of Tomball's Budget for Fiscal Year 2011-2012

Background:

In accordance with Section 8.06 of the City Charter, the proposed budget for the 2011-2012 fiscal year was presented and the City Council authorized the publishing of the Budget Hearing notice in the City's official newspaper. That notice appeared in the "Tomball Potpourri" on August 8, 2011.

The public hearing on Monday, August 22, 2011, will give the citizens ample opportunity and time to speak for or against any and all items in the proposed budget.

Origination:

Finance

Recommendation:

No recommendation as this hearing is a charter requirement.

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

Glenn Windsor, CPA, CGFO

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

ATTACHMENTS:

Notice of Public Hearing for the Purpose of Adopting the FY 2011-2012 Annual Budget

**NOTICE OF PUBLIC HEARING
at the
SPECIAL COUNCIL MEETING
CITY OF TOMBALL, TEXAS**



MONDAY, AUGUST 22, 2011

6:00 P.M.

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, at a Regular Council Meeting on Monday, August 22, 2011 at 6:00 p.m., at City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following:

**Public Hearing for the Purpose of Adopting
the City of Tomball's Budget for
Fiscal Year 2011-2012.**

This Budget will raise MORE total property taxes than last year's Budget by \$1,070,092 (39.89%); a portion of that amount will be raised from new property added to the roll this year.

A copy of the Proposed Budget, as submitted to City Council and filed in the City Secretary's office, will be available for public inspection at the office of the City Secretary, 401 Market Street, Tomball, Texas, Monday through Thursday, 7:45 a.m. to 5:00 p.m., and Friday, 7:45 a.m. to 4:00 p.m., beginning on **August 2, 2011**.

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 August 2011 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

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

Special City Council

Agenda Item

Meeting Date: August 22, 2011

Data Sheet

Topic:

Adopt, on First Reading, Ordinance No. 2011-18, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2011-2012; and Authorizing the City Manager to Approve Intra-departmental (within the same Department only) Transfers of Budgeted Funds; and Providing other Details Relating to the Passage of This Ordinance.

Background:

Staff presented the proposed budget for FY 2011-2012 to the Mayor and Council in special meetings/budget workshops on July 18, 25 and 26. The attached budgets for each fund are the same as those presented to Council during those meetings and include supplemental items approved by Council and the proposed \$0.09 increase to the total tax rate, all of which will be necessary to fund the debt service resulting from the issuance of certificates of obligation necessary to fund the M121W drainage channel and Medical Complex Phase 3 extension.

The maintenance and operations (M&O or General Fund) portion of the tax rate will remain the same as last year, \$0.111455.

The budget presented is based on a total tax rate of \$0.341455 per \$100 of taxable value, \$0.111455 for the General Fund and \$0.230000 for the Debt Service Fund. Harris County Appraisal District has advised that the City that Tomball's certified appraisal rolls should be available by August 26 and the Effective Tax Rate Calculation shortly thereafter. Printed copies of the budget will be available at the Council meeting.

Origination:

Glenn Windsor, Finance Director

Recommendation:

Adopt Ordinance No. 2011-18 on first 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. 2011-18

ORDINANCE NO. 2011-18

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
TOMBALL, TEXAS, ADOPTING THE BUDGET FOR THE CITY OF
TOMBALL, TEXAS, FOR FISCAL YEAR 2011-2012; AND
AUTHORIZING THE CITY MANAGER TO APPROVE INTRA-
DEPARTMENTAL (WITHIN THE SAME DEPARTMENT ONLY)
TRANSFERS OF BUDGETED FUNDS; AND PROVIDING OTHER
DETAILS RELATING TO THE PASSAGE OF THIS ORDINANCE.**

* * * * *

WHEREAS, the Budget of the City of Tomball for the Fiscal Year 2011-2012 was presented to the City Council of the City of Tomball on the 1st day of August 2011 and was filed with the City Secretary's Office at that time for the purpose of Public Display; and

WHEREAS, NOTICE OF PUBLIC HEARING for the Budget of the City of Tomball, Texas, for Fiscal Year 2011-2012 was published in the City's official newspaper advising citizens of the Public Hearing to be conducted on August 22, 2011, and also advising that said Budget was available for their inspection prior to the Public Hearing; and

WHEREAS, at said Public Hearing all citizens of the City had the right to be present and to be heard, and those who requested to be heard were heard, and it being the opinion of the Mayor and City Council that said Budget should be adopted; and

WHEREAS, said Budget shall be in effect for the ensuing Fiscal Year, October 1, 2011, through September 30, 2012;

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

Section 1.0 Adoption of Budget. That from October 1, 2011, through September 30, 2012, the appropriations, as stated in the Budget as proposed expenditures, shall be and are hereby appropriated to the several objects and purposes named and designated in the Budget.

Section 2.0 Public Record. The City Secretary is hereby directed to place in the Budget an endorsement which shall read as follows: "The Original Budget of the City of Tomball, Texas for the Fiscal Year 2011-2012." Such Budget as endorsed shall be kept on file in the office of the City Secretary as a Public Record and a copy of said Budget is attached to this ordinance and made a part of this ordinance for all purposes.

Section 3.0 Intra-Departmental Transfers. In accordance with the responsibility of the City Manager established by Section 7.01 C. (2) of the City Charter to administer the annual budget, the City Manager is authorized, as circumstances reasonably require, to approve intra-departmental

(within the same department only) transfers of budgeted funds. Further, the documentation for such transfers shall be maintained as a part of the City's financial records.

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 22ND DAY OF AUGUST, 2011.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF SEPTEMBER, 2011.

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

GRETCHEN FAGAN
Mayor

ATTEST:

DORIS SPEER
City Secretary

Special City Council

Agenda Item

Meeting Date: August 22, 2011

Data Sheet

Topic:

Presentation and Possible Action to Approve Proposed Participation Agreement for a "*Today in America*" Video, to Approve Payment of a Scheduling Fee by the City of Tomball and/or Tomball Economic Development Corporation in the Amount of \$24,800, and to Authorize the Mayor or Executive Director of the TEDC to Execute the Participation Agreement

Background:

On Monday, August 22, the Tourism Advisory Committee (TAC) will consider a request from *Today in America* for a five-minute feature video highlighting Tomball and provide recommendations to City Council at the special Council meeting on August 22.

Today in America is a national show hosted by Terry Bradshaw; participation by Tomball and the TEDC would include payment of a scheduling fee in the amount of \$24,800. The Show Objectives and Participation Agreement are attached for Council review.

Origination:

Kelly Violette - Executive Director, TEDC

Recommendation:

N/A

Funding:

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

City Secretary

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

ATTACHMENTS:

Today in America - Show Objectives

Today in America - Participation Agreement



TODAY IN AMERICA

Show Objectives

An educational feature, designed to educate business professionals & consumers on topics, trends and issues related to today's ever-changing business and global economic issues. The program will invite associations as well as third party representatives as the "experts" within their industry. Companies that are scheduled into the series address a variety of issues ranging from making business more efficient, increasing profit, employee retention, environmental stewardship, and any other issues that effect their industry and economy.

1) Companies and individuals scheduled will also be included in an extensive multi-media promotional effort for each series. The advertising and public relations department promotes the program and companies and individuals utilizing targeted press releases and articles in conjunction with an online promotional campaign that will be targeting industry specific organizations, consumer and business networking sites.

2) All featured guests will be given the complete licensing rights to their segment to reutilize for any future educational purposes such as:

- Send to distributors, analysts, and retailers as a point of sale demo
- Put into a continuous loop at trade/expo shows, which draws additional traffic to your booth.
- Upload footage to streaming video to enhance your corporate web-site.

A Production Coordinator will be assigned to your feature and will guide you through the entire production process. Upon final scheduling of your company, involvement will consist of the following requirements:

1. **Participation Agreement** – to be signed and authorized by a representative of your company and final approval by Today in America.
2. **Editorial Information Form (EIF)** – this form is very important as it is the initial input for the scripting department to develop the segment outline and initial script. It needs to be filled out completely and returned to Today in America within two weeks. Information such as contacts, key benefits, suggested shoot location(s) and on camera representatives will be covered in this form.
3. **Scheduling Fee** – will ensure featured guest and product/service exclusivity on the segment and will guarantee your commitment to meet production schedules and network deadlines.
4. **Material Requirements** – this literature will assist the advertising department, PR department and scriptwriters in the writing, production and promotion of our program. These materials include: logos, press kits, current press releases, product literature, any newspaper or magazine articles, slides and ad transparencies.

PARTICIPATION AGREEMENT

Date: August 16, 2011
Participant: **City of Tomball**
Market: National (*See Distribution Checklist*)
Show: **Today in America with Terry Bradshaw**

Project No: TIAAn-90904zb/ssta
Authorized by: Kelly Violette or Gretchen Fagan
Associate Producer: Zach Bunn
Feature: 5 minute feature

Today in America ("PRODUCTION COMPANY"):

- 1) PRODUCTION COMPANY will provide a complete licensed and insured production and scriptwriting team (field production, graphics, music, voice-overs, program editing, set design and lighting) for domestic taping and completion of feature for PARTICIPANT.
- 2) PRODUCTION COMPANY will provide PARTICIPANT with a copy of its segment, including a show open hosted by Terry Bradshaw. PRODUCTION COMPANY hereby grants to PARTICIPANT complete licensing rights to the segment and the show open, which PARTICIPANT may use for any legal purpose.
- 3) This feature will be used on the **Today in America** show airing one (1) time nationally on Travel Channel, and 34 times regionally through a combination of CNN Headline News and/or Regional News Networks in up to 50 markets as indicated on the distribution checklist. All airings to occur 6:00 a.m. to 11:00 p.m.
- 4) PRODUCTION COMPANY will include the PARTICIPANT in conjunction with the promotions of the series in any available editorial articles, as well as, press releases distributed to relevant industry organizations targeting consumer and business networking sites.
- 5) Content to include, but not limited to: **educate viewers on a city with a small town feel, sense of community, and a high quality of life that is experiencing growth and prosperity; inform viewers on unique aspects of city; make viewers aware of the people, places, and things to do in surrounding area; discuss growth potential and opportunities; visuals to include lifestyle footage that supports content, on camera interviews, and third party interviews, if available.**

City of Tomball ("PARTICIPANT"):

- 1) PARTICIPANT will provide input into the scripting by filling out a PARTICIPANT questionnaire, reviewing and signing off on feature outline for accuracy, filling out and approving production schedules and providing literature as well as background information. PARTICIPANT is required to sign off and approve script and final edited segment before going to network. All press releases must be pre-approved by both parties prior to release.
- 2) PARTICIPANT understands and acknowledges that the PRODUCTION COMPANY will immediately begin work on certain aspects of the PARTICIPANT'S feature and delegate personnel in association with the development, promotion, scheduling, pre-production and production with the goal to have the script developed within thirty to forty-five days upon PARTICIPANT returning the Editorial Information Form.
- 3) \$24,800 USD is the total scheduling fee. PARTICIPANT will incur no additional cost relating to the parameters of this agreement.
- 4) PARTICIPANT acknowledges and agrees to pay the total scheduling fee as follows: 1/2 due thirty days from agreement execution, and 1/2 due sixty days from agreement execution.
- 5) PARTICIPANT, if appropriate, will provide end user for testimonial, company spokesperson, talent and products for shooting.

The parties agree that Florida law applies and the jurisdiction and venue for any action regarding this agreement shall lie exclusively in the courts of Broward County, Florida. Once both parties authorize this agreement, Participant does irrevocably commit to participate in the television program described above and does further agree to provide the questionnaire and literature in a timely manner. All aspects of the agreement will be completed within twelve months or sooner of agreement execution assuming Participant does not withhold reasonable approvals. As stated, Today in America and its national television show has no direct affiliation with the networks on which they air. Today in America purchases the time through cable providers, networks and/or other media sellers. This agreement contains the full and complete understandings between the parties whether written or oral, pertaining thereto, and cannot be modified except by a written instrument signed by each party hereto.

Authorized Representative - Participant

Company /Position/ Print name

Date

Today in America Representative

CEO of Today in America

Date