

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



MONDAY, JUNE 6, 2011

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, June 6, 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 Invocation

- Led by Chaplain Steve Alison, VFW Post #2427

3.0 Pledges to U.S. and Texas Flags

- Led by Members of VFW Post #2427

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

5.0 Presentations:

- Proclamation – “**Honor Our Military Heroes Day**” – June 6, 2011

6.0 Reports and Announcements

- **Farmers Market** – 9 a.m.-1:00 p.m. (Every Saturday, April through July)
- **Tomball Livable Centers Downtown Plan** receives the **American Society of Landscape Architects Merit Award**
- June 11, 2011 – **2nd Saturday at the Depot**
- June 20-August 15 (skip July 4th) – **Tomball's Kids Club** on Mondays and Wednesdays, free lunch hosted by HEB and partner, Buffalo Wild Wings – **MLK Community Park**; applications available at City Hall and online
- July 4, 2011 – **Fourth of July Celebration – Fireworks Display**
- **Walk Tomball!** (every Saturday at 8:00 a.m. at the Depot)
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Doris Speer – M.O.V.E. Act and SB100 – Effects of Election Legislation on City Elections

7.0 Approve the Minutes of the May 16, 2011 Regular City Council Meeting and the May 17, 2011 Special City Council Meeting

8.0 New Business:

- 8.1 Appoint Member to Fill Vacancy and Complete Unexpired Term on Planning and Zoning Commission
- 8.2 Discussion of Proposed Tomball East-Side Specific Plan, presented by Partners for Strategic Action, Inc. (PSA)
- 8.3 Adopt, on First and Only Reading, Ordinance No. 2011-09, Authorizing the Issuance of City of Tomball, Texas General Obligation Refunding Bonds, Series 2011; Levying a Tax in Payment Thereof; Setting Certain Parameters for the Bonds; Authorizing the Authorized Officer to Approve the Amount, the Interest Rate, Price and Certain Other Terms Thereof; Authorizing the Redemption Prior to Maturity of Certain Outstanding Bonds; Authorizing the Execution and Delivery of a Bond Purchase Agreement, a Paying Agent/Registrar Agreement and an Escrow Agreement relating to such Bonds; Approving the Preparation and Distribution of an Official Statement; and Enacting other Provisions Relating Thereto.
- 8.4 Approve Resolution No. 2011-08, a Resolution of the City Council of the City of Tomball, Texas, supporting the Woodforest National Bank 5K "Tomball Dash" to be held in Tomball on Saturday, November 12, 2011.
- 8.5 Approve Resolution No. 2011-07, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 4th Annual Homecoming Parade and Pep Rally, to be held at the Tomball Depot, Sponsored by the Tomball Independent School District and the TISD Student Council, on Wednesday, September 28,

2011

- 8.6 Approve, on First Reading, Resolution No. 2011-06-TEDC, a Resolution of the City Council of the City of Tomball, Texas, Authorizing and Approving the Tomball Economic Development Corporation's Project to Expend Funds in Accordance with an Economic Development Agreement by and between the Corporation and Stripes LLC to Promote and Develop a New or Expanded Business Enterprise; Containing other Provisions relating to the Subject; and Providing for Severability - Approving, as a Project of the Corporation, an Agreement with Stripes LLC to Make Direct Incentives to, or Expenditures for, Assistance with Infrastructure Costs related to the Development and Construction of a Commercial Building to be located at the northwest corner of FM 2920 and FM 2978 in Tomball, Texas. The estimated amount of expenditures for such Project is \$56,000.
- 8.7 Receive the Tomball Economic Development Corporation 2010-2011 Annual Report
- 8.8 Approve the Tomball Economic Development Corporation 2011-2012 Strategic Work Plan
- 8.9 Approve, as a Project of the Corporation, an agreement with American National Carbide to make direct incentives to, or expenditures for, the creation or retention of primary jobs and that are found by the Board of Directors to be required or suitable for the development, retention, or expansion of manufacturing and industrial facilities: to wit: American National Carbide expansion and development of its manufacturing facility located at 915 South Cherry Street, Tomball, Texas. The estimated amount of expenditures for such Project is \$75,000.
- 8.10 Approve, on First Reading, Resolution No. 2011-09-TEDC, a Resolution of the City Council of the City of Tomball, Texas, Authorizing and Approving the Tomball Economic Development Corporation's Project to Expend Funds to Acquire up to 120 Acres of Land Generally Located at the Corner of Hufsmith-Kohrville and Holderrieth Roads for the Creation of a Business Park; Containing Other Provisions Relating to the Subject; and Providing for Severability.
- 8.11 Consideration and Possible Action to Approve an Agreement between the City of Tomball and the Tomball Economic Development Corporation (TEDC) for Reimbursement for Costs Associated with the Purchase of up to 120 Acres of Land located at the northwest corner of Hufsmith-Kohrville and Holderrieth Roads in Tomball for the Purpose of Developing a Business Park
- 8.12 Set Date for Strategic Planning Workshop
- 8.13 Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):
- Sec. 551.072 – Deliberations Regarding Real Property

9.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 3rd day of June 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.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: June 6, 2011

Topic:

- Proclamation – “**Honor Our Military Heroes Day**” – June 6, 2011

Background:

Origination:

Recommendation:

Funding:

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

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

ATTACHMENTS:

"Honor Our Military Heroes Day"

Office of the Mayor
Tomball, Texas

Proclamation



- WHEREAS,** from the opening battles of the American Revolution through the turmoil of the Civil War, World War I, World War II, Korea, Vietnam, the Persian Gulf, Afghanistan, Iraq, and numerous locations around the world, the members of our military have built a tradition of honorable and faithful service
- WHEREAS,** today, we remember the Americans who have died to preserve our freedom, those who were prisoners of war, and those who were declared missing in action. We also honor our veterans for their dedication to and sacrifices for America; and
- WHEREAS,** today, we honor our heroes by observing June 6, 2011, the 67th anniversary of D-Day on the beaches of Normandy, remembering the fallen from that fateful day and that war, who hold a cherished place in the history of the United States and in the memories of the peoples they liberated; and
- WHEREAS,** all United States military personnel serve at a crucial hour in history and each has answered the call to serve our Nation on the front lines as we continue to fight terrorism and promote peace and freedom, we also honor all of our fallen and currently serving military members, their commitment to our country, their legacy of patriotism and sacrifice and for their protection and inspiration to all Americans; and
- WHEREAS,** our prayers and hopes are for the safety and strength of our troops, for God's blessing on them and their families, and for comfort to those who have lost loved ones in the service of our country;

NOW, THEREFORE, I, GRETCHEN FAGAN, Mayor of the City of Tomball, on behalf of the Tomball City Council and all citizens hereof, do hereby proclaim **Monday, June 6, 2011,** as:

"HONOR OUR MILITARY HEROES DAY"

and encourage our citizens to join with the City Council in honoring our military personnel, the heroes of D-Day, June 6, 1944, and all of our veterans for their sacrificial services to our nation.

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

ATTEST:

DATE:

Gretchen Fagan
Doni Breen
June 1, 2011



Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 6, 2011

Topic:

- **Farmers Market** – 9 a.m.-1:00 p.m. (Every Saturday, April through July)
- **Tomball Livable Centers Downtown Plan** receives the **American Society of Landscape Architects Merit Award**
- June 11, 2011 – **2nd Saturday at the Depot**
- June 20-August 15 (skip July 4th) – **Tomball's Kids Club** on Mondays and Wednesdays, free lunch hosted by HEB and partner, Buffalo Wild Wings – **MLK Community Park**; applications available at City Hall and online
- July 4, 2011 – **Fourth of July Celebration – Fireworks Display**
- **Walk Tomball!** (every Saturday at 8:00 a.m. at the Depot)
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Doris Speer – M.O.V.E. Act and SB100 – Effects of Election Legislation on City Elections

Background:

Origination:

Recommendation:

Funding:

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

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

ATTACHMENTS:

ASLA Merit Award

2nd Saturday at the Depot

Tomball Kids Club Application

Effects of Federal and State Legislation on Tomball Elections

American
Society of
Landscape
Architects

Merit Award

presented by the

Texas Chapter

Tomball Livable Centers
Downtown Plan
Tomball, Texas

in recognition
of outstanding
professional
achievement

HNTB
Houston-Galveston Area Council
City of Tomball, Texas



Planning & Analysis


president

4.28.2011
date

2ND SATURDAY AT THE DEPOT

June 11 Tomball, TX



Demonstrations By:

**Zumba Fitness
By Lori Barton
&
Kuk Sool Won
of Tomball**

Lots of Water Fun!!

**Sno Cones &
Hot Dogs
by Sno Ball**

**Special Visit from:
Miss Tomball 2011
Jade Gilbo**

**Music by:
Cypress Ramblers**

FIREHOUSE DOG

HISTORIC TOMBALL DEPOT PLAZA

201 South Elm ~ One block south of Main Street

Opens at 6:30 PM ~ Movie begins at dark

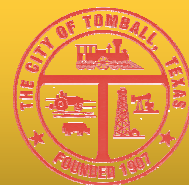
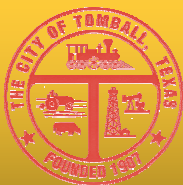
Free family entertainment for all ages

Bring your lawn chairs

No Glass Containers!

For more information, please call

Rosalie Dillon at 281-610-2595



Tomball Kids Club

Hosted by H-E-B

Partnership with Buffalo Wild Wings

Registration Form

Name- Parent/Guardian

Address

City /State

Phone

Parent's Email Address

Child's Name

Child's Age

Day(s) Attending:

- ☐ Mondays
- ☐ Wednesdays
- ☐ Monday/Wednesday (Entire 8 weeks)

As a parent, you may grant or deny any photography or video recording of your child. **If you do not wish for your child's photograph to be taken for publications, please note below.**

Do you give permission to have your child's photo taken and used for publications?

Yes _____ No _____



CITY OF TOMBALL

MEMORANDUM

DATE: June 2, 2011

TO: Mayor and Council

FROM: Doris Speer, City Secretary

SUBJECT: Effects of Federal and State Legislation on Tomball Elections

In response to the federally-adopted Military and Overseas Voter Empowerment Act (M.O.V.E.), which requires political entities to provide by-mail ballots to military and overseas voters a minimum of 45 days before the date of an election, the Texas Legislature has passed SB 100, a copy of which is attached; the Governor's signature is expected.

SB 100, as adopted, moves various deadlines back to enable elections administrators to meet the new, longer time periods necessary to accommodate military/overseas voters. As a result of this new legislation, however, Tomball now faces several decisions, as do other Texas cities.

SB 100 allows cities to continue holding city elections on the second Saturday in May; however, County election administrators are no longer required to provide election equipment to municipalities for elections held on the second Saturday in May in even-numbered years [Election Code, Section 41.001(d)]. SB 100 also changes the primary runoff date to the fourth Tuesday in May [Election Code, Section 65.051(b)], which means that, in even-numbered years, Harris County will still be using its equipment for early voting during the time period Tomball will be conducting its May election. John German, the Harris County Elections Administrator, has advised me that, with or without the passage of SB100, Harris County will not furnish election equipment to any cities for May elections in even-numbered years, due to the federal M.O.V.E. Act requirements. He is currently working on Harris County's official notification to all cities and school systems (copy of email attached).

SB 100 allows cities to change their general election date from May to November and hold their elections with the appropriate county. The terms of office for current councilmembers expiring in 2012 would be extended appropriately. This change, by resolution, supersedes provisions in home-rule charters that require a May election or require the terms of councilmembers to be staggered [Election Code, Section 41.0052(a)-(d)]. Council could, therefore, adopt a resolution to make all elected positions expire in alternating odd-numbered years, possibly by changing the terms of office to four-year terms. [Election Code, Section 52(a)-(c)]. This would work the same as our current system, unless a vacancy occurs in an even-numbered year, in which case we would be required to lease equipment if Harris County could not/would not provide the equipment.

Council could also choose to lease electronic-ballot equipment from Harris County in odd-numbered years and OCR-scanned paper ballot equipment from ES&S in even-numbered years. However, I believe the simplest and best option would be for Tomball to purchase its own election equipment, as several other cities have already done and others are contemplating; this would allow Tomball to maintain its three-year terms and hold general elections each May, with special or runoff elections as needed. The primary objections to holding joint elections with Harris County are that Tomball races would be at the end of the ballot (federal, state, county, etc., would come first), problems might occur with Tomball races when voters cast a straight-ticket ballot, ineligible voters might vote in Tomball races, and Tomball would not receive the results of its election

until Harris County has received, reviewed and counted all provisional and military/overseas ballots—a possible delay of 5-10 days. Additionally, Harris County agreement would require that the County pay our election clerks and charge Tomball an additional 10 percent in payroll overhead.

I contacted HART Intercivic, the company that supplies Harris County's equipment, and ES&S, the next largest supplier of election systems in Texas, as I have experience using both companies' equipment. Attached are the estimates and correspondence from HART and ES&S. HART sells new and used election equipment and provides programming, testing, on-site support and tallying (counting) the ballots on Election Day. ES&S rents election equipment and provides programming, but no equipment testing, on-site support or tallying unless requested.

HART's quote (\$31,085.00) includes the initial purchase of the same election equipment we currently use, and the services and support for the May 2012 election; \$25,585.00 would be due when the equipment is delivered and \$5,500.00 would be due following the May 2012 election. Annual licensing, maintenance and software updates for the equipment would cost \$80.00 per unit, a total of \$640.00. Expenses for each election beginning in 2013 would be approximately \$5,500.00 for programming, ballots, and on-site support and tallying services on Election Day.

ES&S' quote (\$10,100.86) is for rental and programming only of the equipment (subject to availability). Leasing equipment from ES&S would require that we return to OCR-scanned paper ballots. Additionally, ES&S' on-site support is \$4,125 per election (email attached), bringing the total for each election to \$14,225.86. I worked with OCR-scanned paper ballots in Montgomery County elections for many years and would not advise returning to an OCR-scanned paper ballot system.

Including the cost of the initial equipment purchase, the cost of five elections using our own equipment versus leased equipment would be as follows (without cost increases):

HART Intercivic (City Equipment):	\$61,785.00
ES&S (Leased Equipment):	\$71,129.30

These costs do not include associated personnel/election clerk costs, legal notices, etc. that the City Secretary handles.

I would like to recommend purchasing equipment from HART during fiscal year 2010-2011 and using HART's support services to maintain/certify the equipment and conduct the tally on Election Day. I have attached a copy of the Exhibit A from our last contract with Harris County; the cost of support and equipment from Harris County is estimated to be \$3,556.16, which does not include on-site support or tallying our elections. The cost per election of using our own equipment would be slightly more than what we have paid to lease Harris County each year, however, HART will maintain, program, and certify our election equipment, which would remain on-site, and HART will conduct the election tally, as an independent party, providing an additional layer of security for our elections. The City of Friendswood purchased its election equipment from HART in 2005 and has been extremely satisfied with the equipment and with HART's services (email attached).

The City Secretary's office has sufficient funds available in the 2010-2011 budget to purchase the necessary election equipment. In view of the fact that many Texas cities will be vying to purchase or lease available election equipment for their 2012 elections, Council's direction is requested.

Doris Speer

From: German, John (CCO) [JGerman@cco.hctx.net]
Sent: Wednesday, June 01, 2011 9:06 AM
To: Doris Speer
Subject: RE: Question regarding SB 100/HB 111 and Effects on May Elections

Good morning Doris

Yes, we will send a letter to the jurisdictions regarding even year May elections. At this time we are evaluating the impact of the new legislation. But, at this point we would not be able to support even year May elections with equipment due to the Primary and Primary Runoff.

We anticipate the letter will be sent out in the next two weeks.

Regards,
Johnnie

From: Doris Speer [mailto:Dspeer@ci.tomball.tx.us]
Sent: Tuesday, May 31, 2011 11:42 AM
To: German, John (CCO); Kriskhke, Pam (CCO)
Subject: Question regarding SB 100/HB 111 and Effects on May Elections
Good morning --

As SB100 and HB111 have passed, will you be issuing an official notification that Harris County won't be able to supply voting equipment to cities for May elections in even-numbered years? I need to bring my Council up to speed on the effects we face as a result of the new legislation.

Thank you.

Doris Speer
City Secretary, TRMC
401 Market Street
Tomball, Texas
(ofc) 281-290-1002
(fax) 281-351-6256
(email) dspeer@ci.tomball.tx.us <<mailto:dspeer@ci.tomball.tx.us>>

This message, as well as any files or documents attached to it, contains information which may be privileged, confidential and exempt from disclosure under applicable law. It is intended only for the use of the person or entity to which it is addressed. Unless you are the addressee (or authorized to receive for the addressee), you are hereby notified that the copying, distribution or other use of this message is strictly prohibited. You may not use, copy or disclose to anyone the message or any information contained in the message. If you have received this message in error, please advise the sender immediately by reply e-mail, telephone or fax and destroy all forms of this message.

6/1/2011

Doris Speer

From: Melinda Welsh [mwelsh@ci.friendswood.tx.us]
Sent: Wednesday, June 01, 2011 5:41 PM
To: TexasMunicipalClerks@yahoogroups.com
Subject: ***BULK*** [TexasMunicipalClerks] Re: Elections

We have never contracted with the County and have always had our own election equipment. We purchased it in 2005 through Hart Intercivic. It's great equipment, easy to use, and they have wonderful technical support.

Thanks,
Melinda Welsh, TRMC
City Secretary
City of Friendswood
281-996-3270
(Fax) 281-482-1634
mwelsh@friendswood.com

"This e-mail contains thoughts and opinions of Melinda Welsh and does not represent official city policy"

It's not what you leave behind that matters, it is what you send ahead

ATTENTION PUBLIC OFFICIALS! A "Reply to All" of this e-mail could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

6/2/2011



Pricing Quote for Purchase

Date
Customer
Customer PO (if applicable)
System Version
Additional Notes
Election Event Date

June 3, 2011
City of Tomball
Hart Voting System 6.2.1
May 2012

Item	Description	Quantity	Unit Price	Total	Remarks
1	City/School Base Services Package	1	\$5,000.00	\$ 5,000.00	* Ballot Programming (English/Spanish - up to 10 contests) * One on-site trip by Professional Services Team to include: * Logic & Accuracy Testing (on-site) * Poll Work Training (on-site) * Phone Support for Early Voting * Onsite Support on Election Day through Tally
2	eSlate, DAU, used	2	\$2,860.00	\$ 5,720.00	Disabled Access Unit (ADA HAVA - compliant) and booth
3	eSlate, used	6	\$2,200.00	\$ 13,200.00	Standard Voting Machine and booth
4	JBC, used	2	\$2,200.00	\$ 4,400.00	Judges Booth Controller (1 per Poll Location)
5	eScan Digital Scanner, used		\$3,960.00		Ballot Box included
6	eSlate Storage Caddy III	1	\$605.00	\$ 605.00	
7	Casters for Caddy III	1	\$110.00	\$ 110.00	Set of 4
8	JBC Storage and Transport Box	2	\$55.00	\$ 110.00	
9	Additional Language Programming	1	\$450.00	\$ 450.00	Vietnamese (audio & ballot)
10	Additional Ballot Programming		\$500.00		Up to 10 additional contests
11	Paper Ballots	50	\$1.00	\$ 50.00	Minimum 50 Ballots, includes ground transportation
12	Paper Ballots (8.5 x 11)		\$0.34		Minimum 1000 Ballots
13	Paper Ballots (8.5 x 14)		\$0.37		
14	Annual License & Support Fee - eSlate	6	\$80.00	\$ 480.00	per unit. Required.
15	Annual License & Support Fee - DAU	2	\$80.00	\$ 160.00	per unit. Required.
16	Annual License & Support Fee - eScan		\$150.00		per unit. Required.
Subtotal				\$ 30,285.00	
Minimum Shipping & Handling				\$ 800.00	
Total				\$ 31,085.00	

Billing Address and Phone

Doris Speer, City Secretary
City of Tomball
401 Market Street
Tomball, Texas 77375
281-290-1002

Shipping Address and Phone

Doris Speer, City Secretary
City of Tomball
401 Market Street
Tomball, Texas 77375
281-290-1002

Billing Instructions

Customer will receive 2 Hart Invoices: first invoice upon equipment delivery for \$25,585 and the second immediately following date of election for \$5,500 Payment terms are Net 30.

Shipping Instructions

Ground Transportation

Terms and Conditions:

Prices are effective for 30 days from date of quote and subject to inventory availability.

Hart Contact (Name): Brian McRee	Title: Sales Representative
Hart Approval (signature): <i>Brian McRee</i>	Date: June 3, 2011
Customer Contact (Name):	Title:
Customer Approval (signature):	Date:

To activate your agreement, please sign and fax to 512.252.6414 or email bmcrea@hartic.com



Tomball, TX
Turnkey Rental Proposal Quote
Submitted by Premier Election Solutions and ES&S Company

Turnkey Rental Solution Includes:

<u>Quantity</u>	<u>Item Description</u>	<u>UOM</u>	<u>Price</u>
Tabulation Hardware			
<u>Precinct Scanner</u>			
2	USED Model 100 WITHOUT Ballot Box (Includes Scanner, Hard Carrying Case, Start-up Kit and PCMCIA Card)	Kit	Included
1	Ballot Box, Plastic, WITH Diverter	Each	Included
Election Day Supplies Kit:			
1	Paper Roll (Election Day)	Each	Included
2	Seals (Election Day)	Each	Included
Early Voting Supplies Kit:			
2	Tabulator Keys	Each	Included
2	Luggage Tag	Each	Included
2	PCMCIA Memory Cards (Additional)	Each	Included
<u>Touch Screen Tabulator</u>			
6	USED iVotronic ADA Terminal (Includes Booth, Supervisor PEB, Headset, and 512MB Flashcard)	Kit	Included
1	USED iVotronic ADA Terminal (Includes Booth, Supervisor PEB, Headset, and 512MB Flashcard) - Add On Election Day Unit	Each	Included
Election Day Supplies Kit:			
6	Paper Roll (Election Day)	Each	Included
12	Tamper Seals Red (Election Day)	Each	Included
12	Tamper Seals Blue (Election Day)	Each	Included
12	Seals (Election Day)	Each	Included
Early Voting Supplies Kit:			
8	Paper Roll (Early Voting)	Each	Included
12	Tamper Seals Red (Early Voting)	Each	Included
40	Tamper Seals Blue (Early Voting)	Each	Included
40	Seals (Early Voting)	Each	Included
3	Printer Pack (thermal printer only)	Each	Included
7	512MB Flash Cards (Additional)	Each	Included
7	Supervisor PEB's (Additional)	Each	Included

<u>Quantity</u>	<u>Item Description</u>	<u>UOM</u>	<u>Price</u>
6	PEB Reader/Writer	Each	Included
Software & Accessories:			
1	Unity Election Reporting Manager (ERM)	License	Included
Services			
2	Professional Services Day	Day	Included
1	Travel Charge	Event	Included
1	Ballot Layout, Coding, and Voice Files. Includes English & Spanish Language Election Day Definition Burned to Media Coding Elements Up To The Following Quantities: 1 - Ballot Type 2 - Precincts 5 - Contests and/or Issues 15 - Candidates and/or Responses 2 - Propositions/Amendments or Instructions 2 - Ballot Faces	Each	Included
1,200	Ballot Printing	Each	Included
X	Shipping and Handling		Included
Total Rental Solution			\$9,385.86

Footnotes:

Pricing reflects per election rental rates utilizing rental pool equipment. Rental equipment is subject to availability at time of requested delivery.

This quote is an estimate and is subject to final review and approval by both PES and the Customer.

Rates valid for 90 days and thereafter may change.

Any applicable (City & State) sales taxes have not been included in pricing and are the responsibility of the customer.

The quantity of service days reflects a reasonable estimate for implementation and selected ongoing election services. Quantities may change depending on specific Customer needs.

Other Items:

<u>Quantity</u>	<u>Item Description</u>	<u>Price</u>
1	"Estimated" Additional Language Fee Programming (Vietnamese)	\$715.00
		\$10,100.86

Doris Speer

From: Menges, Sheri [smmenges@essvote.com]
Sent: Thursday, May 19, 2011 4:44 PM
To: Doris Speer
Subject: RE: Rental/Purchase of Election Equipment
Attachments: Tomball, TX.pdf; ESS_iVotronic audio_v2.pdf

Hello Doris. I hope your election went well. I have attached a preliminary quote for your review. This quote is what we call our Turnkey Program. This is for our smaller jurisdictions and it is a package deal. You get everything that is included on this quote "standard".

I did not include pricing for ballot printing or on-site election day support but, I have outlined the pricing below should you wish to take advantage of these additional options:

Ballot Printing = \$0.39 per ballot
On-Site Election Day Support = \$4,125

I have also attached the ES&S iVotronic, this is the equipment you are being quoted on.

Feel free to contact me with any questions.

Thank you.

Entity Name	Estimated Cost				Actual Cost			
	FULL SERVICE							
	May 14, 2011 Election							
Item	Qty.	Cost	Hours	Total	Qty.	Cost	Hours	Total
	Early Voting							
Sample Ballots (8.5 x 11 Yellow Paper)								
English/Spanish	5	\$0.25		\$1.25		\$0.25		\$0.00
English/Vietnamese	5	\$0.25		\$1.25		\$0.25		\$0.00
Ballots (Postal)								
English/Spanish	50	\$0.25		\$12.50		\$0.25		\$0.00
English/Vietnamese	10	\$0.25		\$2.50		\$0.25		\$0.00
Equipment - Early Voting								
JBC	1	\$118.20		\$118.20		\$118.20		\$0.00
DAU	1	\$126.42		\$126.42		\$126.42		\$0.00
eSlate	3	\$75.63		\$226.89		\$75.63		\$0.00
Caddy	1	\$6.80		\$6.80		\$6.80		\$0.00
Delivery (per location)	1	\$140.80		\$140.80		\$140.80		\$0.00
				\$636.61				\$0.00
	Training							
Judge/Clerk EV/ED Voting Training (per)	2	\$16.50		\$33.00		\$16.50		\$0.00
Technician Training (per)	2	\$16.50		\$33.00		\$16.50		\$0.00
Tally Training (Flat Fee- Max 4)	2	\$55.00		\$0.00		\$55.00		\$0.00
Total Training Booklets	2	\$3.00		\$6.00		\$3.00		\$0.00
				\$72.00				\$0.00
	Election Day							
Equipment - Election Day								
JBC	1	\$118.20		\$118.20		\$118.20		\$0.00
DAU	1	\$126.42		\$126.42		\$126.42		\$0.00
eSlate	4	\$75.63		\$302.52		\$75.63		\$0.00
Caddy	0	\$6.80		\$0.00		\$6.80		\$0.00
Tally Equipment	1	\$220.00		\$220.00		\$220.00		\$0.00
Delivery (per location)	0	\$140.80		\$0.00		\$140.80		\$0.00
				\$767.14				\$0.00
	L/A TEST							
Equipment - L/A Test								
JBC	1	\$118.20		\$118.20		\$118.20		\$0.00
DAU	1	\$126.42		\$126.42		\$126.42		\$0.00
				\$244.62				\$0.00
Services								
Coding fee	1	\$1,512.50		\$1,512.50		\$1,512.50		\$0.00
				\$1,512.50				\$0.00
Base Contract Total				\$3,232.87				\$0.00
10% Fee [TEC 31.100 (d)]				\$323.29				\$0.00
Total Due Harris County				\$3,556.16				\$0.00
ELECTION DEPOSIT				\$2,133.69				\$0.00
Remaining Due				\$1,422.47				\$0.00

1 AN ACT

2 relating to the adoption of certain voting procedures and to
3 certain elections, including procedures necessary to implement the
4 federal Military and Overseas Voter Empowerment Act, deadlines for
5 declaration of candidacy and dates for certain elections, and to
6 terms of certain elected officials.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Chapter 101, Election Code, is amended to read as
9 follows:

10 CHAPTER 101. VOTING BY RESIDENT FEDERAL POSTCARD APPLICANT

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 101.001. ELIGIBILITY. A person is eligible for early
13 voting by mail as provided by this chapter if:

14 (1) the person is qualified to vote in this state or,
15 if not registered to vote in this state, would be qualified if
16 registered; and

17 (2) the person is:

18 (A) a member of the armed forces of the United
19 States, or the spouse or a dependent of a member;

20 (B) a member of the merchant marine of the United
21 States, or the spouse or a dependent of a member; or

22 (C) domiciled in this state but temporarily
23 living outside the territorial limits of the United States and the
24 District of Columbia.

1 Sec. 101.002. GENERAL CONDUCT OF VOTING. Voting under this
2 chapter shall be conducted and the results shall be processed as
3 provided by Subtitle A for early voting by mail, except as otherwise
4 provided by this chapter.

5 Sec. 101.003. DEFINITIONS. ~~[FORM AND CONTENTS OF~~
6 ~~APPLICATION. (a) An application for a ballot to be voted under~~
7 ~~this chapter must:~~

8 ~~[(1) be submitted on an official federal postcard~~
9 ~~application form, and~~

10 ~~[(2) include the information necessary to indicate~~
11 ~~that the applicant is eligible to vote in the election for which the~~
12 ~~ballot is requested.~~

13 ~~[(b)]~~ In this chapter:

14 (1) "Federal[, "federal] postcard application" means
15 an application for a ballot to be voted under this chapter submitted
16 on the official federal form prescribed under the federal Uniformed
17 and Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff
18 et seq.).

19 (2) "FPCA registrant" means a person registered to
20 vote under Section 101.055.

21 Sec. 101.004. NOTING FPCA REGISTRATION ON POLL LIST. For
22 each FPCA registrant accepted to vote, a notation shall be made
23 beside the voter's name on the early voting poll list indicating
24 that the voter is an FPCA registrant.

25 Sec. 101.005. NOTING FPCA REGISTRATION AND E-MAIL ON EARLY
26 VOTING ROSTER. The entry on the early voting roster pertaining to a
27 voter under this chapter who is an FPCA registrant must include a

1 notation indicating that the voter is an FPCA registrant. The early
2 voting clerk shall note on the early voting by mail roster each
3 e-mail of a ballot under Subchapter C.

4 Sec. 101.006. EXCLUDING FPCA REGISTRANT FROM PRECINCT EARLY
5 VOTING LIST. A person to whom a ballot is provided under this
6 chapter is not required to be included on the precinct early voting
7 list if the person is an FPCA registrant.

8 Sec. 101.007. DESIGNATION OF SECRETARY OF STATE. (a) The
9 secretary of state is designated as the state office to provide
10 information regarding voter registration procedures and absentee
11 ballot procedures, including procedures related to the federal
12 write-in absentee ballot, to be used by persons eligible to vote
13 under the federal Uniformed and Overseas Citizens Absentee Voting
14 Act (42 U.S.C. Section 1973ff et seq.).

15 (b) The secretary of state is designated as the state
16 coordinator between military and overseas voters and county
17 election officials. A county election official shall:

18 (1) cooperate with the secretary of state to ensure
19 that military and overseas voters timely receive accurate balloting
20 materials that a voter is able to cast in time for the election; and

21 (2) otherwise comply with the federal Military and
22 Overseas Voter Empowerment Act (Pub. L. No. 111-84, Div. A, Title V,
23 Subt. H).

24 (c) The secretary of state may adopt rules as necessary to
25 implement this section.

26 Sec. 101.008. STATUS OF APPLICATION OR BALLOT VOTED. The
27 secretary of state, in coordination with local election officials,

1 shall implement an electronic free-access system by which a person
2 eligible for early voting by mail under this chapter or Chapter 114
3 may determine by telephone, by e-mail, or over the Internet
4 whether:

5 (1) the person's federal postcard application or other
6 registration or ballot application has been received and accepted;
7 and

8 (2) the person's ballot has been received and the
9 current status of the ballot.

10 SUBCHAPTER B. SUBMISSION OF FEDERAL POSTCARD APPLICATION

11 Sec. 101.051. FORM AND CONTENTS OF APPLICATION. An
12 application for a ballot to be voted under this subchapter must:

13 (1) be submitted on an official federal postcard
14 application form; and

15 (2) include the information necessary to indicate that
16 the applicant is eligible to vote in the election for which the
17 ballot is requested.

18 Sec. ~~101.052~~ [101.004]. SUBMITTING APPLICATION. (a) A
19 federal postcard application must be submitted to the early voting
20 clerk for the election who serves the election precinct of the
21 applicant's residence.

22 (a-1) A federal postcard application must be submitted by:

23 (1) mail; or

24 (2) electronic transmission of an image of the
25 application under procedures prescribed by the secretary of state.

26 (b) A federal postcard application may be submitted at any
27 time during the calendar year in which the election for which a

1 ballot is requested occurs, but not later than the deadline for
2 submitting a regular application for a ballot to be voted by mail.

3 (c) A federal postcard application requesting a ballot for
4 an election to be held in January or February may be submitted in
5 the preceding calendar year but not earlier than the earliest date
6 for submitting a regular application for a ballot to be voted by
7 mail.

8 (d) A timely application that is addressed to the wrong
9 early voting clerk shall be forwarded to the proper early voting
10 clerk not later than the day after the date it is received by the
11 wrong clerk.

12 (e) An applicant who otherwise complies with applicable
13 requirements is entitled to receive a full ballot to be voted by
14 mail under this chapter if:

15 (1) the applicant submits a federal postcard
16 application to the early voting clerk on or before the 20th day
17 before election day; and

18 (2) the application contains the information that is
19 required for registration under Title 2.

20 (f) The applicant is entitled to receive only a federal
21 ballot to be voted by mail under Chapter 114 if:

22 (1) the applicant submits the federal postcard
23 application to the early voting clerk after the date provided by
24 Subsection (e)(1) and before the sixth day before election day; and

25 (2) the application contains the information that is
26 required for registration under Title 2.

27 (g) An applicant who submits a federal postcard application

1 to the early voting clerk on or after the sixth day before election
2 day is not entitled to receive a ballot by mail for that election.

3 (h) If the applicant submits the federal postcard
4 application within the time prescribed by Subsection (f)(1) and is
5 a registered voter at the address contained on the application, the
6 applicant is entitled to receive a full ballot to be voted by mail
7 under this chapter.

8 (i) Except as provided by Subsections (l) and (m), for
9 purposes of determining the date a federal postcard application is
10 submitted to the early voting clerk, an application is considered
11 to be submitted on the date it is placed and properly addressed in
12 the United States mail. An application mailed from an Army/Air
13 Force Post Office (APO) or Fleet Post Office (FPO) is considered
14 placed in the United States mail. The date indicated by the post
15 office cancellation mark, including a United States military post
16 office cancellation mark, is considered to be the date the
17 application was placed in the mail unless proven otherwise. For
18 purposes of an application made under Subsection (e):

19 (1) an application that does not contain a
20 cancellation mark is considered to be timely if it is received by
21 the early voting clerk on or before the 15th day before election
22 day; and

23 (2) if the 20th day before the date of an election is a
24 Saturday, Sunday, or legal state or national holiday, an
25 application is considered to be timely if it is submitted to the
26 early voting clerk on or before the next regular business day.

27 (j) If the early voting clerk determines that an application

1 that is submitted before the time prescribed by Subsection (e)(1)
2 does not contain the information that is required for registration
3 under Title 2, the clerk shall notify the applicant of that fact.
4 If the applicant has provided a telephone number or an address for
5 receiving mail over the Internet, the clerk shall notify the
6 applicant by that medium.

7 (k) If the applicant submits the missing information before
8 the time prescribed by Subsection (e)(1), the applicant is entitled
9 to receive a full ballot to be voted by mail under this chapter. If
10 the applicant submits the missing information after the time
11 prescribed by Subsection (e)(1), the applicant is entitled to
12 receive a full ballot to be voted by mail for the next election that
13 occurs:

- 14 (1) in the same calendar year; and
15 (2) after the 30th day after the date the information
16 is submitted.

17 (l) For purposes of determining the end of the period that
18 an application may be submitted under Subsection (f)(1), an
19 application is considered to be submitted at the time it is received
20 by the early voting clerk.

21 (m) The secretary of state by rule shall establish the date
22 on which a federal postcard application is considered to be
23 electronically submitted to the early voting clerk.

24 Sec. 101.053 [~~101.0041~~]. ACTION BY EARLY VOTING CLERK ON
25 CERTAIN APPLICATIONS. The early voting clerk shall notify the
26 voter registrar of a federal postcard application submitted by an
27 applicant that states a voting residence address located outside

1 the registrar's county.

2 Sec. 101.054 [~~101.005~~]. APPLYING FOR MORE THAN ONE ELECTION
3 IN SAME APPLICATION. (a) A person may apply with a single federal
4 postcard application for a ballot for any one or more elections in
5 which the early voting clerk to whom the application is submitted
6 conducts early voting.

7 (b) An application that does not identify the election for
8 which a ballot is requested shall be treated as if it requests a
9 ballot for:

10 (1) each general election in which the clerk conducts
11 early voting; and

12 (2) the general primary election if the application
13 indicates party preference and is submitted to the early voting
14 clerk for the primary.

15 (c) An application shall be treated as if it requests a
16 ballot for[+

17 [~~(1)~~] a runoff election that results from an election
18 for which a ballot is requested[+and

19 [~~(2)~~ each election for a federal office, including a
20 primary or runoff election, that occurs on or before the date of the
21 second general election for state and county officers that occurs
22 after the date the application is submitted].

23 (d) An application requesting a ballot for more than one
24 election shall be preserved for the period for preserving the
25 precinct election records for the last election for which the
26 application is effective.

27 Sec. 101.055 [~~101.006~~]. FPCA VOTER REGISTRATION. (a) The

1 submission of a federal postcard application that complies with the
2 applicable requirements by an unregistered applicant constitutes
3 registration by the applicant:

4 (1) for the purpose of voting in the election for which
5 a ballot is requested; and

6 (2) under Title 2 unless the person indicates on the
7 application that the person is residing outside the United States
8 indefinitely.

9 (b) For purposes of registering to vote under this chapter,
10 a person shall provide the address of the last place of residence of
11 the person in this state or the last place of residence in this
12 state of the person's parent or legal guardian.

13 (c) The registrar shall register the person at the address
14 provided under Subsection (b) unless that address no longer is
15 recognized as a residential address, in which event the registrar
16 shall assign the person to an address under procedures prescribed
17 by the secretary of state [In this chapter, "FPCA registrant" means
18 a person registered to vote under this section].

19 Sec. 101.056 ~~[101.007]~~. METHOD OF PROVIDING BALLOT;
20 REQUIRED ADDRESS. (a) The balloting materials provided under this
21 subchapter ~~[chapter]~~ shall be airmailed to the voter free of United
22 States postage, as provided by the federal Uniformed and Overseas
23 Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et seq.), in
24 an envelope labeled "Official Election Balloting Material - via
25 Airmail." The secretary of state shall provide early voting clerks
26 with instructions on compliance with this subsection.

27 (b) The address to which the balloting materials are sent to

1 a voter must be:

2 (1) an address outside the county of the voter's
3 residence; or

4 (2) an address in the United States for forwarding or
5 delivery to the voter at a location outside the United States.

6 (c) If the address to which the balloting materials are to
7 be sent is within the county served by the early voting clerk, the
8 federal postcard application must indicate that the balloting
9 materials will be forwarded or delivered to the voter at a location
10 outside the United States.

11 Sec. 101.057 [~~101.008~~]. RETURN OF VOTED BALLOT. A ballot
12 voted under this subchapter [~~chapter~~] may be returned to the early
13 voting clerk by mail, common or contract carrier, or courier.

14 [~~Sec. 101.009. NOTING FPCA REGISTRATION ON POLL LIST. For~~
15 ~~each FPCA registrant accepted to vote, a notation shall be made~~
16 ~~beside the voter's name on the early voting poll list indicating~~
17 ~~that the voter is an FPCA registrant.~~

18 [~~Sec. 101.010. NOTING FPCA REGISTRATION ON EARLY VOTING~~
19 ~~ROSTER. The entry on the early voting roster pertaining to a voter~~
20 ~~under this chapter who is an FPCA registrant must include a notation~~
21 ~~indicating that the voter is an FPCA registrant.~~

22 [~~Sec. 101.011. EXCLUDING FPCA REGISTRANT FROM PRECINCT~~
23 ~~EARLY VOTING LIST. A person to whom a ballot is provided under this~~
24 ~~chapter is not required to be included on the precinct early voting~~
25 ~~list if the person is an FPCA registrant.]~~

26 Sec. 101.058 [~~101.012~~]. OFFICIAL CARRIER ENVELOPE. The
27 officially prescribed carrier envelope for voting under this

1 subchapter [~~chapter~~] shall be prepared so that it can be mailed free
 2 of United States postage, as provided by the federal Uniformed and
 3 Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et
 4 seq.) [~~Federal Voting Assistance Act of 1955~~], and must contain the
 5 label prescribed by Section 101.056(a) [~~101.007(a)~~] for the
 6 envelope in which the balloting materials are sent to a voter. The
 7 secretary of state shall provide early voting clerks with
 8 instructions on compliance with this section.

9 SUBCHAPTER C. E-MAIL TRANSMISSION OF BALLOTING MATERIALS

10 Sec. 101.101. PURPOSE. The purpose of this subchapter is to
 11 implement the federal Military and Overseas Voter Empowerment Act
 12 (Pub. L. No. 111-84, Div. A, Title V, Subt. H).

13 Sec. 101.102. REQUEST FOR BALLOTING MATERIALS. (a) A
 14 person eligible to vote under this chapter may request from the
 15 appropriate early voting clerk e-mail transmission of balloting
 16 materials under this subchapter.

17 (b) The early voting clerk shall grant a request made under
 18 this section for the e-mail transmission of balloting materials if:

19 (1) the requestor has submitted a valid federal
 20 postcard application and:

21 (A) if the requestor is a person described by
 22 Section 101.001(2)(C), has provided a current mailing address that
 23 is located outside the United States; or

24 (B) if the requestor is a person described by
 25 Section 101.001(2)(A) or (B), has provided a current mailing
 26 address that is located outside the requestor's county of
 27 residence;

1 (2) the requestor provides an e-mail address:

2 (A) that corresponds to the address on file with
3 the requestor's federal postcard application; or

4 (B) stated on a newly submitted federal postcard
5 application;

6 (3) the request is submitted on or before the seventh
7 day before the date of the election; and

8 (4) a marked ballot for the election from the
9 requestor has not been received by the early voting clerk.

10 Sec. 101.103. CONFIDENTIALITY OF E-MAIL ADDRESS. An e-mail
11 address used under this subchapter to request balloting materials
12 is confidential and does not constitute public information for
13 purposes of Chapter 552, Government Code. An early voting clerk
14 shall ensure that a voter's e-mail address provided under this
15 subchapter is excluded from public disclosure.

16 Sec. 101.104. ELECTIONS COVERED. The e-mail transmission
17 of balloting materials under this subchapter is limited to:

18 (1) an election in which an office of the federal
19 government appears on the ballot, including a primary election;

20 (2) an election to fill a vacancy in the legislature
21 unless:

22 (A) the election is ordered as an emergency
23 election under Section 41.0011; or

24 (B) the election is held as an expedited election
25 under Section 203.013; or

26 (3) an election held jointly with an election
27 described by Subdivision (1) or (2).

1 Sec. 101.105. BALLOTING MATERIALS TO BE SENT BY E-MAIL.

2 Balloting materials to be sent by e-mail under this subchapter
3 include:

4 (1) the appropriate ballot;

5 (2) ballot instructions, including instructions that
6 inform a voter that the ballot must be returned by mail to be
7 counted;

8 (3) instructions prescribed by the secretary of state
9 on:

10 (A) how to print a return envelope from the
11 federal Voting Assistance Program website; and

12 (B) how to create a carrier envelope or signature
13 sheet for the ballot; and

14 (4) a list of certified write-in candidates, if
15 applicable.

16 Sec. 101.106. METHODS OF TRANSMISSION TO VOTER. (a) The
17 balloting materials may be provided by e-mail to the voter in PDF
18 format, through a scanned format, or by any other method of
19 electronic transmission authorized by the secretary of state in
20 writing.

21 (b) The secretary of state shall prescribe procedures for
22 the retransmission of balloting materials following an
23 unsuccessful transmission of the materials to a voter.

24 Sec. 101.107. RETURN OF BALLOT. (a) A voter described by
25 Section 101.001(2)(A) or (B) must be voting from outside the
26 voter's county of residence. A voter described by Section
27 101.001(2)(C) must be voting from outside the United States.

1 (b) A voter who receives a ballot under this subchapter must
2 return the ballot in the same manner as required under Section
3 101.057 and, except as provided by Chapter 105, may not return the
4 ballot by electronic transmission.

5 (c) A ballot that is not returned as required by Subsection
6 (b) is considered a ballot not timely returned and is not sent to
7 the early voting ballot board for processing.

8 (d) The deadline for the return of a ballot under this
9 section is the same deadline as provided in Section 86.007.

10 Sec. 101.108. TRACKING OF BALLOTING MATERIALS. The
11 secretary of state by rule shall create a tracking system under
12 which an FPCA registrant may determine whether a voted ballot has
13 been received by the early voting clerk. Each county that sends
14 ballots to FPCA registrants shall provide information required by
15 the secretary of state to implement the system.

16 Sec. 101.109. RULES. (a) The secretary of state may adopt
17 rules as necessary to implement this subchapter.

18 (b) The secretary of state may provide for an alternate
19 secure method of electronic ballot transmission under this
20 subchapter instead of transmission by e-mail

21 ~~[Sec. 101.013. DESIGNATION OF SECRETARY OF STATE. The~~
22 ~~secretary of state is designated as the state office to provide~~
23 ~~information regarding voter registration procedures and absentee~~
24 ~~ballot procedures, including procedures related to the federal~~
25 ~~write-in absentee ballot, to be used by persons eligible to vote~~
26 ~~under the federal Uniformed and Overseas Citizens Absentee Voting~~
27 ~~Act (42 U.S.C. Section 1973ff et seq.), as amended].~~

1 SECTION 2. Section 2.025, Election Code, is amended by
2 amending Subsection (a) and adding Subsection (d) to read as
3 follows:

4 (a) Except as provided by Subsection (d) or as otherwise
5 provided by this code, a runoff election shall be held not earlier
6 than the 20th or later than the 45th day after the date the final
7 canvass of the main election is completed.

8 (d) A runoff election for a special election to fill a
9 vacancy in Congress or a special election to fill a vacancy in the
10 legislature to which Section 101.104 applies shall be held not
11 earlier than the 70th day or later than the 77th day after the date
12 the final canvass of the main election is completed.

13 SECTION 3. Subsection (c), Section 3.005, Election Code, is
14 amended to read as follows:

15 (c) For an election to be held on:

16 (1) the date of the general election for state and
17 county officers, the election shall be ordered not later than the
18 78th [70th] day before election day; and

19 (2) a uniform election date other than the date of the
20 general election for state and county officers, the election shall
21 be ordered not later than the 71st day before election day.

22 SECTION 4. Section 41.001, Election Code, is amended by
23 amending Subsection (a) and adding Subsection (d) to read as
24 follows:

25 (a) Except as otherwise provided by this subchapter, each
26 general or special election in this state shall be held on one of
27 the following dates:

1 (1) the second Saturday in May in an odd-numbered
2 year;

3 (2) the second Saturday in May in an even-numbered
4 year, for an election held by a political subdivision other than a
5 county; or

6 (3) [~~2~~] the first Tuesday after the first Monday in
7 November.

8 (d) Notwithstanding Section 31.093, a county elections
9 administrator is not required to enter into a contract to furnish
10 election services for an election held on the date described by
11 Subsection (a)(2).

12 SECTION 5. Section 41.0052, Election Code, is amended to
13 read as follows:

14 Sec. 41.0052. CHANGING GENERAL ELECTION DATE. (a) [~~The~~
15 ~~governing body of a political subdivision other than a county may,~~
16 ~~not later than December 31, 2005, change the date on which it holds~~
17 ~~its general election for officers to another authorized uniform~~
18 ~~election date.~~

19 [~~a-1~~] The governing body of a political subdivision,
20 other than a county, that holds its general election for officers on
21 a date other than the November uniform election date may, not later
22 than December 31, 2012 [~~2010~~], change the date on which it holds its
23 general election for officers to the November uniform election
24 date.

25 (b) A governing body changing an election date under this
26 section shall adjust the terms of office to conform to the new
27 election date.

1 (c) A home-rule city may implement the change authorized by
2 Subsection (a) or provide for the election of all members of the
3 governing body at the same election through the adoption of a
4 resolution. The change contained in the resolution supersedes a
5 city charter provision that requires a different general election
6 date or that requires the terms of members of the governing body to
7 be staggered.

8 (d) The holdover of a member of a governing body of a city in
9 accordance with Section 17, Article XVI, Texas Constitution, so
10 that a term of office may be conformed to a new election date chosen
11 under this section does not constitute a vacancy for purposes of
12 Section 11(b), Article XI, Texas Constitution.

13 SECTION 6. Subsection (b), Section 41.007, Election Code,
14 is amended to read as follows:

15 (b) The runoff primary election date is the fourth Tuesday
16 in May [~~second Tuesday in April~~] following the general primary
17 election.

18 SECTION 7. Section 65.051, Election Code, is amended by
19 adding Subsection (c) to read as follows:

20 (c) Section 1.006 does not apply to this section.

21 SECTION 8. Subsection (b), Section 86.004, Election Code,
22 is amended to read as follows:

23 (b) For an election to which Section 101.104 applies [~~the~~
24 ~~general election for state and county officers~~], the balloting
25 materials for a voter who indicates on the application for a ballot
26 to be voted by mail or the federal postcard application that the
27 voter is eligible to vote early by mail as a consequence of the

1 voter's being outside the United States shall be mailed on or before
2 the later of the 45th day before election day or the seventh
3 calendar day after the date the clerk receives the application.
4 However, if it is not possible to mail the ballots by the deadline
5 of the 45th day before election day, the clerk shall notify the
6 secretary of state within 24 hours of knowing that the deadline will
7 not be met. The secretary of state shall monitor the situation and
8 advise the clerk, who shall mail the ballots as soon as possible in
9 accordance with the secretary of state's guidelines.

10 SECTION 9. Subsection (b), Section 86.011, Election Code,
11 is amended to read as follows:

12 (b) If the return is timely, the clerk shall enclose the
13 carrier envelope and the voter's early voting ballot application in
14 a jacket envelope. The clerk shall also include in the jacket
15 envelope:

16 (1) a copy of the voter's federal postcard application
17 if the ballot is voted under Chapter 101; and

18 (2) the signature cover sheet, if the ballot is voted
19 under Chapter 105.

20 SECTION 10. Subchapter B, Chapter 87, Election Code, is
21 amended by adding Section 87.0223 to read as follows:

22 Sec. 87.0223. TIME OF DELIVERY: BALLOTS SENT OUT BY REGULAR
23 MAIL AND E-MAIL. (a) If the early voting clerk has provided a
24 voter a ballot to be voted by mail by both regular mail and e-mail
25 under Subchapter C, Chapter 101, the clerk may not deliver a jacket
26 envelope containing the early voting ballot voted by mail by the
27 voter to the board until:

1 (1) both ballots are returned; or
2 (2) the deadline for returning marked ballots under
3 Section 86.007 has passed.

4 (b) If both the ballot provided by regular mail and the
5 ballot provided by e-mail are returned before the deadline, the
6 early voting clerk shall deliver only the jacket envelope
7 containing the ballot provided by e-mail to the board. The ballot
8 provided by regular mail is considered to be a ballot not timely
9 returned.

10 SECTION 11. Section 87.041, Election Code, is amended by
11 adding Subsection (f) to read as follows:

12 (f) In making the determination under Subsection (b)(2) for
13 a ballot cast under Chapter 101 or 105, the board shall compare the
14 signature on the carrier envelope or signature cover sheet with the
15 signature of the voter on the federal postcard application.

16 SECTION 12. Section 87.043, Election Code, is amended by
17 amending Subsection (a) and adding Subsection (d) to read as
18 follows:

19 (a) The early voting ballot board shall place the carrier
20 envelopes containing rejected ballots in an envelope and shall seal
21 the envelope. More than one envelope may be used if necessary. The
22 board shall keep a record of the number of rejected ballots in each
23 envelope.

24 (d) A notation must be made on the carrier envelope of any
25 ballot that was rejected after the carrier envelope was opened and
26 include the reason the envelope was opened and the ballot was
27 rejected.

1 SECTION 13. Section 87.0431, Election Code, is amended to
2 read as follows:

3 Sec. 87.0431. NOTICE OF REJECTED BALLOT. Not later than the
4 10th day after election day, the presiding judge of the early voting
5 ballot board shall deliver written notice of the reason for the
6 rejection of a ballot to the voter at the residence address on the
7 ballot application. If the ballot was transmitted to the voter by
8 e-mail under Subchapter C, Chapter 101, the presiding judge shall
9 also provide the notice to the e-mail address to which the ballot
10 was sent.

11 SECTION 14. Subsection (a), Section 87.044, Election Code,
12 is amended to read as follows:

13 (a) The early voting ballot board shall place each
14 application for a ballot voted by mail in its corresponding jacket
15 envelope. For a ballot voted under Chapter 101 or 105, the board
16 shall also place the copy of the voter's federal postcard
17 application or signature cover sheet in the same location as the
18 carrier envelope. If the voter's ballot was accepted, the board
19 shall also place the carrier envelope in the jacket envelope.
20 However, if the jacket envelope is to be used in a subsequent
21 election, the carrier envelope shall be retained elsewhere.

22 SECTION 15. Section 105.003, Election Code, is amended to
23 read as follows:

24 Sec. 105.003. USE OF FEDERAL WRITE-IN ABSENTEE BALLOT FOR
25 ELECTIONS FOR FEDERAL OFFICE. The secretary of state shall
26 prescribe procedures to allow a voter who qualifies to vote by a
27 federal write-in absentee ballot to vote through use of a federal

1 write-in absentee ballot in:

2 (1) any general, special, primary, or runoff election
3 for federal office; or

4 (2) an election for any office for which balloting
5 materials may be sent under Section 101.104.

6 SECTION 16. Subsection (b), Section 142.010, Election Code,
7 is amended to read as follows:

8 (b) Not later than the 68th ~~[55th]~~ day before general
9 election day, the certifying authority shall deliver the
10 certification to the authority responsible for having the official
11 ballot prepared in each county in which the candidate's name is to
12 appear on the ballot.

13 SECTION 17. Subsection (c), Section 143.007, Election Code,
14 is amended to read as follows:

15 (c) For an election to be held on:

16 (1) the date of the general election for state and
17 county officers, the day of the filing deadline is the 78th ~~[70th]~~
18 day before election day; and

19 (2) a uniform election date other than the date of the
20 general election for state and county officers, the day of the
21 filing deadline is the 71st day before election day.

22 SECTION 18. Subsection (d), Section 144.005, Election Code,
23 is amended to read as follows:

24 (d) For an election to be held on:

25 (1) the date of the general election for state and
26 county officers, the day of the filing deadline is the 78th ~~[70th]~~
27 day before election day; and

1 (2) a uniform election date other than the date of the
2 general election for state and county officers, the day of the
3 filing deadline is the 71st day before election day.

4 SECTION 19. Subsection (b), Section 144.006, Election Code,
5 is amended to read as follows:

6 (b) For an election to be held on:

7 (1) the date of the general election for state and
8 county officers, the day of the filing deadline is the 78th [67th]
9 day before election day; and

10 (2) a uniform election date other than the date of the
11 general election for state and county officers, the day of the
12 filing deadline is the 71st day before election day.

13 SECTION 20. Subsection (e), Section 145.037, Election Code,
14 is amended to read as follows:

15 (e) The certification must be delivered not later than 5
16 p.m. of the 71st [70th] day before election day.

17 SECTION 21. Subsection (b), Section 145.038, Election Code,
18 is amended to read as follows:

19 (b) The state chair must deliver the certification of the
20 replacement nominee not later than 5 p.m. of the 69th [67th] day
21 before election day.

22 SECTION 22. Subsection (f), Section 145.092, Election Code,
23 is amended to read as follows:

24 (f) A candidate in an election for which the filing deadline
25 for an application for a place on the ballot is not later than 5 p.m.
26 of the 78th [70th] day before election day may not withdraw from the
27 election after 5 p.m. of the 71st [67th] day before election day.

1 SECTION 23. Subsection (a), Section 145.094, Election Code,
2 is amended to read as follows:

3 (a) The name of a candidate shall be omitted from the ballot
4 if the candidate:

5 (1) dies before the second day before the date of the
6 deadline for filing the candidate's application for a place on the
7 ballot;

8 (2) withdraws or is declared ineligible before 5 p.m.
9 of the second day before the beginning of early voting by personal
10 appearance, in an election subject to Section 145.092(a);

11 (3) withdraws or is declared ineligible before 5 p.m.
12 of the 53rd day before election day, in an election subject to
13 Section 145.092(b); or

14 (4) withdraws or is declared ineligible before 5 p.m.
15 of the 71st [~~67th~~] day before election day, in an election subject
16 to Section 145.092(f).

17 SECTION 24. Subsection (a), Section 145.096, Election Code,
18 is amended to read as follows:

19 (a) Except as provided by Subsection (b), a candidate's name
20 shall be placed on the ballot if the candidate:

21 (1) dies on or after the second day before the deadline
22 for filing the candidate's application for a place on the ballot;

23 (2) is declared ineligible after 5 p.m. of the second
24 day before the beginning of early voting by personal appearance, in
25 an election subject to Section 145.092(a);

26 (3) is declared ineligible after 5 p.m. of the 53rd day
27 before election day, in an election subject to Section 145.092(b);

1 or

2 (4) is declared ineligible after 5 p.m. of the 71st
3 ~~[67th]~~ day before election day, in an election subject to Section
4 145.092(f).

5 SECTION 25. Subsections (a) and (b), Section 146.025,
6 Election Code, are amended to read as follows:

7 (a) A declaration of write-in candidacy must be filed not
8 later than 5 p.m. of the 78th ~~[70th]~~ day before general election
9 day, except as otherwise provided by this code. A declaration may
10 not be filed earlier than the 30th day before the date of the
11 regular filing deadline.

12 (b) If a candidate whose name is to appear on the general
13 election ballot dies or is declared ineligible after the third day
14 before the date of the filing deadline prescribed by Subsection
15 (a), a declaration of write-in candidacy for the office sought by
16 the deceased or ineligible candidate may be filed not later than 5
17 p.m. of the 75th ~~[67th]~~ day before election day.

18 SECTION 26. Subsection (c), Section 146.029, Election Code,
19 is amended to read as follows:

20 (c) Not later than the 68th ~~[62nd]~~ day before election day,
21 the certifying authority shall deliver the certification to the
22 authority responsible for having the official ballot prepared in
23 each county in which the office sought by the candidate is to be
24 voted on.

25 SECTION 27. Subsection (b), Section 146.054, Election Code,
26 is amended to read as follows:

27 (b) For an election to be held on:

1 (1) the date of the general election for state and
2 county officers, the day of the filing deadline is the 74th ~~[67th]~~
3 day before election day; and

4 (2) a uniform election date other than the date of the
5 general election for state and county officers, the day of the
6 filing deadline is the 71st day before election day.

7 SECTION 28. Subsection (b), Section 161.008, Election Code,
8 is amended to read as follows:

9 (b) Not later than the 68th ~~[62nd]~~ day before general
10 election day, the secretary of state shall deliver the
11 certification to the authority responsible for having the official
12 general election ballot prepared in each county in which the
13 candidate's name is to appear on the ballot.

14 SECTION 29. Subsection (a), Section 172.023, Election Code,
15 is amended to read as follows:

16 (a) An application for a place on the general primary
17 election ballot must be filed not later than 6 p.m. on the second
18 Monday in December of an odd-numbered year ~~[January 2 in the primary~~
19 ~~election year]~~ unless the filing deadline is extended under
20 Subchapter C.

21 SECTION 30. Subsection (d), Section 171.0231, Election
22 Code, is amended to read as follows:

23 (d) A declaration of write-in candidacy must be filed not
24 later than 6 ~~[5]~~ p.m. of the fifth ~~[62nd]~~ day after the date of the
25 filing deadline for the ~~[before]~~ general primary election ~~[day.~~
26 ~~However, if a candidate whose name is to appear on the ballot for~~
27 ~~the office of county chair or precinct chair dies or is declared~~

1 ~~ineligible after the third day before the date of the regular filing~~
2 ~~deadline prescribed by this subsection, a declaration of write-in~~
3 ~~candidacy for the office sought by the deceased or ineligible~~
4 ~~candidate may be filed not later than 5 p.m. of the 59th day before~~
5 ~~election day].~~

6 SECTION 31. Subsection (b), Section 172.028, Election Code,
7 is amended to read as follows:

8 (b) Not later than the 81st ~~[57th]~~ day before general
9 primary election day, the state chair shall deliver the
10 certification to the county chair in each county in which the
11 candidate's name is to appear on the ballot.

12 SECTION 32. Subsection (a), Section 172.052, Election Code,
13 is amended to read as follows:

14 (a) A candidate for nomination may not withdraw from the
15 general primary election after the 79th ~~[62nd]~~ day before general
16 primary election day.

17 SECTION 33. Subsections (a) and (b), Section 172.054,
18 Election Code, are amended to read as follows:

19 (a) The deadline for filing an application for a place on
20 the general primary election ballot is extended as provided by this
21 section if a candidate who has made an application that complies
22 with the applicable requirements:

23 (1) dies on or after the fifth day before the date of
24 the regular filing deadline and on or before the 79th ~~[62nd]~~ day
25 before general primary election day;

26 (2) holds the office for which the application was
27 made and withdraws or is declared ineligible on or after the date of

1 the regular filing deadline and on or before the 79th ~~[62nd]~~ day
2 before general primary election day; or

3 (3) withdraws or is declared ineligible during the
4 period prescribed by Subdivision (2), and at the time of the
5 withdrawal or declaration of ineligibility no other candidate has
6 made an application that complies with the applicable requirements
7 for the office sought by the withdrawn or ineligible candidate.

8 (b) An application for an office sought by a withdrawn,
9 deceased, or ineligible candidate must be filed not later than 6
10 p.m. of the 81st ~~[60th]~~ day before general primary election day. An
11 application filed by mail with the state chair is not timely if
12 received later than 5 p.m. of the 81st ~~[60th]~~ day before general
13 primary election day.

14 SECTION 34. Section 172.057, Election Code, is amended to
15 read as follows:

16 Sec. 172.057. WITHDRAWN, DECEASED, OR INELIGIBLE
17 CANDIDATE'S NAME OMITTED FROM GENERAL PRIMARY BALLOT. A
18 candidate's name shall be omitted from the general primary election
19 ballot if the candidate withdraws, dies, or is declared ineligible
20 on or before the 79th ~~[62nd]~~ day before general primary election
21 day.

22 SECTION 35. Subsection (a), Section 172.058, Election Code,
23 is amended to read as follows:

24 (a) If a candidate who has made an application for a place on
25 the general primary election ballot that complies with the
26 applicable requirements dies or is declared ineligible after the
27 79th ~~[62nd]~~ day before general primary election day, the

1 candidate's name shall be placed on the ballot and the votes cast
2 for the candidate shall be counted and entered on the official
3 election returns in the same manner as for the other candidates.

4 SECTION 36. Subsection (a), Section 172.059, Election Code,
5 is amended to read as follows:

6 (a) A candidate for nomination may not withdraw from the
7 runoff primary election after 5 p.m. of the 8th ~~[10th]~~ day after
8 general primary election day.

9 SECTION 37. Subsection (c), Section 172.082, Election Code,
10 is amended to read as follows:

11 (c) The drawing shall be conducted at the county seat not
12 later than the third Tuesday in December of an odd-numbered year
13 ~~[53rd day before general primary election day]~~.

14 SECTION 38. Subsection (b), Section 192.033, Election Code,
15 is amended to read as follows:

16 (b) The secretary of state shall deliver the certification
17 to the authority responsible for having the official ballot
18 prepared in each county before the later of the 68th ~~[62nd]~~ day
19 before presidential election day or the second business day after
20 the date of final adjournment of the party's national presidential
21 nominating convention.

22 SECTION 39. Subsection (b), Section 201.051, Election Code,
23 is amended to read as follows:

24 (b) For a vacancy to be filled by a special election to be
25 held on the date of the general election for state and county
26 officers, the election shall be ordered not later than the 78th
27 ~~[70th]~~ day before election day.

1 SECTION 40. Subsection (f), Section 201.054, Election Code,
2 is amended to read as follows:

3 (f) For a special election to be held on the date of the
4 general election for state and county officers, the day of the
5 filing deadline is the 75th ~~[67th]~~ day before election day.

6 SECTION 41. Section 501.109, Election Code, is amended to
7 read as follows:

8 Sec. 501.109. ELECTION IN ~~[CERTAIN]~~ MUNICIPALITIES.

9 (a) This section applies only to an election to permit or prohibit
10 the legal sale of alcoholic beverages of one or more of the various
11 types and alcoholic contents in a municipality ~~[that is located in~~
12 ~~more than one county]~~.

13 (b) An election to which this section applies shall be
14 conducted by the municipality instead of a county ~~[the counties]~~.
15 For the purposes of an election conducted under this section, a
16 reference in this chapter to:

17 (1) the county is considered to refer to the
18 municipality;

19 (2) the commissioners court is considered to refer to
20 the governing body of the municipality;

21 (3) the county clerk or voter registrar is considered
22 to refer to the secretary of the municipality or, if the
23 municipality does not have a secretary, to the person performing
24 the functions of a secretary of the municipality; and

25 (4) the county judge is considered to refer to the
26 mayor of the municipality or, if the municipality does not have a
27 mayor, to the presiding officer of the governing body of the

1 municipality.

2 (c) The municipality shall pay the expense of the election.

3 (d) An action to contest the election under Section 501.155
4 may be brought in the district court of any county in which the
5 municipality is located.

6 SECTION 42. Subsections (a) and (c), Section 11.055,
7 Education Code, are amended to read as follows:

8 (a) Except as provided by Subsection (c), an application of
9 a candidate for a place on the ballot must be filed not later than 5
10 p.m. of the 71st ~~[62nd]~~ day before the date of the election. An
11 application may not be filed earlier than the 30th day before the
12 date of the filing deadline.

13 (c) For an election to be held on the date of the general
14 election for state and county officers, the day of the filing
15 deadline is the 78th ~~[70th]~~ day before election day.

16 SECTION 43. Subsection (b), Section 11.056, Education Code,
17 is amended to read as follows:

18 (b) A ~~[Except as provided by Subsection (e), a]~~ declaration
19 of write-in candidacy must be filed not later than the deadline
20 prescribed by Section 146.054, Election Code, for a write-in
21 candidate in a city election ~~[5 p.m. of the fifth day after the date~~
22 ~~an application for a place on the ballot is required to be filed]~~.

23 SECTION 44. Subsection (e), Section 11.059, Education Code,
24 is amended to read as follows:

25 (e) Not later than December 31, 2011 ~~[2007]~~, the board of
26 trustees may adopt a resolution changing the length of the terms of
27 its trustees. The resolution must provide for staggered terms ~~[a~~

1 ~~term~~] of either three or four years and specify the manner in which
2 the transition from the length of the former term to the modified
3 term is made. The transition must begin with the first regular
4 election for trustees that occurs after January 1, 2012 [2008], and
5 a trustee who serves on that date shall serve the remainder of that
6 term. This subsection expires January 1, 2017 [2013].

7 SECTION 45. Subsection (b), Section 130.0825, Education
8 Code, is amended to read as follows:

9 (b) A [~~Except as provided by Subsection (e), a~~] declaration
10 of write-in candidacy must be filed not later than the deadline
11 prescribed by Section 146.054, Election Code, for a write-in
12 candidate in a city election [~~5 p.m. of the fifth day after the date~~
13 ~~an application for a place on the ballot is required to be filed~~].

14 SECTION 46. Subsection (d), Section 285.131, Health and
15 Safety Code, is amended to read as follows:

16 (d) A [~~Except as provided by Subsection (g), a~~] declaration
17 of write-in candidacy must be filed not later than the deadline
18 prescribed by Section 146.054, Election Code, for a write-in
19 candidate in a city election [~~5 p.m. of the fifth day after the date~~
20 ~~an application for a place on the ballot is required to be filed~~].

21 SECTION 47. Subchapter A, Chapter 21, Local Government
22 Code, is amended by adding Section 21.004 to read as follows:

23 Sec. 21.004. CHANGE OF LENGTH OR STAGGERING OF TERMS IN
24 GENERAL-LAW MUNICIPALITY. (a) This section applies only to a
25 general-law municipality whose governing body is composed of
26 members that serve:

27 (1) a term of one or three years; or

1 (2) staggered terms.

2 (b) Not later than December 31, 2012, the governing body of
3 the general-law municipality may adopt a resolution:

4 (1) changing the length of the terms of its members to
5 two years; or

6 (2) providing for the election of all members of the
7 governing body at the same election.

8 (c) The resolution must specify the manner in which the
9 transition in the length of terms is made. The transition must
10 begin with the first regular election for members of the governing
11 body that occurs after January 1, 2013, and a member who serves on
12 that date shall serve the remainder of that term.

13 (d) This section expires January 1, 2016.

14 SECTION 48. Subsection (d), Section 63.0945, Water Code, is
15 amended to read as follows:

16 (d) ~~A [Except as provided by Subsection (f), a]~~ declaration
17 of write-in candidacy must be filed not later than the deadline
18 prescribed by Section 146.054, Election Code, for a write-in
19 candidate in a city election [5 p.m. of the fifth day after the date
20 an application for a place on the ballot is required to be filed].

21 SECTION 49. To the extent of any conflict, this Act prevails
22 over another Act of the 82nd Legislature, Regular Session, 2011,
23 regardless of the relative dates of enactment.

24 SECTION 50. The secretary of state shall adopt rules as
25 necessary to implement this Act, including the adjustment or
26 modification of any affected date, deadline, or procedure.

27 SECTION 51. The following are repealed:

- 1 (1) Section 41.0053, Election Code;
- 2 (2) Subsection (e), Section 11.056, and Subsection
- 3 (e), Section 130.0825, Education Code;
- 4 (3) Subsection (g), Section 285.131, Health and Safety
- 5 Code; and
- 6 (4) Subsection (f), Section 63.0945, Water Code.

7 SECTION 52. (a) This section applies only to a political
8 subdivision that elects the members of its governing body to a term
9 that consists of an odd number of years.

10 (b) Not later than December 31, 2012, the governing body of
11 the political subdivision may adopt a resolution changing the
12 length of the terms of its members to an even number of years. The
13 resolution must specify the manner in which the transition from the
14 length of the former term to the modified term is made. The
15 transition must begin with the first regular election for members
16 of the governing body that occurs after January 1, 2013, and a
17 member who serves on that date shall serve the remainder of that
18 term.

19 (c) This section expires January 1, 2020.

20 SECTION 53. The changes in law made by this Act do not apply
21 to an election held on November 8, 2011.

22 SECTION 54. This Act takes effect September 1, 2011.

S.B. No. 100

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 100 passed the Senate on April 14, 2011, by the following vote: Yeas 29, Nays 1; May 27, 2011, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 2011, House granted request of the Senate; May 29, 2011, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 100 passed the House, with amendments, on May 25, 2011, by the following vote: Yeas 143, Nays 1, two present not voting; May 27, 2011, House granted request of the Senate for appointment of Conference Committee; May 29, 2011, House adopted Conference Committee Report by the following vote: Yeas 147, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

Regular City Council
Agenda Item
Data Sheet

Meeting Date: June 6, 2011

Topic:

Approve the Minutes of the May 16, 2011 Regular City Council Meeting and the May 17, 2011 Special City Council Meeting

Background:

Origination:

Recommendation:

Funding:

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

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

ATTACHMENTS:

Regular City Council Meeting - May 16, 2011

Special City Council Meeting - May 17, 2011

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



MONDAY, MAY 16, 2011

6:00 P.M.

1.0 Call to Order

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

Councilman Quinn
Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson
Council-Elect – Field Hudgens

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Kliever
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Finance Director – Glenn Windsor
Chief of Police – Robert Hauck
Director of Public Works – David Kauffman
Fire Chief – Randy Parr
Assistant to City Manager – Shawn Cox
Marketing Director – Mike Baxter
Assistant City Engineer – Lori Lakatos
Assistant City Planner – Rodney Schmidt
Fire Marshal – Doug Sanguedolce
Fire Inspector – Tommy Nicholson
Executive Director-TEDC – Kelly Violette

Draft

2.0 The invocation was given by Rick Brown, Pastor, ChristBridge Church

3.0 Pledges to the U. S. flag and the Texas flag were led by Members of Pack 113, Den 3, Tiger Scouts, and Kellen Cantrell and Rita Rush, Tomball High School Student Councilmembers

4.0 The following public comments were received:

Sonny Howard - Youth Pastor, Terra Verde Community Church,
21731 Winsome Rose, 77429 hosting a Golf Tournament on June 20, 2011 to
raise funds to send underprivileged students to
camp.

5.0 Presentations: Mayor Fagan presented the following proclamations:

- Proclamation – **Emergency Medical Services Week** – May 15-21, 2011
- Proclamation – **National Public Works Week** – May 15-21, 2011
- Proclamation – **Hurricane Preparedness Week** – May 22-28, 2011
- Proclamation – **Concordia Lutheran Crusaders Girls Track Team 2011 TAPPS 4A State Champions Day** – May 16, 2011

Mayor Fagan presented a plaque to Councilman David Quinn, honoring his dedicated service to the citizens and the City of Tomball during his two terms of office, 2006-2011.

6.0 Reports and Announcements:

Mayor Fagan introduced the new Marketing Director, Mike Baxter, and presented the following information:

- **Farmers Market** – 9 a.m.-1:00 p.m. (Every Saturday, April through July)
- May 16, 2011 – **Tomball Special Olympics Day** – 9:00 a.m. at the Tomball Depot
- May 15-17, 2011 – **Police Officers Memorial Day and Police Week** – 10:00 a.m. at Heritage Plaza
- **May 17, 2011 – Canvass May 14, 2011 Election Results, Oath(s) of Office, and Elect Mayor Pro-Tem – 6:00 p.m.**
- **May 19, 2011 – Annual Red/White Football Game** – 6 p.m.
- **May 28, 2011** – Municipal Pool at Matheson Park Opens
- June 11, 2011 – **2nd Saturday at the Depot**
- **June 20-August 15** (skip July 4th) – **Tomball's Kids Club**, hosted by HEB and partner, Buffalo Wild Wings – **MLK Community Park** – free lunches will be provided on Mondays and Wednesdays
- **Walk Tomball!** (every Saturday at 8:00 a.m. at the Depot)
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - David Kauffman presented updates on Tomball's Spring Clean Up Week, Snook Lane property remediation, and the state of Tomball's water supply capacity and drought contingencies.

- 7.0 Motion was made by Councilman Stoll, second by Councilman Dodson, to approve the minutes of the May 2, 2011 Regular City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Rodney Schmidt presented an update regarding the requested Conditional Use Permit. Motion was made by Councilman Stoll, second by Councilman Brown, to adopt on Second Reading, Ordinance No. 2011-05; An Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by granting a Conditional Use Permit to Jeff Williams III of Professional Welding Supply, to allow the installation/operation of a 1,000-gallon aboveground propane tank for the purpose of propane sales/filling; Said tract being located within the City in Zoning District GR-General Retail District and being legally described as Lot 1, Block 1 of the Williams Number One Replat, generally located southerly of Main Street between Howard Street and Willow Street at 503 East Main Street, Tomball, Texas; Providing requirements and conditions for this Conditional Use Permit; Containing findings and other provisions relating to the subject; Providing a penalty in an amount not to exceed two thousand dollars for violations hereof; and providing for severability. Vote was as follows:

Councilman Townsend	<u>Nay</u>
Councilman Dodson	<u>Nay</u>
Councilman Quinn	<u>Nay</u>
Councilman Stoll	<u>Nay</u>
Councilman Brown	<u>Nay</u>

Motion **FAILED** unanimously.

- 8.2 George Shackelford and Lori Lakatos presented an overview of the proposed Agreement. Motion was made by Councilman Townsend, second by Councilman Brown, to amend the previously approved Professional Services Agreement with CLR, Inc. to include the Design of One Additional Parking Lot (CS) on Non-City-owned Property and to proceed with CS as soon as the contract is executed.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Dodson, to adopt, on Second Reading, Ordinance No. 2011-08, an Ordinance of the City Council of the City of Tomball, Texas, Providing for Minor Plats; and Making other Findings and Provisions related Thereto. Vote was as follows:

Councilman Dodson	<u>Aye</u>
Councilman Quinn	<u>Aye</u>

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

Motion carried unanimously.

9.0 New Business:

- 9.1 Lori Lakatos presented request and information for a workshop on proposed revisions to Chapter 70. Motion was made by Councilman Dodson, second by Councilman Townsend, to set June 6, 2011 as the date for City Council Workshop on Possible Revisions to Chapter 70, Plats and the Subdivision of Land.

Motion carried unanimously.

- 9.2 Glenn Windsor and Joe Morrow, First Southwest Company, presented an overview of the proposed refunding Certificates. Motion was made by Councilman Townsend, second by Councilman Dodson, to approve the proposed Advance Refunding of Combination Tax & Revenue Certificates of Obligation, Series 2002.

Motion carried unanimously.

- 9.3 Lori Lakatos presented an overview of the proposed Agreement. Motion was made by Councilman Brown, second by Councilman Townsend, to Approve Professional Services Agreement with Rydan & Associates, LLC in the Amount of \$125,000 for Engineering Services related to the Master Drainage Plan. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 9.4 Rob Hauck presented an overview of the proposed changes to the Tomball Police Department's Table of Organization. Motion was made by Councilman Townsend, second by Councilman Brown, to approve the Request to Change the Tomball Police Department's Table of Organization by Adding Two (2) Police Officer Position Authorities.

Motion carried unanimously.

- 9.5 Rob Hauck presented an overview of the proposed Agreement. Motion was made by Councilman Dodson, second by Councilman Townsend, to approve the 2011-2012

Interlocal Agreement between the City of Tomball and the Tomball Independent School District (TISD), affording the Tomball Police Department the ability to assign a Student Resource Officers (SRO) to TISD Campuses.

Motion carried unanimously.

- 9.6 Rob Hauck presented an overview of the proposed Agreement. Motion was made by Councilman Townsend, second by Councilman Brown, to approve Interlocal Agreement between the City of Tomball and the Tomball Independent School District, affording the Tomball Police Department the ability to provide police services on a contractual basis for specialized events occurring before, during and after the normal campus hours.

Motion carried unanimously.

- 9.7 Executive Session: The City Council and the Tomball Economic Development Corporation recessed at 7:39 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.072 – Deliberations Regarding Real Property

Upon reconvening into regular session at 8:28 p.m., no action was taken.

- 9.8 Executive Session: The City Council recessed at 7:39 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.072 – Deliberations Regarding Real Property

Upon reconvening into regular session at 8:28 p.m., the following action was taken:

- 9.9 Motion was made by Councilman Brown, second by Councilman Dodson, to direct the City Manager to make an offer on Approximately 120 Acres of Land Generally Located at the Northwest Corner of Hufsmith-Kohrville and Holderrieth Roads, Tomball, TX, 77375, for Purposes of Projects related to the Creation or Retention of Primary Jobs subject to Tomball Economic Development Corporation Financing and Preparation of a Memorandum of Understanding regarding the Tomball Economic Development Corporation Designation of such Project.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this _____ day of _____ 2011.

Doris Speer, TRMC
City Secretary

Gretchen Fagan
Mayor

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



TUESDAY, MAY 17, 2011

6:00 P.M.

1.0 Call to Order

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

Councilman Quinn
Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson
Council-Elect – Field Hudgens

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
Chief of Police – Robert Hauck
Alternate Election Judge – Patsy Kinsey

Draft

2.0 Canvass of Election
Escrutinio de la Elección
Kiểm Phiếu của Cuộc Bầu Cử

The Canvass of the May 14, 2011 General City Election was presented by Patsy Kinsey, Alternate Election Judge.

El escrutinio de la Elección General de la Ciudad del 14 de mayo de 2011 fue presentado por Patsy Kinsey, Jueza electoral alternativa.

Việc Kiểm Phiếu của Cuộc Bầu Cử Tổng Quát Thành Phố ngày 14 tháng Năm 2011 đã được bà Patsy Kinsey, Trưởng Ban Điều Hành Cuộc Bầu Cử đệ trình.

- 2.1 Motion was made by Councilman Quinn, second by Councilman Townsend, to adopt Resolution No. 2011-05, a Resolution and Order Canvassing the Returns and Declaring

the Results of the General Election Held on May 14, 2011.

El Concejal Quinn hizo la moción, secundada por el Concejal Townsend, para adoptar la Resolución Nro. 2011-05, una Resolución y Orden de Escrutinio y Declaración de Resultados de la Elección General Celebrada el 14 de mayo de 2011.

Kiến Nghị được Nghị Viên Quinn đưa ra, có sự tán thành của Nghị Viên Townsend, để Thông Qua Nghị Quyết Số 2011-05 và Yêu Cầu Kiểm Phiếu Bầu và Tuyên Bố các Kết Quả của Cuộc Bầu Cử Tổng Quát tổ chức ngày 14 tháng Năm, 2011.

Motion carried unanimously.

Moción aceptada por unanimidad.

Kiến nghị được nhất trí thông qua.

- 2.2 The Oath of Office was administered by Mayor Fagan to Preston Dodson as the newly elected Councilman, Position 5 and to Field Hudgens as the newly elected Councilman, Position 1.

El Juramento al Cargo fue administrado por la Alcaldesa Fagan a Preston Dodson como nuevo Concejal, Posición 5 y a Field Hudgens como nuevo Concejal, Posición 1.

Tuyên Thệ Nhậm Chức đã được tiến hành bởi Thị Trưởng Fagan cho Preston Dodson là Nghị Viên mới được bầu chọn, Vị Trí 5 và cho Field Hudgens Nghị Viên mới được bầu chọn, Vị Trí 1.

- 2.3 Councilman Brown nominated Mark Stoll as Mayor Pro-Tem and Councilman Stoll nominated Derek Townsend as Mayor Pro-Tem, in Accordance with Section 6.08 of the City of Tomball Home Rule Charter. Nominations ceased. Vote was as follows:

Councilman Hudgens	<u>Mark Stoll</u>
Councilman Stoll	<u>Derek Townsend</u>
Councilman Brown	<u>Mark Stoll</u>
Councilman Townsend	<u>Mark Stoll</u>
Councilman Dodson	<u>Mark Stoll</u>

Councilman Mark Stoll is elected as Mayor Pro-Tem.

El Concejal Brown nominó a Mark Stoll como Alcalde interino y el Concejal Stoll nominó a Derek Townsend como Alcalde interino, de acuerdo con la sección 6.08 de la Carta Orgánica de Gobierno Local de la Ciudad de Tomball. Las nominaciones cesaron. La votación fue de la siguiente manera:

<i>Concejal Hudgens</i>	<u><i>Mark Stoll</i></u>
<i>Concejal Stoll</i>	<u><i>Derek Townsend</i></u>
<i>Concejal Brown</i>	<u><i>Mark Stoll</i></u>
<i>Concejal Townsend</i>	<u><i>Mark Stoll</i></u>
<i>Concejal Dodson</i>	<u><i>Mark Stoll</i></u>

El Concejal Mark Stoll es elegido Alcalde interino.

Nghị viên Brown đề cử Mark Stoll làm Thị Trưởng Tạm Thời và Nghị Viên Stoll đã đề cử Derek Townsend làm Thị Trưởng Tạm Thời, chiếu theo Mục 6.08 của Hiến Chương Điều Lệ Địa Phương Thành Phố Tomball. Việc đề cử đã có kết quả. Phiếu bầu chọn như sau:

Nghị Viên Hudgens	<u>Mark Stoll</u>
Nghị Viên Stoll	<u>Derek Townsend</u>
Nghị Viên Brown	<u>Mark Stoll</u>
Nghị Viên Townsend	<u>Mark Stoll</u>
Nghị Viên Dodson	<u>Mark Stoll</u>

Nghị Viên Mark Stoll đã được bầu chọn làm Thị Trưởng Tạm Thời.

3.0 Motion was made by Councilman Hudgens, second by Councilman Townsend, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this _____ day of _____ 2011.

Doris Speer, TRMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 6, 2011

Topic:

Appoint Member to Fill Vacancy and Complete Unexpired Term on Planning and Zoning Commission

Background:

On May 14, 2011, Field Hudgens was elected to Council Position 1, resulting in his automatic resignation from the Planning and Zoning Commission.

Council is asked to make an appointment to Councilman Hudgens' vacated position on the Planning and Zoning Commission; the term of this position will expire June 1, 2012.

The following individuals (shown in alphabetical order) have expressed an interest in serving on the Planning and Zoning Commission and have applications on file:

Richard Bruce (currently serving on TEDC)
John Dillon (currently serving on ESD #8)
April Gray (currently serving as Alternate on BOA)
William Harris
Mary Harvey (currently serving on TAC and D-TAC)
Billy Hemby (currently serving as Alternate on BOA)
Lisa Daniels
Roy P. Lackey
Evelyn Torres-Chervenak (currently serving as Alternate on BOA)
Judith Wilson.

Mayor Fagan recommends the appointment of Evelyn Torres-Chervenak to this unexpired term. Ms. Torres-Chervenak currently serves as an Alternate on the BOA and is on the D-TAC ad hoc committee; her attendance record on the BOA is attached (Alternates' attendance is only noted if present). Nominations from Council will also be received.

Copies of applications from those interested in serving on the P&Z Commission are attached for your consideration.

Origination:

City Secretary

Recommendation:

Appointment of Evelyn Torres-Chervenak to Planning and Zoning Commission.

Funding:

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

City Secretary

ACTION TAKEN

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

ATTACHMENTS:

Evelyn Torres-Chervenak Attendance
 Richard Bruce Application
 John Dillon Application
 April Gray Application
 William Harris Application
 Mary Harvey Application
 Billy Hemby Application
 James Kendler Application
 Lisa Daniels Application
 Roy Lackey Application
 Evelyn Torres-Chervenak Application
 Judith Wilson Application

**Board of Adjustments
Member Attendance
2010-2011**

March 18, 2010 – 6:30 p.m.:

John Ford - Present
Tana Ross – Excused Absence
Brett Tynes – Present
Rick Tomlinson – Present
John Lynch – Present
Billy Hemby (Alternate) – Present
Barbara Tague (Alternate) – Present
Evelyn Torres Chervenak (Alternate) – Present

April 15, 2010 – 6:30 p.m.:

John Ford – Present
Tana Ross – Present
Brett Tynes – Present
Rick Tomlinson – Present
John Lynch – Excused Absence
Billy Hemby (Alternate) – Present
Barbara Tague (Alternate) – Present
Evelyn Torres Chervenak (Alternate) - Present

June 17, 2010 – 6:30 p.m.:

John Ford - Present
Tana Ross – Present
Brett Tynes – Present
Rick Tomlinson – Excused Absence
John Lynch – Present
Billy Hemby (Alternate) – Present
Evelyn Torres Chervenak (Alternate) - Present

August 19, 2010 – 6:30 p.m.:

John Ford - Present
Tana Ross – Present
Brett Tynes – Present
Rick Tomlinson – Present
John Lynch – Present
Billy Hemby (Alternate) – Present
Richard Bruce (Alternate) – Present

October 21, 2010 – 6:30 p.m.:

John Ford - Present
Tana Ross – Excused Absence
Brett Tynes – Present

Rick Tomlinson – Excused Absence
John Lynch – Present
Billy Hemby (Alternate) – Present
Evelyn Torres Chervenak (Alternate) – Present

November 18, 2010 – 6:30 p.m.:

John Ford – Excused Absence
Tana Ross – Present
Brett Tynes – Present
Rick Tomlinson – Present
John Lynch – Present
Billy Hemby (Alternate) – Excused Absence
Evelyn Torres Chervenak (Alternate) – Present

December 16, 2010 – 6:30 p.m.:

John Ford – Present
Tana Ross – Present
Brett Tynes – Present
Rick Tomlinson – Present
John Lynch – Excused Absence
Billy Hemby (Alternate) – Present
April Gray (Alternate) – Present

April 21, 2011 – 6:30 p.m.:

John Ford – Present
Tana Ross – Present
Brett Tynes – Present
Rick Tomlinson – Present
John Lynch – Excused Absence
Evelyn Torres Chervenak (Alternate) – Present

May 19, 2011 – 6:30 p.m.:

John Ford – Present
Tana Ross – Present
Brett Tynes – Excused Absence
Rick Tomlinson – Present
John Lynch – Present
Billy Hemby (Alternate) – Present

April 21, 2011 – 6:30 p.m.:

John Ford – Present
Tana Ross – Present
Brett Tynes – Present
Rick Tomlinson – Present
John Lynch – Excused Absence
Evelyn Torres Chervenak (Alternate) – Present

May 19, 2011 – 6:30 p.m.:

John Ford – Present

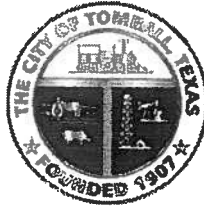
Tana Ross – Present

Brett Tynes – **Excused Absence**

Rick Tomlinson – Present

John Lynch – Present

Billy Hemby (Alternate) – Present



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings (typically, three meetings) in any twelve consecutive months or absent from more than three consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2010 will expire in 2012.

Please Type or Print Clearly:

Date: 1/25/00

Name: Dea R Bruce

Phone: 281 357 0860

Address: 14231 Spring Pines Dr.

(Home)
Phone: 281 382 8806
(Work)

City/State/Zip: Tomball TX 77375

Email: brucer-1@prodigy.net

I have lived in Tomball 5 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Retired Educator;

Professional and/or Community Activities: Home owner Association
President; Teach Bible Classes;

Additional Pertinent Information/References: Travel 2-3 times a
year
Norm / Martha Huebner
Randy Pass, Mark Stoll, David Quinn

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for two years.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

Meeting Information

(✓) Planning & Zoning Commission

Second Monday each month, 6 p.m.

(✓) Board of Adjustments

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

(✓) Tomball Economic Development Corporation

Fourth Tuesday of the Second Month of Each Quarter, 5:30 p.m. (special meetings may be called)

(✓) Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

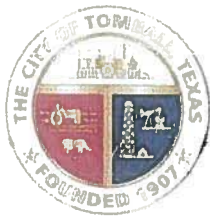
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.

Dea R Bruce

Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings (typically, three meetings) in any twelve consecutive months or absent from more than three consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2010 will expire in 2012.

Please Type or Print Clearly:

Date: 01/26/ 2010

Name: JOHN P. DILLON

Phone: 281-351-2921

Address: 14166 TURNER VIVE

Phone: 713-755-7405 (Home)

City/State/Zip: TOMBALL TX 77375

CELL (Work)
281-610-1133

Email: JOHN P DILLON 76 (a) GAHOO.COM

I have lived in Tomball 18 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: DEPUTY SHERIFF

Professional and/or Community Activities: COMMISSIONER ESD 8

Additional Pertinent Information/References: TRUSTEE AT CHURCH

FINANCE COMMITTEE AT CHURCH

LAY REPRESENTATIVE AT STATE CONFERENCE AT CHURCH

ROSE HILL UNITED METHODIST

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for two years.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

Meeting Information

1 (X) Planning & Zoning Commission

Second Monday each month, 6 p.m.

3 (X) Board of Adjustments

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

2 (X) Tomball Economic Development Corporation

Fourth Tuesday of the Second Month of Each Quarter, 5:30 p.m. (special meetings may be called)

() Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

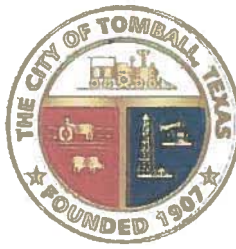
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375



CITY OF TOMBALL

2009

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. 2009 applications expire on December 31, 2009; a new application will be required in 2010.

Please Type or Print Clearly:

Date: 4-5-09

Name: APRIL GRAY

Phone: 281-255-8515

Address: 704 PERCIVAL STREET

Phone: 281-899-4602 (Home)

Email: APRILGRAY@COMCAST.NET

(Work)

I have lived in Tomball 25 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: REGULATORY SPECIALIST FOR A COMPANY THAT DESIGNS, CONSTRUCTS & INSTALLS OFFSHORE PLATFORMS.

Professional and/or Community Activities: PUBLIC ACCESS BOARD (INACTIVE BOARD) CHARTER REVIEW COMMISSION - BOTH FOR CITY OF TOMBALL

Additional Pertinent Information/References: I ATTACHED MY RESUME WHICH DETAILS MY PROFESSIONAL EXPERIENCE

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

- (3) Planning & Zoning Commission
- (4) Board of Adjustments

Separate Legal Entities

- (7) Tomball Economic Development Corporation

- (8) Tomball Hospital Board

Meeting Information

Second Monday each month, 6 p.m.
To Be Announced; Evenings

Meeting Information

First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)

Fourth Wednesday each month, 4 p.m.

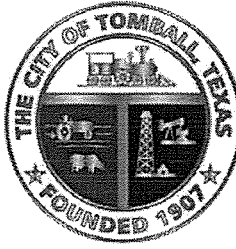
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2011 will expire in 2013.

Please Type of Print Clearly:

Date: 02 MAY 2011

Name: William A. Harris

Phone: 832-978-9624

(Home)

Address: 30810 Country Meadows Dr

Phone:

(Work)

City/State/Zip Tomball, TX 77375

Cell: 832-978-9624

Email: William.Harris@yahoo.com

I have lived in Tomball 6 years.

I am ☒ ~~am not~~ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: Private Security

Professional and/or Community Activities: AWANA Leader at Graceview Baptist Church
Architectural Control Committee member for Country Meadows HOA
Cubmaster (leader) Cubscout Pack - Boy Scouts of America

Additional Pertinent Information/References: _____

References available upon request.

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

- (1) Planning & Zoning Commission
- (3) Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.
To Be Announced; Evenings

Separate Legal Entities

- (2) Tomball Economic Development Corporation
- (4) Tomball Hospital Board

Meeting Information

First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
Fourth Wednesday each month, 4 p.m.

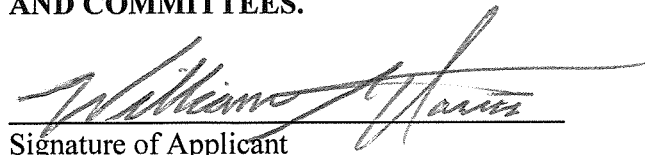
Ad Hoc/Advisory Committees

- (5) Downtown Tomball Advisory Committee
- DTAC does not require Tomball residency

Meeting Information

As called

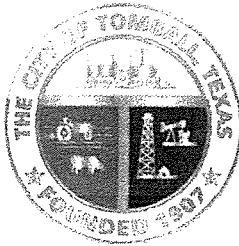
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings (typically, three meetings) in any twelve consecutive months or absent from more than three consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2010 will expire in 2012.

Please Type or Print Clearly:

Date: 5-7-2010

Name: MARY HARVEY

Phone: 713 582 5139

Address: 405 S. WALNUT

Phone: 281 351 8903 (Home)

City/State/Zip: Tomball, TX 77375

Email: GRANNYS KORNER TOMBALL

(Work)

Email: @HOTMAIL.COM

I have lived in Tomball 15 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: OWN ANTIQUE BUSINESS

Professional and/or Community Activities: ROTARY BOARD Chamber Board,
CITY COUNCIL, ESDS, EMS, PLANNING Comm,
TBA President, CITIZEN OF YEAR

Additional Pertinent Information/References: Worked in Electrical Construction
FOR 25 YEARS IN ADMINISTRATION

I feel I could be an asset to P+Z since I have
extensive experience in this field.

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for two years.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

Meeting Information

1 (4) Planning & Zoning Commission

Second Monday each month, 6 p.m.

4 (4) Board of Adjustments

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

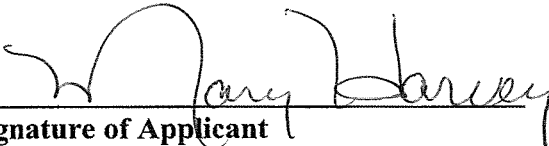
3 (4) Tomball Economic Development Corporation

Fourth Tuesday of the Second Month of Each Quarter, 5:30 p.m. (special meetings may be called)

2 (4) Tomball Hospital Board

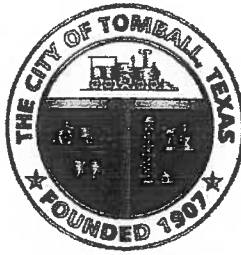
Fourth Wednesday each month, 4 p.m.

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.


Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2011 will expire in 2013.

Please Type or Print Clearly:

Name: Billy Hemby

Date: 3-30-11

Address: 14127 Pollux Ct.

Phone: 281-351-1520

City/State/Zip Tomball, TX 77375

Phone: 713-862-6364 (Home)

Email: Billyhemby@aol.com

Cell: 713-899-2289 (Work)

I have lived in Tomball 34 years.

I am ✓ am not a U.S. Citizen

Occupation: Vice President - Highland Distributions

Professional and/or Community Activities: Northstar HOA Board /
HLS&R / Montgomery County Rodeo

Additional Pertinent Information/References: Mary Regan / Bill Webb /
Bruce Hillegeist / John Escamilla / Mike Rowley /
Danny Hitchcock / Sandy Krug

REC'D

APR 01 2011

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

() Planning & Zoning Commission

☒ Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.

To Be Announced; Evenings

Separate Legal Entities

() Tomball Economic Development Corporation

() Tomball Hospital Board

Meeting Information

First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)

Fourth Wednesday each month, 4 p.m.

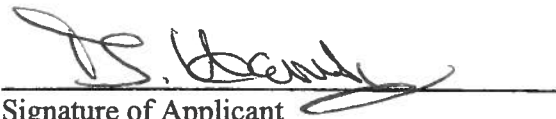
Ad Hoc/Advisory Committees

() Downtown Tomball Advisory Committee

Meeting Information

As called

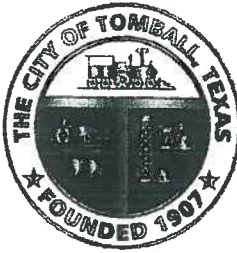
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2011 will expire in 2013.

Please Type of Print Clearly:

Date: 3/17/2011

Name: JAMES KENDLER

Phone: 281-516-3324
(Home)

Address: 14215 SPRING PINES DR.

Phone: _____
(Work)

City/State/Zip Tomball TX 77375

Cell: 281-253-3858

Email: jken34@aol.com

I have lived in Tomball 7 years.

I am X am not ___ a U.S. Citizen

Occupation: RETIRED

Professional and/or Community Activities:

Secretary } Spring Pines
VP President } Home Owners
Architectural Comm. Mee } Association

Additional Pertinent Information/References: Abnerman & Martha Heubner: Neighbor & Friend
Randy PARR: Neighbor & Friend

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

- ☒ Planning & Zoning Commission
() Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.
To Be Announced; Evenings

Separate Legal Entities

- ☒ Tomball Economic Development Corporation

() Tomball Hospital Board

Meeting Information

First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
Fourth Wednesday each month, 4 p.m.

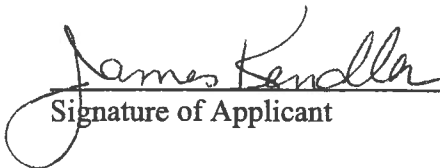
Ad Hoc/Advisory Committees

- () Downtown Tomball Advisory Committee

Meeting Information

As called

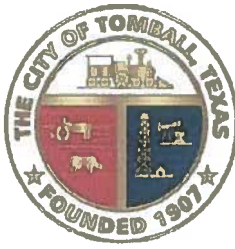
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings (typically, three meetings) in any twelve consecutive months or absent from more than three consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2010 will expire in 2012.

Please Type or Print Clearly:

Date: 5-24-2010

Name: LISA DANIELS

Phone: 281-639-1592

Address: 403 Epps ST

Phone: 281-639-1592 (Home)

City/State/Zip: Tomball TX

Email: ledaniels00@mac.com 77375

(Work)

I have lived in Tomball <1 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Pharmaceutical Sales
Covering N.W. Houston - Tomball & Magnolia

Professional and/or Community Activities: Former head of West Houston
Chamber Health and Wellness Committee
member Houston READ volunteer -

Additional Pertinent Information/References: _____

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for two years.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

☒ Planning & Zoning Commission ✓

☐ Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.

To Be Announced; Evenings

Separate Legal Entities

☐ Tomball Economic Development Corporation

☐ Tomball Hospital Board

Meeting Information

Fourth Tuesday of the Second Month of Each Quarter, 5:30 p.m. (special meetings may be called)

Fourth Wednesday each month, 4 p.m.

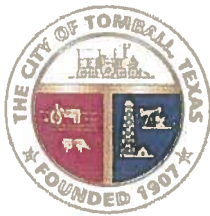
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

**City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375**



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings (typically, three meetings) in any twelve consecutive months or absent from more than three consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2010 will expire in 2012.

Please Type of Print Clearly:

Date: February 1, 2009

Name: Roy P. Lackey

Phone: 281-642-2563

(Home)

Address: 31530 Capella Circle

Phone: 281-642-2563

(Work)

City/State/Zip: Tomball, Texas 77375

Email: Roy@AESTexas.net

I have lived in Tomball 15 years.

I am X am not a U.S. Citizen

Occupation: SELF EMPLOYED ELECTRICAL POWER CONSULTANT AND
SPECIALIZING IN POWER QUALITY, STANDBY ELECTRICAL GENERATION,
LIGHTNING & SURGE PROTECTION

Professional and/or Community Activities: MEMBER CHAMBER OF COMMERCE
LEGISLATIVE & TRANSPORTATION COMMITTEE

Additional Pertinent Information/References: 30YR DIRECTOR OF 2 MUNICIPAL
UTILITY DISTRICTS IN HARRIS COUNTY, ENGINEERING & OPERATION EXPERIENCE
FOR A WATER & SEWAGE TREATMENT SYSTEM THAT IS LARGER THAN TOMBALL
BY CAPACITY.

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for two years.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

Meeting Information

(1) Planning & Zoning Commission

Second Monday each month, 6 p.m.

() Board of Adjustments

To Be Announced; Evenings

Separate Legal Entities

Meeting Information

(2) Tomball Economic Development Corporation

Fourth Tuesday of the Second Month of Each Quarter, 5:30 p.m. (special meetings may be called)

(3) Tomball Hospital Board

Fourth Wednesday each month, 4 p.m.

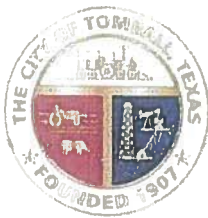
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings (typically, three meetings) in any twelve consecutive months or absent from more than three consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2010 will expire in 2012.

Please Type or Print Clearly:

Name: Evelyn Torres-Chervena

Address: 111 Mc Phail

City/State/Zip: Tomball Tx 77375

Email: _____

Date: January 26, 2010

Phone: 832-704-8090

Phone: 832-704-8090
(Home)
(Work)

I have lived in Tomball 1 1/2 years.

I am ☒ am not ☐ a U.S. Citizen

Occupation: Accountant

Professional and/or Community Activities:

Haplan University - Student Accounting Association (SAA) member
SAA Judicial Committee Member
SAA Special Review and Task Force Committee Secretary

Additional Pertinent Information/References:

Self Employed - Etc. Services

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for two years.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

() Planning & Zoning Commission

(1) Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.

To Be Announced; Evenings

Separate Legal Entities

(2) Tomball Economic Development Corporation

(3) Tomball Hospital Board

Meeting Information

Fourth Tuesday of the Second Month of Each Quarter, 5:30 p.m. (special meetings may be called)

Fourth Wednesday each month, 4 p.m.

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.


Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

Judith L. Wilson
506 N. Pecan Dr.
Tomball, TX 77375
(281) 351-9151
(832) 439-1072

July 31, 2009

Doris Speer, City Secretary
City of Tomball

Dear Doris:

Please accept the revised application for Council-appointed Boards,
Commissions, and Committees.

Thank you,

A handwritten signature in cursive script, appearing to read "Judy".

Judy

Judith L. Wilson
506 N. Pecan Dr.
Tomball, Texas 77375

June 5, 2009

Tomball City Council Members
Fax No. 281-351-6256

Dear City Council Members:

As a native Houstonian who grew up on the north side of Houston, I have always considered Tomball, to be a part of "my" community. There are many reasons why I love living and working here and that love for our city motivates me to offer my services to our community as a member of the following:

Impact Fee Advisory Board
Planning & Zoning Commission
Tomball Economic Development Corporation

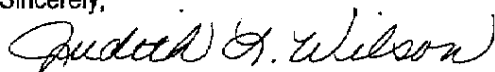
I would like to take this opportunity to tell you why I feel that I am qualified to serve the City of Tomball. I started my family after graduation from Sam Houston High School in Houston, TX, and went to work as a Directory Assistance Operator for Southwestern Bell Telephone Co, now AT&T. I held various positions over my career and lived in Austin, Victoria, Midland, Odessa, Corpus Christi, San Antonio and Houston. While working full time as a manager, I utilized the company tuition plan and graduated Magna Cum Laude from The University of Texas with a BA in Psychology with a Business minor. This was accomplished in four years as a wife and mother. I also earned a Texas Real Estate Broker's license, which is now inactive.

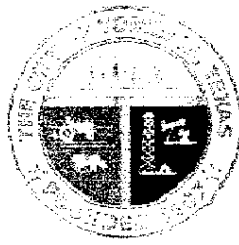
My most recent work experience while in the corporate world included various positions in the Real Estate Management Division for AT&T. Texas was divided into thirds and I was responsible for the acquisition of land/buildings/leases for one third of the state. After the real estate was acquired for administrative or equipment needs, I was responsible for the ongoing maintenance of the real estate assets. This included both short and long range planning, budget management for capital improvement projects and ongoing maintenance, contract administration, the supervision of unionized workers and staff managers, and interaction with the PUC of Texas. I also learned the operations of different departments in order to perform numerous internal audits. Since my early retirement from AT&T, I have been a small business owner in Tomball where I own and manage a small business park and partner with a builder/remodeler in the residential construction business.

I have one grown son who is married and lives in the Dallas, TX, area. I am also the grandmother of eight year old boy/girl twins with special needs. I am a member of the First Baptist Church of Buffalo, TX, and I am an active member of several lineage societies. I am the chairman of the Service for Veterans committee of one of the societies where I work to donate items to the Michael E. DeBakey Veterans Medical Center, and I am a chapter officer over ways and means in another group. I support the Greater Tomball Area Chamber of Commerce and am hopeful that I will be able to become more active in matters involving the development and well being of Tomball. I work daily with the citizens of Tomball and would like to utilize my passion for people by filling one of your appointed positions to the above.

If you have any questions, please do not hesitate to contact me at (281) 351-9151, or (832) 439-1072.

Sincerely,





CITY OF TOMBALL

2009

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. 2009 applications expire on December 31, 2009; a new application will be required in 2010.

Please Type or Print Clearly:

Date: 6/5/09

Name: JUDITH L. (JUDY) WILSON

Phone: 281 351 9151

Address: 506 N. PECAN DR.

(Home)
832 439 1072
(Work)

Email: JUDITH L. WILSON

I have lived in Tomball 10 years.

I am X am not a U.S. Citizen

Occupation: I AM A MINORITY FEMALE BUSINESS OWNER OF THE SILVERWOOD BUS. PARK WITH WORK EXPERIENCE AT SUB/AT&T AS AN INTERNAL AUDITOR & AREA MGR.-ARCHITECTURE RESPONSIBLE FOR CAPITAL/MTLE. BUDGETS SHORT/LONG RANGE PLANNING, REAL ESTATE ASSET MANAGEMENT, CONTRACT ADMIN. & SUPERVISION/MANAGEMENT OF BOTH UNION WORKERS & STAFF MGRS. I GRADUATED MAGNA CUM LAUDE FROM UT WITH A B.A. IN PSYCHOLOGY WITH A MINOR IN BUSINESS.

Professional and/or Community Activities: GREATER TOMBALL AREA CHAMBER OF COMMERCE, DAUGHTERS OF THE REPUBLIC OF TEXAS CHAPTER OFFICER FOR WAYS & MEANS, DAR CHAPTER CHAIRMAN OF THE SERVICE FOR VETERANS COMMITTEE.

Additional Pertinent Information/References: I AM A MEMBER OF THE FIRST BAPTIST CHURCH OF BUFFALO TX. WHERE I HAVE FAMILY AND HAVE OWNED A SECOND HOME. I AM THE MOTHER OF A GROWN SON & THE GRANDMOTHER OF 8 YR. OLD BOY/GIRL TWINS WITH SPECIAL NEEDS.

Applications for the following Council-appointed Board, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for one year.

If you are interested in serving on more than one board, please indicate your preference by numbering each board in order of preference (i.e., 1, 2, 3, etc.)

Advisory Boards & Commissions

- 7. ☒ Parks, Recreation & Beautification Advisory Board
- 4. ☒ Impact Fee Advisory Board

Meeting Information

Second Tuesday each month, 5 p.m.
As needed, second Monday in month, 6 p.m.

Decision-Making Boards and Commissions

- 6. ☒ Building Standards Board
- 1. ☒ Planning & Zoning Commission
- 8. ☒ Electrical Board
- 5. ☒ Board of Adjustments

Meeting Information

As needed, 5 p.m.
Second Monday each month, 6 p.m.
First Tuesday after third Monday, 7:30 p.m.
To Be Announced; Evenings

Separate Legal Entities

- 2. ☒ Tomball Economic Development Corporation
- 3. ☒ Tomball Hospital Board

Meeting Information

First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
Fourth Wednesday each month, 4 p.m.

I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.


Signature of Applicant

Please return this application to: City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 6, 2011

Topic:

Discussion of Proposed Tomball East-Side Specific Plan, presented by Partners for Strategic Action, Inc. (PSA)

Background:

During the stakeholder and public participation workshops for the Downtown Specific Plan, participants discussed the creation of another specific development plan for the central area along Main St east of the railroad tracks that would recognize & support that areas unique character, needs, and economic opportunities.

Attached is a rough draft proposal for that development plan. The draft proposal is based on the "ideal" project as discussed during the Comprehensive Plan process and took into consideration the possibility of the rail extension to Tomball. Follow further direction from Council, a the planning area, approach, scope, and budget can be adjusted and furthered developed.

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

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

ATTACHMENTS:

Draft Plan Proposal

Draft Map of Plan Area

May 30, 2011

Mr. George Shackelford
Manager
City of Tomball
401 Market Street
Tomball, TX 77375



Dear Mr. Shackelford:

Thank you very much for your request to begin exploring the feasibility of developing a Specific Plan for the area east of the rail line. Since the initial stages of the development of the Comprehensive Plan, we considered this area to be a tremendous opportunity for Tomball.

Per my e-mail on April 12th, we feel this area offers so much potential for economic development that the city should consider a project greater than just extending the DSP boundaries to the east. As mentioned, the project can be a joint effort between the city and TEDC.

Accompanying this letter is a map that we have developed that outlines a potential planning area as identified by our team. This area may be larger than originally envisioned but in looking at the land uses and economic and transit oriented development opportunities, the indicated area seems integrated. The estimated budget presented in this letter is based upon this planning area.

We see this planning process to be a bit different than the DSP process. We would recommend less general public engagement and design emphasis and more stakeholder coordination and technical analysis. Therefore, we recommend the following process outline:

- I. Existing Conditions Analysis – Identify land ownership, existing infrastructure, and land use opportunities and constraints.
- II. Goals and Objectives – Identify the long-range direction and desires for the planning area.
- III. Land Use and Circulation Options – Identify the range of potential uses and transit oriented development opportunities.
- IV. Infrastructure and Real Estate/Economic Feasibility Analysis – identify infrastructure needs and projects and perform an analysis of the economic opportunities and potential for public/private partnerships.

- V. Specific Plan – Finalize the land use and circulation plan, capital improvements plan, economic strategies, and the regulatory language for the area's future development and re-development. These elements will be compiled in an easy to understand and use document.
- VI. Implementation – A phased implementation plan will be developed to assist in decision-making, budgeting, and sequencing of activities and projects.

We anticipate compiling a technical advisory committee to be met with several times during the process comprised of city staff and leadership, TXDOT, HGAC, TEDC, key land owners, and other stakeholders as identified.

PSA would again team with Kimley-Horn and augment our existing team with a specialist in real estate and economic analysis with specific expertise in transit oriented development areas.

Our estimated fee for the project would be \$142,000 which includes \$20,000 for the economic analysis.

We look forward to a discussion about this potential project and your expectations. We based this initial proposal on the "ideal" as discussed during the Comprehensive Plan process and recent discussion about the possibility of the rail extension to Tomball. After our discussions, we can provide a more detailed approach and work with the city to refine and finalize the planning area and project budget.

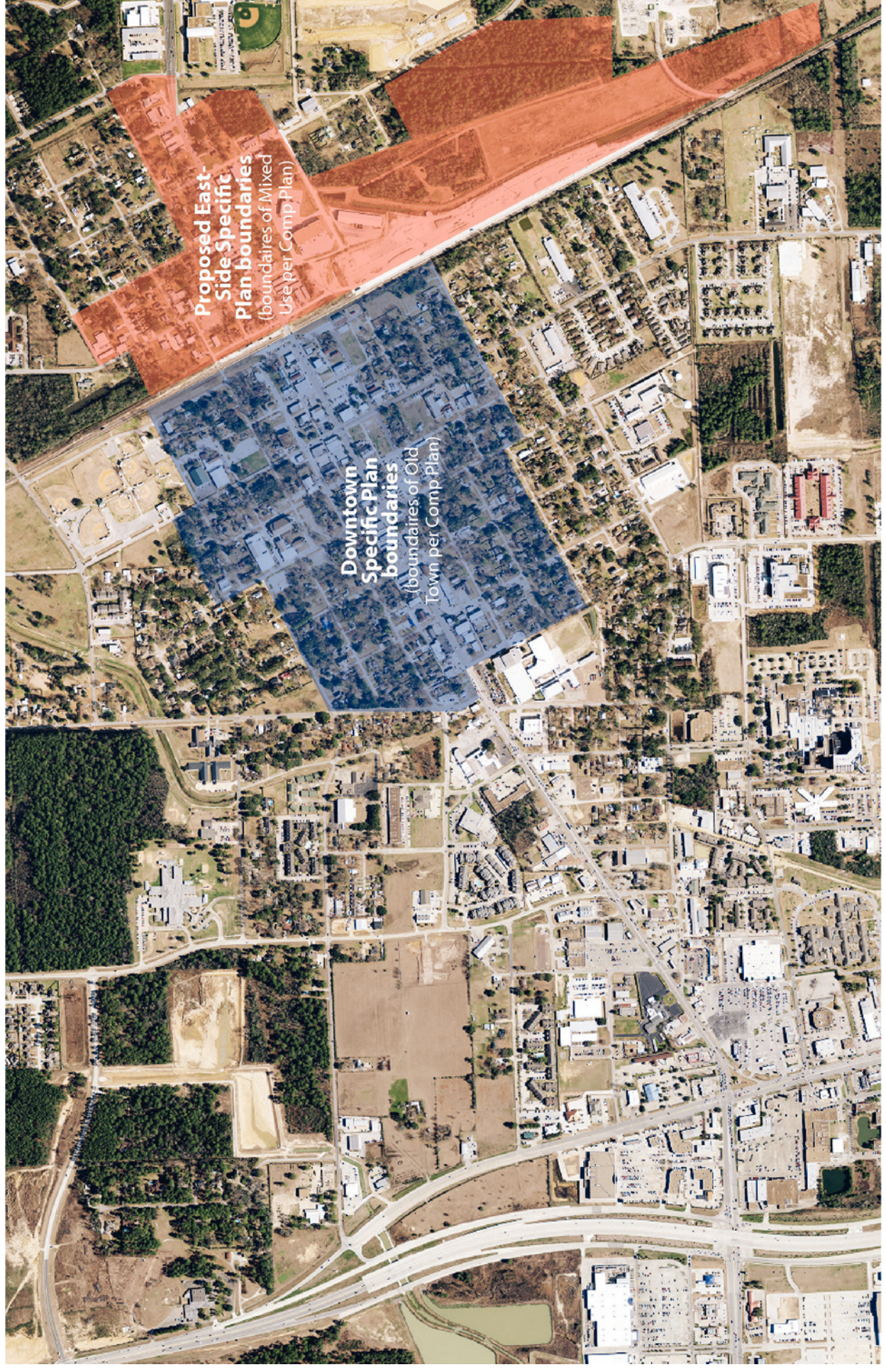
We look forward to discussing this project further with you.

Sincerely,

A handwritten signature in cursive script, reading "Peggy Fiandaca".

Peggy Fiandaca AICP
President

Proposed Boundaries: East-Side Specific Plan



Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 6, 2011

Topic:

Adopt, on First and Only Reading, Ordinance No. 2011-09, Authorizing the Issuance of City of Tomball, Texas General Obligation Refunding Bonds, Series 2011; Levying a Tax in Payment Thereof; Setting Certain Parameters for the Bonds; Authorizing the Authorized Officer to Approve the Amount, the Interest Rate, Price and Certain Other Terms Thereof; Authorizing the Redemption Prior to Maturity of Certain Outstanding Bonds; Authorizing the Execution and Delivery of a Bond Purchase Agreement, a Paying Agent/Registrar Agreement and an Escrow Agreement relating to such Bonds; Approving the Preparation and Distribution of an Official Statement; and Enacting other Provisions Relating Thereto.

Background:

Request is for the adoption of Ordinance No. 2011-09 for the Refunding of the Outstanding Series 2002 Combination Tax and Revenue Bonds and the issuance of the Refunding Bonds, Series 2011, at a lower interest rate for a present value savings of at least 5% of the refunded principal amount of bonds.

Pursuant to Section 1201.028, Texas Government Code, Ordinance No. 2011-09 requires a single reading only for adoption and will become effective immediately upon adoption.

Origination:

Finance

Recommendation:

Adopt Ordinance 2011-09 on First and Only Reading.

Funding:

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

Glenn Windsor, CPA, CGFO Finance Director/Treasurer

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

ATTACHMENTS:

Ordinance No. 2011-09

ORDINANCE NO. 2011-09

AUTHORIZING THE
ISSUANCE OF

CITY OF TOMBALL, TEXAS
GENERAL OBLIGATION REFUNDING BONDS
SERIES 2011

Adopted: June 6, 2011

TABLE OF CONTENTS

	Page
Recitals.....	1

ARTICLE I

DEFINITIONS AND OTHER PRELIMINARY MATTERS

Section 1.01	Definitions.....	2
Section 1.02	Findings.....	5
Section 1.03	Table of Contents, Titles and Headings.	5
Section 1.04	Interpretation.	5

ARTICLE II

SECURITY FOR THE BONDS; INTEREST AND SINKING FUND

Section 2.01	Tax Levy.	6
Section 2.02	Interest and Sinking Fund.	6

ARTICLE III

AUTHORIZATION; GENERAL TERMS AND PROVISIONS REGARDING THE BONDS

Section 3.01	Authorization.....	7
Section 3.02	Date, Denomination, Maturities and Interest.	7
Section 3.03	Medium, Method and Place of Payment.	7
Section 3.04	Execution and Registration of Bonds.....	8
Section 3.05	Ownership.	9
Section 3.06	Registration, Transfer and Exchange.	9
Section 3.07	Cancellation.....	10
Section 3.08	Replacement Bonds.....	10
Section 3.09	Book-Entry Only System.	11
Section 3.10	Successor Securities Depository; Transfer Outside Book-Entry Only System.	12
Section 3.11	Payments to Cede & Co.	13

ARTICLE IV

REDEMPTION OF BONDS BEFORE MATURITY

Section 4.01	Limitation on Redemption.	13
Section 4.02	Optional Redemption.	13
Section 4.03	Mandatory Redemption.....	13
Section 4.04	Partial Redemption.....	14
Section 4.05	Notice of Redemption to Owners.....	14
Section 4.06	Payment Upon Redemption.	15
Section 4.07	Effect of Redemption.	15

Section 4.08	Lapse of Payment.....	15
--------------	-----------------------	----

ARTICLE V

PAYING AGENT/REGISTRAR

Section 5.01	Appointment of Initial Paying Agent/Registrar.	15
Section 5.02	Qualifications.	16
Section 5.03	Maintaining Paying Agent/Registrar.....	16
Section 5.04	Termination.	16
Section 5.05	Notice of Change to Owners.	16
Section 5.06	Agreement to Perform Duties and Functions.	16
Section 5.07	Delivery of Records to Successor.	16

ARTICLE VI

FORM OF THE BONDS

Section 6.01	Form Generally.	17
Section 6.02	CUSIP Registration.	17
Section 6.03	Legal Opinion.....	17
Section 6.04	Bond Insurance.....	18

ARTICLE VII

DELEGATION OF AUTHORITY, SALE AND DELIVERY OF BONDS, DEPOSIT OF PROCEEDS

Section 7.01	Sale of Bonds; Official Statement.....	18
Section 7.02	Control and Delivery of Bonds.	19
Section 7.03	Deposit of Proceeds; Transfer of Funds.....	20

ARTICLE VIII

REPRESENTATIONS AND COVENANTS

Section 8.01	Payment of the Bonds.	20
Section 8.02	Other Representations and Covenants.	20

ARTICLE IX

QUALIFIED TAX-EXEMPT OBLIGATIONS

Section 9.01	Qualified Tax-Exempt Obligations.....	21
--------------	---------------------------------------	----

ARTICLE X

PROVISIONS CONCERNING FEDERAL INCOME TAX EXCLUSION

Section 10.01	General Tax Covenants.....	21
Section 10.02	No Private Use or Payment and No Private Loan Financing.....	21

Section 10.03	No Federal Guarantee.	22
Section 10.04	Bonds are not Hedge Bonds.	22
Section 10.05	No-Arbitrage.	22
Section 10.06	Arbitrage Rebate.	22
Section 10.07	Information Reporting.	23
Section 10.08	Record Retention.	23
Section 10.09	Registration.	23
Section 10.10	Continuing Obligation.	23

ARTICLE XI

DISCHARGE

Section 11.01	Discharge.	23
---------------	-----------------	----

ARTICLE XII

CONTINUING DISCLOSURE UNDERTAKING

Section 12.01	Annual Reports.	24
Section 12.02	Material Event Notices.	24
Section 12.03	Limitations, Disclaimers and Amendments.	26

ARTICLE XIII

APPROVAL OF ESCROW AGREEMENT AND RELATED PROVISIONS

Section 13.01	Appointment of Escrow Agent; Approval of Escrow Agreement.	27
Section 13.02	Purchase of Securities for Escrow Fund.	27
Section 13.03	Redemption and Defeasance of Refunded Obligations.	27

ARTICLE XIV

MISCELLANEOUS

Section 14.01	Changes to Ordinance	28
Section 14.02	Related Matters	28
Section 14.03	Individuals Not Liable.	28
Section 14.04	Severability and Savings	28
Section 14.05	Repealer.	28
Section 14.06	Force and Effect	28

Schedule I – Refunded Obligation Candidates

Exhibit A – Form of Pricing Certificate

ORDINANCE NO. 2011-09

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF TOMBALL, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011; LEVYING A TAX IN PAYMENT THEREOF; SETTING CERTAIN PARAMETERS FOR THE BONDS; AUTHORIZING THE AUTHORIZED OFFICER TO APPROVE THE AMOUNT, THE INTEREST RATE, PRICE AND CERTAIN OTHER TERMS THEREOF; AUTHORIZING THE REDEMPTION PRIOR TO MATURITY OF CERTAIN OUTSTANDING BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, A PAYING AGENT/REGISTRAR AGREEMENT AND AN ESCROW AGREEMENT RELATING TO SUCH BONDS; APPROVING THE PREPARATION AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AND ENACTING OTHER PROVISIONS RELATING THERETO

THE STATE OF TEXAS §
COUNTIES OF HARRIS AND MONTGOMERY §

WHEREAS, the City of Tomball, Texas (the “City”) desires to issue the bonds hereinafter authorized (the “Bonds”) for the purpose of refunding certain of its outstanding obligations as identified and described on Schedule I attached hereto (the “Refunded Obligation Candidates”) for the purpose of achieving debt service savings; and

WHEREAS, it is intended that all or a portion of the Refunded Obligation Candidates shall be designated as Refunded Obligations (as hereinafter defined) in the Pricing Certificate (as hereinafter defined) and shall be refunded pursuant to this Ordinance and the Pricing Certificate; and

WHEREAS, Chapter 1207, Texas Government Code, as amended (“Chapter 1207”) authorizes the City to issue refunding bonds for the purpose of refunding the Refunded Obligations in advance of their maturities, and to accomplish such refunding by depositing directly with a paying agent for the Refunded Obligations (or other qualified escrow agent), the proceeds of such refunding bonds, together with other available funds or securities, in an amount sufficient to provide for the payment or redemption of the Refunded Obligations, and provides that such deposit shall constitute the making of firm banking and financial arrangements for the discharge and final payment or redemption of the Refunded Obligations; and

WHEREAS, the City desires to authorize the execution of an escrow agreement, if necessary, in order to provide for the deposit of proceeds of the refunding bonds and, to the extent specified pursuant hereto, other lawfully available funds of the City, to pay the redemption price of the Refunded Obligations when due; and

WHEREAS, upon the issuance of the refunding bonds herein authorized and the deposit of funds referred to above, the Refunded Obligations shall no longer be regarded as being outstanding, except for the purpose of being paid pursuant to such deposit, and the pledges, liens, trusts and all other covenants, provisions, terms and conditions of the ordinances authorizing the

issuance of the Refunded Obligations shall be, with respect to the Refunded Obligations, discharged, terminated and defeased; and

WHEREAS, the City hereby finds and determines that the issuance and delivery of the refunding bonds hereinafter authorized is necessary and in the public interest and the use of the proceeds in the manner herein specified constitutes a valid public purpose; and

WHEREAS, the City hereby finds and determines that the refunding contemplated in this Ordinance will benefit the City by providing a present value saving in the debt service payable by the City, and that such benefit is sufficient consideration for the refunding of the Refunded Obligations; and

WHEREAS, the City hereby finds and determines that the manner in which the refunding is being executed does not make it practicable to make the determination described by Section 1207.008(a)(2) of Chapter 1207; and

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

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

ARTICLE I

DEFINITIONS AND OTHER PRELIMINARY MATTERS

Section 1.01 Definitions.

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

“Authorized Officer” means either the City Manager or the Director of Finance of the City, who are authorized to act on behalf of the City in selling and delivering the Bonds, or such other officers of the City as designated in writing.

“Bond” means any of the Bonds.

“Bonds” means the City’s bonds authorized to be issued by Section 3.01 of this Ordinance and designated as “City of Tomball, Texas, General Obligation Refunding Bonds, Series 2011” and such other series or subseries as may be designated in the Pricing Certificate.

“Bond Counsel” means Vinson & Elkins L.L.P.

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

“City” means the City of Tomball, Texas.

“Closing Date” means the date of the initial delivery of and payment for the Bonds.

“Code” means the Internal Revenue Code of 1986, as amended, including applicable regulations, published rulings and court decisions.

“Dated Date” means the date of the Bonds as designated in the Pricing Certificate.

“Designated Payment/Transfer Office” means (i) with respect to the initial Paying Agent/Registrar, its corporate trust office in Houston, Texas or such other location designated by the Paying Agent/Registrar, and (ii) with respect to any successor Paying Agent/Registrar, the office of such successor designated and located as may be agreed upon by the City and such successor.

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

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

“Escrow Agent” means Wells Fargo Bank, National Association.

“Escrow Agreement” means the escrow agreement by and between the City and the Escrow Agent relating to the Refunded Obligations.

“Escrow Fund” means the fund or funds established by the Escrow Agreement to hold cash and securities for the payment of debt service on the Refunded Obligations.

“Escrow Securities” means (1) direct noncallable obligations of the United States, including obligations that are unconditionally guaranteed by the United States; (2) noncallable obligations of an agency or instrumentality of the United States, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date of hereof, are rated as to investment quality by a nationally recognized investment rating firm not less than “AAA” or its equivalent; and (3) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date hereof, are rated as to investment quality by a nationally recognized investment rating firm not less than “AAA” or its equivalent.

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

“Initial Bond” means the Initial Bond authorized by Section 3.04(d) of this Ordinance.

“Interest and Sinking Fund” means the interest and sinking fund established by Section 2.02 of this Ordinance.

“Interest Payment Date” means the date or dates on which interest on the Bonds is scheduled to be paid, as designated in the Pricing Certificate.

“Maturity” means the date on which the principal of the Bonds becomes due and payable according to the terms thereof, whether at Stated Maturity or by proceedings for prior redemption.

“MSRB” means the Municipal Securities Rulemaking Board.

“Ordinance” means this Ordinance.

“Owner” means the person who is the registered owner of a Bond or Bonds, as shown in the Register.

“Paying Agent/Registrar” means Wells Fargo Bank, National Association.

“Paying Agent Registrar Agreement” means the Paying Agent/Registrar Agreement between the Paying Agent/Registrar and the City relating to the Bonds.

“Pricing Certificate” means a certificate or certificates to be signed by the Authorized Officer, in substantially the form attached hereto as Exhibit A with such variations, omissions and insertions as are approved by the Authorized Officer as indicated by his/her signature.

“Purchase Agreement” means the Bond Purchase Agreement between the City and the Underwriter providing for the sale of the Bonds to the Underwriter.

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

“Refunded Obligation Candidates” mean the obligations of the City described in Schedule I attached hereto.

“Refunded Obligations” mean those obligations of the City designated as such in the Pricing Certificate from the list of Refunded Obligation Candidates.

“Register” means the bond register specified in Section 3.06(a).

“Representations Letter” means the Blanket Letter of Representations between the City and DTC.

“Rule” means Rule 15c2-12, as amended from time to time, adopted by the SEC under the Securities Exchange Act of 1934.

“SEC” means the United States Securities and Exchange Commission.

“Special Payment Date” means the date that is fifteen (15) days after the Special Record Date, as described in Section 3.03(e).

“Special Record Date” means the new record date for interest payment established in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, as described in Section 3.03(e).

“State” means the State of Texas.

“Stated Maturity” means the respective stated maturity dates of the Bonds specified in the Pricing Certificate.

“Unclaimed Payments” means money deposited with the Paying Agent/Registrar for the payment of principal, premium, if any, or interest, or money set aside for the payment of Bonds duly called for redemption prior to Stated Maturity and remaining unclaimed by the Owners of such Bonds for 90 days after the applicable payment or redemption date.

“Underwriter” means Coastal Securities, Inc.

Section 1.02 Findings.

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

Section 1.03 Table of Contents, Titles and Headings.

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

Section 1.04 Interpretation.

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

(b) Any action required to be taken on a date which is not a Business Day shall be taken on the next succeeding Business Day and have the same effect as if taken on the date so required.

(c) This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of this Ordinance.

(d) References to section numbers shall mean sections in this Ordinance unless designated otherwise.

ARTICLE II

SECURITY FOR THE BONDS; INTEREST AND SINKING FUND

Section 2.01 Tax Levy.

(a) Pursuant to the authority granted by the Constitution and the laws of the State, there shall be levied and there is hereby levied for the current year and for each succeeding year hereafter while any part of the principal of the Bonds or any interest thereon is outstanding and unpaid, an ad valorem tax on all taxable property within the City, at a rate sufficient, within the limit prescribed by law, to pay the debt service requirements of the Bonds, being (i) the interest on the Bonds, and (ii) a sinking fund for their redemption at maturity or a sinking fund of two percent (2%) per annum (whichever amount is greater), when due and payable, full allowance being made for delinquencies and costs of collection.

(b) The ad valorem tax thus levied shall be assessed and collected each year against all taxable property appearing on the tax rolls of the City most recently approved in accordance with law, and the money thus collected shall be deposited as collected to the Interest and Sinking Fund.

(c) Said ad valorem tax, the collections therefrom, and all amounts on deposit in or required hereby to be deposited to the Interest and Sinking Fund are hereby pledged and committed irrevocably to the payment of the principal of and interest on the Bonds when and as due and payable in accordance with their terms and this Ordinance.

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

Section 2.02 Interest and Sinking Fund.

(a) The City hereby establishes a special fund or account to be designated the "City of Tomball, Texas, General Obligation Refunding Bonds, Series 2011, Interest and Sinking Fund" (the "Interest and Sinking Fund") said fund to be maintained at an official depository bank of the City separate and apart from all other funds and accounts of the City.

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

ARTICLE III

AUTHORIZATION; GENERAL TERMS AND PROVISIONS REGARDING THE BONDS

Section 3.01 Authorization.

The Bonds are hereby authorized to be issued and delivered in accordance with Chapter 1207. The Bonds shall be issued in an aggregate principal amount not to exceed the amount specified in Section 7.01 hereof, for the purpose of refunding the Refunded Obligations and paying the costs of issuing the Bonds.

Section 3.02 Date, Denomination, Maturities and Interest.

(a) The Bonds shall be dated the Dated Date as set forth in the Pricing Certificate, shall be issued in fully registered form, without coupons, in denominations of \$5,000 or any integral multiple thereof, and shall be numbered separately from one upward or such other designation acceptable to the City and the Paying Agent/Registrar, except the Initial Bond, which shall be numbered I-1. Bonds delivered on transfer of or in exchange for other Bonds shall be numbered in order of their authentication by the Paying Agent/Registrar, shall be in denominations of \$5,000 or any integral multiple thereof, and shall mature on the same date and bear interest at the same rate as the Bond or Bonds in lieu of which they are delivered.

(b) The Bonds shall mature on the same day in each of the years and in the principal amounts, and shall bear interest at the per annum rates, all as set forth in the Pricing Certificate.

(c) Interest shall accrue and be paid on each Bond, respectively, until the principal amount thereof has been paid or provision for such payment has been made, from the later of (i) the Dated Date or the Closing Date, as set forth in the Pricing Certificate, or (ii) the most recent Interest Payment Date to which interest has been paid or provided for at the rate per annum for each respective maturity specified in the Pricing Certificate. Such interest shall be payable on each Interest Payment Date until Maturity and shall be calculated on the basis of a 360-day year of twelve 30-day months.

Section 3.03 Medium, Method and Place of Payment.

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

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

(c) The principal of each Bond shall be paid without exchange or collection charges to the Owner thereof on the Maturity date thereof upon presentation and surrender of such Bond at the Designated Payment/Transfer Office.

(d) If the date for the payment of the principal of or interest on the Bonds is not a Business Day, then the date for such payment shall be the next succeeding Business Day, and payment on such date shall have the same force and effect as if made on the original date payment was due and no additional interest shall be due by reason of nonpayment on the date on which such payment is otherwise stated to be due and payable.

(e) In the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the special payment date of the past due interest (the "Special Payment Date," which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) Business Days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each Owner of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the last Business Day next preceding the date of mailing of such notice.

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

Section 3.04 Execution and Registration of Bonds.

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

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

(c) Except as provided below, no Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the

Certificate of Paying Agent/Registrar substantially in the form provided herein, duly authenticated by manual execution by an officer or duly authorized signatory of the Paying Agent/Registrar. It shall not be required that the same officer or authorized signatory of the Paying Agent/Registrar sign the Certificate of Paying Agent/Registrar on all of the Bonds. In lieu of the executed Certificate of Paying Agent/Registrar described above, the Initial Bond delivered at the Closing Date shall have attached thereto the Comptroller's Registration Certificate substantially in the form provided herein, manually executed by the Comptroller of Public Accounts of the State of Texas, or by her duly authorized agent, which certificate shall be evidence that the Bond has been duly approved by the Attorney General of the State, and that it is a valid and binding obligation of the City, and that it has been registered by the Comptroller of Public Accounts of the State.

(d) On the Closing Date, one Initial Bond representing the entire principal amount of the Bonds designated in the Pricing Certificate, payable in stated installments to the Underwriter or its designee, executed by the manual or facsimile signatures of the Mayor and City Secretary, approved by the Attorney General of the State, and registered and manually signed by the Comptroller of Public Accounts of the State, will be delivered to the Underwriter or its designee. Upon payment for the Initial Bond, the Paying Agent/Registrar shall cancel the Initial Bond and deliver registered definitive Bonds to DTC in accordance with Section 3.09 hereof. To the extent the Paying Agent/Registrar is eligible to participate in DTC's FAST System, as evidenced by an agreement between the Paying Agent/Registrar and DTC, the Paying Agent/Registrar shall hold the definitive Bonds in safekeeping for DTC.

Section 3.05 Ownership.

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

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

Section 3.06 Registration, Transfer and Exchange.

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

(b) The ownership of a Bond may be transferred only upon the presentation and surrender of the Bond to the Paying Agent/Registrar at the Designated Payment/Transfer Office

with such endorsement or other evidence of transfer acceptable to the Paying Agent/Registrar. No transfer of any Bond shall be effective until entered in the Register.

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

(d) The Paying Agent/Registrar is hereby authorized to authenticate and deliver Bonds transferred or exchanged in accordance with this Section. A new Bond or Bonds will be delivered by the Paying Agent/Registrar, in lieu of the Bond being transferred or exchanged, at the Designated Payment/Transfer, or sent by United States mail, first class, postage prepaid, to the Owner or his designee. Each Bond delivered by the Paying Agent/Registrar in accordance with this Section shall constitute an original contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such Bond is delivered.

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

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

Section 3.07 Cancellation. All Bonds paid or redeemed before Stated Maturity in accordance with this Ordinance, and all Bonds in lieu of which exchange Bonds or replacement Bonds are authenticated and delivered in accordance with this Ordinance, shall be cancelled upon the making of proper records regarding such payment, redemption, exchange or replacement. The Paying Agent/Registrar shall dispose of such cancelled Bonds in the manner required by the Securities Exchange Act of 1934, as amended.

Section 3.08 Replacement Bonds.

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

(b) In the event that any Bond is lost, apparently destroyed or wrongfully taken, the Paying Agent/Registrar, pursuant to the applicable laws of the State and in the absence of notice or knowledge that such Bond has been acquired by a bona fide purchaser, shall authenticate and

deliver a replacement Bond of like maturity, interest rate and principal amount, bearing a number not contemporaneously outstanding, provided that the Owner first complies with the following requirements:

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

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

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

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

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

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

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

Section 3.09 Book-Entry Only System.

(a) Unless otherwise specified in the Pricing Certificate, the definitive Bonds shall be initially issued in the form of a separate fully registered Bond for each of the maturities thereof. Upon initial issuance, the ownership of each such Bond shall be registered in the name of Cede & Co., as nominee of DTC, and except as provided in Section 3.10 hereof, all of the outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

(b) With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds, except as provided in this Ordinance. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with

respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than an Owner of any notice with respect to the Bonds, or (iii) the payment to any DTC Participant or any other person, other than an Owner of any amount with respect to principal of or interest on the Bonds. Notwithstanding any other provision of this Ordinance to the contrary, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Register as the absolute owner of such Bond for the purpose of payment of principal of, premium, if any, and interest on the Bonds for the purpose of giving notices with respect to such Bond, and other matters with respect to such Bond, for the purpose of registering transfer with respect to such Bond, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Bonds only to or upon the order of the respective Owners, as shown in the Register, as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of premium, if any, principal and interest on the Bonds to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Register, shall receive a Bond evidencing the obligation of the City to make payments of amounts due pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions of this Ordinance with respect to interest payments being mailed to the Owner as shown on the Register on the Record Date, the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

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

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

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

Section 3.11 Payments to Cede & Co.

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

ARTICLE IV

REDEMPTION OF BONDS BEFORE MATURITY

Section 4.01 Limitation on Redemption.

The Bonds shall be subject to redemption before Stated Maturity only as provided in this Article IV and in the Pricing Certificate.

Section 4.02 Optional Redemption.

The Bonds shall be subject to redemption at the option of the City at such times, in such amounts, in such manner and at such redemption prices as may be designated and provided for in the Pricing Certificate.

Section 4.03 Mandatory Redemption.

(a) The Bonds designated as “Term Bonds” in the Pricing Certificate (“Term Bonds”), if any, are subject to scheduled mandatory redemption and will be redeemed by the City, in part, at a price equal to the principal amount thereof, without premium, plus accrued interest to the redemption date, out of moneys available for such purpose in the interest and sinking fund, on the dates and in the respective principal amounts as set forth in the Pricing Certificate.

(b) Prior to each scheduled mandatory redemption date, the Paying Agent/Registrar shall select for redemption by lot, or by any other customary method that results in a random selection, a principal amount of Term Bonds equal to the aggregate principal amount of such Term Bonds to be redeemed, shall call such Term Bonds for redemption on such scheduled mandatory redemption date, and shall give notice of such redemption, as provided in Section 4.05.

(c) The principal amount of the Term Bonds required to be redeemed on any redemption date pursuant to subparagraph (a) of this Section 4.03 shall be reduced, at the option of the City, by the principal amount of any Term Bonds which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.

Section 4.04 Partial Redemption.

(a) If less than all of the Bonds are to be redeemed pursuant to Section 4.02, the City shall determine the maturities and the principal amount thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot or any other customary random selection method such Bonds for redemption.

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

(c) Upon surrender of any Bond for redemption in part, the Paying Agent/Registrar, in accordance with Section 3.06 of this Ordinance, shall authenticate and deliver exchange Bonds in an aggregate principal amount equal to the unredeemed principal amount of the Bond so surrendered, such exchange being without charge.

Section 4.05 Notice of Redemption to Owners.

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

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

(c) The City reserves the right to give notice of its election or direction to redeem Bonds under Section 4.02 conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date or (ii) that the City retains the right to rescind such notice at any time prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected Owners. Any Bonds subject to conditional redemption where redemption has been rescinded shall remain Outstanding.

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

Section 4.06 Payment Upon Redemption.

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

(b) Upon presentation and surrender of any Bond called for redemption to the Paying Agent/Registrar on or after the date fixed for redemption, the Paying Agent/Registrar shall pay the principal of, redemption premium, if any, and accrued interest on such Bond to the date of redemption from the money set aside for such purpose.

Section 4.07 Effect of Redemption.

(a) When Bonds have been called for redemption in whole or in part and due provision has been made to redeem same as herein provided, the Bonds or portions thereof so redeemed shall no longer be regarded as outstanding except for the purpose of receiving payment solely from the funds so provided for redemption, and the rights of the Owners to collect interest which would otherwise accrue after the redemption date on any Bond or portion thereof called for redemption shall terminate on the date fixed for redemption.

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

Section 4.08 Lapse of Payment. Money set aside for the redemption of the Bonds and remaining unclaimed by the Owners thereof shall be subject to the provisions of Section 3.03(f) hereof.

ARTICLE V

PAYING AGENT/REGISTRAR

Section 5.01 Appointment of Initial Paying Agent/Registrar.

(a) The Authorized Officer is hereby authorized to select and appoint the initial Paying Agent/Registrar for the Bonds, and the initial Paying Agent/Registrar shall be designated in the Pricing Certificate.

(b) The Authorized Officer is hereby authorized and directed to execute and deliver or cause the execution and delivery by the Mayor and City Secretary, a Paying Agent/Registrar Agreement, specifying the duties and responsibilities of the City and the Paying Agent/Registrar, in such form as may be approved by the Authorized Officer, such approval to be evidenced by the signature of the appropriate City officials.

Section 5.02 Qualifications.

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

Section 5.03 Maintaining Paying Agent/Registrar.

(a) At all times while any of the Bonds are outstanding, the City will maintain a Paying Agent/Registrar that is qualified under Section 5.02 of this Ordinance.

(b) If the Paying Agent/Registrar resigns or otherwise ceases to serve as such, the City will promptly appoint a replacement, provided no such resignation shall be effective until a successor Paying Agent/Registrar has accepted the duties of Paying Agent/Registrar for the Bonds.

Section 5.04 Termination.

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

Section 5.05 Notice of Change to Owners.

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

Section 5.06 Agreement to Perform Duties and Functions.

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

Section 5.07 Delivery of Records to Successor.

The Paying Agent/Registrar, promptly upon the appointment of a successor, will deliver the Register (or a copy thereof) and all other pertinent books and records relating to the Bonds to the successor Paying Agent/Registrar.

ARTICLE VI

FORM OF THE BONDS

Section 6.01 Form Generally.

(a) The Bonds, including the Registration Certificate of the Comptroller of Public Accounts of the State to accompany the Initial Bond, the Certificate of the Paying Agent/Registrar, and the Assignment form which shall accompany, appear on or be attached or affixed to each of the Bonds, (i) shall be substantially in the form set forth in the Pricing Certificate, with such appropriate insertions, omissions, substitutions, and other variations as may be necessary or desirable and not prohibited by this Ordinance and the Pricing Certificate, and (ii) may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including any legend relating to bond insurance for the Bonds or reproduction of an opinion of counsel) as, consistently herewith, may be determined by the Authorized Officer or by the officers executing such Bonds, as evidenced by their execution thereof.

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

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

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

Section 6.02 CUSIP Registration.

The City may secure identification numbers through the CUSIP Service Bureau Division of Standard & Poor's Ratings Service, a division of the McGraw-Hill Companies, New York, New York, and may authorize the printing of such numbers on the face of the Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the Bonds or any errors or omissions in the printing of such number shall be of no significance or effect in regard to the legality thereof and neither the City nor the attorneys approving said Bonds as to legality are to be held responsible for CUSIP numbers incorrectly printed on the Bonds.

Section 6.03 Legal Opinion.

The approving legal opinion of Bond Counsel may be attached to or printed on the reverse side of each Bond.

Section 6.04 Bond Insurance.

If it is determined that the purchase of bond insurance would result in savings to the City, the Authorized Officer is hereby authorized to approve the purchase of and payment of the premium for bond insurance by the City and the terms of commitment for such insurance, if any. All officials and representatives of the City are authorized and directed to execute such documents and to do any and all things necessary or desirable to obtain such insurance. A statement relating to the bond insurance obtained for the Bonds, if any, may be printed on or attached to each Bond.

ARTICLE VII

DELEGATION OF AUTHORITY, SALE AND DELIVERY OF BONDS, DEPOSIT OF
PROCEEDS

Section 7.01 Sale of Bonds; Official Statement.

(a) The Bonds shall be sold to the Underwriter or Purchaser in accordance with the terms of this Ordinance. As authorized by Chapter 1207, the Authorized Officer is authorized to act on behalf of the City in selling and delivering the Bonds and in carrying out the other procedures specified in this Ordinance, including determining whether the Bonds will be sold in a negotiated or competitive sale, the price at which each of the Bonds will be sold, the number and designation of each series or subseries of Bonds to be issued, the form in which the Bonds shall be issued, the years and dates on which the Bonds will mature, the principal amount to mature in each of such years, the aggregate principal amount of the Bonds to be issued by the City, the rate of interest to be borne by each maturity of the Bonds, the Interest Payment Dates, the Record Dates, the dates, prices and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the City and shall be subject to mandatory redemption, the designation of the Refunded Obligations from the Schedule of Refunded Obligation Candidates, the selection of a paying agent/registrar, escrow agent, verification agent and bond insurer, if any, and all other matters relating to the issuance, sale and delivery of the Bonds and the refunding of the Refunded Obligations, all of which shall be specified in the Pricing Certificate; subject to the following conditions:

(i) the price to be paid for the Bonds shall not be less than 90% of the aggregate original principal amount of the Bonds plus accrued interest thereon from their date to their delivery;

(ii) the Bonds shall not bear interest at a rate greater than the maximum rate allowed by Chapter 1204, Texas Government Code, as amended;

(iii) the aggregate principal amount of the Bonds authorized to be issued for the purposes described in Section 3.01 shall not exceed \$9,275,000 and shall be in an amount sufficient, in combination with the net premium from the sale of the Bonds, plus other available funds of the City, if any, to provide for the refunding of the maximum amount of the Refunded Obligations to be selected from the Refunded Obligation

Candidates identified in Schedule I hereto and the costs and expenses of issuance of the Bonds, including underwriter's discount;

(iv) the refunding of the Refunded Obligations shall produce present value debt service savings of at least 5.00% of the principal amount of the Refunded Obligations and

(v) no Bond shall mature more than forty (40) years from the date of delivery thereof.

(b) The Authorized Officer is hereby authorized and directed to execute and deliver on behalf of the City a Purchase Agreement providing for the sale of the Bonds to the Underwriter, in such form as determined by the Authorized Officer. The Authorized Officer is hereby authorized and directed to approve the final terms and provisions of the Purchase Agreement in accordance with the terms of the Pricing Certificate and this Ordinance, which final terms shall be determined to be the most advantageous reasonably attainable by the City, such approval and determination being evidenced by its execution thereof by the Authorized Officer. All officers, agents and representatives of the City are hereby authorized to do any and all things necessary or desirable to satisfy the conditions set out therein and to provide for the issuance and delivery of the Bonds. The Initial Bond shall initially be registered in the name of the Underwriter or such other entity as may be specified in the Purchase Agreement.

(c) The authority granted to the Authorized Officer under Sections 7.01(a) through Section 7.01(c) shall expire on a date 360 days from the date of this Ordinance, unless otherwise extended by the City by separate action.

(d) The City hereby approves the form and content and distribution of the Preliminary Official Statement as presented to City Council, and the Preliminary Official Statement (with such addenda, supplements or amendments as may be approved by the Authorized Officer and the Underwriter) is deemed final within the meaning and for the purposes of paragraph (b)(1) of Rule 15c2-12 under the Securities and Exchange Act of 1934. The City hereby authorizes the preparation of a final Official Statement reflecting the terms of the Purchase Agreement and other relevant information. The use of such final Official Statement by the Underwriter (with such appropriate variations as shall be approved by the Authorized Officer and the Underwriter) is hereby approved and authorized and the proper officials of the City are authorized to sign such Official Statement and deliver a certificate pertaining to such Official Statement, if necessary.

(e) The Authorized Officer and all other officers of the City are authorized to take such actions, to obtain such consents or approvals and to execute such documents, certificates and receipts as they may deem necessary and appropriate in order to consummate the delivery of the Bonds, pay the costs of issuance of the Bonds, and effectuate the terms and provisions of this Ordinance.

Section 7.02 Control and Delivery of Bonds.

(a) The Mayor is hereby authorized to have control of the Initial Bond and all necessary records and proceedings pertaining thereto pending investigation, examination, and approval of the Attorney General of the State of Texas, registration by the Comptroller of Public

Accounts of the State of Texas and registration with, and initial exchange or transfer by, the Paying Agent/Registrar.

(b) After registration by the Comptroller of Public Accounts, delivery of the Bonds shall be made to either the Underwriter or the Purchaser under and subject to the general supervision and direction of the Authorized Officer, against receipt by the City of all amounts due to the City under the terms of sale.

Section 7.03 Deposit of Proceeds; Transfer of Funds.

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

(b) A portion of the proceeds from the sale of the Bonds, together with other funds of the City, if any, shall be applied as set forth in the Pricing Certificate to provide for the refunding of Refunded Obligations and, to the extent not otherwise provided for, to pay all costs and expenses arising in connection with the establishment of the Escrow Fund, and the refunding of the Refunded Obligations. Any proceeds remaining after the accomplishment of such purposes, including interest earnings on the investment of such proceeds, shall be deposited to the Interest and Sinking Fund.

ARTICLE VIII

REPRESENTATIONS AND COVENANTS

Section 8.01 Payment of the Bonds.

On or before each date on which principal, premium, if any, or interest is due on the Bonds, there shall be made available to the Paying Agent/Registrar, out of the Interest and Sinking Fund, money sufficient to pay such principal, premium, if any, or interest when due.

Section 8.02 Other Representations and Covenants.

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

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

ARTICLE IX

QUALIFIED TAX-EXEMPT OBLIGATIONS

Section 9.01 Qualified Tax-Exempt Obligations.

The City hereby designates the Bonds as “qualified tax-exempt obligations” for purposes of section 265(b) of the Code. In connection therewith, the City represents (a) that the aggregate amount of tax-exempt obligations issued by the City during calendar year 2011, including the Bonds, which have been designated as “qualified tax-exempt obligations” under section 265(b)(3) of the Code does not exceed \$10,000,000, and (b) that the reasonably anticipated amount of tax-exempt obligations which will be issued by the City during calendar year 2011, including the Bonds, will not exceed \$10,000,000. For purposes of this Section, the term “tax-exempt obligation” does not include “private activity bonds” within the meaning of section 141 of the Code, other than “qualified 501(c)(3) bonds” within the meaning of section 145 of the Code. In addition, for purposes of this Section, the City includes all entities which are aggregated with the City under the Code.

ARTICLE X

PROVISIONS CONCERNING FEDERAL INCOME TAX EXCLUSION

Section 10.01 General Tax Covenants.

The City intends that the interest on the Bonds shall be excludable from gross income for purposes of federal income taxation pursuant to sections 103 and 141 through 150 of the Code and the applicable regulations promulgated thereunder (the “Regulations”). The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that if taken or omitted, respectively, would cause the interest on the Bonds to be includable in the gross income, as defined in section 61 of the Code, of the holders thereof for purposes of federal income taxation. In particular, the City covenants and agrees to comply with each requirement of this Article IX, provided, however, that the City shall not be required to comply with any particular requirement of this Article IX if the City has received an opinion of nationally recognized bond counsel (“Counsel’s Opinion”) that such noncompliance will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds or if the City has received a Counsel’s Opinion to the effect that compliance with some other requirement set forth in this Article IX will satisfy the applicable requirements of the Code, in which case compliance with such other requirement specified in such Counsel’s Opinion shall constitute compliance with the corresponding requirement specified in this Article.

Section 10.02 No Private Use or Payment and No Private Loan Financing.

The City shall certify, through an authorized officer, employee or agent, that, based upon all facts and estimates known or reasonably expected to be in existence on the date the Bonds are delivered, the proceeds of the Refunded Bonds have not been and the Bonds will not be used in a manner that would cause the Bonds to be “private activity bonds” within the meaning of section 141 of the Code and the Regulations. The City covenants and agrees that it will make such use

of the proceeds of the Bonds, including interest or other investment income derived from Bond proceeds, regulate the use of property financed, directly or indirectly, with such proceeds, and take such other and further action as may be required so that the Bonds will not be “private activity bonds” within the meaning of section 141 of the Code and the Regulations.

Section 10.03 No Federal Guarantee.

The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that, if taken or omitted, respectively, would cause the Bonds to be “federally guaranteed” within the meaning of section 149(b) of the Code and the Regulations, except as permitted by section 149(b)(3) of the Code and the Regulations.

Section 10.04 Bonds are not Hedge Bonds.

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

Section 10.05 No-Arbitrage.

The City covenants and agrees that it will make such use of the proceeds of the Bonds including interest or other investment income derived from Bond proceeds, regulate investments of proceeds of the Bonds, and take such other and further action as may be required so that the Bonds will not be “arbitrage bonds” within the meaning of section 148(a) of the Code and the Regulations. The City will certify, through an authorized officer, employee or agent that based upon all facts and estimates known or reasonably expected to be in existence on the date the Bonds are delivered, the City will reasonably expect that the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be “arbitrage bonds” within the meaning of section 148(a) of the Code and the Regulations.

Section 10.06 Arbitrage Rebate.

If the City does not qualify for an exception to the requirements of section 148(f) of the Code, the City will take all necessary steps to comply with the requirement that certain amounts earned by the City on the investment of the “gross proceeds” of the Bonds (within the meaning of section 148(f)(6)(B) of the Code) be rebated to the federal government. Specifically, the City will (i) maintain records regarding the investment of the gross proceeds of the Bonds as may be required to calculate the amount earned on the investment of the gross proceeds of the Bonds separately from records of amounts on deposit in the funds and accounts of the City allocable to other bond issue of the City or moneys which do not represent gross proceeds of any bonds of the City, (ii) calculate at such times as are required by the Regulations, the amount earned from the investment of the gross proceeds of the Bonds which is required to be rebated to the federal government, and (iii) pay, not less often than every fifth anniversary date of the delivery of the Bonds or on such other dates as may be permitted under the Regulations, all amounts required to be rebated to the federal government. Further, the City will not indirectly pay any amount otherwise payable to the federal government pursuant to the foregoing requirements to any person other than the federal government by entering into any investment arrangement with

respect to the gross proceeds of the Bonds that might result in a reduction in the amount required to be paid to the federal government because such arrangement results in a smaller profit or a larger loss than would have resulted if the arrangement had been at arm's length and had the yield on the issue not been relevant to either party.

Section 10.07 Information Reporting.

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

Section 10.08 Record Retention.

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

Section 10.09 Registration.

The Bonds will be issued in registered form.

Section 10.10 Continuing Obligation.

Notwithstanding any other provision of this Ordinance, the City's obligations under the covenants and provisions of this Article shall survive the defeasance and discharge of the Bonds.

ARTICLE XI

DISCHARGE

Section 11.01 Discharge.

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

ARTICLE XII

CONTINUING DISCLOSURE UNDERTAKING

Section 12.01 Annual Reports.

(a) The City will provide certain updated financial information and operating data to the MSRB annually in an electronic format as prescribed by the MSRB. The information to be updated includes certain updated financial information and operating data with respect to the City of the general type included in the final Official Statement in Tables 1 through 6 and Tables 8 through 14. The City will update and provide this information within six (6) months of the end of its fiscal years ending on or after September 30, 2011. Financial statements so to be provided shall be prepared in accordance with the accounting principles described in the notes to the financial statements for the most recently concluded Fiscal Year, and, audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within such period, the City shall provide notice that audited financial statements are not available and shall provide unaudited financial statements for such Fiscal Year to the MSRB. Thereafter, when and if audited financial statements become available, the City shall provide such audited financial statements as required to the MSRB.

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

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

Section 12.02 Material Event Notices.

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

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;

- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) Modifications to rights of the holders of the Bonds, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the Bonds, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the City;

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

- (13) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (14) Appointment of successor or additional trustee or the change of name of a trustee, if material.

(b) The City shall provide to the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner, notice of a failure by the City to provide required annual financial information and notices of material events in accordance with Section 12.01 and section (a) above, respectively. All documents provided to the MSRB pursuant to this section shall be accompanied by identifying information as prescribed by the MSRB.

Section 12.03 Limitations, Disclaimers and Amendments.

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

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

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

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

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

(e) The provisions of this Article may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (i) the provisions of this Article, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (ii) either (A) the Owners of a majority in aggregate principal amount (or any greater amount required by any other provisions of this Ordinance that authorizes such an amendment) of the Outstanding Bonds consent to such amendment or (B) an entity or individual person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Owners and beneficial owners of the Bonds. The provisions of this Article may also be amended from time to time or repealed by the City if the SEC amends or repeals the applicable provisions of the Rule or

a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the City's right to do so would not prevent underwriters of the initial public offering of the Bonds from lawfully purchasing or selling Bonds in such offering. If the City so amends the provisions of this Article, it shall include with any amended financial information or operating data next provided in accordance with Section 12.01 an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

ARTICLE XIII

APPROVAL OF ESCROW AGREEMENT AND RELATED PROVISIONS

Section 13.01 Appointment of Escrow Agent; Approval of Escrow Agreement.

Wells Fargo Bank, National Association, is hereby appointed Escrow Agent for the purpose of refunding the Refunded Obligations. The Authorized Officer is hereby authorized and directed to execute and deliver, or cause the execution and delivery by the Mayor and City Secretary, an Escrow Agreement, having such terms and provisions as are approved by the Authorized Officer as evidenced by the execution thereof by the appropriate City official.

Section 13.02 Purchase of Securities for Escrow Fund.

The Authorized Officer is authorized to make necessary arrangements for the purchase of the Escrow Securities referenced in the Escrow Agreement, including, without limitation, the execution of such documents, certificates or instruments as may be necessary in connection therewith including the execution of subscriptions for the purchase of the Escrow Securities. All actions of the Authorized Officer taken prior to the date of this Ordinance in connection with making arrangements for the purchase of such Escrow Securities are hereby ratified and affirmed.

Section 13.03 Redemption and Defeasance of Refunded Obligations.

Following the deposit to the Escrow Fund or with the paying agent/registrar for the Refunded Obligations, the Refunded Obligations shall be payable solely from and secured by the cash and securities on deposit in the Escrow Fund or such other fund held by the paying agent/registrar for the Refunded Obligations for the purpose of refunding the Refunded Obligations and shall cease to be payable from ad valorem taxes. The Refunded Obligations are hereby called for redemption prior to maturity on the dates and at the redemption prices set forth in the Pricing Certificate. The City Secretary is hereby authorized and directed to cause to be delivered to the paying agent/registrar for the Refunded Obligations a certified copy of this Ordinance and a copy of the Pricing Certificate calling the Refunded Obligations for redemption. The delivery of this Ordinance and the Pricing Certificate to the paying agent/registrar for the Refunded Obligations shall constitute the giving of notice of redemption to the paying agent/registrar for the Refunded Obligations, and such paying agent/registrar is hereby authorized and directed to give notice of redemption to the owners of the Refunded Obligations in accordance with the requirements of the respective ordinances authorizing the issuance thereof.

ARTICLE XIV

MISCELLANEOUS

Section 14.01 Changes to Ordinance. Bond Counsel is hereby authorized to make changes to the terms of this Ordinance if necessary or desirable to carry out the purposes hereof or in connection with the approval of the issuance of the Bonds by the Attorney General of Texas.

Section 14.02 Related Matters. To satisfy in a timely manner all of the City's obligations under this Ordinance, the Mayor, the City Manager, the Finance Director, the City Secretary and all other appropriate officers and agents of the City are hereby authorized and directed to do any and all things necessary and/or convenient to carry out the terms and purposes of this Ordinance.

Section 14.03 Individuals Not Liable. No covenant, stipulation, obligation or agreement herein contained shall be deemed to be a covenant, stipulation, obligation or agreement of any member of City Council or agent or employee of City Council or of the City in his or her individual capacity and neither the members of City Council nor any officer thereof, nor any agent or employee of City Council or of the City, shall be liable personally on the Bonds, or be subject to any personal liability or accountability by reason of the issuance thereof.

Section 14.04 Severability and Savings. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 14.05 Repealer. All ordinances or resolutions, or parts thereof, heretofore adopted by the City and inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 14.06 Force and Effect. This Ordinance shall be in full force and effect from and after its final passage, and it is so ordained.

[Execution Page Follows]

FIRST AND ONLY 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 JUNE
2011.

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

City Secretary
City of Tomball, Texas

Mayor
City of Tomball, Texas

[SEAL]

SCHEDULE I

SCHEDULE OF REFUNDED OBLIGATION CANDIDATES

City of Tomball, Texas
Combination Tax and Revenue Certificates of Obligation
Series 2002

Maturity Date	Principal Amount
02/15/2015	\$1,090,000
02/15/2016	\$1,090,000
02/15/2017	\$1,085,000
02/15/2018	\$1,085,000
02/15/2019	\$1,085,000
02/15/2020	\$1,085,000
02/15/2021	\$1,085,000
02/15/2022	\$1,085,000

EXHIBIT A

FORM OF PRICING CERTIFICATE

Re: City of Tomball, Texas General Obligation Refunding Bonds, Series 2011 (the “Bonds”)

I, the undersigned officer of the City of Tomball, Texas (the “City”), do hereby make and execute this Pricing Certificate pursuant to an ordinance adopted by the City Council of the City on June 6, 2011 (the “Ordinance”) captioned as follows:

ORDINANCE NO. 2011-09

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF TOMBALL, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011; LEVYING A TAX IN PAYMENT THEREOF; SETTING CERTAIN PARAMETERS FOR THE BONDS; AUTHORIZING THE AUTHORIZED OFFICER TO APPROVE THE AMOUNT, THE INTEREST RATE, PRICE AND CERTAIN OTHER TERMS THEREOF; AUTHORIZING THE REDEMPTION PRIOR TO MATURITY OF CERTAIN OUTSTANDING BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, A PAYING AGENT/REGISTRAR AGREEMENT AND AN ESCROW AGREEMENT RELATING TO SUCH BONDS; APPROVING THE PREPARATION AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AND ENACTING OTHER PROVISIONS RELATING THERETO

authorizing the issuance of the referenced Bonds. Capitalized terms used in this Pricing Certificate shall have the meanings given such terms in the Ordinance.

A. As authorized by Section 7.01 of the Ordinance, I have acted on behalf of the City in selling the Bonds to Coastal Securities, Inc. (the “Underwriter”) pursuant to the terms of the Purchase Agreement dated as of the date hereof. The Bonds shall have the terms set forth in this Pricing Certificate.

B. The Bonds shall have a Dated Date of _____, 20__, and shall be issued in the aggregate principal amount of \$_____, for the purposes specified in Section 3.01 in the Ordinance. The Bonds shall have a Closing Date of _____, 20__.

C. The interest on the Bonds shall accrue from the Dated Date and is payable on each February 15 and August 15, commencing _____, 20__, until stated maturity or prior redemption thereof. The Bonds shall mature on February 15 in each of the years, in the principal amounts and shall bear interest at the per annum rates set forth in the following schedule:

Stated Maturity	Principal Amount	Interest Rate	Stated Maturity	Principal Amount	Interest Rate
2012	\$	%	2018	\$	%
2013			2019		
2014			2020		
2015			2021		
2016			2022		
2017					

D. The Bonds shall be substantially in the form set forth in Exhibit A hereto with such insertions, changes and modifications as are required to conform the bond form to the terms of this Pricing Certificate.

E. The Bonds are subject to optional redemption as set forth in Exhibit A attached hereto.

F. The Bonds are subject to mandatory redemption as set forth in Exhibit A attached hereto.

G. The yield on the Bonds as calculated for federal arbitrage purposes is approximately _____%, as determined by the City's financial advisor, First Southwest Company.

H. The Refunded Obligation Candidates to be refunded with a portion of the proceeds of the Bonds are set forth in Schedule I hereto. The Refunded Obligations are hereby called for redemption on redemption dates specified in Schedule I. The Refunded Obligations shall be redeemed at a redemption price equal to the principal amount thereof plus interest accrued thereon to the redemption date therefor.

I. In accordance with Section 7.01 of the Ordinance, the refunding of the Refunded Obligations results in a present value debt service savings of approximately \$_____. A copy of the table provided by the City's financial advisor, First Southwest Company, and showing the debt service savings is attached hereto as Exhibit B.

J. In accordance with the other parameters contained in Section 7.01 of the Ordinance, the undersigned does hereby find, certify and represent that the foregoing terms of the Bonds satisfy the following requirements and parameters contained within such Section 7.01:

(i) the price to be paid for the Bonds is not less than 90% of the aggregate original principal amount of the Bonds plus accrued interest thereon from their date to their delivery;

(ii) the Bonds do not bear interest at a rate greater than the maximum rate allowed by Chapter 1204, Texas Government Code, as amended;

(iii) the aggregate principal amount of the Bonds authorized to be issued for the purposes described in Section 3.01 of the Ordinance does not exceed \$9,275,000 and is in an amount sufficient, in combination with the net premium from the sale of the Bonds, plus other available funds of the City, if any, to provide for the refunding of the maximum amount of the Refunded Obligations selected from the Refunded Obligation Candidates and the costs and expenses of issuance of the Bonds, including underwriter's discount;

(iv) the present value debt service savings produced by the refunding of the Refunded Obligations is _____%, which is greater than 5.00% of the principal amount of the Refunded Obligations.

(iv) no Bond shall mature more than forty (40) years from the date of delivery thereof.

K. The proceeds of the Bonds and other available funds shall be applied as follows:

(i) The amount of \$_____, consisting of \$_____ principal amount of Bond proceeds, plus \$_____ net premium received from the sale of the Bonds, [plus \$_____ which shall be transferred from the interest and sinking funds for the Refunded Obligations,] shall be deposited to the Escrow Fund in the form of cash or securities purchased with such proceeds and used to pay the redemption price of the Refunded Obligations;

(ii) Net premium received from the sale of the Bonds in the amount of \$_____ shall be used to pay the costs of issuance.

(iii) Net premium received from the sale of the Bonds in the amount of \$_____ shall be used to pay the underwriters' discount.

(iv) Accrued interest on the Bonds in the amount of \$_____ shall be deposited to the Interest and Sinking Fund for the Bonds;

(v) Any amounts remaining shall be deposited to the Interest and Sinking Fund.

L. Grant Thornton LLP is hereby designated as the verification agent.

M. The form of Pricing Certificate attached to the Ordinance shall be replaced with this Pricing Certificate.

[Signature Page Follows]

This Pricing Certificate for the City of Tomball, Texas, General Obligation Refunding Bonds, Series 2011, is executed on the ____ day of _____, 2011.

Authorized Officer
City of Tomball, Texas

Signature Page to Pricing Certificate

SCHEDULE I

SCHEDULE OF REFUNDED OBLIGATIONS

EXHIBIT A

FORM OF THE BONDS

(i) Form of Bond.

REGISTERED
No. _____

REGISTERED
\$ _____

United States of America
State of Texas
Counties of Harris and Montgomery

CITY OF TOMBALL, TEXAS
GENERAL OBLIGATION REFUNDING BOND
SERIES 2011

<u>INTEREST RATE:</u>	<u>MATURITY DATE:</u>	<u>DATED DATE:</u>	<u>CUSIP NO.:</u>
_____ %	_____, ____	_____, 2011	_____

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

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

_____ DOLLARS

unless the payment of the principal hereof shall have been paid or provided for, and to pay interest on such principal amount from the Dated Date specified above or the most recent interest payment date to which interest has been paid or provided for until payment of such principal amount has been paid or provided for, at the per annum rate of interest specified above, computed on the basis of a 360-day year of twelve 30-day months, such interest to be paid semiannually on February 15 and August 15 of each year, commencing _____, 20__.

The principal of this Bond shall be payable without exchange or collection charges in lawful money of the United States of America upon presentation and surrender of this Bond at the corporate trust office of Wells Fargo Bank, N.A., Fort Worth, Texas, or such other location designated by the Paying Agent/Registrar (the "Designated Payment/Transfer Office"), of the Paying Agent/ Registrar or, with respect to a successor paying agent/registrar, at the Designated Payment/Transfer Office of such successor. Interest on this Bond is payable by check dated as of the interest payment date, mailed by the Paying Agent/Registrar to the registered owner at the address shown on the registration books kept by the Paying Agent/Registrar, or by such other customary banking arrangements acceptable to the Paying Agent/Registrar and the person to whom interest is to be paid; provided, however, that such person shall bear all risk and expense

of such other customary banking arrangements. For the purpose of the payment of interest on this Bond, the registered owner shall be the person in whose name this Bond is registered at the close of business on the "Record Date," which shall be the last business day of the month next preceding such interest payment date. In the event of a nonpayment of interest on a scheduled payment date, and for thirty days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the special payment date of the past due interest (the "Special Payment Date," which date shall be fifteen days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each owner of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the fifteenth day next preceding the date of mailing of such notice.

If the date for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, legal holiday, or day on which banking institutions in the city where the Paying Agent/Registrar is located are required or authorized by law or executive order to close, the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday, or day on which banking institutions are required or authorized to close, and payment on such date shall for all purposes be deemed to have been made on the original date payment was due.

This Bond is one of a series of fully registered bonds specified in the title hereof, dated as of _____, 20__, issued in the aggregate principal amount of \$_____ (herein referred to as the "Bonds"), pursuant to a certain ordinance (the "Bond Ordinance") adopted by the City Council of the City and a pricing certificate executed pursuant to the Bond Ordinance (the "Pricing Certificate," and, together with the Bond Ordinance, the "Ordinance"), for the purposes of refunding certain outstanding obligations of the City and paying the costs of issuing the Bonds.

The Bonds and the interest thereon are payable from the proceeds of a direct and continuing ad valorem tax levied, within the limits prescribed by law, against all taxable property in the City sufficient, together with certain available funds of the City on deposit in the interest and sinking fund for the Bonds, to provide for the payment of the principal of and interest on the Bonds, as described and provided in the Ordinance.

The City has reserved the option to redeem the Bonds maturing on and after February 15, 20__, in whole or in part before their respective scheduled maturity dates, on February 15, 20__, on any date thereafter, at a redemption price equal to the principal amount thereof plus accrued interest to the date of redemption. If less than all of the Bonds are to be redeemed, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot the Bonds, or portions thereof, within such maturity and in such principal amounts, for redemption.

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

\$ Term Bonds Maturing Febraury 15, 20

<u>Redemption Date</u>	<u>Principal Amount</u>
February 15, 20__	\$
February 15, 20__ (Maturity)	\$

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

Not less than thirty (30) days prior to a redemption date for the Bonds, the City shall cause a notice of redemption to be sent by United States mail, first class, postage prepaid, to the Owners of the Bonds to be redeemed at the address of the Owner appearing on the registration books of the Paying Agent/Registrar at the close of business on the business day next preceding the date of mailing such notice.

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

Any notice so mailed shall be conclusively presumed to have been duly given, whether or not the registered owner receives such notice. Notice having been so given and subject, in the case of an optional redemption, to any rights or conditions reserved by the City in the notice, the Bonds called for redemption shall become due and payable on the specified redemption date, and notwithstanding that any Bond or portion thereof has not been surrendered for payment, interest on such Bonds or portions thereof shall cease to accrue.

As provided in the Ordinance, and subject to certain limitations therein set forth, this Bond is transferable upon surrender of this Bond for transfer at the Designated Payment/Transfer

Office of the Paying Agent/Registrar with such endorsement or other evidence of transfer as is acceptable to the Paying Agent/Registrar; thereupon, one or more new fully registered Bonds of the same stated maturity, of authorized denominations, bearing the same rate of interest, and for the same aggregate principal amount will be issued to the designated transferee or transferees.

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

IT IS HEREBY CERTIFIED AND RECITED that the issuance of this Bond and the series of which it is a part is duly authorized by law; that all acts, conditions and things required to be done precedent to and in the issuance of the Bonds have been properly done and performed and have happened in regular and due time, form and manner, as required by law; that sufficient and proper provision for the levy and collection of taxes has been made, within the limits prescribed by law, which when collected shall be appropriated exclusively to the timely payment of the principal of and interest on the Bonds; and that the total indebtedness of the City, including the Bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City has caused this Bond to be duly executed under its official seal in accordance with law.

City Secretary
City of Tomball, Texas

Mayor
City of Tomball, Texas

[SEAL]

(ii) Form of Certificate of Paying Agent/Registrar

CERTIFICATE OF PAYING AGENT/REGISTRAR

This is one of the Bonds referred to in the within mentioned Ordinance. The series of Bonds of which this Bond is a part was originally issued as one Initial Bond which was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

WELLS FARGO BANK, N.A.
as Paying Agent/Registrar

Date: _____

By: _____
Authorized Signatory

(iii) Form of Assignment

ASSIGNMENT

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

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

Dated: _____

Signature Guaranteed By:

Authorized Signatory

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

(iv) Initial Bond Insertions

(A) The Initial Bond shall be in the form set forth in paragraph (i) of this Section, except that, in the event there is more than one maturity of Bonds:

(1) immediately under the name of the Bond, the headings “INTEREST RATE” and “MATURITY DATE” shall both be completed with the words “As Shown Below” and “CUSIP NO. _____” deleted;

(2) in the first paragraph the words “on the Maturity Date specified above, the sum of _____ DOLLARS” shall be deleted and the following will be inserted: “on February 15 in the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

(Information to be inserted from the Pricing Certificate); and

(3) the Initial Bond shall be numbered I-1.

(B) The following Registration Certificate of Comptroller of Public Accounts shall appear on the Initial Bond:

REGISTRATION CERTIFICATE OF
COMPTROLLER OF PUBLIC ACCOUNTS

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

I HEREBY CERTIFY THAT there is on file and of record in my office a certificate to the effect that the Attorney General of the State of Texas has approved this Bond, and that this Bond has been registered this day by me.

WITNESS MY SIGNATURE AND SEAL OF OFFICE this _____.

[SEAL]

Comptroller of Public Accounts
of the State of Texas

EXHIBIT B
SCHEDULE OF SAVINGS

THE STATE OF TEXAS §
COUNTIES OF HARRIS AND MONTGOMERY §

1. The City Council of Tomball, Texas convened in a regular meeting the 6th day June, 2011, at the regular meeting place thereof within said City, and the roll was called of the duly constituted officers and members of said City, to wit:

and all of said persons were present, except for the following absentee(s): _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting: a written

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF TOMBALL, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011; LEVYING A TAX IN PAYMENT THEREOF; SETTING CERTAIN PARAMETERS FOR THE BONDS; AUTHORIZING THE AUTHORIZED OFFICER TO APPROVE THE AMOUNT, THE INTEREST RATE, PRICE AND CERTAIN OTHER TERMS THEREOF; AUTHORIZING THE REDEMPTION PRIOR TO MATURITY OF CERTAIN OUTSTANDING BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, A PAYING AGENT/REGISTRAR AGREEMENT AND AN ESCROW AGREEMENT RELATING TO SUCH BONDS; APPROVING THE PREPARATION AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AND ENACTING OTHER PROVISIONS RELATING THERETO

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

Member(s) shown present above voted “No”.

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

SIGNED AND SEALED this 6th day of June, 2011.

City Secretary
City of Tomball, Texas

Mayor
City of Tomball, Texas

[SEAL]

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 6, 2011

Topic:

Approve Resolution No. 2011-08, a Resolution of the City Council of the City of Tomball, Texas, supporting the Woodforest National Bank 5K "Tomball Dash" to be held in Tomball on Saturday, November 12, 2011.

Background:

For the past two years, Woodforest National Bank has held an annual 5K fun run in the fall at the historic Tomball Depot. Woodforest requests that the City continue its support of this event as the Bank prepares to host the 3rd Annual Tomball Dash.

These races have continuously brought runners into Tomball from all around the Houston area, including Alvin, Wharton, Sugarland, Sealy, etc. For this event Woodforest hopes to increase participation to around 250 runners.

The proceeds from the race will go to the Woodforest Charitable Foundation, an organization which has directly helped TOMAGWA, the Houston Food Bank, the Montgomery County Food Bank, and the Boys and Girls Club.

The anticipated in-kind costs are \$3,000, which include personnel and equipment.

Origination:

City Manager's Office

Recommendation:

Approval of Resolution No. 2011-08

Funding:

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

Shawn Cox - Assistant to the City Manager

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

ATTACHMENTS:

Request Letter

Resolution No. 2011-08

Shawn Cox

From: Brian Kolenda II [BrianK@WOODFOREST.com]
Sent: Monday, May 16, 2011 1:49 PM
To: Shawn Cox
Cc: Rickey Jimenez; Marlene Kovacs
Subject: 3rd Annual Tomball Dash 2011 (Proposal to be heard at the June 6th 2011 Council Meeting)

Good afternoon Mr. Cox,

Woodforest National Bank would like to request time at your June 6th 2011 Council Meeting in order to discuss plans for the 3rd annual Tomball Dash.

Run Details:

****First Tomball Fun Run held by Woodforest National Bank in November 2009. (2009 was named Fun Run, 2010 renamed to Tomball Dash and will stay the same going forward)**

****Proceeds to go to Woodforest Charitable Foundation (Our foundation has been able to support the Houston Food Bank, Montgomery County Food Bank, Tomagwa and the Boys and Girls Club all of which either overlap or are directly in the Tomball and surrounding area's).**

****Runners came from all over Texas (Alvin, Wharton, Sugarland, Richmond, The Woodlands, Sealy, etc) to run and visit Downtown Tomball. Our 2009 event had approx 125 runners and our 2010 event had approx 150 runners. Objective for 2011 is 250 runners.**

****5K to start and finish at the Tomball Train Depot (route is certified)(Bunny Run Route)**

****After the 5K event the children's race will start (1 mile)**

****Proposed target date is Saturday 11-12-2011 (8:00am)(Second Saturday Event)*****

Again, thank you for your time and we look forward to making this year another success!!!

Brian Kolenda II
Assistant Vice President
Woodforest National Bank
25231 Grogans Mill Rd., Ste 125
The Woodlands, TX 77380
281-765-1017 Office
281-765-1067 Fax
281-744-0037 Cell
bkolenda@woodforest.com

The information contained in this e-mail message is intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified

that any dissemination, distribution or copying of this communication is strictly prohibited.

RESOLUTION NO. 2011-08

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TOMBALL, TEXAS, SUPPORTING THE
WOODFOREST NATIONAL BANK /5K TOMBALL
DASH TO BE HELD IN TOMBALL ON SATURDAY,
NOVEMBER 12, 2011**

* * * * *

- WHEREAS** Woodforest National Bank will undertake its Third Annual “5K Tomball Dash,” a run/walk fundraiser, to be held in the City of Tomball on Saturday, November 12, 2011; and
- WHEREAS** the 5k Run/Walk will begin at 8:00 a.m., with the expected participation of many contestants; and
- WHEREAS** all of the funds raised through the registration fee to participate in this Third Annual 5K run/walk will be used to benefit the Woodforest Charitable Foundation; and
- WHEREAS** it is a chance for Tomball area residents and merchants to come out and encourage the participants; and
- WHEREAS** Woodforest National Bank desires and requests the support and endorsement of the City of Tomball in this fund raising effort;

NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body endorses and supports the efforts of Woodforest National Bank in promoting and undertaking the Third Annual 5K Tomball Dash and pledge to encourage this effort to benefit the Woodforest Charitable Foundation;

**PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL
HELD ON THE ____ DAY OF _____, 2011.**

GRETCHEN FAGAN, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 6, 2011

Topic:

Approve Resolution No. 2011-07, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 4th Annual Homecoming Parade and Pep Rally, to be held at the Tomball Depot, Sponsored by the Tomball Independent School District and the TISD Student Council, on Wednesday, September 28, 2011

Background:

The Tomball High School Student Council requests Council's support for its Fourth Annual Homecoming Parade and Pep Rally, to be held on Wednesday, September 28, 2011 from 6:00 p.m. until 8:00 p.m.

Current plans, pending TxDOT approval, are that the parade will form at Tomball Intermediate School and proceed down Main Street (FM 2920) to the Depot at 201 South Elm, where the community-wide pep rally will be held. Should TxDOT deny approval of the original route, an alternate route would be used to bring the parade down Malone and Market Streets to the Depot; however, approval from TxDOT has been granted the last three years and is expected again.

Council is asked to approve the use of the Depot and authorize the support of the City, as a co-sponsor of the event, in supplying City support services (Police, Fire, Public Works) as needed

Origination:

John Neubauer, Tomball Independent School District

Recommendation:

Approval of Resolution No. 2011-07

Funding:

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

Doris Speer, City Secretary

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

ATTACHMENTS:

Resolution No. 2011-07

Request from TISD

RESOLUTION NO. 2011-07

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TOMBALL, TEXAS, SUPPORTING THE FOURTH ANNUAL
HOMECOMING PARADE AND PEP RALLY, TO BE HELD AT THE
TOMBALL DEPOT, SPONSORED BY THE TOMBALL
INDEPENDENT SCHOOL DISTRICT AND THE TISD STUDENT
COUNCIL, ON WEDNESDAY, SEPTEMBER 28, 2011.**

* * * * *

WHEREAS the Tomball Independent School District and the TISD Student Council will undertake the Fourth Annual Homecoming Parade and Pep Rally, to be held in the City of Tomball on Wednesday, September 28, 2011 from 6:00 p.m. until 8:00 p.m.; and

WHEREAS the parade will form at Tomball Intermediate School and proceed down Main Street (FM 2920) to the Depot; and

WHEREAS a community-wide pep rally that will include the Cougar Pride Band, Cougar Charms Drill Team, and Cheerleaders will be held at the Depot immediately following the parade, during which the Homecoming Court will be announced; and

WHEREAS the Tomball Independent School District and the TISD Student Council desire and request the support and endorsement of the City of Tomball, including use of the Depot, in this community-wide effort;

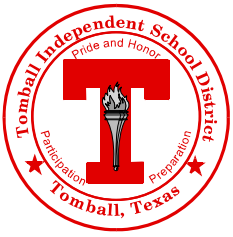
NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body endorses and supports the efforts of the Tomball Independent School District and the TISD Student Council in promoting and undertaking the Homecoming Parade and Pep Rally and pledge to encourage this effort.

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

GRETCHEN FAGAN, Mayor

ATTEST:

DORIS SPEER, City Secretary



Tomball Independent School District

221 West Main Street
Tomball, Texas 77375-5595
Website: www.tomballisd.net

June 2, 2011

JOHN NEUBAUER
Superintendent

PHONE
(281) 357-3100

FAX
(281) 357-3128

Ms. Doris Speer
City Secretary
City of Tomball
401 Market Street
Tomball, Texas 77375

Dear Ms. Speer:

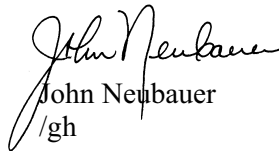
The Tomball Independent School District is proud to join the City of Tomball in planning activities at the Depot. Tomball High School is planning their Fourth Annual Homecoming Parade/Pep Rally, sponsored by the Student Council, for Wednesday September 28, 2011 starting at 6:00 p.m.

The parade will form at Tomball Intermediate School at 6:00 p.m. and proceed down Main Street (FM 2920) beginning at 6:30 p.m. to the Depot. Starting at approximately 7:00 p.m., there will be a community-wide pep rally at the Depot that will include the Cougar Pride Band, Cougar Charms Drill Team and Cheerleaders. A stage will be set up and the Homecoming Court will be announced. The event should be over no later than 8:00 p.m.

Please consider this communication as an official request to utilize the Depot and have a Main Street Parade on September 28, 2011.

Thank you for your consideration.

Sincerely,


John Neubauer
/gh

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 6, 2011

Topic:

Approve, on First Reading, Resolution No. 2011-06-TEDC, a Resolution of the City Council of the City of Tomball, Texas, Authorizing and Approving the Tomball Economic Development Corporation's Project to Expend Funds in Accordance with an Economic Development Agreement by and between the Corporation and Stripes LLC to Promote and Develop a New or Expanded Business Enterprise; Containing other Provisions relating to the Subject; and Providing for Severability - Approving, as a Project of the Corporation, an Agreement with Stripes LLC to Make Direct Incentives to, or Expenditures for, Assistance with Infrastructure Costs related to the Development and Construction of a Commercial Building to be located at the northwest corner of FM 2920 and FM 2978 in Tomball, Texas. The estimated amount of expenditures for such Project is \$56,000.

Background:

All expenditures of the Tomball Economic Development Corporation (TEDC) sales tax revenue must first be approved as a "Project of the Corporation." At its annual meeting on May 24, 2011, the TEDC Board of Directors did take formal action to approve, as a Project of the TEDC, an agreement with Stripes LLC, for the construction of a commercial building to be located at the northwest corner of FM 2920 and FM 2978 in Tomball, Texas. The City Council of Tomball has final approval authority over all projects and agreements of the TEDC.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Adopt by Resolution, as a Project of the Corporation, the Performance Agreement with Stripes LLC.

Funding: Yes

Account Number: Grant Funds Available

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation

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

ATTACHMENTS:

Resolution No. 2011-06-TEDC

Cover Memo

Request Letter

Performance Agreement

Economic Impact Model

RESOLUTION NO. 2011-06-TEDC

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

* * * * *

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

WHEREAS, the Board of Directors of the TEDC had adopted as a specific project the expenditure of the estimated amount of Fifty-Six Thousand Dollars (\$56,000) found by the Board to be required or suitable to promote a new business development by Stripes LLC.; and

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

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

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

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

Section 2. The City Council hereby authorizes and approves the adoption, by the Board of Directors of the Tomball Economic Development Corporation, as a specific project for the economic development of the City, an expenditure of the estimated amount of Fifty-Six Thousand Dollars (\$56,000) to Stripes LLC., in accordance with an economic development agreement by and between the TEDC and Stripes LLC, to promote and develop a new or expanded business enterprise, to be located at the northwest corner of FM 2920 and FM 2978 in Tomball, Texas.

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

to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this _____ day of _____, 2011.

PASSED, APPROVED, AND RESOLVED on second and final reading this _____ day of _____, 2011.

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



TO: Board of Directors
Tomball Economic Development Corporation

FROM: Kelly Violette
Executive Director

MEETING DATE: May 24, 2011

SUBJECT: Stripes LLC

As per the grant funding assistance request dated May 19, 2011, Stripes LLC, is planning to establish a new convenience store and gasoline facility at the northwest corner of FM 2920 and FM 2978 in the City of Tomball.

The project involves new construction of a 4,825 square foot commercial building on the site with an estimated value of \$2,500,000.00.

Stripes LLC is requesting grant funding assistance with infrastructure costs that are necessary to complete this project. Details as to the infrastructure improvements are shown in Exhibit C of the proposed agreement between the Tomball Economic Development Corporation and Stripes LLC.

Although this project does not create primary jobs, it does promote the development and expansion of business enterprise, which is considered a permissible project as outlined in Texas Economic Development Legislation. If this project is approved, it will go to the Tomball City Council for final approval by resolution at two separate readings.

An economic impact model form is included with the agreement to show the five (5) year impact of this firm on Tomball's economy.

If the agreement between the TEDC and Stripes LLC is approved as a Project of the Corporation, the grant funding amount will not exceed \$56,000, based on actual expenditures for the approved Infrastructure Improvements.



Richard J. Hatch, Jr.
Senior Counsel

Tel: 361.693.3646
Fax: 361.693.3725
rhatch@susser.com

May 19, 2011

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

**VIA EMAIL
AND UPS**

Re: NWC of Hufsmith (FM 2978) and FM 2920, Tomball,
Harris County, Texas

1475 E. Main Street, Tomball, Texas

Dear Ms. Violette:

I am writing on behalf of Stripes LLC to request funding assistance for improvements necessary for the construction and development of a Stripes convenience store with gasoline facilities at the above referenced location. Stripes LLC is a Texas limited liability company and a wholly owned subsidiary of Susser Holdings Corporation, a publicly traded company listed on the NASDAQ under the symbol SUSS. Susser Holdings Corporation operates over 525 convenience stores under the Stripes brand in Texas, Oklahoma and New Mexico and distributes wholesale motor fuels to approximately 430 dealers through its wholesale company, Susser Petroleum Company. A business update dated May 2011 may be viewed on our web page at www.susser.com under the tab Investor Relations. The link to the first quarter business update is under Featured Events and Presentations.

Stripes acquired the above site at the northwest corner of Hufsmith and FM 2920 from Exxon Mobil Corporation in March of this year. Attached is a copy of the Special Warranty Deed from Exxon Mobil Corporation to Stripes LLC for the site. Since the acquisition, the property has been replatted as Lot 1, Block 1, Stripes – FM 2920, a copy of which is attached.

Stripes intends to construct a convenience store with gasoline facilities at the location as shown on the attached site plan. In order to develop the site, Stripes will need to extend sanitary sewer and water to the site. An estimate of construction costs for extension of the sanitary sewer and water lines to the site is attached (\$146,000.00). Also attached is an estimate for landscape and irrigation costs for the project in the amount of \$31,250.00. Signage for this location is estimated to be between \$85,000.00 to \$90,000.00.



Ms. Kelly Violette
May 19, 2011
Page 2

The proposed building would be approximately 4,825 square feet and would include a Laredo Taco Company, Stripes proprietary food service. The total capital investment for this project will be in excess of \$2.5 million and would employ 18 to 20 people (full time and part time) with an annual payroll in excess of \$200,000.00. Annual taxable sales are anticipated between \$1,000,000.00 and \$1.5 million.

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

Very truly yours,



Richard J. Hatch, Jr.

RHJ/ic

Enclosures

L:\REAL ESTATE - STRIPES\Escrowed\Tomball\Hufsmith & FM 2920\kelly violette ltr.doc

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

VIA EMAIL

AGREEMENT

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

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

WITNESSETH:

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

WHEREAS, the Company proposes to develop approximately 55,352 square feet of land within the City, located at the northwest corner of F.M. 2920 and F.M. 2978 in Tomball, Texas 77375 (the “Property”), more particularly described in Exhibit “A,” attached hereto and made a part hereof; and

WHEREAS, such development shall include the construction of a 4,825 square foot convenience store and gasoline facility (the “Improvements”) on the site, and more particularly described in Exhibit “B,” attached hereto and made a part hereof; and

WHEREAS, the TEDC agrees to provide to the Company the sum of Fifty Six Thousand Dollars (\$56,000.00), or an amount equal to actual construction costs if less than the sum stated

above, to assist in the construction of infrastructure necessary to promote and develop a new business enterprise on the Property. The infrastructure found by the Board of Directors of TEDC to be required to develop the Property are site improvements and site utilities to the exterior of the building (the “Infrastructure Improvements”), identified and described in Exhibit “C,” attached hereto and made a part hereof; and

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

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

1.

The Company covenants and agrees that it will construct and maintain on the Property a 4,825 square foot convenience store and gasoline facility (the “Improvements”) identified and described in Exhibit “B,” attached hereto and made a part hereof. In conjunction with the development of the Property, the Company further agrees to construct the Improvements contemplated by this Agreement, in accordance with the requirements of the ordinances of the City and the plans and specifications approved by the City. The Company further represents and agrees that it will certify the costs of the construction of such Infrastructure Improvements to the TEDC prior to construction.

2.

Construction of the Improvements on the Property, including construction of the Infrastructure Improvements, must commence within 180 days from the Effective Date of this Agreement (the “Date”). The construction of the Improvements to the Property, including

construction of the Infrastructure Improvements, shall be completed, and all necessary occupancy permits from the City shall be obtained within eighteen (18) months from the Date of this agreement. Extensions of these deadlines due to extenuating circumstances or uncontrollable delay may be granted by the Board of Directors of the TEDC at its sole discretion.

3.

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

4.

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

5.

In consideration of the Company's representations, promises, and covenants, TEDC agrees to reimburse the Company for the actual cost of the Infrastructure Improvements up to the amount of Fifty Six Thousand Dollars (\$56,000.00), or an amount equal to actual construction costs if less than the sum stated above. The TEDC agrees to reimburse the Company for such amount within thirty (30) days of receipt of a letter from the Company requesting such payment and including: (a) certification of the actual costs of constructing the Infrastructure Improvements; (b) a copy of the City's occupancy permit for the Improvements to the Property; (c) verification from the City acknowledging that all necessary plats, permits, plans, and specifications have

been received, reviewed, and approved; (d) verification that the Infrastructure Improvements have been constructed in accordance with the approved plans and specifications; and, (e) an affidavit stating that all contractors and subcontractors providing work and/or materials in the construction of the Infrastructure Improvements have been paid and any and all liens and claims regarding such work have been released.

6.

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

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

7.

This Agreement shall inure to the benefit of and be binding upon the TEDC and the Company, and upon the Company's successors and assigns, lessees, affiliates, and subsidiaries, and shall remain in force whether the Company sells, leases, assigns, or in any other manner

disposes of, either voluntarily or by operation of law, all or any part of the Property and the agreements herein contained shall be held to be covenants running with the Property for so long as this Agreement, or any extension thereof, remains in effect.

8.

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

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

If to Company:	Stripes LLC 4525 Ayers Street Corpus Christi, Texas, 78415 Attn: Richard J. Hatch Jr., Senior Counsel
----------------	--

9.

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

10.

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

11.

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

12.

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

13.

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

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties on
this _____ day of _____ 2011 (the “Effective Date”).

STRIPES LLC

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
Name: _____
Title: _____

**TOMBALL ECONOMIC DEVELOPMENT
CORPORATION**

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

ATTEST:

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

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____
2011, by E. V. Bonner Jr., Executive Vice President, Stripes LLC, for and on behalf of said
company.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____
2011, by _____, President of the Board of Directors of the Tomball
Economic Development Corporation, for and on behalf of said Corporation.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

Exhibit "A"

Legal Description of Property

LOT 1 OF STRIPES - FM 2920 REPLAT, A SUBDIVISION OF 1.2707 ACRES OR 55,352 SQUARE FEET OF LAND, BEING A PARTIAL REPLAT OF UNRESTRICTED RESERVE "B" OF TOMBALL EAST GATE CENTER, RECORDED UNDER F.C. NO. 542107, H.C.M.R. AND OUTLOTS 313 AND 314 OF TOMBALL TOWNSITE, VOL. 2, PG. 65, H.C.M.R. SITUATED IN THE JESSE PRUITT SURVEY, ABSTRACT NO. 629, CITY OF TOMBALL, HARRIS COUNTY, TEXAS.

Exhibit “B”

Description of Improvements

Construction of a 4,825 square foot convenience store and gasoline facility to be located at the northwest corner of F.M. 2920 and F.M. 2978, Tomball, Texas on the site.

A detailed description of the Improvements is on file at the Tomball Economic Development Corporation office located at 29201 Quinn Road, Suite B, Tomball, Texas 77375.

Exhibit “C”

Description of Infrastructure Improvements

Site utilities

- 12” waterline and connection
- 12” sanitary sewer line and connection
- Fiberglass manholes
- Utility line bore
- Irrigation system

Note: No costs for tap fees or impact fees have been included in the costs estimates that have been submitted.

STRIPES, LLC
TOMBALL ECONOMIC DEVELOPMENT CORPORATION
CITY OF TOMBALL ECONOMIC IMPACT MODEL

Average Annual Wage Assessment:

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

Total Return to Local Government by Annual Payroll:

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

Annual Sales Tax Impact:

Value of Retail Sales	Sales Tax
1,500,000	2.00%
	30,000

Estimated Property Tax Impact:

Value of Property and Improvements	Tomball Tax Rate (per \$100)	
2,500,000	0.25146	6,286
Annual Economic Impact of Construction of Banking Facility		43,457
Economic Impact over a Five Year Period		217,286

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 6, 2011

Topic:

Receive the Tomball Economic Development Corporation 2010-2011 Annual Report

Background:

As stated in the TEDC By-Laws, any reports outlining the activities of the Corporation in carrying out the TEDC Strategic Work Plan shall be submitted in writing by the TEDC Board of Directors for review by the City Council.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

As per the TEDC By-Laws, this annual report is for review by the City Council. No action is required.

Funding: No

Funds will be transferred from Account: to Account:

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation

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

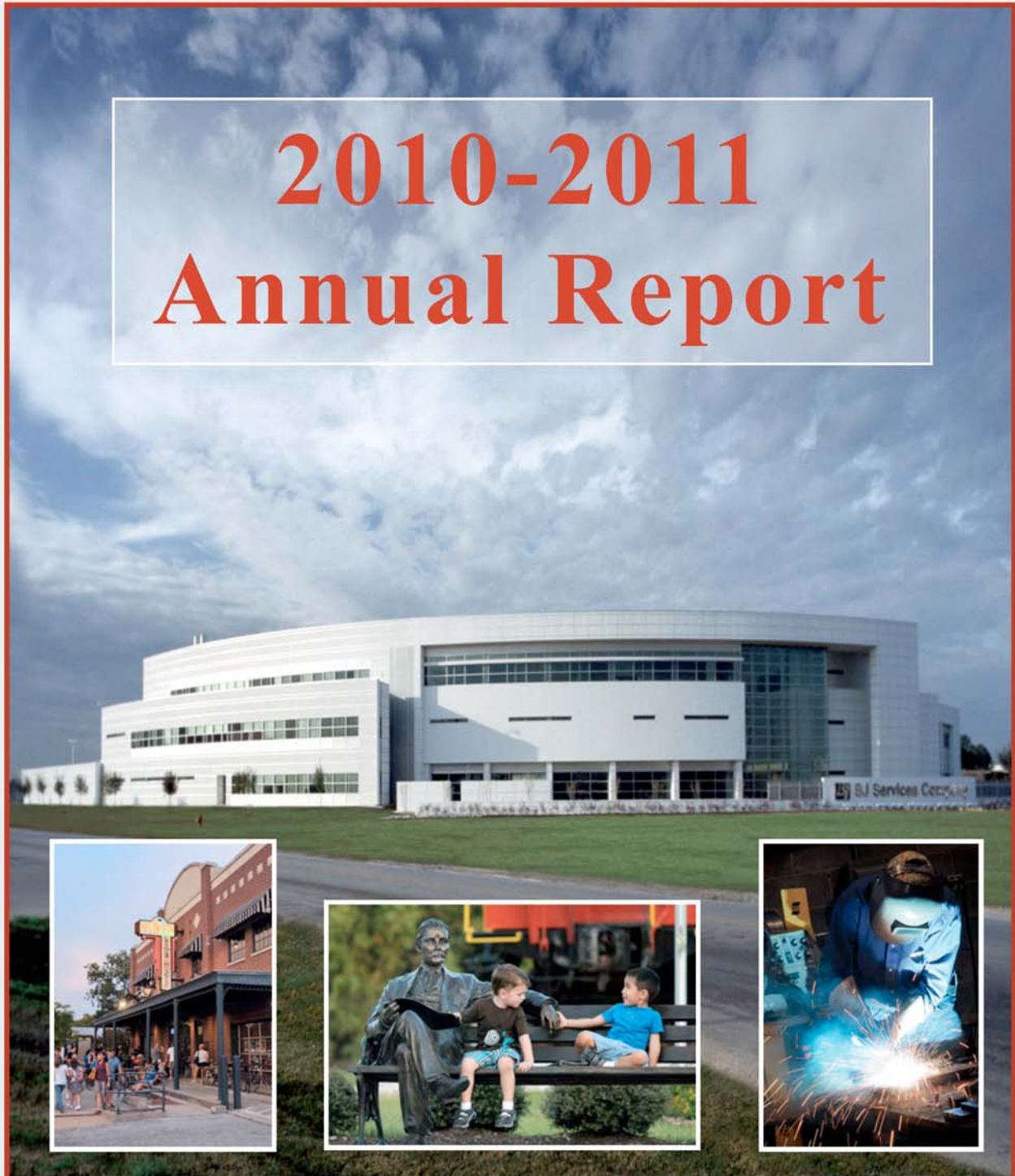
ATTACHMENTS:

TEDC 2010-2011 Annual Report

TOMBALL

ECONOMIC DEVELOPMENT CORPORATION

2010-2011 Annual Report



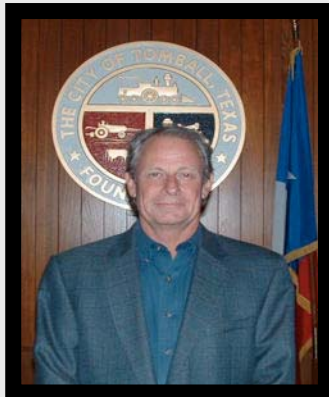
BOARD OF DIRECTORS



Gretchen Fagan
President



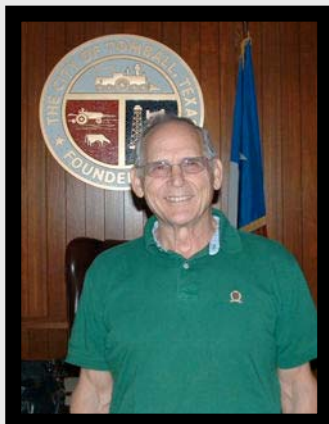
Steven Vaughan
Vice President



Gary Smith
Treasurer



Bill Sumner



Richard Bruce



Brad Hallmark

Vince O'Donnell not pictured

Message from the Director

Since its formation in 1994, the Tomball Economic Development Corporation (TEDC) has made great strides to retain and attract business and industry within the City of Tomball. These efforts have resulted in over \$5 million in TEDC investments and over \$120 million in capital investments from new and existing companies. Additionally, the TEDC has invested over \$7.9 million in City of Tomball infrastructure improvements, including roadway, drainage, and utility projects.



As we look towards the next fiscal year we will continue to build upon the successful efforts of my predecessors to provide resources that enable quality growth and development and job retention/attraction. We will accomplish this by establishing a business visitation program to ensure that we are connecting with our existing employers to identify needs and build relationships with the companies that have made Tomball their home. We will also continue to work with our area partners to identify and develop workforce education and training opportunities that support industry and employment within the Tomball community. Additionally, we will continue to invest in building and upgrading infrastructure throughout the City to support our business retention and attraction programs.

The TEDC staff has worked diligently to market the resources that the organization provides, including the job creation/retention incentive program, infrastructure assistance, and the Business Improvement Grant Program. I am excited to report that over the past year the TEDC has invested over \$463,000 in expansion/relocation grants for eight companies, resulting in a total capital investment of \$1.6 million and 188 new jobs created. The TEDC has also approved \$1.3 million for capital projects including the Medical Complex Drive Extension, Brown Road Utility Extension, and improvements to MLK Park. The Business Improvement Grant Program Committee, which began in 2010, has approved façade, property, and signage grants to 25 companies within the past year for improvements totaling \$718,537.

As with many organizations, one of our biggest marketing tools is our website. Over the past year we have made significant changes and improvements to the TEDC website, including our new mobile application, to make it easier to navigate, to provide more resources, and to keep our site more fluid and up to date. I applaud the efforts of Tifani McMinn, TEDC Coordinator, whose dedication and hard work has made the TEDC website a dynamic resource for site selectors, realtors, and community stakeholders.

Just like anything else in life, a successful economic development program doesn't just happen overnight...it takes planning and preparation, community support, and a lot of hard work. I'd like to extend a special thanks to the existing and past Board of Directors who have dedicated their time and effort in support of economic growth in the City of Tomball. I would also like to thank Betty Reinbeck, former Executive Director, for her tireless efforts in leading the TEDC over the past six years and bringing thousands of dollars in new investment and job growth to this community.

I look forward to working with you to continue to develop Tomball as a great place to do business!

Sincerely,

Kelly Violette

Kelly Violette, AICP
Executive Director

Newly Appointed TEDC Board Members



Richard Bruce joined the TEDC Board of Directors in 2010.



Brad Hallmark joined the TEDC Board of Directors in 2011.

TEDC Member Organizations

- Texas Economic Development Council
- International Economic Development Council
- International Council of Shopping Centers
- North Houston Association
- North Houston Economic Development Alliance
- Houston Regional Economic Development Alliance
- Greater Houston Partnership

Regional Partners

- Greater Tomball Area Chamber of Commerce
- City of Tomball
- CenterPoint Energy
- Lone Star College System Small Business Development Center

About the Type B Sales Tax:

The Tomball Economic Development Corporation is a non-profit entity funded by Type B (formerly 4B) sales tax proceeds as authorized by the State of Texas Development Corporation Act of 1979 and approved by a majority of the registered voters of the City of Tomball. The Type B tax is primary intended for manufacturing and industrial development, and cities may use the money raised by this sales tax to acquire land, buildings equipment, facilities, expenditures, targeted infrastructure and improvements for purposes related to:

- ♦ Manufacturing and industrial facilities, recycling facilities, distribution centers, small warehouse facilities.
- ♦ Research and development facilities, regional or national corporate headquarters facilities, primary job training facilities for use by institutions of higher education, job training classes.
- ♦ Certain infrastructure improvements which promote or develop new or expanded business enterprises.
- ♦ Maintenance and operating costs associated with projects
- ♦ Retail and Commercial Projects (some restrictions)
- ♦ Community Quality of Life Projects, including parks, professional and amateur sport and athletic facilities, tourism and entertainment facilities, affordable housing and other improvements or expenditures that promote new or expanded business activity that create or retain primary jobs.

Projects are reviewed on a case-by-case basis once a funding request has been received from a prospect. A five-year economic impact of the project on the City is done by using payroll numbers, projected sales tax revenue (if applicable), and property tax generated by the capital improvements. Please visit our website www.tomballtxedc.org or call 281-401-4086 for complete incentive information.

Business Retention & Expansion: Business Spotlight

BL Technology, Inc. was founded in 1974 and has since grown to become a leader in providing control panels, system integration solutions, and Access Control, CCTV, Intrusion, and Fire Alarm solutions to a number of different industries. Today BL Technology is recognized as the leading panel supplier, system integrator, and security systems provider to the City of Houston, in addition to working on numerous oil field, sub-sea, petrochemical, and industrial projects.

Deborah and Bob Lee, Owners of BL Technology, Inc., relocated their corporation headquarters and thirty-five (35) employees to 1730 S. Cherry Street in Tomball, Texas in April of 2010. They were ranked number 28 in the 2010 Houston Fast 100 of the Houston Business Journal by Percent of Revenue Growth for the time period 2007-2009, a 75% growth rate. In February, BL Technology expanded by purchasing the assets of a company that was located in Houston. This acquisition will allow BL Technology to have an immediate presence in markets which they have targeted in their growth plan. Upon completion of the purchase, they will relocate the company's assets, including approximately seventeen (17) employees to their Tomball headquarters. The TEDC invested \$51,000 for BL Technology's expansion.



"Tomball offers everything we need to create an atmosphere and environment for BL Technology to grow in. Ease of access to downtown Houston, the airport and to the Port area are a great plus without the everyday traffic and hectic pace. Tomball is a safe and friendly environment for our employees and their families, and has a business supportive City Government. The community involvement is unsurpassed. Tomball provides a country atmosphere with all of the city amenities necessary for business to grow and prosper."

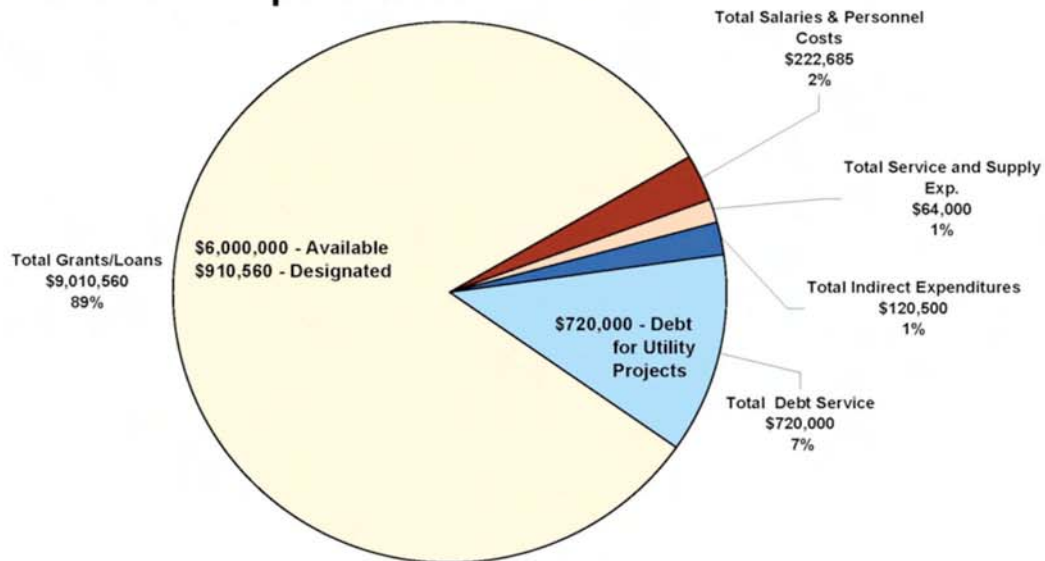
Bob Lee
BL Technology
Vice President

New Industry: Business Spotlight



Tim Randall, president and owner of Jamison Products relocated his business last May to Tomball from Houston . He relocated six (6) employees and created four (4) new jobs in Tomball. Mr. Randall increased the size of the existing warehouse and offices to add 4,200 square feet to the existing 5,400 square foot building for a total of 9,600 square feet. The TEDC invested \$21,000 for Jamison Products.

2010-2011 Expenditures



TEDC Approved Projects

Project Name	Type	Project Investment	TEDC Investment
Glass Tex Enterprises	Infrastructure	\$88,235.00	\$15,000.00
PDGL Partners	Infrastructure	\$189,613	\$25,000.00
Jamison Products	Primary Jobs	\$90,111.00	\$21,000.00
Hole Specialist	Primary Jobs	\$273,124.00	\$75,000.00
Paloma Energy Consultants LP	Relocation	\$725,261.00	\$204,000.00
Community Bank of Texas	Infrastructure	\$71,069.00	\$60,000.00
Waukesha-Pearce Industries	Primary Jobs	\$73,879.00	\$12,000.00
BL Technology, Inc.	Primary Jobs	\$124,578.00	\$51,000.00
Total		\$1,635,870.00	\$463,000.00
<u>City Infrastructure Projects:</u>			
City of Tomball	MLK Park		\$6,500.00
City of Tomball	Medical Complex Drive		\$850,000.00
City of Tomball	Brown Road Utility Extension		\$500,000.00
TEDC Investment			\$1,356,500.00

Business Improvement Grant Program



Tomball Muffler & Brake



Since April 2010 when the BIG Program was created the TEDC has invested over \$276,000 in twenty-three (23) businesses. The total improvements made to Tomball is over \$718,500!



Fastenal



Chestnut Business Park



Business Improvement Grant Program

Company Name	Project Amount	TEDC Investment
Graco Awards	\$32,677.15	\$11,964.00
Clifford Parker Ins.	\$27,832.00	\$12,659.00
Rick Friedrichs DDS	\$12,291.00	\$6,200.00
Albers Property	\$24,616.25	\$10,000.00
Fastenal	\$11,950.80	\$5,975.00
Inline Services	\$19,269.90	\$9,634.95
Jamison Products	\$136,488.37	\$41,311.00
Hampton Inn	\$46,331.00	\$20,000.00
Village Square	\$5,261.00	\$2,630.00
5 Guys Burgers & Fries	\$8,914.00	\$4,457.00
The Barns @ the Depot	\$36,453.00	\$10,000.00
Patricia Beaulier	\$33,950.00	\$11,350.00
LaQuinta Inn & Suites	\$30,753.05	\$15,377.00
AM Extreme Tan	\$33,540.00	\$16,770.00
The Original Rib Tickler	\$10,783.00	\$5,392.00
Allstate	\$18,920.00	\$9,460.00
Mas Boutique	\$3,029.92	\$1,515.00
Community Bank of TX	\$69,312.00	\$20,000.00
Tomball Muffler & Brake	\$23,632.00	\$10,816.00
Americas Best Value Inn	\$53,112.00	\$20,000.00
Tomball Auto Glass	\$25,725.00	\$10,000.00
CPE Store	\$17,046.00	\$8,523.00
Monte Stone	\$21,780.00	\$10,000.00
ASR Mechanical	\$12,000.00	\$6,000.00
Cisco Salsa Company	\$2,869.48	\$1,435.00
Total	\$718,536.92	\$276,127.40

Commercial businesses grow and expand in Tomball

Economic development corporation offers incentives to companies

By Emily Roberts

Several commercial businesses are expanding, relocating and building in Tomball in the next six months. Combined, the companies will bring 119 new employees to the city with an estimated economic impact of \$1.2 million over a five-year period.

"Tomball is a great place to live and work and do day-to-day business," said Gary Gonzales, owner of Paloma Energy Consultants, which will be relocating to Tomball this summer. "So far it's been a great experience working with the city and the [Tomball] Economic Development Corporation."

New business

Gonzales, who currently leases a building

in the Willowbrook area of Houston, will move Paloma to Brown Road where he has purchased a 4,000-square-foot building that he plans to expand to 10,000 square feet.

"I did find a piece of property in Houston, but it wasn't anything near as nice as [the Tomball] location," he said. "It's a very attractive, wooded, professional-looking building in a great location."

Gonzales said 90 percent of his 58 employees will not have to drive any further than they are currently driving to get to work. Paloma received a primary jobs grant, which means the EDC will pay \$3,000 for every employee it relocates, as well as the 10 additional jobs the company

Business in Tomball

Paloma Energy Consultants

Provides project management and inspection services to offshore energy operators

Employees: 68*

Economic impact: +\$725,260**

Average annual wage: \$118,580

Employees: 58*

Economic impact: +\$273,124**

Average annual wage: \$33,280

Hole Specialists, Inc.

Specialty machine shop focusing on precision drilling and honing

Employees: 52*

Economic impact: +\$124,578**

Average annual wage: \$37,440

BL Technology, Inc.

Provides pump control panels for the municipal and oilfield industry

New employees: 9

Economic impact: +\$71,089**

Average annual wage: \$49,920

Community Bank of Texas

Provides personal banking services

Total
119 new employees
+
61 new jobs
=
\$1.2 million**
to Tomball's economy

*Includes new and existing jobs
**Amounts indicate the revenue that will be added to the city over a five-year period through payroll, sales tax and property tax.

will create after it moves.

Another new business to the area is Community Bank of Texas, which has 27 locations throughout the state and began construction on its first Tomball location in April.

Executive vice president Charles Cox said working with Tomball has been much easier than dealing with larger cities.

"With larger cities, there's more layers, more bureaucracy and more red tape," Cox said. "Everybody wants new business and everybody's going to try to attract new business. Tomball's a good example of how it should be done."

The bank, which will employ nine people, was awarded an infrastructure grant of \$60,000 to pay for expenditures such as water lines, sewer and electrical services.

Expanding businesses

Two existing Tomball businesses will be expanding and adding employees in the next few months. BL Technology, Inc., which moved from Houston to Tomball February 2010, is acquiring the assets of Harrison Alarm Services, Inc. BL Technology, which provides pump control panels for the municipal and oilfield industry, will relocate 17 employees from Harrison's Houston headquarters. The company initially came to Tomball after being solicited by the EDC and offered a primary job grant for relocating its 35 employees.

"We continued to keep in contact with the EDC for a couple of years until we decided to build a new facility and found a property we liked here," Vice President Bob Lee said. "What held us back in the past was the fact that most of our business is done in the Houston area and Tomball seemed too far out."

Lee said the growth in the Tomball area in the past two years, and the addition of larger stores, like Lowe's, made the decision to move to Tomball an easy one. He also pointed to the advantages a small-town atmosphere provides, such as quicker response time from the police and fire departments.

"The advantages far outweigh the distance that we may need to travel for

business activities," Lee said.

Another business expanding in the area is Hole Specialists Inc., which has been in Tomball for nine years. The specialty machine shop, which provides precision drilling and honing, plans to expand its warehouse space by 25,000 square feet. The company will receive \$75,000 from the EDC for the 25 new jobs it will be creating.

"A major factor in moving here from Jersey Village in 1998 was the assistance of the economic development group," owner Larry Robinson said. "Quite a few of our employees bought houses in the area and everyone's much happier here."

Future growth

Along with purchasing a building for Paloma's new facility, Gonzales bought five acres on Brown Road in hopes of building additional buildings and attracting professional-type companies to the area. At its March meeting, Tomball City Council approved the EDC's request to pay for extending water, sewer and gas lines for an additional 100 acres of land on Brown Road for \$500,000.

"We're working very hard to make it easier to build and develop in Tomball," City Manager George Shackelford said. "We've made some strides in doing that, but we've got a long way to go. It's a team effort."

Gonzales said the city initially asked him to extend the lines, but then realized the benefit of making it an EDC issue to foster future growth.

"I hope to build additional buildings in the same architecture of our headquarters," Gonzales said. "I've raised my four children here and the family values of a small town are very important to me. I'm happy to be able to bring my company here and help facilitate growth."

COMMUNITY IMPACT
NEWSPAPER
LOCAL. USEFUL. EVERYONE GETS IT.®

Tomball/Magnolia edition | Volume 1, Issue 8
May 6-June 2, 2011

Companies expanding and relocating to Tomball

Paloma Energy Consultants

Project scope: relocating from Houston and adding an additional 6,000 square feet to existing 4,000-square-foot building. Brown Road expansion.

Paloma Energy Consultants owner Bob Lee has purchased five acres on Brown Road, where he hopes to attract more professional businesses. To aid growth, the City of Tomball will be extending water, sewer and gas lines for 100 acres of land on Brown Road.



BL Technology, Inc.

Project scope: Internal construction on existing 10-acre site including a second floor mezzanine and additional offices and warehouse space.



Community Bank of Texas

Project scope: building a new 4,336-square-foot commercial building valued at \$1.5 million.



Hole Specialists Inc.

Project scope: Expanding warehouse space by 25,000 square feet.



Construction completion dates*

Paloma Energy Consultants, Inc.—Fourth quarter 2011

Hole Specialists, Inc.—November 2011

BL Technology, Inc.—Fourth quarter 2011

Community Bank of Texas—Fall 2011

*Dates are projected and subject to change

Photos by Michael Butler
Source: Tomball Economic Development Corporation

Realtor Breakfast

The most successful outreach initiative of the Tomball Economic Development Corporation is the yearly Realtor Breakfast. Held in June each year, the Tomball Economic Development Corporation hosts realtors and developers from Tomball and surrounding areas for an informal update on TEDC, State, and Regional Programs and Incentives. The Realtor Breakfast also feature speakers from around the region and state. This has proven to be an ideal opportunity for staying informed on the Tomball community as well as providing a networking venue for Tomball area realtors and developers.



On June 24, 2011 the TEDC will host the 3rd Annual Realtor Breakfast at Lone Star College in the Elmer Beckendorf Conference Center. With the economy in recovery, we feel it is extremely important to bring more key players to the table. Attendees will join us for a discussion about trends in the Regional Economy and changes in Commercial Lending Practices. This event is open to all Tomball area Realtors, Bankers and Developers. Speakers for the event include Jack Steele, Executive Director of Houston-Galveston Area Council and Charles Cox, Executive Vice President of Community Bank of Texas.



"I look forward to this event each year and just wanted to let you know that I will be attending."

Raymond B. Hildebrand

Sponsored by:



Marketing



The TEDC unveiled their newly designed website this past year. The unique features with the new website include a mobile website version, user friendly property data base, and a report building system that allows clients to collect data and print in a professional format from their desk. The goal of this mobile website is to provide critical data about the community to site selectors and facility managers in a universal and transportable, easy-to-use platform. Secondly, the mobile website version is a 24/7 professional representative of the Tomball EDC while on-the-go! Since the launch we have experienced a 5% increase in mobile traffic. A whopping 80% increase of new visits to the mobile website in the first month of use!

Since launching the website, TEDC has been nominated for the International Economic Development Council Excellence in Economic Development Awards for New Media. We will find out later this summer if our website will win the award!

Marketing

Connected to the past, working for the future

Tomball Economic Development Corporation has a new website!

What You Will Find:

- Demographic Information
- Business Incentives
- Available Properties For Sale/Lease In Tomball
- And much more On What Tomball Offers!



TOMBALL
ECONOMIC DEVELOPMENT CORPORATION

www.tomballtxedc.org



DO YOU NEED TO MAKE IMPROVEMENTS TO YOUR BUSINESS?

Let the Tomball Economic Development Corporation help!

BUSINESS IMPROVEMENT GRANT PROGRAM

FAÇADE IMPROVEMENTS • SIGNAGE IMPROVEMENTS
PROPERTY IMPROVEMENTS

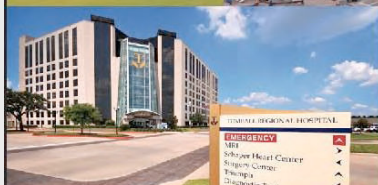
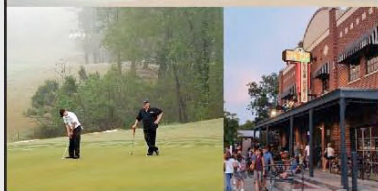
A fifty-fifty matching grant program designed to promote the development and expansion of new and existing business enterprise within the City of Tomball.

FOR MORE INFORMATION ON THE PROGRAM VISIT OUR BRAND NEW WEB SITE AT
WWW.TOMBALLTXEDC.ORG UNDER BUSINESS INCENTIVES OR CALL 281-401-4086

TOMBALL

ECONOMIC DEVELOPMENT CORPORATION

*Connected to the past...
...Working for the future*



DEMOGRAPHICS:

- 177,935 Trade Area Population
- \$90,829 Average Household Income
- 36 Median Age
- \$125,529 Median Home Value

AREA RESOURCES:

- George Bush Intercontinental
- Port of Houston
- BNSF Railway Service
- Lone Star College System

Tomball Offers:

- Low Property Taxes
- World Class Health Care
- Local Airport
- Relocation Incentives
- Excellent Education Resources
- Business Improvement Incentives
- Superb Quality of Life
- Workforce Training

www.tomballtxedc.org / 281.401.4086



TOMBALL

Connected to the past...
Working for the future.



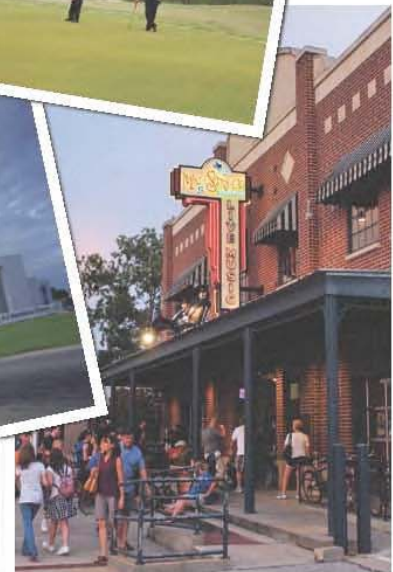
Tomball Offers:

- Low Property Taxes
- Low Cost of Living
- World Class Health Care
- Relocation/Expansion Incentives
- Business Improvement Incentives
- Excellent Education Resources
- Workforce Training
- Superb Quality of Life
- Strong Commercial & Residential Growth



Area Resources:

- George Bush Intercontinental (IAH) - 24 miles
- Hooks Regional Airport - 2.8 miles
- Port of Houston - 42 miles
- BNSF Railway Service
- Lone Star College System



Area Employers:

- BJ Services/Baker Hughes
- Hewlett Packard
- Mustang Caterpillar
- Woodforest National Bank



Demographics:

- 177,935 Trade Area Population
- \$90,829 Average Household Income
- 36 Median Age
- \$126,367 Median Home Value

TOMBALL
ECONOMIC DEVELOPMENT CORPORATION

www.tomballtxedc.org ~ 281.401.4086 ~ or follow us on



Tomball, TX - Connected to the Past... Working for the Future

Tomball, Texas is a community of traditional family values, advancing technology, and geographic significance in the Houston metropolitan area. Tomball offers easy access to major highways and rail lines, the George Bush Intercontinental Airport, and the Port of Houston. With a strong regional economy and location just minutes from downtown Houston, Tomball is a great place to do business!

The Tomball Economic Development Corporation (TEDC) provides financial

incentives and customized assistance including site and building selection, workforce development, and business partnerships, to qualifying companies that are looking to expand or relocate to Tomball. A growing economy, sound workforce and outstanding quality of life are just some of the reasons to choose Tomball. The opportunities to expand your business are many, and our goal is to minimize your efforts and provide your business the best resources available. 🏡

"Tomball offers everything we need to create an atmosphere and environment for BL Technology to grow in. Ease of access to downtown Houston, the airport and to the Port area are a great plus without the everyday traffic & hectic pace. Tomball is a safe and friendly environment for our employees and their families, and has a business supportive City Government. The community involvement is unsurpassed. Tomball provides a country atmosphere with all of the city amenities necessary for business to grow and prosper."

Bob Lee
BL Technology
Vice President



"Tomball's strong sense of family and community are wonderful. We feel quite at home here knowing that community leaders actually do care. As a manufacturer, the city's location has proven very accessible to both major freeways and airports. Not only are we proud to be a part of Tomball, but we are humbled that we have been welcomed with such open arms."

David Scott
Devasco Int. Inc.
Controller



XX

EXPANSION SOLUTIONS

XX

TOMBALL

ECONOMIC DEVELOPMENT CORPORATION

*Connected to the past...
...working for the future*



Area Resources:

- Airport-George Bush Intercontinental & David Wayne Hooks Airport
- Railway Service - Burlington Northern Santa Fe
- Major Highways- SH 249 & FM 2920 and Interstate 45 & SH 290
- Port of Houston-Ranked 1st in U.S. in Foreign Tonnage

Relocation Incentives Available

World Class Healthcare

Skilled Workforce & Workforce Training Available

Superb Quality of Life

FOR MORE INFORMATION, CONTACT:

Betty Reinbeck

Executive Director

P.O. Box 820 • Tomball, TX 77377

toll free: 888-401-7322

www.tomballtxedc.org

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 6, 2011

Topic:

Approve the Tomball Economic Development Corporation 2011-2012 Strategic Work Plan

Background:

As stated in the TEDC By-laws: "The Board of Directors shall direct the Corporation staff to research develop, prepare and submit to the City Council for its approval an annual work plan which shall set out goals and objectives of the Corporation, including but not limited to, short-term and long-term goals for the economic development of the City; goals and objectives for the utilization of funds to promote the expansion and development of a sound economic base for and within the City; and , any other similar goals and objectives deemed appropriate by the Board and the City Council. The Board shall review and update the plan each year prior to the submission of the annual budget as required by other provisions of these By-laws."

At it's Annual Meeting on May 24, 2011, the TEDC Board of Directors approved the 2011-2012 Strategic Work Plan as presented. The Plan is now being presented to City Council for review and approval.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Approval of the 2011-2012 Strategic Work Plan

Funding: No

Funds will be transferred from Account: to Account:

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation

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

ATTACHMENTS:

2011-2012 TEDC Strategic Work Plan

2011-2012

STRATEGIC WORK PLAN

GOALS AND OBJECTIVES

Tomball Economic Development Corporation

Mission: The mission of the Tomball Economic Development Corporation is to promote economic growth in the City of Tomball through the attraction of new business and industry and the retention of existing businesses by providing the resources that enable development and advance the general well being of the community.

GOAL 1: PROMOTE BUSINESS RETENTION AND EXPANSION

Activities:

- A. Maintain a structured business retention and expansion program:
 - 1. Establish a Business Visitation Program to build relationships with existing businesses and industries and determine present and future needs.
 - 2. Follow up and maintain ongoing contact with existing businesses and industries.
 - 3. Develop resource material to distribute to area businesses.
- B. Partner with post secondary institutions to identify and encourage workforce training opportunities.
- C. Encourage and assist, where possible, the development of additional tourist attractions in the historical downtown and depot area, as well as other appropriate locations in Tomball.
- D. Maintain and promote the Business Improvement Grant Program which is designed to encourage owner reinvestment in

existing businesses.

1. Explore opportunities to develop “catalyst” projects that will promote significant reinvestment in underutilized commercial centers.

GOAL 2: ATTRACT NEW BUSINESS AND INDUSTRY

Activities:

- A. Work with public and private sectors in developing industrial land, business parks, and ready-to-use facilities to achieve Tomball’s focused growth.
- B. Work with the City of Tomball to remove potential barriers to new or expanded industrial/business development: oil & gas issues, infrastructure needs, permitting and land use ordinances, and mobility issues.
- C. Maximize the economic benefits from Lone Star College and Tomball’s medical district:
 1. Encourage the development of businesses in these areas that promote and support these assets.
- D. Continue utilizing a marketing plan to promote a positive and pro-business image of Tomball:
 1. Revise and update web site on regular and on-going basis.
 2. Advertise in business publications and journals of targeted industries/markets.
 3. Develop professional collateral materials for targeted market campaigns.
- E. Maintain detailed property databases of available sites and buildings and utilize the Greater Houston Partnership’s GIS system to locate additional pertinent information.
- F. Continue to stress the importance of David Wayne Hooks Memorial Airport as an asset to business/industry.
- G. Encourage the continued development of Tomball Marketplace as a regional shopping center.

H. Continue to more clearly define the incentive program.

I. Develop relationships and maintain contact with sources of new client referrals.

GOAL 3: COORDINATE ECONOMIC DEVELOPMENT EFFORTS IN TOMBALL, THE REGION, AND THE STATE

Activities:

A. Maintain and promote coordination/liaison with Tomball Economic Development Corporation (TEDC) allies

B. Develop feedback mechanisms to "shareholders"

C. Support efforts to develop local entrepreneurs and small businesses:

1. Refer start-up businesses to the Small Business Development Center (SBDC) at Lone Star College System.

2. Follow-up and coordinate efforts with SBDC and Service Corps of Retired Executives (SCORE).

D. Monitor the local and regional business mix to identify gaps and/or opportunities.

E. Partner with utility and other service providers to ensure high quality, sustainable service provision.

F. Prepare annual budget to include operations, marketing, capital improvements, and grant program.

G. Maintain public files of TEDC minutes, resolutions, reports, financials, contracts, agendas, and notices for approved projects and public hearings.

H. Administer incentive and infrastructure funding policies.

I. Work with the City of Tomball on implementation of its tax abatement policy, comprehensive plan, and livable centers study.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 6, 2011

Topic:

Approve, as a Project of the Corporation, an agreement with American National Carbide to make direct incentives to, or expenditures for, the creation or retention of primary jobs and that are found by the Board of Directors to be required or suitable for the development, retention, or expansion of manufacturing and industrial facilities: to wit: American National Carbide expansion and development of its manufacturing facility located at 915 South Cherry Street, Tomball, Texas. The estimated amount of expenditures for such Project is \$75,000.

Background:

All expenditures of the Tomball Economic Development Corporation (TEDC) sales tax revenue must first be approved as a "Project of the Corporation." At its annual meeting on May 24, 2011, the TEDC Board of Directors did take formal action to approve, as a Project of the TEDC, an agreement with American National Carbide for the expansion and development of its facility located at 915 South Cherry Street, Tomball, Texas. The City Council of Tomball has final approval authority over all projects and agreements of the TEDC.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Approval, as a Project of the Corporation, the Performance Agreement with American National Carbide.

Funding: Yes

Account Number: Grant Funds Available

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation

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

ATTACHMENTS:

Cover Memo

Request Letter

Performance Agreement

Economic Impact Model



TO: Board of Directors
Tomball Economic Development Corporation

FROM: Kelly Violette
Executive Director

MEETING DATE: May 24, 2011

SUBJECT: American National Carbide

ITEM TYPE: Action

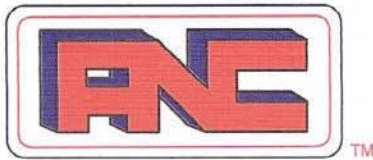
American National Carbide (ANC) specializes in the manufacture of finished tungsten carbide products for metalworking, mining and drilling, and wood processing, and is one of only four companies in the United States with the ability to recycle tungsten carbide scrap into raw material. ANC has been in business in Tomball since 1970 and is located within a 45,000 square foot office/warehouse facility at 915 South Cherry Street.

As per the attached grant funding request letter from D. Greg Stroud, President of American National Carbide, ANC is expanding its tungsten carbide recycling division and adding additional equipment valued at \$1,700,000.00.

American National Carbide currently employs seventy (70) people and is planning on adding twenty-five (25) new full-time employees, upon the completion of improvements to the facility. The average hourly wage of the new jobs will be approximately \$14.00.

An economic impact model form is included with the agreement to show the five (5) year impact of this project on Tomball's economy.

If the agreement between the TEDC and American National Carbide is approved as a Project of the Corporation, the grant funding amount will be \$3,000 per each new job created in Tomball, not to exceed \$75,000.



American National Carbide

Delivering Carbide Value™

May 4, 2011

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

Dear Ms. Violette:

Please accept this letter as our formal request for funding assistance under the job creation/retention grant program we discussed at our recent meeting. We are planning to expand certain areas of our operation over the next 18 months and would like to see if these plans are eligible for funding under the grant program. All planned expansion will take place at our 915 South Cherry Street headquarters. Our 7.25 acre tract includes 45,000 square feet of manufacturing and office space under roof. A recently appraisal indicated the value of the property is \$1.975 million.

Specifically, we are planning to expand our tungsten carbide recycling division. This operation is one of only four such facilities in the United States that have the capability to recycle used tungsten carbide products back into raw material in powder form. Our primary business here is the manufacture of finished tungsten carbide products (NAICS codes 332117, 333514, 333515), but the recycling operation not only gives us an advantage over our competitors that lack such access to raw materials, it opens up new markets to which we can sell raw materials.

The equipment required to complete this expansion costs approximately \$1.5 million, and will take approximately 7 months after the order is placed to be built and installed. We are anticipating placing the order for the equipment in May 2011. After installation of the primary equipment, we plan to expand certain other areas of the operation to add capacity where needed, and I would estimate spending another \$200K on equipment in those areas.

We anticipate the addition of two employees immediately upon installation of the primary equipment and up to an additional 23 employees over the 12-month period after ordering the equipment (by approximately June 2012). The average hourly wage of these proposed jobs will be approximately \$14.00.

We are hoping to initiate the expansion as soon as possible, so your prompt response regarding eligibility is appreciated. I've also included a copy of the deed showing ownership. If you need further information, please feel free to contact me at the number below.

Very truly yours,

D. Greg Stroud, President

AGREEMENT

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

This Agreement (the “Agreement”) is made and entered into by and between the **Tomball Economic Development Corporation**, an industrial development corporation created pursuant to the Development Corporation Act, now Chapter 501 et seq of the Texas Local Government Code, located in Harris County, Texas (the “TEDC”), and **American National Carbide** (the “Company”), 915 South Cherry Street, Tomball, TX, 77375.

WITNESSETH:

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

WHEREAS, the Company owns a 7.25 acre tract of land within the City, located at 915 South Cherry Street, Tomball, Texas 77375 (the “Property”), and more particularly described in Exhibit “A,” attached hereto and made a part hereof; and

WHEREAS, the Company proposes to expand its current operation at the Property, and as part of the process, plans to expend funds to expand its tungsten carbide recycling division by installing additional equipment and expanding capacity (the “Improvements”), more particularly described in Exhibit “B” attached hereto and made a part hereof; and

WHEREAS, the Company also proposes to maintain the current seventy (70) jobs at the Property and create twenty-five (25) new employment positions at the Property in conjunction with the expansion of its business operations at the Property; and

WHEREAS, the TEDC agrees to provide to the Company the sum of Seventy-Five Thousand Dollars (\$75,000.00) to assist in the construction of the Improvements and the addition of the twenty-five (25) new employees at the Property; and

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

WHEREAS, this expenditure is found by the Board of Directors of the TEDC to be suitable for the expansion of the business operations at the Property and the creation and retention of primary jobs at the Property;

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

1.

The Company covenants and agrees that it will construct the Improvements and operate and maintain the proposed business on the Property for a term of at least five (5) years, and will for such term, except as provided by paragraph 4 hereof, create and maintain twenty-five (25) new jobs on the Property at the prevailing wage.

2.

The Company also covenants and agrees that construction of the Improvements, the addition of the twenty-five (25) new employees, and obtaining all necessary occupancy permits from the City shall occur within twelve (12) months from the Effective Date of this Agreement. Extensions of these deadlines, due to any extenuating circumstance or uncontrollable delay, may be granted at the sole discretion of the Board of Directors of the TEDC.

3.

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

4.

In consideration of the Company's representations, promises, and covenants, TEDC agrees to grant to the Company the sum of Seventy-Five Thousand Dollars (\$75,000.00) to fund a portion of the cost of the Improvements and the addition of the twenty-five (25) new employees to the Company's business operations on the Property. The TEDC agrees to distribute such funds to the Company within thirty (30) days of receipt of a letter from the Company requesting such payment, which letter shall also include: (a) a copy of the City's occupancy permit for the Improvements to the Property; (b) proof that the Company has added the number of employees indicated above to its business operations on the Property, as evidenced by copies of Texas Workforce Commission form C-3 or Internal Revenue Service Form 941; (c) verification from the City acknowledging that all necessary plats, plans, and specifications have been received, reviewed, and approved; (d) verification that the Improvements have been constructed in accordance with the approved plans and specifications; and, (e) an affidavit stating that all contractors and subcontractors providing work and/or materials in the construction of the Improvements have been paid and any and all liens and claims regarding such work have been released.

In the event the number of jobs originally projected is not met, the amount of the funding provided to the Company by the TEDC will be reduced on a pro rata basis to reflect the actual number of jobs at the time of the request for disbursement of funds.

5.

It is understood and agreed by the parties that, in the event of a default by the Company on any of its obligations under this Agreement, the Company shall reimburse the TEDC the full amount paid to the Company by the TEDC, with interest at the rate equal to the 90-day Treasury Bill plus ½% per annum, within thirty (30) days after the TEDC notifies the Company of the default. It is further understood and agreed by the parties that if the Company is convicted of a violation under 8 U.S.C. Section 1324a(f), the Company will reimburse the TEDC the full amount paid to the Company, with interest at the rate equal to the 90-day Treasury Bill plus ½% per annum, within thirty (30) days after the TEDC notifies the Company of the violation.

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

6.

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

7.

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

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

If to Company: American National Carbide
 915 South Cherry Street
 Tomball, Texas 77375-6669
 Attn: D. Greg Stroud, President

8.

This Agreement shall be performable and enforceable in Harris County, Texas, and shall be construed in accordance with the laws of the State of Texas. Venue for any claim or suit arising out of this Agreement shall lie exclusively with the federal and state courts in Harris County, Texas.

9.

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

10.

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

11.

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

12.

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

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties on this _____ day of _____ 2011 (the "Effective Date").

AMERICAN NATIONAL CARBIDE

By: _____

Name: D. Greg Stroud

Title: President

ATTEST:

By: _____

Name: _____

Title: _____

TOMBALL ECONOMIC DEVELOPMENT CORPORATION

By: _____

Name: Gretchen Fagan

Title: President, Board of Directors

ATTEST:

By: _____

Name: Bill Sumner

Title: Secretary, Board of Directors

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____
2011, by D, Greg Stroud, President of American National Carbide for and on behalf of said
company.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____
2011, by Gretchen Fagan, President of the Board of Directors of the Tomball Economic
Development Corporation, for and on behalf of said Corporation.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

Exhibit “A”

Legal Description of Property

A TRACT OF LAND BEING 7.2715 ACRES OF LAND OUT OF TOMBALL OUTLOT NO. 133, AS PER MAP OR PLAT RECORDED IN VOLUME 2, PAGE 65, OF MAP RECORDS OF HARRIS COUNTY, TEXAS, SAID TRACT OF LAND BEING IN THE W. HURD SURVEY, ABSTRACT A-371 AND CALLED 7.2854 ACRES OF LAND IN THE DEED TO AMERICAN NATIONAL CARBIDE COMPANY RECORDED IN HARRIS COUNTY CLERK’S FILE NO. G685189.

Exhibit “B”

Improvements

Expansion of tungsten carbide recycling division.

Additional equipment value estimated at \$1,700,000.00

AMERICAN NATIONAL CARBIDE
TOMBALL ECONOMIC DEVELOPMENT CORPORATION
CITY OF TOMBALL ECONOMIC IMPACT MODEL

Average Annual Wage Assessment:

<u>Number of Employees</u>	<u>Average Hourly Wage</u>	<u>Average Weekly Wages</u>	<u>Total Annual Wages (52 wks.per Yr.)</u>
Existing: 70			
Prospective: 25			
TOTAL: 95	14.00	53,200	2,766,400
Federal Income and FICA Taxes at 28% deducted			774,592
Fixed payments for rent, insurance, etc. at 25%			691,600
Net Disposable Annual Income			1,300,208

Total Return to Local Government by Annual Payroll:

Local Sales Tax Rate of 2% on Fixed Payments:	13,832
Average Multiplier effect of the Dollar turning over 3.5 times to Calculate the Total Annual Local Sales Tax Impact:	48,412

Annual Sales Tax Impact:

<u>Value of Retail Sales</u>	<u>Sales Tax</u>	
0	2.00%	0

Estimated Property Tax Impact:

<u>Value of Property and Improvements</u>	<u>Tomball Tax Rate (per \$100)</u>	
1,700,000	0.25146	4,275
Annual Economic Impact of Company Expansion		52,687
Economic Impact over a Five Year Period		263,434

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 6, 2011

Topic:

Approve, on First Reading, Resolution No. 2011-09-TEDC, a Resolution of the City Council of the City of Tomball, Texas, Authorizing and Approving the Tomball Economic Development Corporation's Project to Expend Funds to Acquire up to 120 Acres of Land Generally Located at the Corner of Hufsmith-Kohrville and Holderrieth Roads for the Creation of a Business Park; Containing Other Provisions Relating to the Subject; and Providing for Severability.

Background:

At it's meeting on May 16, 2011, the Tomball City Council authorized the City Manager to enter into negotiations on approximately 120 acres of land generally located at the northwest corner of Hufsmith-Kohrville and Holderrieth Roads subject to TEDC financing and the preparation of an Agreement regarding the TEDC designation of such Project.

On May 24, 2011, the TEDC Board of Directors approved the designation of a business park and the possible acquisition of up to 120 acres of land for purposes related to projects that create or retain primary jobs. The City Council of Tomball has final approval authority over all projects and agreements of the TEDC.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Adoption of the Resolution, approving, as a Project of the TEDC, the designation of a business park and the possible acquisition of up to 120 acres of land.

Funding: Yes

Account Number: Grant Funds Available/Property Acquisition

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation

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

ATTACHMENTS:

Resolution No. 2011-09-TEDC

RESOLUTION NO. 2011-09-TEDC

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING AND APPROVING THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION'S PROJECT TO EXPEND FUNDS TO ACQUIRE UP TO 120 ACRES OF LAND GENERALLY LOCATED AT THE CORNER OF HUFSMITH-KOHRVILLE AND HOLDERRIETH ROADS FOR THE CREATION OF A BUSINESS PARK; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.

* * * * *

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

WHEREAS, the Board of Directors of the TEDC has adopted as a specific project the designation of a business park and the possible acquisition of up to 120 acres of land generally located at the northwest corner of Hufsmith-Kohrville and Holderrieth Roads, Tomball, TX, 77375, for purposes of projects related to the creation or retention of primary jobs that are found by the Board of Directors to be required or suitable for the development, retention, or expansion of manufacturing and industrial facilities, research and development facilities, transportation facilities, recycling facilities, distribution centers, small warehouse facilities, regional and corporate headquarters facilities, and primary job training facilities by higher education institutions; and

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

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

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

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

Section 2. The City Council hereby authorizes and approves the adoption, by the Board of Directors of the Tomball Economic Development Corporation, as a specific project for the economic development of the City, the designation of a business park and the possible acquisition of up to 120 acres of land generally located at the northwest corner of Hufsmith-Kohrville and Holderrieth Roads, Tomball, TX, 77375, for purposes of projects related to the creation or retention of primary jobs that are found by the Board of Directors to be required or suitable for the development, retention, or expansion of manufacturing and industrial facilities, research and

development facilities, transportation facilities, recycling facilities, distribution centers, small warehouse facilities, regional and corporate headquarters facilities, and primary job training facilities by higher education institutions.

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

PASSED, APPROVED, AND RESOLVED this ____ day of _____ 2011.

Gretchen Fagan, Mayor
City of Tomball

ATTEST:

Doris Speer, City Secretary
City of Tomball

Regular City Council

Agenda Item

Meeting Date: June 6, 2011

Data Sheet

Topic:

Consideration and Possible Action to Approve an Agreement between the City of Tomball and the Tomball Economic Development Corporation (TEDC) for Reimbursement for Costs Associated with the Purchase of up to 120 Acres of Land located at the northwest corner of Hufsmith-Kohrville and Holderrieth Roads in Tomball for the Purpose of Developing a Business Park

Background:

All expenditures of the Tomball Economic Development Corporation (TEDC) sales tax revenue must first be approved as a "Project of the Corporation." At its annual meeting on May 24, 2011, the TEDC Board of Directors did take formal action to approve, as a Project of the TEDC, the designation of a business park and the possible acquisition of up to 120 acres of land generally located at the northwest corner of Hufsmith-Kohrville and Holderrieth Roads, Tomball, TX, 77375, for purposes of projects related to the creation or retention of primary jobs that are found by the Board of Directors to be required or suitable for the development, retention, or expansion of manufacturing and industrial facilities, research and development facilities, transportation facilities, recycling facilities, distribution centers, small warehouse facilities, regional and corporate headquarters facilities, and primary job training facilities by higher education institutions.

This Agreement by and between the Tomball Economic Development Corporation and the City of Tomball, Texas, outlines the mutual intent of both parties to work together to establish a business park within the City of Tomball. The Agreement was prepared in order to establish the responsibilities of each party for the acquisition of land, performance of due diligence to determine the feasibility of the site, the conveyance of such property, and the reimbursement of costs associated with the project.

This Agreement provides a mutual understanding that the TEDC and City of Tomball desire to move forward with efforts to attract new business and industry and retain existing businesses, and further build the local supply of sustainable jobs in the City of Tomball by establishing a business park.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Approve the attached agreement by and between the City of Tomball and the TEDC.

Funding: No

Funds will be transferred from Account: to Account:

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation

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

ATTACHMENTS:

City/TEDC Agreement

**AGREEMENT
BETWEEN THE CITY OF TOMBALL, TEXAS AND
THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION
FOR PURCHASE OF LAND FOR BUSINESS PARK**

This Agreement is by and between the Tomball Economic Development Corporation (the "TEDC"), an industrial development corporation created pursuant to the Development Corporation Act, now Chapters 501 and 505 et seq of the Texas Local Government Code, and the City of Tomball, Texas, a home-rule municipal corporation and political subdivision, hereinafter referred to as the "City",

WHEREAS, the parties hereto have identified and found a need for a business park to (i) promote economic growth in the City of Tomball, (ii) attract new business and industry and retain existing businesses, and (iii) further build the local supply of sustainable jobs in the City of Tomball; and

WHEREAS, the parties hereto intend to determine the feasibility of developing a business park through proper due diligence; and

WHEREAS, the results of the due diligence will determine the parties intent to develop a business park, whereby the City will purchase the land and convey such land to the TEDC at which time the TEDC will reimburse the City for all costs association with the acquisition of the property; and

WHEREAS, the TEDC will own and develop a business park for purposes of projects related to the creation or retention of primary jobs that are found by the Board of Directors to be required or suitable for the development, retention, or expansion of manufacturing and industrial facilities, research and development facilities, transportation facilities, recycling facilities, distribution centers, small warehouse facilities, regional and corporate headquarters facilities, and primary job training facilities by higher education institutions; and

WHEREAS, the parties desire to execute this Agreement that provides the rights, obligations and roles anticipated by each Party for the acquisition and conveyance of the land.

Now, therefore, IT IS HEREBY AGREED AS FOLLOWS:

The parties agree that this Agreement shall set forth the understanding of the parties as they move forward cooperatively to implement a collaborative project to foster business and economic development in the City of Tomball. The parties recognize the need to set forth in writing the understandings of the parties in order to avoid misunderstanding as the parties move forward with this project.

Acquisition of Property.

- (a) The City will attempt to acquire up to 120 acres located at the northwest corner of Hufsmith-Kohrville and Holderrieth Roads, Tomball, TX, 77375 and perform due diligence on the property to determine its feasibility for use as a business park prior to closing on the land.
- (b) The TEDC has designated the development of the business park as a Project of the Corporation and will provide notice of such project in accordance with state law.
- (c) Upon acquisition of the property, City will convey the property to the TEDC in accordance with Section 253.012 of the Local Government Code at which time the TEDC will own and develop the property as deemed appropriate by the TEDC Board of Directors to attract and retain business and industry.
- (d) Upon conveyance of the property by the City to the TEDC, the TEDC will reimburse the City for all costs incurred by the City related to the acquisition of the land, including but not limited to costs of purchase, appraisals, title commitments and policies, environmental assessments and closing fees.
- (e) In the event the City is unable to acquire the land or determines that the acquisition of the land is not feasible, the TEDC will reimburse the City for all costs incurred by the City related to its attempts to purchase the land.
- (f) The TEDC's obligation to reimburse the City, as provided herein, is contingent upon the approval of such reimbursement as an authorized project.

IN WITNESS WHEREOF, the parties have duly executed this Agreement or caused it to be duly executed on this _____ day of _____, 2011.

CITY OF TOMBALL

By: _____

Name: Gretchen Fagan

Title: Mayor

ATTEST:

By: _____

Name: _____

Title: _____

**TOMBALL ECONOMIC DEVELOPMENT
CORPORATION**

By: _____

Name: _____

Title: Vice President, Board of Directors

ATTEST:

By: _____

Name: _____

Title: Secretary, Board of Directors

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 6, 2011

Topic:

Set Date for Strategic Planning Workshop

Background:

The City Council adopted a new Strategic Plan for the City last summer. It is important that the Council review plan progress as well as revise or reaffirm the plan's guidance annually.

Peggy Fiandaca from PSA is available to facilitate this year's planning session. This critical, intensive workshop will take approximate 6-7hrs. The meeting will take place either 8am-4pm or 9am-5pm The proposed dates are either:

Monday, July 18th or

Wednesday, July 20th

Also, Council has a joint meeting with P&Z the night of July 18th.

Origination:

City Council

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

George Shackelford, City Manager

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 6, 2011

Topic:

Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.072 – Deliberations Regarding Real Property

Background:**Origination:**

City Manager

Recommendation:

N/A

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

City Secretary

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