

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



MONDAY, SEPTEMBER 20, 2010

7:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, September 20, 2010 at 7:00 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 Allison, VFW Post 2427

3.0 Pledges to U.S. and Texas Flags

- Led by Tomball High School Student Council Members - Anna Liu, Parliamentarian, and Mansi Baxi, Committee Chair

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

5.0 Presentations:

- Presentation by Betty Reinbeck, regarding Type B Sales Tax Corporations
- Presentation by Mayor Fagan to Public Works Department, Winners of the 3rd Annual Mayor's Challenge Community Blood Drive

6.0 Reports and Announcements

- September 25, 2010 – **Farmers Market** – 8:00 a.m.
- October 9, 2010 – **2nd Saturday at the Depot**, 6:00 p.m.
- October 9 and 23, 2010 – **Farmers Market** – 8:00 a.m.
- **Walk Tomball!** (Every Saturday at 8:00 a.m. at the Depot)
- Reports by City staff and members of Council about items of community interest on which no action will be taken
 - The City of Tomball's Comprehensive Plan – Vision 2030 has been awarded the 2010 Comprehensive Planning Award by the Texas Chapter of the American Planning Association (APA). Texas APA planning awards recognize individuals, organizations and communities for outstanding contributions to planning in Texas. Tomball's Comprehensive Plan was adopted in December 2009 after a year-long community involvement process that included more than 1,700 citizens, stakeholders, business owners, elected/appointed officials, consultants and City staff. The award will formally be presented to the City at the 2010 APA Texas Chapter Annual Conference on October 8, 2010 in San Antonio.
 - Report on School Zone Flasher Project – David Kauffman and Robert Hauck
 - Railroad Commission of Texas – Pipeline Safety Evaluation

7.0 Approve the Minutes of the September 7, 2010 Regular City Council Meeting

8.0 New Business:

- 8.1 Approve the Tomball Economic Development Corporation (TEDC) 2010-2011 Fiscal Year Budget
- 8.2 Approve Request from the Tomball Sister City for Support, Funding, and Road Closures for the 3rd Annual Tomball German Christmas Market and 2nd Saturday, to be held December 10-12, 2010
- 8.3 Approve Resolution No. 2010-19, a Resolution of the City Council of the City of Tomball, Texas for the Designation of Representative and Alternate for the Houston-Galveston Area Council 2011 General Assembly
- 8.4 Approve Resolution No. 2010-20, a Resolution of the City of Tomball, Texas, Adopting the City of Tomball's Investment Policy, as Set Out in City of Tomball Administrative Policy No. 13, Entitled "Investment Policy"
- 8.5 Presentation of the 2010 Effective Tax Rate to the City Council.

- 8.6 Ratify the FY 2011 Budget and Find that the proposed Tax Rate of \$.251455/\$100 Generates Less Property Tax Revenue than the FY 2010 Budget.
- 8.7 Adopt \$.140000 as the Portion of the Tax Rate for the Interest and Sinking (Debt Service) Fund for FY 2010.
- 8.8 Adopt \$.111455 as the Portion of the Tax Rate to Fund Maintenance and Operations (M&O) for FY 2011.
- 8.9 Adopt, on First Reading, Ordinance No. 2010-20, An Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$.251455/\$100 Value Assessed for the Year 2010 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Allowing for Homestead Exemptions for Property Owners Sixty-Five Years of Age and Over, and for Property Owners Who Qualify for Disability Benefits Under the Federal Old Age, Survivors, and Disability Insurance Program; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject.
- 8.10 Adopt, on First Reading, Ordinance Number 2010-16, an Ordinance amending the Code of Ordinances of the City of Tomball, Texas, by Deleting all of Chapter 38 Thereof and Substituting Therefore a New Chapter 38; Providing Rules and Regulations Designed to Prevent Damage to Property and Injury to Persons Resulting from Flooding; Providing a Penalty in an Amount not to exceed \$2,000 for Each Day of Violation of any Provision Hereof; and Providing for Severability.
- 8.11 Authorize Substitute Position Authorities to Cover Vacancies created by Unfilled Police Officer Positions and Long-term Absence of Tomball Police Officer, Paul Overcast.
- 8.12 Award Contract for Janitorial Services for City of Tomball Facilities for the 2010-2011 Fiscal Year to Low Bidder, Phillips Cleaning Services, LLC
- 8.13 Approve Amendment to Administrative Policy #24, Entitled "*Tennis Court Reservation Policy*"
- 8.14 Receive the Capital Improvements Plan Advisory Committee (CIPAC) Recommendation for the Mayor to Issue the Certificate of Compliance Letter to the Texas Attorney General Regarding Compliance with Chapter 395 of the Texas Local Government Code.
- 8.15 Authorize the Mayor to Issue the Certificate of Compliance Letter to the Texas Attorney General Regarding Compliance with Chapter 395 of the Texas Local Government Code.
- 8.16 Approve Change Orders No. 1 and No. 2 for \$59,320.00 and \$29,030.00 Representing a Total Contract Increase of \$88,350.00 for the Quinn Road

Sidewalks and Utilities Project, Engineering and Planning Project No.
2007-10005, Project Bid No. 2010-01

8.17 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:

- 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 17th day of September 2010 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

Meeting Date: September 20, 2010

Data Sheet

Topic:

- Presentation by Betty Reinbeck, regarding Type B Sales Tax Corporations
- Presentation by Mayor Fagan to Public Works Department, Winners of the 3rd Annual Mayor's Challenge Community Blood Drive

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:

TEDC Presentation



Connected to the past...
...working toward the future

TEXAS ECONOMIC DEVELOPMENT LEGISLATION

TYPE B SALES TAX CORPORATIONS

At an election held on January 15, 1994, the citizens of Tomball, in a special election, authorized the levy of a “4B” sales and use tax of one-half cent (1/2 cent) within the City for economic development purposes.

The Texas Economic Development Corporation Act requires cities to establish a corporation to administer the sales and use tax funds, which the city did when it filed Articles of Incorporation with the Secretary of State on November 28, 1994.

The economic development sales tax statute was re-codified into the Local Government Code, effective April 1, 2009. All “4B” sales tax corporations became “Type B” sales tax corporations.

Chapters 501-505, Local Government Code is the section of Texas law that contains the rules governing the use of the economic development sales tax, including eligible uses of tax revenues and procedures that must be followed.

Every proposed expenditure of sales tax dollars must first be approved as a “Project” of the Corporation, and a Performance-Based Agreement between the Corporation and the client company or the City of Tomball is required. No funds are expended until the performance requirements are met.

Type B Eligible Projects

Projects that create or retain primary jobs:

State statute defines a primary job as a job that is: (1) available at a company for which a majority of the products or services of that company are ultimately exported to regional, statewide, national, or international markets; and,

(2) included in one of the following sectors of the North American Industry Classification System (NAICS).

- 111 Crop Production
- 112 Animal Production
- 113 Forestry and Logging
- 11411 Commercial Fishing

115 Support Activities for Agriculture and Forestry

211 to 213 Mining

221 Utilities

311 to 330 Manufacturing

42 Wholesale Trade

48 and 49 Transportation and Warehousing

51 Information, excluding movie theaters and drive-in theaters

523-525 Securities, Commodity Contracts, and Other Financial Investments and Related Activities; Insurance Carriers, Related Activities; Funds, Trusts, and Other Financial Vehicles

5413, 5415, 5416, 5417, and 5419 Scientific Research and Development Services

551 Management of Companies and
Enterprises

56142 Telephone Call Centers

922140 Correctional Institutions

928110 National Security

Type B Eligible Projects

Projects which need not create or retain primary jobs --- direct incentives for retail in communities with fewer than 20,000 residents

- certain targeted infrastructure which promotes or develops new or expanded business enterprises
 - * limited to streets and roads, rail spurs, water, sewer, electric, gas utilities, drainage, site improvements, and related improvements, telecommunications and Internet improvements

Type B Eligible Projects

Projects that improve a community's quality of life:

- projects consisting of professional and amateur (including children's) sport and athletic facilities; tourism, entertainment, convention facilities; public parks and events

This includes stadiums, ball parks, auditoriums, amphitheaters, concert halls, parks and park facilities, and open space improvements.

Public Parks -- Questions:

1. Could Type B funds be used to fund a public park? YES
2. Could Type B funds be used for lighting at a public park? YES
3. Could Type B fund a Little League Ballpark? YES

Road Construction:

The Type B Corporation may fund the construction of roads to service undeveloped, commercially zoned property, provided that the road will promote new or expanded business enterprises.

Streets and Sewers – Questions

1. Can Type B repave all streets within a city or fund the installation of a sewer pipeline in the city? NO
2. Can Type B funds be used to pave/repave streets in a commercial district or fund the installation of a sewer pipeline in a commercial or industrial park? YES
3. Can Type B pay for streets or installation of sewer pipelines to a new residential subdivision? NO

Streets and Sewers – Questions:

The Board of Directors decides a particular street or sewer project is permissible. What “costs” can you pay related to the street or sewer project?

1. Can you pay for right-of-way acquisition?
2. Can you purchase the land for the street or sewer?
3. Can you purchase easements?
4. Can you pay for engineering, surveying, and legal costs related to the street or sewer project?

The answer is yes to all four of the questions given above.

However, the “Project” property must be commercially zoned property, i.e., the expenditure for this project is being made in order to promote or develop new or expanded business enterprises.

Type B and Transportation:

Type B can adopt a “Project” for the development, improvement, expansion, or maintenance of facilities relating to the operation of commuter rail, light rail, or motor buses.

AND, when in doubt as to whether or not a “Project” is permissible, I contact Bob Bearden in the Texas Comptroller’s Office. He is the expert on the Texas Economic Development Sales Tax Legislation.

If you have any questions or comments, please feel free
to contact:

Betty Reinbeck

Executive Director

Tiffani McMinn

Coordinator

Tomball Economic Development Corporation

PO Box 820

Tomball, TX 77377-0820

Business: (281) 401-4086

Fax: (281) 351-7223

breinbeck@tomballtxedc.org

www.tomballtxedc.org

Regular City Council

Agenda Item

Meeting Date: September 20, 2010

Data Sheet

Topic:

- September 25, 2010 – **Farmers Market** – 8:00 a.m.
- October 9, 2010 – **2nd Saturday at the Depot**, 6:00 p.m.
- October 9 and 23, 2010 – **Farmers Market** – 8:00 a.m.
- **Walk Tomball!** (Every Saturday at 8:00 a.m. at the Depot)
- Reports by City staff and members of Council about items of community interest on which no action will be taken
 - The City of Tomball's Comprehensive Plan – Vision 2030 has been awarded the 2010 Comprehensive Planning Award by the Texas Chapter of the American Planning Association (APA). Texas APA planning awards recognize individuals, organizations and communities for outstanding contributions to planning in Texas. Tomball's Comprehensive Plan was adopted in December 2009 after a year-long community involvement process that included more than 1,700 citizens, stakeholders, business owners, elected/appointed officials, consultants and City staff. The award will formally be presented to the City at the 2010 APA Texas Chapter Annual Conference on October 8, 2010 in San Antonio.
 - Report on School Zone Flasher Project – David Kauffman and Robert Hauck
 - Railroad Commission of Texas – Pipeline Safety Evaluation

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:

Farmers Market

Railroad Commission of Texas - Pipeline Safety Evaluation



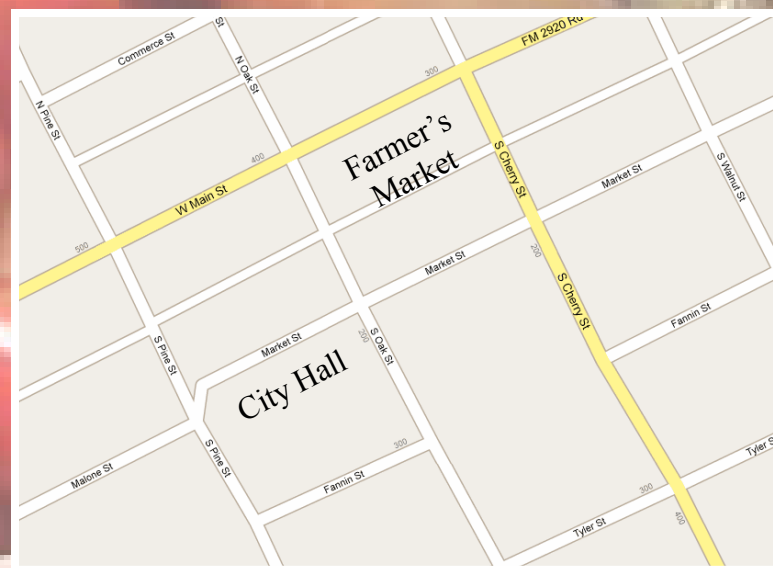
Bringing the farmers back to the community!

Come enjoy the Tomball Farmer's Market! We'll have produce, prepared foods and crafts for you to purchase.

**Now open on the
2nd & 4th Saturday
of every month!**

**Market opens
at 9 AM!**

**Located at the
corner of Cherry &
FM 2920**





RAILROAD COMMISSION OF TEXAS

Pipeline Safety Division

September 8, 2010

The Honorable Gretchen Fehan, Mayor
CITY OF TOMBALL
401 Market Street
Tomball, TX 77375

Re: Pipeline Safety Evaluation
Inspection Package Number: 102812
TOMBALL, CITY OF
(All correspondence must include the Inspection Package Number)

Dear The Honorable Gretchen Fehan:

Recently, a safety evaluation was conducted of pipeline facilities operated by your company. These facilities are identified in the attached Safety Evaluation Summary. Safety evaluations are conducted in accordance with pipeline safety requirements of the Texas Utilities Code, Section 121.201 for natural and other gas pipeline facilities and TEX. NAT. RES. CODE, Sections 117.001 and 117.011 (Vernon Supp. 2002) for hazardous liquid pipeline facilities.

During the evaluation, selected physical conditions, written procedures, and records were reviewed. At the time of this evaluation, no alleged violations of the applicable safety regulations were found in the areas reviewed.

Your efforts to maintain the pipeline facilities have resulted in this favorable report. We appreciate the assistance given during the investigation. If you have any questions, do not hesitate to contact the Pipeline Safety Staff at the phone numbers listed in the Safety Evaluation Summary.

Mary Ross McDonald
Sincerely,

Mary Ross McDonald
Acting Director

Enclosure: Safety Evaluation Summary

Railroad Commission of Texas
Safety Division
Safety Evaluation Summary

Inspection Package: 102812**Activity/Classification: Standard/Comprehensive****Operator:**

411 CITY OF TOMBALL
 The Honorable Gretchen Fehan
 Mayor
 401 Market Street
 Tomball, TX 77375

Unit:

1451 TOMBALL, CITY OF

Inspection Package Performed**Start Date:** 07/20/2010**End Date:** 07/22/2010

Eval No	System ID and Name	System Type	Alleged Violations			
			Repeat	Uncorrected	Corrected	Total
20101857	100 SYSTEM OF COMPANY ID 0411	Company System	0	0	0	0
20101858	511390 TOMBALL	Distribution	0	0	0	0

Inspector(s)**Regional Office****Phone Number**

Jerry Hoff

Houston

(713) 869-8425

Important Note: The pipeline system(s) listed above are identified by a number and name and represent the physical pipe, valves and other components operated by your company. Additionally, there may be a pipeline system listed that is named "System of Company ID Number" where "number" is the identification number of your company. This system is used to represent your company and does not represent any physical pipeline system. For internal purposes it allows the Commission to more properly record inspection work performed at the company level. Where deficiencies are found in programs, plans, procedures, and records at the company level and are not with a specific physical system, alleged

Regular City Council

Agenda Item

Data Sheet

Meeting Date: September 20, 2010

Topic:

Approve the Minutes of the September 7, 2010 Regular City Council Meeting

Background:**Origination:**

City Secretary

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

City Secretary

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

ATTACHMENTS:

Draft Minutes - 9/7/10 Regular Council Meeting

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



TUESDAY, SEPTEMBER 7, 2010

7:00 P.M.

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

Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson

Member Absent: Councilman Quinn – Excused Absence

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Kliewer
City Secretary – Doris Speer
City Attorney – Scott Bounds
Fire Chief – Randy Parr
Police Chief – Robert Hauck
Finance Director – Glenn Windsor
Director of Public Works – David Kauffman
Assistant to City Manager – Shawn Cox
Director of Human Resources – Lisa Coe
Director of Engineering & Planning – Mark McClure

2.0 Invocation

- Led by Chaplain Gary Crowe, Tomball Police Department

3.0 Pledges to U. S. and Texas Flags

- Led by Rita Rush and Kellen Cantrell, Tomball High School Student Council

draft

4.0 The following public comments were received:

1. Hayward Vickery
P. O. Box 2024, Porter 77365 - Expressed his opposition to the day labor site.
2. Richard Jennings
17407 Moreton Lane, Spring 77375 - Expressed his opposition to illegal immigration and his support for the day labor site.
3. Tom Crofoot
1430 Neal Road, Tomball 77375 - Expressed his support for the day labor site.
4. Al Navarro
20019 Emerald Way, Magnolia 77355 - Expressed his support for the day labor site.
5. Mark Degge
30619 McKinney, Tomball 77375 - Expressed his opposition to the day labor site.
6. Phil Johnson
810 Sentinel Oaks Dr., Pinehurst 77362 - Expressed his opposition to the day labor site.
7. Pat Bailey
1319 Dove Trails, Tomball 77375 - Did not speak; asked that her support for the day labor site and opposition to items under 8.10 be read into the record.
8. John P. Dillon
14166 Turnervine, Tomball 77375 - Expressed his support for the day labor site.
9. Dr. Earl L. Johnson
24 Rusken, Montgomery 77356 - Expressed his support for the day labor site.
10. Chaplain Detwier
7133 Oakwood Glen, Spring 77379 - Expressed his opposition for the day labor site.
11. Ken Shuman
611 Clayton, Tomball 77375 - Expressed his support for the day labor site.
12. Rona Smith
623 Westwood Circle, La Marque 77568 - Expressed her support for the day labor site and opposition to items under 8.10
13. Dr. David M. Smith
623 Westwood Circle, La Marque 77568 - Expressed his support for the day labor site and opposition to items under 8.10.

14. Richard Smith
18611 Becker, Hockley 77447
 - Expressed his opposition to the day labor site; read portions of letter from Congressman Poe.
15. Sandra Glowski
510 Hicks, Tomball 77375
 - Expressed her support for the day labor site.
16. Gary Von Rosenberg
16403 Wolverton Drive, Spring 77379
 - Expressed his opposition to the day labor site.
17. Brent Lapsley
1419 Green Tree Drive, Tomball 77375
 - Expressed his support for the day labor site but his opposition to City's funding the site; mentioned a straw petition with 29 signatures opposing city funding of the site.
18. Arnold Sims
16302 Oaklane Trail, Magnolia 77355
 - Expressed his opposition to the day labor site.
19. Tony Mooney
11743 Timbercrest Dr., Tomball 77375
 - Expressed his opposition to the day labor site.
20. Kevin Horn
1315 Serene Trails, Tomball 77375
 - Expressed his opposition to the day labor site; use city taxes to pay for education or donate to TOMAGWA.
21. Tony Martinez
26635 Leafon Lane, Magnolia 77354
 - Expressed his support for the day labor site.
22. Lori Wallace
1821 S. Cherry, Tomball 77375
 - Did not speak; asked that her support for the day labor site and opposition to items under 8.10, with the exception of an ordinance prohibiting texting while driving, be read into the record.
23. Mike Steele
15407 Coe Loop, Magnolia 77355
 - Expresses his support for the items under 8.10 and his opposition to the day labor site.
24. Donald W. Free
11911 Westlock, Drive, Tomball 77377
 - Expressed his support for the items under 8.10 and his opposition to the day labor site.
25. Hirma G. Jasso
20023 Jane Lane, Tomball 77375
 - Expressed her support for the day labor site and her opposition to the items under 8.10.

26. Richard Ramirez
24402 Rolling Meadow, Tomball 77375 - Did not speak; asked that his opposition to the items under 8.10 be read into the record.
27. Rae Nell Thompson
14134 Carneswood Dr., Tomball 77375 - Did not speak; asked that her support for the day labor site be read into the record.
28. Nora Stovall
307 Florence, Tomball 77375 - Did not speak; asked that her support for the day labor site and opposition to items under 8.10 be read into the record.
29. Charles Dukes
631 Percival, Tomball 77375 - Did not speak; asked that his support for the day labor site be read into the record.
30. Aven McBride
14803 FM 2920, Tomball 77377 - Did not speak; asked that her support for the day labor site be read into the record.
31. Darren Hockenberry
29503 Orchard Grove Dr, Tomball 77377 - Did not speak; asked that his support for the day labor site be read into the record.
32. Shirley Hockenberry
29503 Orchard Grove, Tomball 77377 - Did not speak; asked that her support for the day labor site be read into the record.
33. Michele Beauvais
29502 Imperial Creek, Tomball 77377 - Did not speak; asked that her support for the day labor site be read into the record.
34. Juan Alvarez
402 Busch Street, Houston 77060 - Expressed his opposition to the items under 8.10 and his support for the day labor site.
35. William Harris
30810 Country Meadows, Tomball 77377 - Expressed his opposition to the day labor site; spend city funds on education.
36. Cristobal Hinojosa
8210 Bauman Road, Houston - Expressed his opposition to the item under 8.10 regarding English only.
37. Vicenta Carrizales
78536 FM 2978, Magnolia 77354 - Expressed her opposition to the items under 8.10.
38. William O'Neal
14235 Turnervine, Tomball 77375 - Expressed his opposition to the day labor site.
39. Corrine Bauer
14102 Limerick, Tomball 77375 - Did not speak; read her support for the items under 8.10 into the record.
40. Marilyn O'Neal
14235 Turnervine, Tomball 77375 - Expressed her opposition to the day labor site.

- | | |
|--|---|
| 41. James R. Wrentz
31203 Antonia Lane, Tomball 77375 | - Expressed his support for the day labor site and his opposition to the items under 8.10. |
| 42. Brad Neal
25020 Thrushwood, Spring 77375 | - Expressed his opposition to the items under 8.10 and his support for the day labor site. |
| 43. Linda Wrentz
31203 Antonia Lane, Tomball 77375 | - Did not speak, asked that her support for the day labor site be read into the record. |
| 44. Mary Lou Murphy (phone)
Magnolia 77355 | - Unable to attend; asked that her support for the day labor site and her opposition to those living outside the city of Tomball being allowed to speak in public comments be read into the record. |
| 45. Judith Wilson
506 N. Pecan Drive, Tomball 77375 | - Unable to attend; asked that her opposition to the day labor site be read into the record. |
| 46. Bill Webb
28011 Johnson Road, Tomball 77375 | - Asked that items under 8.10 and the day labor site be placed on the November ballot. |
| 47. Sophia Alvarez
402 Busch Street, Houston 77060 | - Expressed her opposition to the items under 8.10 and her support for the day labor site. |

5.0 Reports and Announcements:

- September 11, 2010 – **Farmers Market** – 8:00 a.m.
- September 11, 2010 – **3rd Annual Mayor's Challenge Community Blood Drive**, from 1:00 p.m. – 7:00 p.m. at the Tomball Community Center, 221 Market Street
- September 11, 2010 – **9-11 Memorial Service**, 6:00 p.m. at **2nd Saturday at the Depot**
- September 11, 2010 – **2nd Saturday at the Depot**, 6:00 p.m.
- September 25, 2010 – **Farmers Market** – 8:00 a.m.
- **Walk Tomball!** (Every Saturday at 8:00 a.m. at the Depot)
- Reports by City staff and members of Council about items of community interest on which no action will be taken
 - David Kauffman presented an update on the City of Tomball's Emergency Preparedness Plan and the Water Fluoridation Quality Award received by the City of Tomball from the Texas Department of Health.

6.0 Motion was made by Councilman Brown, second by Councilman Stoll, to approve the Minutes of the following City Council meetings:

- Regular City Council Meeting of August 16, 2010, as corrected
- Special City Council Meeting of August 17, 2010

Motion carried unanimously.

Mayor Fagan called for a 10-minute recess at 8:29 p.m.; upon reconvening into regular session at 8:43 p.m., the following items were considered:

7.0 Old Business:

7.1 Motion was made by Councilman Townsend, second by Councilman Brown, to adopt, on Second Reading, Ordinance No. 2010-18, Establishing Rates and Charges for Potable Water, Sanitary Sewer, Natural Gas, and Garbage Collection and Disposal Services; Repealing Ordinance No. 2009-27 and all Other Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; Providing for an Effective Date; Providing other Matters Relating to the Subject; and Providing for Severability. Vote was as follows:

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

Motion carried unanimously.

7.2 Motion was made by Councilman Brown, second by Councilman Townsend, to Adopt, on Second Reading, Ordinance No. 2010-19, an Ordinance of the City Council of the City of Tomball, Texas, Electing for the City to Make Current Service and Prior Service Contributions to the City's Account in the Municipal Accumulation Fund of the Texas Municipal Retirement System (TMRS) at the Actuarially Determined Rate of Total Employee Compensation; Amending all other Ordinances or Parts of Ordinances Inconsistent or in Conflict Herewith; Providing for an Effective Date; and Providing other Matters Relating to the Subject. Vote was as follows:

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

Motion carried unanimously.

8.0 New Business:

- 8.1 Mayor Fagan provided copies of the Council Leadership Covenant, City Council Rules and Procedures Ordinance No. 95-03, Ethics Ordinance No. 93-06, and a highlighted list of items from each of the documents for Council's consideration. Mayor Fagan mentioned the addition of rules regarding texting or emailing during Council meetings as an additional item for consideration at a future workshop. No action taken.

Doris Speer presented information regarding the proposed appointment to the Planning and Zoning Commission. Recommendation was made by Mayor Fagan to appoint Mary Harvey. Motion was made by Councilman Brown, second by Councilman Stoll, to appoint Mary Harvey to the Planning and Zoning Commission. Vote was as follows:

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

Motion carried 3 votes Aye, 1 vote Nay. Mary Harvey is appointed to the Planning and Zoning Commission.

- 8.2 Doris Speer presented information regarding the proposed appointment to the Tomball Economic Development Corporation. Recommendation was made by Mayor Fagan to appoint Richard Bruce. Nomination was made by Councilman Townsend to appoint Mary Harvey to the unexpired vacancy on the Tomball Economic Development Corporation. Nominations ceased. Vote was taken regarding nominated individuals for the unexpired vacancy on the Tomball Economic Development Corporation; vote was as follows:

Councilman Stoll	<u>Richard Bruce</u>
Councilman Brown	<u>Richard Bruce</u>
Councilman Townsend	<u>Mary Harvey</u>
Councilman Quinn	<u>Absent</u>
Councilman Dodson	<u>Richard Bruce</u>

Motion carried, 3 votes Richard Bruce, 1 vote Mary Harvey. Richard Bruce is appointed to the Tomball Economic Development Corporation.

- 8.4 Shawn Cox presented an overview of the proposed Request. Motion was made by Councilman Stoll, second by Councilman Brown, to approve the request from Tomball Regional Hospital for City Support of the "2010 Heart Walk".

Motion carried unanimously.

- 8.5 David Kauffman presented an overview of the proposed contract for asphalt overlay. Motion was made by Councilman Dodson, second by Councilman Townsend to award the Contract for Project No. 2010-05 (Asphalt Overlay Project) to Low Bidder, Pavecon, Ltd.
- Motion carried unanimously.
- 8.6 David Kauffman presented an overview of the proposed contract for chlorine and sulfur dioxide gas. Motion was made by Councilman Townsend, second by Councilman Dodson, to award the Contract for Project No. #2010-06 (Purchase of Chlorine and Sulfur Dioxide Gas) to Sole Bidder, DXI Industries, Inc.
- Motion carried unanimously.
- 8.7 David Kauffman presented an overview of the proposed agreement. Motion was made by Councilman Brown, second by Councilman Stoll, to approve execution of Bundled Gas Service Agreement between the City of Tomball and Eagle Rock Midstream, L.P. for the Transport and Delivery of the Portion of the City's Natural Gas Supply received at the South Gate Facility.
- Motion carried unanimously.
- 8.8 Mark McClure presented an overview of the proposed agreement. Motion was made by Councilman Dodson, second by Councilman Stoll, to approve Professional Services Agreement with AECOM Technical Services, Inc. in the amount of \$98,000.00 for Professional Services related to Creating and Establishing a Utilities Geographic Information System (GIS).
- Motion carried unanimously.
- 8.9 Mark McClure presented an overview of the proposed TxDOT Change Orders. Motion was made by Councilman Townsend, second by Councilman Stoll, to approve TxDOT Change Order Number 1 for a Reduction in Project Cost of \$31,526.52, TxDOT Change Order Number 2 for an Increase in the amount of \$45,580.17, and TxDOT Change Order Number 3 for an Increase in the amount of \$15,149.99 for the Brown-Hufsmith Road Project.
- Motion carried unanimously.
- 8.10 Discussion was held regarding the following items:
- Motion was made by Councilman Brown, second by Councilman Dodson, to not adopt English as the official language of Tomball. Vote was as follows:

Councilman Townsend	<u>Nay</u>
Councilman Dodson	<u>Aye</u>
Councilman Quinn	<u>Absent</u>

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

Motion carried, 3 votes Aye, 1 vote Nay.

- Councilman Townsend withdrew his request for consideration to adopt an ordinance that gives the Tomball Police the discretion to impound vehicles from uninsured motorists.
- Motion was made by Councilman Stoll, second by Councilman Brown, to move forward with adopting an ordinance that disallows anyone that is not in this country legally the ability to rent or own any property, or to own and or operate any business in Tomball. Vote was as follows:

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

Motion FAILED unanimously.

- Motion was made by Councilman Brown, second by Councilman Dodson, to direct City staff and City attorney to move forward with development of an ordinance to make texting while driving illegal.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Brown, to table consideration regarding adoption of an ordinance that mandates any company that is awarded a contract from the City of Tomball and all of their subcontractors hire and use only people who are in this country legally, pending additional information from the City staff and City attorney.

Motion to table carried unanimously.

- 8.11 Mayor Fagan presented an overview of the proposed Motion to Take from the Table. Motion was made by Councilman Townsend, second by Councilman Brown, to Take from the Table consideration of the Day Labor Site.

Motion carried unanimously.

- 8.12 Motion was made by Councilman Brown, second by Councilman Townsend, to open discussion regarding the Day Labor Site and possibly take action. Motion was made by Councilman Stoll, second by Councilman Stoll, to keep the Day Labor Site, to remove the

electric outlets, prohibit cooking, keep the port-a-cans, clean up the facilities, move out and prohibit camping, and close the Day Labor Site at night. Vote was as follows:

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

Motion carried, 3 votes Aye, 1 vote Nay.

9.0 Motion was made by Councilman Dodson, second by Councilman Stoll, for adjournment.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 20th day of September 2010.

Doris Speer, TRMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: September 20, 2010

Topic:

Approve the Tomball Economic Development Corporation (TEDC) 2010-2011 Fiscal Year Budget

Background:

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

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Approval of 2010-2011 TEDC Fiscal Year Budget as adopted by the TEDC Board of Directors at its Regular Meeting on August 24, 2010

Funding: Yes

Account Number:

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

Betty Reinbeck

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

ATTACHMENTS:

TEDC Proposed Budget

2010-2011 Proposed Budget Notes

TEDC Account Descriptions

Budget Pie Chart

Analysis of Designated Grants

Business Improvement Grant Program

Tomball Economic Development Corporation
2010-2011 Proposed Budget
October 1, 2010 to September 30, 2011

	2008-2009 Budget	2008-2009 Actual Rev./Exp.	2009-2010 Budget	2009-2010 Projected Rev./Exp.	2010-2011 Budget
Beginning Fund Balance	\$ 6,844,091	\$ 6,844,091	\$ 7,891,559	\$ 7,891,559	\$ 8,594,699
REVENUE					
Sales Tax	\$ 2,425,000	\$ 2,383,312	\$ 2,400,000	\$ 2,187,158	\$ 2,200,000
Interest	160,000	150,749	162,000	75,000	75,000
Total Revenue	<u>\$ 2,585,000</u>	<u>\$ 2,534,061</u>	<u>\$ 2,562,000</u>	<u>\$ 2,262,158</u>	<u>\$ 2,275,000</u>
Total Available Resources	<u><u>\$ 9,429,091</u></u>	<u><u>\$ 9,378,152</u></u>	<u><u>\$ 10,453,559</u></u>	<u><u>\$ 10,153,717</u></u>	<u><u>\$ 10,869,699</u></u>
EXPENDITURES					
Administrative					
Salary and Benefits					
Salary-Executive Director	\$ 90,000	\$ 89,711	\$ 90,000	\$ 90,000	\$ 92,700
Salary-Eco. Dev. Coordinator	41,000	38,533	43,747	43,264	44,559
Benefits-Executive Director	33,380	38,484	34,300	33,450	40,814
Benefits-Eco. Dev. Coordinator	14,335	17,010	15,741	14,500	18,312
Total Salaries and Benefits	<u>\$ 178,715</u>	<u>\$ 183,738</u>	<u>\$ 183,788</u>	<u>\$ 181,214</u>	<u>\$ 196,385</u>
Other Personnel Expenditures					
Auto Allow-Executive Director	\$ 7,200	\$ 7,200	\$ 7,200	\$ 7,200	\$ 7,200
Local Travel Expense	500	320	600	437	600
Dues and Subscriptions	6,000	4,201	6,000	4,200	6,000
Seminars/Conference Registrations	5,000	4,105	5,500	4,000	5,500
Travel and Training	8,000	4,331	7,000	3,219	7,000
Total Other Personnel Expense	<u>\$ 26,700</u>	<u>\$ 20,157</u>	<u>\$ 26,300</u>	<u>\$ 19,056</u>	<u>\$ 26,300</u>
Service and Supply Expenditures					
Accounting	\$ 7,000	\$ 7,000	\$	\$	
Contracted Administrative Services			10,000	10,000	10,000
Bank Charges	500		1,000	750	1,000
Insurance	0	3,421	5,000	2,500	4,000
Computer Equipment & Maintenance	5,000	794	5,000	1,500	5,000
Communications Services	6,000	3,984	5,000	4,200	5,000
Legal Fees	15,000	3,948	15,000	10,000	12,000
Lease Expense-GTACC	20,000	17,643	20,780	21,885	22,000
Office Supplies	6,000	2,799	6,000	3,000	5,000
Office Moving/Remodeling	50,000	23,553			
Total Service and Supply Expense	<u>\$ 109,500</u>	<u>\$ 63,142</u>	<u>\$ 67,780</u>	<u>\$ 53,835</u>	<u>\$ 64,000</u>
Total Administrative Expenditures	<u>\$ 314,915</u>	<u>\$ 267,037</u>	<u>\$ 277,868</u>	<u>\$ 254,105</u>	<u>\$ 286,685</u>

Tomball Economic Development Corporation
2010-2011 Proposed Budget
October 1, 2010 to September 30, 2011

	<u>2008-2009 Budget</u>	<u>2008-2009 Actual Rev./Exp.</u>	<u>2009-2010 Budget</u>	<u>2009-2010 Projected Rev./Exp.</u>	<u>2010-2011 Budget</u>
Indirect Economic Development Exp.					
Booklet Map	\$ 10,000	\$ 7,025	\$ 10,000	\$ 8,354	\$ 9,000
Chamber Street Maps	3,500	2,525			3,500
Buxton Group Study	60,000	59,500			
Marketing	70,000	13,092	70,000	25,000	50,000
Website Updates	5,000	3,007	7,500	4,200	8,000
Professional Services	25,000	2,110	25,000	16,000	25,000
Miscellaneous	25,000	2,891	25,000	7,500	25,000
Total Indirect Expenditures	\$ 198,500	\$ 90,150	\$ 137,500	\$ 61,054	\$ 120,500
City Debt Service					
Southside Sewer Plant (1999 CO-2/15/2019)	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000
* Utilities Expansion (2002 C.O.-2/15/2022)	420,000	420,000	420,000	420,000	420,000
Total Debt Service	\$ 720,000	\$ 720,000	\$ 720,000	\$ 720,000	\$ 720,000
Grants, Loans & Other Expenditures					
Grant Funds Available	\$ 5,500,000		\$ 6,600,000		\$ 6,000,000
** Grants Designated	1,241,615		1,353,209		910,560
Grants Disbursed		409,406		507,134	
Medical District Specific Area Plan	175,000		175,000		
South 249 Overlay District Study	175,000				
Railroad Corridor Plan	175,000		175,000		
Medical Complex Drive Expansion					850,000
Property Acquisition					1,000,000
Business Improvement Grants			100,000	16,725	250,000
Total Grants/Loans	\$ 7,441,615	\$ 409,406	\$ 8,464,615	\$ 523,859	\$ 9,010,560
Total All Expenditures	\$ 8,675,030	\$ 1,486,593	\$ 9,599,983	\$ 1,559,018	\$ 10,137,745
Ending Fund Balance	\$ 754,061	\$ 7,891,559	\$ 853,576	\$ 8,594,699	\$ 731,954

* The utilities expansion portion of the 2002 Certificates of Obligation includes the Southeast Tomball Loop, Hufsmith-Kohrville extension and the Holderrieth to SH249 extension.

** Detail sheet attached.

**Tomball Economic Development Corporation
2010-2011 Proposed Budget
Notes**

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

Sales Tax Revenue and Interest Income have been decreased for the 2010-2011 fiscal year budget based on the projected receipts for the 2009-2010 fiscal year.

Administrative:

Salary and Benefits: Proposed salary and benefit information was provided by Lisa Coe, City of Tomball Human Resource Director. The salaries for the Executive Director and the Economic Development Coordinator reflect a three (3) percent increase.

Other Personnel Expenditures: No changes were made from the 2009-2010 budget.

Service and Supply Expenditures:

- **Lease Expense-GTACC:** This line item has been increased from the 2009-2010 budget due to a request from the Greater Tomball Area Chamber of Commerce (GTACC) for an adjustment in the Common Area Maintenance (CAM) rate of \$.04 per square foot. The TEDC and GTACC entered into a lease agreement effective November 1, 2008, which calls for an annual review of current year's expenses in December of each calendar year, projected monthly expenses for the next calendar year, and a reconciliation of the current year's expenses. (Please see the Commercial Lease Expense Reimbursement Addendum, which is enclosed with these budget notes.) The TEDC base rate is \$1.50 per square foot with a requested CAM rate of \$.56 per square foot for a total of \$2.06 per square foot. The TEDC total leased area is 798 square feet for a monthly lease payment, beginning January 1, 2011, of \$1,647. The reconciliation amount for the 2009 calendar year was \$3,292.98, which was paid in February 2010. The amount was larger than expected, because original estimates on CAM expenses were too low. Those were calculated before we had been in the new location for a full year.

2010-2011 Budget Notes

September 20, 2010

Page Two

Indirect Economic Development Expense:

- **Chamber Street Maps** are printed every other year, so no amount was budgeted for the 2009-2010 fiscal year.
- **Marketing** was budgeted less than previous years since a formal marketing plan has yet to be developed.
- **Website Updates** line item has been increased slightly due to the website being updated on a more regular basis to keep the information current and relevant.

City Debt Service is explained in the Chart of Account Descriptions. This is an annual expense of \$720,000 for Certificates of Obligation for infrastructure improvements in the City of Tomball.

Grants, Loans & Other Expenditures:

- **Grant Funds Available** line item will be adjusted as new grants are approved.
- **Grants Designated and Grants Disbursed** are given in detail in an attachment with this agenda item.
- **Medical Complex Drive Expansion:** This amount was put in the budget after a meeting between City Manager, George Shackelford, and Betty Reinbeck, TEDC Executive Director. Mobility in and around Tomball continues to be a major issue, and this would assist the city with right-of-way acquisition and design work for the next phase of the expansion.
- **Property Acquisition:** This item was discussed in executive session at the TEDC Regular Board Meeting on February 23, 2010. The City Manager will update the Tomball City Council before any action is taken by the TEDC Board of Directors to authorize expending these funds. The Tomball City Council will have final approval authority.
- **Business Improvement Grants:** The advisory committee for this program has asked that we increase the amount in the program, because it has been so well received. From April – September, we will have approved approximately \$40,000 in grants with \$30,000 in pending applications. (See attachment with this agenda item for details on grants awarded, etc.) The advisory committee, as set up in the Guidelines and

2010-2011 Budget Notes
September 20, 2010
Page Three

Criteria for the program, consists of the TEDC Executive Director, the TEDC Coordinator, a representative of the TEDC Board of Directors, the Greater Tomball Area Chamber of Commerce President, and a city staff member designated by the City Manager. The City Planner has been serving on the committee since April 2010.

As is shown on the enclosed pie chart, we continue to allocate **96%** of our proposed expenditures to those line items that focus on job creation and business development.

Betty Reinbeck
Executive Director

Tomball Economic Development Corporation

Chart of Account Descriptions

REVENUE

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

EXPENDITURES

Administrative:

Salary and Benefits

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

Other Personnel Expenditures

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

Service and Supply Expenditures

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

- Computer Equipment and Maintenance: The cost of computer equipment and related expenses
- Communication Services: The cost of telephone service, including land line phone base rate charges, DLS service, long distance charges, and cellular phone charges
- Legal Fees: Expenses incurred in obtaining advice and opinions from legal counsel for situations benefiting the Tomball Economic Development Corporation
- Lease Expense-GTACC: Payment to the Greater Tomball Area Chamber of Commerce for leased office space at 29201 Quinn Road, Suite B, Tomball, Texas
- Office Supplies: The cost of various office supplies including, but not limited to copies, paper, envelopes, pens, pencils, binders, notebooks, postage, etc.
- Office Moving/Remodeling: Expenses incurred in relocating the Tomball Economic Development Corporation office and for any remodeling costs associated with that move

Indirect Economic Development Expenditures:

- Booklet Map: Expenses related to having a map of the Tomball area published and inserted into the Greater Tomball Area Chamber of Commerce magazine
- Chamber Street Maps: The expenses incurred for the production and publication of maps of Tomball and the surrounding area that are issued free of charge to individuals and businesses to promote travel, tourism, and the commercial industry in Tomball
- GIS Mapping System: The cost to set-up the Geographical Information System of Tomball for the Economic Development Corporation
- Marketing: Expenses related to marketing Tomball, which includes advertisements in appropriate publications, brochures, information packages, promotional items, participation at the International Council of Shopping Center Texas convention, etc.
- Website Updates: Costs to maintain and update the Tomball Economic Development Corporation's website

- Professional Services: Consulting fees, engineering fees, and other professional fees incurred in expanding the economic base of Tomball
- Miscellaneous: Other business related expenses including, but not limited to, meals with potential business developers, name plates for Board meetings, Public Hearing Notices, etc.

City Debt Service

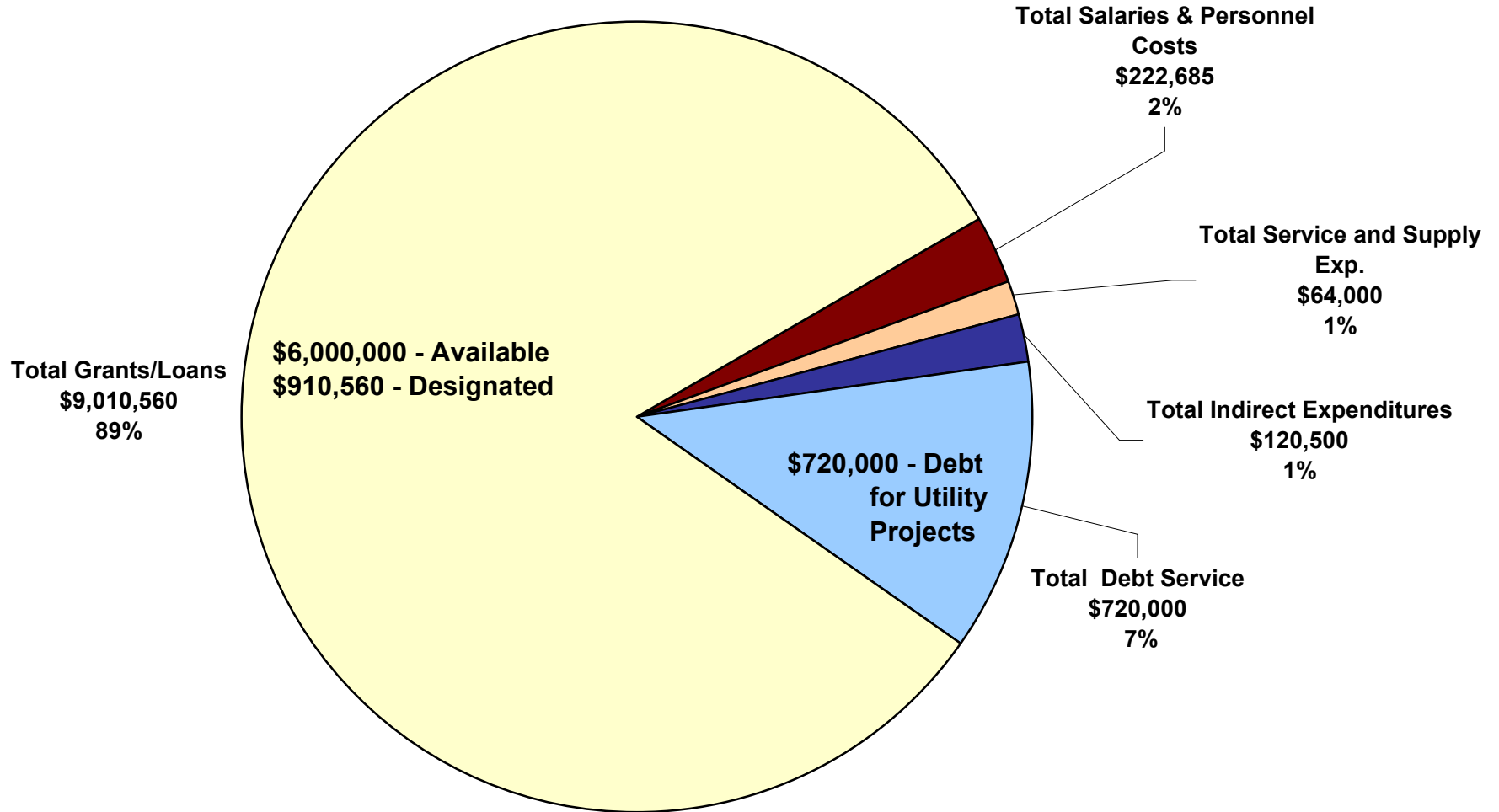
- Southside Sewer Plant (1999 CO-2/15/2019): Contributions to debt repayment for the wastewater treatment plant built on the south side of Tomball to accommodate expanded industry in the City. The Certificate of Obligation was issued in 1999 and will mature on February 15, 2019.
- Utilities Expansion: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

Grants, Loans & Other Expenditures

- Available Grant Funds: Funds that may be allocated by the Tomball Economic Development Corporation's Board of Directors, with approval by the Tomball City Council, to the City of Tomball and qualifying commercial entities to create jobs and revenue within the City of Tomball
- Grants Designated: Grant funds designated to the City of Tomball and qualifying commercial entities by the Tomball Economic Development Corporation's Board of Directors and approved by the Tomball City Council waiting for contract fulfillment in order to be disbursed
- Grants Disbursed: Grant funds paid to the City of Tomball and designated commercial entities by the Tomball Economic Development Corporation's Board of Directors, having already been approved by the Tomball City Council, and having fulfilled all contract requirements
- Medical District Specific Area Plan: This joint project of the City of Tomball and the Tomball Economic Development Corporation has been put on hold.
- South 249 Overlay District Study: This joint project of the City of Tomball and the Tomball Economic Development Corporation has been put on hold.

- Railroad Corridor Plan: This joint project of the City of Tomball and the Tomball Economic Development Corporation has been put on hold.
- Medical Complex Drive Expansion: A joint project of the City of Tomball and the Tomball Economic Development Corporation
- Property Acquisition: A joint project of the City of Tomball and the Tomball Economic Development Corporation
- Business Improvement Grants: A program that has been approved by the Tomball Economic Development Corporation and the Tomball City Council

2010-2011 Expenditures



TOMBALL ECONOMIC DEVELOPMENT CORPORATION
ANALYSIS OF DESIGNATED GRANTS
AS OF SEPTEMBER 15, 2010

GRANTEE	APPROVED		STATUS	ADDITIONS/DELETIONS		PAID		REMAINING AMOUNT
	DATE	AMOUNT		DATE	AMOUNT	DATE	AMOUNT	
Foster & Hendricks Manufacturing	9/5/2006	\$ 170,000	Out of Bus.		\$ (170,000)			
Graco Awards	10/2/2006	40,000			(40,000)			
City of Tomball- Rudolph Road	9/4/2007	300,000						
Payments in previous quarters:						9/30/2009	147	
						3/27/2009	2,426	
						6/3/2009	8,833	
						6/30/2010	34	288,560
Persimmon Development	11/27/2008	60,000	Completed		(20,000)	11/9/2009	20,000	
						2/25/2010	20,000	-
Century Hydraulics	2/26/2008	45,000	Completed		(6,000)	10/29/2009	39,000	-
McGuffy Systems LP	5/27/2008	120,000	Out of Bus.		(120,000)			-
OM Hospitality-Hampton Inn	5/27/2008	72,600				4/22/2010	72,600	-
Professional Welding Supply	5/27/2008	18,000						18,000
BL Technology	2/24/2009	105,000				4/1/2010	105,000	-
City of Tomball- Bronze Statue	2/24/2009	42,000	Completed		(16,500)	12/31/2009	25,500	-
Compass Instruments	5/19/2009	15,000						15,000
Garth Lodging-Holiday Inn	5/19/2009	32,000						32,000
Creacom Inc.	5/19/2009	120,000	Completed			9/8/2010	120,000	-
Wiretel Services	8/25/2009	225,000	Completed		(150,000)	7/7/2010	75,000	-
Klein Financial Services	12/1/2009	30,000				4/27/2010	30,000	-
Chestnut Business Park	12/1/2009	325,000						325,000
FabCorp	4/6/2010	156,000						156,000
Glass Tex Enterprises	5/25/2010	15,000						15,000
PDGL Partners L.P.	5/25/2010	25,000						25,000
Jamison Products, L.P.	5/25/2010	36,000						36,000
Total		\$ 1,951,600			(522,500)		\$ 518,540	\$ 910,560

Tomball Economic Development Corporation

Business Improvement Grant Listing

Applicant	Project Amount	Grant Category	TEDC Grant Amount	Date Approved	Date Funded
Graco Awards	\$3,927.15	Signage	\$1,964.00	4/6/2010	7/6/2010
Clifford Parker Insurance	\$22,514.00	Façade	\$10,000.00	4/6/2010	
Clifford Parker Insurance	\$2,756.00	Signage	\$1,378.00	4/6/2010	
Clifford Parker Insurance	\$2,562.00	Property Improvements	\$1,281.00	4/6/2010	
Rick Friedrichs DDS	\$1,200.00	Signage	\$600.00	5/6/2010	
Rick Friedrichs DDS	\$9,000.00	Property Improvements	\$4,500.00	5/6/2010	
Albers Properties	\$24,616.25	Property Improvements	\$10,000.00	6/11/2010	8/4/2010
Fastenal	\$11,950.80	Signage	\$5,975.00	6/30/2010	
Inline Services	\$9,521.90	Signage	\$4,760.95	8/12/2010	8/19/2010
Jamison Products	\$20,000.00	Signage	\$10,000.00	Pending	
Jamison Products	\$40,000.00	Property Improvements	\$10,000.00	Pending	
Jamison Products	\$25,000.00	Façade	\$10,000.00	Pending	
Total	\$173,048.10		\$70,458.95		

d

Regular City Council

Agenda Item

Data Sheet

Meeting Date: September 20, 2010

Topic:

Approve Request from the Tomball Sister City for Support, Funding, and Road Closures for the 3rd Annual Tomball German Christmas Market and 2nd Saturday, to be held December 10-12, 2010

Background:

The Tomball Sister City Organization is planning their 3rd German Christmas Market for December 10-12, 2010.

The Sister City has met with our Special events team and is requesting the following support from the City:

1. \$5,000 From the Hotel Occupancy Funds
2. Personnel Support from the Tomball Police Department, Public Works Department, and the Community Center
3. Use of the Tomball Community Center
4. Supplies
 1. One 40 -yard roll off dumpster
 2. Four 8-yard dumpsters
 3. Twenty Eight (28) Portable toilets and two hanicap portable toilets
 4. Fifty (50) trash boxes with 300 liners
 5. Rental of two large generators and four tower lights
 6. Installation of 100 amp service on the Southeast corner of the Tax Office
 7. Water Outlet near the Depot Plaza Veranda

The total estimated cost for these in-kind services and supplies is \$9,288. This however does not include the rental costs for the generators and lights.

The Sister City will also need permission to close the roads around the Market as deemed necessary by the Tomball PD.

Origination:

Tomball Sister Ciy Orginization

Recommendation:

Funding:

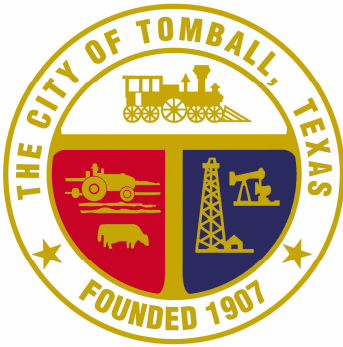
Party(ies) responsible for placing this item on agenda:

Shawn Cox, Assistant to the City Manager

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

ATTACHMENTS:

Request Letter
In-kind Costs



TOMBALL SISTER CITY ORGANIZATION
Tomball, Texas – Telgte, Germany
P.O. BOX 1131
TOMBALL, TEXAS 77377



June 10, 2010

Honorable Mayor and City Council

Re: Request Support for 3rd Annual Tomball German Christmas Market and 2nd Saturday in December

We would like to extend the event to three days. This will give our visitors and vendors an opportunity to stay in Tomball overnight. Two full days will bring more people to Tomball over the weekend.

On behalf of your Tomball Sister City Organization: Our goal is to establish a multi-day event for Tomball which will attract out-of-town and local visitors consistently, year after year, drawing over 20,000 visitors, and to establish the Tomball German Christmas Market so that it will continue for many years to come. Without your help and support these goals will be impossible to achieve.

Your Tomball Sister City Organization respectfully requests for the Tomball German Christmas Market on Friday, December 10th, Saturday, December 11th, Sunday, December 12th, 2010:

(A) In-kind support in the form of:

Personnel:

1. Public Works – Two (2) employees for Saturday from 10:00 am to 4:00 pm and 4:00 pm to 10:00 pm. Two (2) for Sunday from 10:00 am to 7:00 pm. Employees will need the use of gators for trash pick up.
2. Police Department - Two (2) Policeman on Friday night from 5:00 pm to 10:00 pm. Four (4) Policemen for Saturday from 9:00 am to 10:00 pm and Sunday from 9:00 am to 8:00 pm. The Tomball Sister City Organization is paying for Policemen to watch and secure vendor spots and festival grounds on Friday night from 10:00 pm to 6:00 am Saturday and Saturday night from 10:00 pm to 6:00 am Sunday.
3. Request to ESD 8 – One (1) Paramedic Saturday 10:00 am to 10 pm. One (1) Paramedic Sunday 10 am to 6 pm.

Facilities:

4. The use of the Community Center: Friday 12 noon till 8pm, Saturday from 8:00 am to 9 pm, and Sunday from 10:00 am to 6:00 pm. One (1) employee working these hours, also.

Supplies:

5. One (1) 40-yard roll off and four (4) 8-yard dumpsters, Twenty-eight (28) portable toilets, two (2) handicap toilet units, and six (6) hand wash stations.

6. Fifty (50) trash boxes and 300 liners

7. Twenty (20) barricades, twelve (12) traffic cones

8. Electricity: Rental two (2) large generators and four (4) tower lights

9. Electrical: Install 100 amp service on the southeast corner of the tax office utilizing CAM locks.

10. Water outlet request near Depot Plaza Veranda.

11. Cash Request of \$5,000.00 from the local occupancy tax.

Sincerely,

Grady P. Martin
Tomball Sister City Organization
Tomball German Heritage Festival

Estimated in-kind costs for 2010 Christmas Market

Department	Description	Costs
Police	Personnel	\$ 5,166
Public Works	Personnel	\$ 3,134
	(1) Roll Off and (4) Dumpsters	\$ -
	Rental two (2) large generators and four (4) tower lights Install 100 amp service on the southeast corner of the tax office utilizing CAM locks.	\$ 400
Community Center	Water outlet request near Depot Plaza Veranda Personnel	\$ 588
	Total	\$ 9,288

Regular City Council

Agenda Item

Meeting Date: September 20, 2010

Data Sheet

Topic:

Approve Resolution No. 2010-19, a Resolution of the City Council of the City of Tomball, Texas for the Designation of Representative and Alternate for the Houston-Galveston Area Council 2011 General Assembly

Background:

This is an annual appointment; each member home rule city under 25,000 population as of the most recent Census is entitled to designate one representative and one alternate to the H-GAC General Assembly.

Traditionally, Council has designated the Mayor as the representative and the Mayor Pro-Tem as the alternate; last year, the Council designated Councilman Townsend as the representative and former Councilman Bill Webb as the alternate representative to the H-GAC General Assembly. Mayor Fagan recommends the designation of Councilman Townsend as the representative and request nominations or a volunteer for the alternate position.

H-GAC has requested designation of the City's representatives no later than October 1.

Origination:

Jack Steele, Executive Director, H-GAC

Recommendation:

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:

Request from Jack Steel, H-GAC

Resolution No. 2010-19 Appointments to H-GAC 2011 General Assembly



August 25, 2010

The Honorable Gretchen Fagan
Mayor, City of Tomball
401 Market Street
Tomball, TX 77375

Dear Mayor Fagan:

I am writing regarding the appointment of your city's representative to H-GAC's 2011 General Assembly.

H-GAC's Bylaws provide that each member home rule city under 25,000 population as of the last (2000) Federal Census is entitled to designate one representative and one alternate to the H-GAC General Assembly, which will meet in early 2011.

I am enclosing the appropriate form for your city's use in officially designating a representative and an alternate. The two designees must be elected official members of your city's governing body.

A dinner meeting of home rule city representatives will be scheduled for November. At that meeting, your 2010 Home Rule Cities' H-GAC Board of Directors representatives will report on this year's activities and look ahead to issues and progress in 2011.

We are sending a copy of these designation materials to your city secretary as well. We would appreciate receiving your city's designation form no later than October 1. If you have any questions or problems in this designation process, please call Mary Spain, 713-993-4598.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jack Steele'.

Jack Steele

JS/kay

Enclosure

cc: City Secretary

RESOLUTION NO. 2010-19

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TOMBALL, TEXAS, FOR THE
DESIGNATION OF REPRESENTATIVE AND
ALTERNATE FOR THE HOUSTON-GALVESTON
AREA COUNCIL 2011 GENERAL ASSEMBLY**

* * * * *

BE IT RESOLVED, by the Mayor and City Council of Tomball, Texas, that _____,
_____ of the City of Tomball, be, and is hereby designated as its
Representative to the **GENERAL ASSEMBLY** of the Houston-Galveston Area Council for the
year 2011.

FURTHER, that the Official Alternate authorized to serve as the voting representative should
the hereinabove named representative become ineligible, or should he/she resign, _____,
_____ of the City of Tomball.

THAT the Executive Director of the Houston-Galveston Area Council be notified of the
designation of the hereinabove named representative and alternate.

**PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY
COUNCIL HELD ON THE 20TH DAY OF SEPTEMBER, 2010.**

COUNCILMAN QUINN	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

Gretchen Fagan
Mayor

ATTEST:

Doris Speer
City Secretary

Regular City Council

Agenda Item

Meeting Date: September 20, 2010

Data Sheet

Topic:

Approve Resolution No. 2010-20, a Resolution of the City of Tomball, Texas, Adopting the City of Tomball's Investment Policy, as Set Out in City of Tomball Administrative Policy No. 13, Entitled "Investment Policy"

Background:

The Texas Public Funds Investment Act requires that the City Council review and reaffirm its Investment Policy on an annual basis, during the fiscal year. A copy of the City of Tomball, Texas Investment Policy is attached for your review.

Origination:

Finance

Recommendation:

Staff recommends that the City Council reaffirm Administrative Policy No. 13, as written, for the fiscal year 2011.

Funding:

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

Glenn Windsor, Finance Director, CPA, CGFO

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

ATTACHMENTS:

Resolution No. 2010-20_Adopting Investment Policy

Exhibit "A" - Administrative Policy No. 13

RESOLUTION NO. 2010-20

**A RESOLUTION OF THE CITY OF TOMBALL, TEXAS, ADOPTING
THE CITY OF TOMBALL'S INVESTMENT POLICY, AS SET OUT IN
CITY OF TOMBALL ADMINISTRATIVE POLICY NO. 13, ENTITLED
"INVESTMENT POLICY".**

* * * * *

WHEREAS, Texas Government Code, Section 2256.005(a), states that "the governing body of an investing entity shall adopt by rule, order, ordinance, or resolution, as appropriate, a written investment policy regarding the investment of its funds and funds under its control"; and

WHEREAS, the governing body of an investing entity shall review its investment policy and investment strategies not less than annually, adopting a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies;

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

Section 1. The City Council has reviewed the investment policy and now desires to adopt said investment policy, as set forth in City of Tomball Administrative Policy No. 13, entitled "Investment Policy", a copy of which is attached hereto and made a part hereof as Exhibit "A".

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

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 circumstances 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 the 20th day of September, 2010.

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

**CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES**

SUBJECT INVESTMENT POLICY	NUMBER: 13	EFFECTIVE DATE: July 27, 1992	PAGE 1 OF 8
	REVISED: October 19, 2009	APPROVED BY CITY MANAGER: October 19, 2009	
	SUPERSEDES: May 18, 2009	APPROVED BY CITY COUNCIL: October 19, 2009	

CITY OF TOMBALL

INVESTMENT POLICY

I. SCOPE OF POLICY

PURPOSE:

This policy is developed to be in accordance with the Public Funds Investment Act, Chapter 2256 and with the Public Funds Collateral Act, Chapter 2257 of the Texas Government Code, as amended. This investment policy applies to the investment activities of the City of Tomball. This policy serves to satisfy the statutory requirement to define and adopt a formal investment policy. The investment portfolio shall be designed and managed in a manner to be responsive to public trust and to be in compliance with legal requirements and limitations.

INVESTMENT FUNDS:

All financial assets of all funds of the City of Tomball, Texas, at the present time and any funds to be created in the future shall be administered in accordance with the provisions of this policy. For investment purposes, all funds of the City shall be combined in a common pool, except as provided by applicable federal or state statutes, City ordinance, or other law. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

II. PRIMARY OBJECTIVES

SAFETY OF PRINCIPAL:

The safety of the principal invested always remains the primary and foremost objective. All investments shall be designed and managed in a manner responsive to the public trust and consistent with state and local law. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk, the risk of loss due to the failure of the security issuer or backer, and interest rate risk, the risk that the market value of securities in the portfolio will fall due to changes in general interest rates.

**CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES**

SUBJECT INVESTMENT POLICY	NUMBER: 13	EFFECTIVE DATE: July 27, 1992	PAGE 2 OF 8
	REVISED: October 19, 2009	APPROVED BY CITY MANAGER: October 19, 2009	
	SUPERSEDES: May 18, 2009	APPROVED BY CITY COUNCIL: October 19, 2009	

LIQUIDITY:

The City's investment portfolio will remain sufficiently liquid to enable the City to meet operating requirements that might be reasonably anticipated. Liquidity shall be achieved by structuring the portfolio so that investments mature concurrent with forecasted cash flow requirements. Because all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets. A portion of the portfolio will also be placed in interest bearing accounts which offer same day liquidity for short-term funds.

DIVERSIFICATION:

Invested funds shall be diversified to minimize risk resulting from over-concentration of assets in a specific maturity, specific market sector, or specific instruments.

YIELD:

The City's cash management portfolio shall be designed with the objective of attaining reasonable market rates of return on investments, while remaining within the objective of safety and liquidity, throughout budgetary and economic cycles. The investment program shall seek to augment these returns consistent with risk limitations identified herein and prudent investment principles, also taking into account the risk constraints associated with the protection of capital.

MATURITY:

The investment maturity schedule shall correspond with the City's projected cash flow needs. Market risk shall be minimized by diversification of maturity dates. The City has a "buy and hold" portfolio strategy. Maturity dates are matched with cash flow requirements and investments are purchased with the intent to be held until maturity. However, securities may be sold before they mature should it be in the City's best interest. No City investments shall exceed a maturity of more than four years.

INVESTMENT MANAGEMENT:

All participants in the investment process shall seek to act responsibly as custodians of the public trust. They shall avoid any transactions that might impair public confidence in the City's ability to govern effectively. The system of internal controls will be reviewed annually with the independent auditor of the City. The controls shall be designed to prevent loss of public funds due to fraud, employee error, misrepresentation by third parties, unanticipated market changes, or imprudent actions by employees of the City.

**CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES**

SUBJECT INVESTMENT POLICY	NUMBER: 13	EFFECTIVE DATE: July 27, 1992	PAGE 3 OF 8
	REVISED: October 19, 2009	APPROVED BY CITY MANAGER: October 19, 2009	
	SUPERSEDES: May 18, 2009	APPROVED BY CITY COUNCIL: October 19, 2009	

III. AUTHORIZED INVESTMENTS

Assets of funds of the government of the City of Tomball may be invested in:

- A. Obligations of the United States or its agencies and instrumentalities;
- B. Direct obligations of the State of Texas or its agencies and instrumentalities;
- C. Collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;
- D. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the State of Texas or the United States or their respective agencies and instrumentalities;
- E. Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent;
- F. Certificates of Deposit issued by state or national banks domiciled in the State of Texas, a savings bank domiciled in the State of Texas, or a state or federal credit union domiciled in the State of Texas and are guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor and are secured by the obligations named within this policy under items A through E above.
- G. Repurchase agreements which are fully collateralized, have a defined termination date, are secured by obligations of the United States or its agencies and instrumentalities; are purchased and pledged to the City of Tomball; are held in the City of Tomball's name; are deposited with third-party safekeeping of collateral at the time the investment is made; and are purchased through a primary government securities dealer or state or national bank domiciled in the State of Texas evidenced by a fully executed Master Repurchase Agreement on file with the City. The repurchase agreement is a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligations of the United States or its agencies and instrumentalities, at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed.

**CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES**

SUBJECT INVESTMENT POLICY	NUMBER: 13	EFFECTIVE DATE: July 27, 1992	PAGE 4 OF 8
	REVISED: October 19, 2009	APPROVED BY CITY MANAGER: October 19, 2009	
	SUPERSEDES: May 18, 2009	APPROVED BY CITY COUNCIL: October 19, 2009	

H. Commercial paper is an authorized investment if the commercial paper:

- a. Has a stated maturity of 270 days or fewer from the date of its issuance; and
- b. Is rated not less than A-1 or P-1 or an equivalent rating by at least:
 - i. Two nationally recognized credit rating agencies; or
 - ii. One nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by organized and existing under the laws of the United States or any state.

I. An eligible investment pool authorized by the governing body, which must furnish to the City an offering circular or other similar disclosure instrument that contains, at a minimum, the types of investments in which money is allowed to be invested; the maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool; the maximum stated maturity date of any investment within the portfolio; the objectives of the pool; the size of the pool; the names of the members of the advisory board of the pool and the dates their terms expire; the custodian bank that will safe-keep the pool's assets; whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation; whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment; the name and address of the independent auditor of the pool; the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool; and the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios.

To maintain eligibility to receive funds from and invest funds on behalf of the City of Tomball, an investment pool must furnish to the City investment transaction confirmations; and a monthly report that contains, at a minimum, the types and percentage breakdown of securities in which the pool is invested, the current average dollar-weighted maturity based on the stated maturity date of the pool, the current percentage of the pool's portfolio in investments that have stated maturities of more than one year, the book value versus the market value of the pool's portfolio, using amortized cost valuation, the size of the pool, the number of participants in the pool, the custodian bank that is safekeeping the assets of the pool, a listing of daily transaction activity of the entity participating in the pool, the yield and expense ratio of the pool, the portfolio managers of the pool and any changes or addenda to the offering circular.

Investment pool yield shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the Federal Securities and Exchange Commission.

**CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES**

SUBJECT INVESTMENT POLICY	NUMBER: 13	EFFECTIVE DATE: July 27, 1992	PAGE 5 OF 8
	REVISED: October 19, 2009	APPROVED BY CITY MANAGER: October 19, 2009	
	SUPERSEDES: May 18, 2009	APPROVED BY CITY COUNCIL: October 19, 2009	

To be eligible to receive funds from and invest funds on behalf of the City of Tomball, a public funds investment pool created to function as a money market mutual fund must mark its portfolio to market daily, and, to the extent reasonably possible, stabilize at a \$1 net asset value.

If the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, portfolio holdings shall be sold as necessary to maintain the ration between 0.995 and 1.005.

A public funds investment pool must have an advisory board composed: equally of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for a public funds investment pool created and managed by a state agency; or of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for other investment pools.

To maintain eligibility to receive funds from and invest funds on behalf of the City of Tomball, an investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service or no lower than investment grade by at least one nationally recognized rating service with a weighted average maturity no greater than 90 days.

Although allowed under State Law, Prime Domestic Bankers' Acceptances, Commercial Paper, and Money-market mutual funds are not considered suitable investments of the City of Tomball, and the City of Tomball will refrain from making such investments or allowing such instruments to be pledged to the City's deposits or serve as underlying collateral.

IV. RESPONSIBILITY AND CONTROL

DELEGATION OF AUTHORITY:

Management responsibility for the investment program is hereby delegated to the City Treasurer, or in the absence of such, Assistant City Treasurer, or such other person specifically designated by the Treasurer. The City Treasurer, or designated person by such, shall be responsible for all transactions, compliance with internal controls, and insuring that all safekeeping, custodial, and collateral duties are in compliance with this investment policy and other applicable laws and regulations.

**CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES**

SUBJECT INVESTMENT POLICY	NUMBER: 13	EFFECTIVE DATE: July 27, 1992	PAGE 6 OF 8
	REVISED: October 19, 2009	APPROVED BY CITY MANAGER: October 19, 2009	
	SUPERSEDES: May 18, 2009	APPROVED BY CITY COUNCIL: October 19, 2009	

TRAINING REQUIREMENT:

The City Treasurer, the Assistant City Treasurer and any person designated by the Treasurer to be responsible for the investment of City funds shall attend an independent and approved source of investment training session no less often than once every two fiscal years and shall receive not less than 10 hours of instruction relating to investment responsibilities under the state statutes. Any person newly designated to duties relating to the investment program shall be required to attend an independent and approved source of investment training session within 12 months of such designation. Training must include education in investment controls, security risks, strategy risks, market risks, diversification of the investment portfolio, and compliance with the Public Funds Investment Act under the Texas Government Code Chapter 2256.

QUARTERLY REPORTS:

The City Treasurer, and the person or persons designated by such, shall submit quarterly an investment report that summarizes the investment portfolio for all funds to the City Council. The report shall describe in detail the investment position of the City on the date of the report; be prepared and signed by all investment officers of the City; contain a summary statement, prepared in compliance with generally accepted accounting principles; provide the beginning market value for the reporting period, the additions and changes to the market value during the period, the ending market value for the period, and fully accrued interest for the reporting period; state the book value and market value of each separately invested asset at the beginning and

end of the reporting period by the type of asset and fund type invested; state the maturity date of each separately invested asset that has a maturity date; state the account, fund or pooled group fund in City for which each individual investment was acquired; and state the compliance of the investment portfolio of the City's policy as it relates to the strategy. The reports shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the governing body by that auditor.

CONFLICTS OF INTEREST:

The City Treasurer, or any person designated by such to be responsible for investments, shall not be designated as an investment officer for any investing entity other than the City of Tomball. Any person responsible for investments for the City who has a personal business relationship with a business organization offering to engage in an investment transaction with the entity shall file a statement disclosing that personal business interest. Any person responsible for investments for the City who is related within the second degree by affinity or consanguinity to an individual seeking to sell an investment to the City shall file a statement disclosing that relationship. This statement must be filed with the Texas Ethics Commission and the City of Tomball. A personal business relationship is defined as owning 10 percent or more of the voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business

**CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES**

SUBJECT INVESTMENT POLICY	NUMBER: 13	EFFECTIVE DATE: July 27, 1992	PAGE 7 OF 8
	REVISED: October 19, 2009	APPROVED BY CITY MANAGER: October 19, 2009	
	SUPERSEDES: May 18, 2009	APPROVED BY CITY COUNCIL: October 19, 2009	

organization; funds received from the business organization exceed 10 percent of the person's gross income for the previous year; or the acquisition of investments from the business organization during the previous year have a book value of \$2,500 or more for the person's personal account. Any person involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the City Secretary any material financial interest in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial and/or investment positions that could be related to the performance of the City's portfolio. Any person responsible for investments shall subordinate their personal investment transactions to those of this jurisdiction, particularly with regard to the timing of purchases and sales.

V. COLLATERAL AND SAFEKEEPING

COLLATERAL REQUIRED:

Funds of the City of Tomball shall be secured by collateral, whereby the market value of such collateral shall not be less than the total amount of the sum of the City's deposits, investments and accrued interest less the amount of insurance provided by the United States or an instrumentality of the United States, such as FDIC and FSLIC insurance. All items held for collateral for the City of Tomball shall be qualified investments as stated in items III.A. through III.E. of the City's investment policy.

SECURITY OF COLLATERAL:

All securities owned by thy City or pledged to the City shall be held in safekeeping by the City; in a City approved account in a third party financial institution with a main office in the State of Texas and capital stock and permanent surplus of \$5 million or more; the Texas Treasury Safekeeping Trust Company; a federal home loan bank; or with a Federal Reserve Bank. A third party custodian shall be required to issue original safekeeping receipts directly to the City and monthly provide a listing of each specific security, rate description, maturity, CUSIP number, and other information as may be deemed necessary and appropriate by the City. Each safekeeping receipt will be clearly marked that the security is pledged to the City of Tomball. It shall be the sole responsibility of the financial institution to immediately, without notice from the City or cost to the City, replace any nonconforming pledged security.

**CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES**

SUBJECT INVESTMENT POLICY	NUMBER: 13	EFFECTIVE DATE: July 27, 1992	PAGE 8 OF 8
	REVISED: October 19, 2009	APPROVED BY CITY MANAGER: October 19, 2009	
	SUPERSEDES: May 18, 2009	APPROVED BY CITY COUNCIL: October 19, 2009	

DELIVERY VS. PAYMENT:

Treasury Bills, Notes and Bonds and Government Agencies' securities shall be purchased using the delivery vs. payment method. That is, funds shall not be wired or paid until verification has been made that the correct security was received by the City of Tomball or its designated Trustee. The security shall be held in the name of the City. The Trustee's records shall reflect that the City owns such securities. In the event that the security is held by Trustee, the original copy of all safekeeping receipts shall be delivered to the City Treasurer, or person designated by such.

VI. AUTHORIZED BROKERS

The City of Tomball shall annually review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the City.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: September 20, 2010

Topic:

Presentation of the 2010 Effective Tax Rate to the City Council.

Background:

Each year, all city governments in Texas that levy taxes must calculate and publish an Effective Tax Rate prior to adopting a property tax rate. The effective tax rate enables the public to evaluate the relationship between taxes for the preceding year and for the current year, based on a tax rate that would produce the same amount of taxes if applied to the same properties taxed in both years. The Effective Tax Rate calculation was prepared by Harris County, the collector of city property taxes, and was published in the September 15, 2010 edition of "The Potpourri" newspaper.

Origination:

Finance

Recommendation:

No action needed other than the presentation be reflected in the minutes of the regular council meeting.

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

Glenn Windsor, Finance Director, CPA,CGFO

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

ATTACHMENTS:

2010 Effective Tax Rate

2010 Property Tax Rates in City of Tomball

This notice concerns 2010 property tax rates for City of Tomball. It presents information about three tax rates. Last year's tax rate is the actual rate the taxing unit used to determine property taxes last year. This year's effective tax rate would impose the same total taxes as last year if you compare properties taxed in both years. This year's rollback tax rate is the highest tax rate the taxing unit can set before taxpayers can start tax rollback procedures. In each case these rates are found by dividing the total amount of taxes by the tax base (the total value of taxable property) with adjustments as required by state law. The rates are given per \$100 of property value.

Last year's tax rate:

Last year's operating taxes	\$1,428,238
Last year's debt taxes	\$1,528,722
Last year's total taxes	\$2,956,960
Last year's tax base	\$1,175,940,029
Last year's total tax rate	0.251455 /\$100

This year's effective tax rate:

Last year's adjusted taxes (after subtracting taxes on lost property)	\$2,948,042
÷ This year's adjusted tax base (after subtracting value of new property)	\$1,113,531,479
= This year's effective tax rate	0.264747 /\$100

(Maximum rate unless unit publishes notices and holds hearings.)

This year's rollback tax rate:

Last year's adjusted operating taxes (after subtracting taxes on lost property and adjusting for any transferred function, tax increment financing, state criminal justice mandate, and/or enhanced indigent health care expenditures)	\$3,594,439
÷ This year's adjusted tax base	\$1,113,531,479
= This year's effective operating rate	0.322796 /\$100
x 1.08 = this year's maximum operating rate	0.348619 /\$100
+ This year's debt rate	0.158994 /\$100
= This year's total rollback rate	0.507613 /\$100
- Sales tax adjustment rate	0.193276 /\$100
= Rollback tax rate	0.314337 /\$100

Statement of Increase/Decrease

If City of Tomball adopts a 2010 tax rate equal to the effective tax rate of \$0.264747 per \$100 of value, taxes would increase compared to 2009 taxes by \$16,190.

Schedule A - Unencumbered Fund Balances

The following estimated balances will be left in the unit's property tax accounts at the end of the fiscal year. These balances are not encumbered by a corresponding debt obligation.

Type of Property Tax Fund	Balance
General Fund	\$7,600,600
Debt Service Fund	\$906,180

Schedule B - 2010 Debt Service

The unit plans to pay the following amounts for long-term debts that are secured by property taxes. These amounts will be paid from property tax revenues (or additional sales tax revenues, if applicable).

Description of Debt	Principal or Contract Payment to be Paid from Property Taxes	Interest to be Paid from Property Taxes	Other Amounts to be Paid	Total Payment
Series 1995 Certificates of Obligation	\$100,000	\$2,563	\$0	\$102,563
Series 1998 Certificates of Obligation	\$215,000	\$92,928	\$0	\$307,928
Series 2002 Certificates of Obligation	\$490,500	\$264,329	\$0	\$754,829
Series 2003 Certificates of Obligation	\$360,000	\$252,218	\$0	\$612,218
Projected Agent Fees	\$0	\$0	\$8,000	\$8,000
Total Required for 2010 Debt Service				\$1,785,538
- Amount (if any) paid from funds listed in Schedule A				\$0
- Amount (if any) paid from other resources				\$0
- Excess collections last year				\$0
= Total to be paid from taxes in 2010				\$1,785,538
+ Amount added in anticipation that the unit will collect only 100.00% of its taxes in 2010				\$0
= Total Debt Levy				\$1,785,538

Schedule C - Expected Revenue from Additional Sales Tax

In calculating its effective and rollback tax rates, the unit estimated that it will receive \$2,170,509 in additional sales and use tax revenues.

This notice contains a summary of actual effective and rollback tax rates' calculations. You can inspect a copy of the full calculations at 1001 Preston St., Houston, TX 77002.

Name of person preparing this notice: Leo Vasquez

Title: Tax Assessor/Collector

Date Prepared: September 9, 2010

Regular City Council

Agenda Item

Meeting Date: September 20, 2010

Data Sheet

Topic:

Ratify the FY 2011 Budget and Find that the proposed Tax Rate of \$.251455/\$100 Generates Less Property Tax Revenue than the FY 2010 Budget.

Background:

Truth-in-Taxation laws require that prior to a council adopting a tax rate, the council must first ratify the already adopted budget for the ensuing fiscal year and note that the tax rate proposed generates more or less property tax revenue than the concluding year's adopted budget. For Tomball, the proposed 2010 rate (FY 2011) of \$.251455 per \$100 of assessed value generates less property tax revenue than was generated in last year's budget (FY 2010) because the values this year are lower than last year.

Origination:

Finance

Recommendation:

Staff recommends council ratify the FY 2011 Budget and find that the proposed tax rate of \$.251455 generates less property tax revenue than the FY 2010 Budget.

Funding:

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

Glenn Windsor, Finance Director, CPA, CGFO

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

Regular City Council

Agenda Item

Meeting Date: September 20, 2010

Data Sheet

Topic:

Adopt \$0.140000 as the Portion of the Tax Rate for the Interest and Sinking (Debt Service) Fund for FY 2010.

Background:

During the budget process and in the published Effective Tax Rate and Rollback calculations, the portion of the tax rate allocated to the payment of the City's tax supported debt is \$.140000 (in the Effective Tax Rate Calculation, the rate is actually higher). The actual ordinance adopting the tax rate for the City of Tomball for FY 2011 will appear later on this agenda. This is only the approval of the allocation of the rate to the Interest and Sinking Fund.

Origination:

Finance

Recommendation:

Staff recommends council approve \$.140000 as the portion of the tax rate for the Interest and Sinking (Debt Service) Fund.

Funding:

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

Glenn Windsor, Finance Director, CPA, CGFO

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: September 20, 2010

Topic:

Adopt \$.111455 as the Portion of the Tax Rate to Fund Maintenance and Operations (M&O) for FY 2011.

Background:

During the budget process, \$.111455 was the recommended allocation of the total tax rate of \$.251455 used to fund operations and maintenance expenditures in the General Fund. The actual ordinance to approved the total tax rate of \$.251455 will appear later on this agenda. This item is only to first approve the allocation of \$.111455 to maintenance and operations.

Origination:

Finance

Recommendation:

Staff recommends council approve \$.111455 as the portion of the tax rate for Maintenance and Operations.

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

Glenn Windsor, Finance Director, CPA, CGFO

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

Regular City Council

Agenda Item

Meeting Date: September 20, 2010

Data Sheet

Topic:

Adopt, on First Reading, Ordinance No. 2010-20, An Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$.251455/\$100 Value Assessed for the Year 2010 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Allowing for Homestead Exemptions for Property Owners Sixty-Five Years of Age and Over, and for Property Owners Who Qualify for Disability Benefits Under the Federal Old Age, Survivors, and Disability Insurance Program; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject.

Background:

Earlier items on this agenda approved the allocation of the proposed tax rate for FY 2011 (Tax Year 2010) as \$.14000 for the Interest & Sinking Fund and \$.111455 to Maintenance and operations for a total tax rate of \$.251455. This is the ordinance that adopts the tax rate and provides for the levying of taxes for FY 2011.

Origination:

Finance

Recommendation:

Staff recommends council approval of Ordinance No. 2010-20 an ordinance of the City of Tomball, Texas setting the tax levy of \$.251455 for the year 2010 on all taxable real and personal property in the City of Tomball, TX.

Funding:

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

Glenn Windsor, Finance Director, CPA, CGFO

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

ATTACHMENTS:

Notice of Vote on Tax Rate

Ordinance No. 2010-20

Notice of Vote on Tax Rate

The **CITY OF TOMBALL, TEXAS**
is scheduled to vote on the tax rate
at public meetings to be held
on **September 20, 2010** at 7:00 p.m.
and on **October 4, 2010** at 7:00 p.m.
at **TOMBALL CITY HALL**
401 Market Street, Tomball, Texas

The tax information above is published as a courtesy. Your individual taxes will not increase unless Harris County Appraisal District has appraised your property at a higher value. The tax rate for the City of Tomball remains the same for the fifth year.

ORDINANCE NO. 2010-20

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS,
SETTING THE TAX LEVY OF \$0.251455 FOR THE YEAR
2010 ON ALL TAXABLE REAL AND PERSONAL PROPERTY
LOCATED IN THE CITY OF TOMBALL, TEXAS;
ALLOWING FOR HOMESTEAD EXEMPTIONS FOR
PROPERTY OWNERS SIXTY-FIVE YEARS OF AGE AND
OVER, AND FOR PROPERTY OWNERS WHO QUALIFY
FOR DISABILITY BENEFITS UNDER THE FEDERAL OLD
AGE, SURVIVORS, AND DISABILITY INSURANCE
PROGRAM; PROVIDING FOR PENALTY, INTEREST, AND
ADDITIONAL PENALTY ON TAXES NOT TIMELY PAID;
AND PROVIDING OTHER MATTERS RELATING TO THE
SUBJECT.**

* * * * *

WHEREAS, pursuant to the provisions of the Constitution and Laws of the State of Texas, the City Council of the City of Tomball, Texas, is vested with the power to levy, assess and collect an annual tax upon all taxable real and personal property located within the City Limits, and said power allowing for the granting of homestead exemptions for all City of Tomball property owners sixty-five years of age and over or who are disabled; and

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

WHEREAS, the Council is required to set a tax rate, expressed as a rate per hundred-dollar valuation of said property, located in the City of Tomball, January 2, 2009; and

WHEREAS, Section 26.05 of the Texas Property Tax Code provides that before the later of September 30th or the 60th day after the date the certified appraisal roll is received by the taxing unit, the governing body of each taxing unit shall adopt a tax rate for the current tax year; and

WHEREAS, such Section further provides that where the tax rate consists of two components (one which will impose the amount of taxes needed to pay the unit's debt service and the other which will impose the amount of taxes needed to fund maintenance and operation expenditures of the unit for the next year), each of the components must be approved separately; and

WHEREAS, the proposed tax rate for the current tax year of the City of Tomball, Texas, consists of two components, a tax rate of fourteen ten thousandths cents (\$0.140000) for the purpose of paying the accruing interest and to provide a sinking fund for payment of the indebtedness of the City, and a tax rate of eleven and one thousand four hundred fifty-five ten-thousandths cents (\$0.111455) for the purpose of funding the maintenance and operation expenditures of the City for the next fiscal year; and

WHEREAS, City Council has approved, by separate motions, the tax rates heretofore specified for each of said components; and

WHEREAS, all notices and hearings required by law as a prerequisite to the passage, approval, and adoption of this Ordinance have been timely and properly given and held;

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

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

Section 2. That said tax levied as aforesaid, based upon valuations established by Harris County Appraisal District, will be sufficient to meet the requirements of the City for the Budget Year 2010-2011.

Section 3. There is hereby levied, for the tax year 2010, to fund the City's fiscal year 2010-2011 municipal budget, an ad valorem tax at the total rate of twenty-five and one thousand four hundred fifty-five ten-thousandths cents (\$0.251455) on each One Hundred Dollars (\$100.00) of assessed valuation on all property, real, personal, and mixed, within the corporate limits of the City, upon which an ad valorem tax is authorized by law to be levied by the City of Tomball, Texas. All such taxes shall be assessed and collected in current money of the United States of America.

Section 4. Of such total tax levied in Section 2 hereof, \$0.111455 is levied to fund maintenance and operation expenditures of the City for the fiscal year 2010-2011. Of the total tax levied in Section 2 hereof, \$0.14000 is levied for the purpose of paying the interest on bonds, warrants, certificates of obligation, or other lawfully authorized evidence of indebtedness issued by the City of Tomball, Texas, including the various installments of principal due on the serial bonds, warrants, certificates of obligation, or other lawfully authorized evidence of indebtedness issued by the City as such installments shall respectively mature, in the fiscal year 2010-2011. **THIS TAX RATE WILL LOWER TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$10.00.**

GENERAL FUND - TO FUND MAINTENANCE AND OPERATION EXPENDITURES OF THE CITY:	\$0.111455
---	------------

INTEREST & SINKING - FOR DEBT SERVICE:	\$0.140000
--	------------

With reference to the tax rate of \$0.140000 for the Interest and Sinking Fund for bonded indebtedness, this rate, representing 55.7% of the total \$0.251455 tax, shall apply to the gross amount of current taxes to be collected.

Section 5. All ad valorem taxes levied hereby, in the total amount of \$0.251455 on each One Hundred Dollars (\$100.00) of assessed valuation, as reflected by Sections 2 and 3 hereof, shall be due and payable on or before January 31, 2011. All ad valorem taxes due the City of Tomball, Texas, and not paid on or before January 31st following the year for which they were levied, shall bear penalty and interest, and if not paid before July 1st shall incur an additional penalty of twenty percent (20%), as prescribed in the Texas Property Tax Code. as prescribed in the Texas Tax Code.

Section 6. That said tax levied reflects an allowance of a \$90,000.00 homestead exemption for City of Tomball property owners sixty-five (65) years of age and over, and for those property owners (regardless of age) who qualify for disability benefits under the Federal Old Age, Survivors, and Disability Insurance Program administered by the Social Security Administration. An eligible disabled person who is sixty-five (65) years of age or over may not receive the homestead exemption for both qualifying as "65 or over" and "disabled", but may choose either. Each person desiring such exemption shall file an application with the Harris County Appraisal District, such application being in a form and filed at such time as shall be required by law.

Section 7. All ordinances and parts of ordinances inconsistent or in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. If any provision of this Ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not invalidate or impair the validity, force, or effect of any other provision of this Ordinance.

ORDINANCE NO. 2010-20
PAGE 5

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 20TH DAY OF SEPTEMBER, 2010.

COUNCILMAN QUINN	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 4TH DAY OF OCTOBER, 2010.

COUNCILMAN QUINN	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

GRETCHEN FAGAN, MAYOR
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

Regular City Council

Agenda Item

Meeting Date: September 20, 2010

Data Sheet

Topic:

Adopt, on First Reading, Ordinance Number 2010-16, an Ordinance amending the Code of Ordinances of the City of Tomball, Texas, by Deleting all of Chapter 38 Thereof and Substituting Therefore a New Chapter 38; Providing Rules and Regulations Designed to Prevent Damage to Property and Injury to Persons Resulting from Flooding; Providing a Penalty in an Amount not to exceed \$2,000 for Each Day of Violation of any Provision Hereof; and Providing for Severability.

Background:

Three major changes are proposed for Tomball's Flood Damage Prevention Ordinance:

1. The City Engineer will be authorized to designate "flood-prone" areas not currently included as special flood hazard areas (Zone AE) on Tomball's Flood Insurance Rate Map (FIRM). These areas will be subject to regulation under Chapter 38 as if they were designated as special flood hazard areas. This proposed change will have no impact on premium rates charged to flood insurance policyholders. [Sections 38-6(b) & 38-26(b)]
2. Mitigation of fill in the flood-prone area will be required. The use of fill which displaces floodplain storage volume will require mitigation through creation of an equivalent storage volume. The City Engineer will require a Fill Mitigation Analysis be submitted with the development permit application to demonstrate mitigation of fill. [Section 38-41(g)]
3. New private development in the floodway will be prohibited. Given the amount of undeveloped land within the existing regulatory floodway, this proposed change is not expected to have a significant prohibitive impact. Public development may be permitted as necessary. [Section 38-44(a)]

In addition to these two major changes, three other changes of note are proposed:

1. Revises the definition of "substantial improvement" to include "repetitive loss" as the term is defined in the ordinance. This change is required for a flood insurance policyholder to qualify for an Increased Cost of Compliance (ICC) claim under the National Flood Insurance Program (NFIP) insurance policy in a case where a flooded structure has incurred "repetitive loss" but has not been "substantially damaged", and is noncompliant with the requirements of Chapter 38. A single substantial damage event will qualify the compliant repair for ICC funding. [Section 38-5]
2. Requires a minimum "freeboard" elevation for new structures constructed in the regulatory floodway. Under this revision, the lowest point of a horizontal member of a structure, such as a bridge, located in the regulatory floodway, must be constructed at least eighteen inches above the base flood elevation at that point. This provision provides a margin of safety for debris being washed downstream during a flood event to pass beneath a structure rather than being lodged against the structure, potentially damaging the structure and/or impeding the flow of flood waters. [Section 38-44(c)]
3. Various provisions and language are modified to reflect the Texas Model Floodplain Ordinance, which was updated since passage of the current Tomball Ordinance, 2007-07. Inclusion of this material into the Tomball ordinance has no impact of the existing or proposed provisions of Chapter 38. The Model Ordinance was provided by the Texas Water Development Board, the state agency responsible for NFIP coordination with FEMA.

In addition to those proposed changes listed previously, numerous minor adjustments and formatting improvements have been proposed.

Origination:

Engineering and Planning Department

Recommendation:

Engineering and Planning Department recommend approval.

Funding:

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

Mark McClure, Director of Engineering and Planning

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

ATTACHMENTS:

- Ordinance No. 2010-16 Clean Version
- Ordinance No. 2010-16 Redlined Version
- Overall Floodplain Map

ORDINANCE 2010-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 38. FLOOD DAMAGE PREVENTION BY PROVIDING FOR THE DESIGNATION OF ADDITIONAL FLOOD HAZARD AREAS, REQUIRING THE MITIGATION OF FILL IN FLOOD-PRONE AREAS, PROHIBITING NEW DEVELOPMENT IN THE FLOODWAY, ALTERING APPELLATE PROCEDURES, AND MAKING OTHER RELATED CHANGES; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000 FOR VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SAVINGS AND SEVERABILITY; PROVIDING FOR PUBLICATION; AND MAKING OTHER PROVISIONS AND FINDINGS RELATED THERETO.

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

SECTION 1. Chapter 38, Flood Damage Prevention, of the Code of Ordinances of the City of Tomball, Texas, is amended to read:

“Chapter 38

FLOOD DAMAGE PREVENTION

ARTICLE I. IN GENERAL

Sec. 38-1. Statutory authorization.

The Legislature of the State of Texas has in the Flood Control Insurance Act and Texas Water Code (including Section 16.315) delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City of Tomball, Texas, does ordain as follows:

Sec. 38-2. Findings of fact.

- (a) The flood hazard areas of the City of Tomball, Texas are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

- (b) These flood losses are created by the cumulative effect of obstructions in floodplains, which increase flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, or otherwise protected from flood damage

Sec. 38-3. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Protect human life and health;
- (b) Minimize expenditure of public money for costly flood control projects;
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) Minimize prolonged business interruptions;
- (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (f) Help maintain a stable tax base by providing for the sound use and development of the flood-prone area in such a manner as to minimize future flood blight areas;
- (g) Ensure that potential buyers are notified that property is in a flood-prone area; and
- (h) Ensure that those who occupy the flood-prone area assume responsibility for their actions.

Sec. 38-4. Methods of reducing flood losses.

In order to accomplish its purposes, this chapter uses the following methods:

- (a) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

- (d) Control filling, grading, dredging, and other development which may increase flood damage; and
- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other lands.

Sec. 38-5. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted, to give them the meaning they have in common usage and to give this chapter it's most reasonable application.

Accessory structure - means a structure which is located on the same parcel of property as the principle structure, the use of which is incidental to the use of the principle structure, and which is not to be used for human habitation. Types of accessory structures include, but are not limited to, detached garages, boathouses, small pole barns and storage sheds.

Addition - means any alteration to an existing structure that increases its footprint.

Appeal - means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

Area of future conditions flood hazard - means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

Area of shallow flooding - means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

Area of special flood hazard – is the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base flood - means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) – The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the “base flood.”

Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall - means open wood lattice, insect screening or any other suitable building material approved by the City Engineer which is not part of the structural support of the associated structure and which is intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the structure or damage to the structural integrity of the structure on which breakaway walls are used.

Construction site permit – means a permit issued to a developer by the city for site work and or construction of water, sanitary, or natural gas mains.

Conveyance – means the flow of water during the base flood with a velocity that is greater than one foot per second or a depth that is greater than one foot.

Crawlspace - is an enclosed area below the lowest floor of a building formed when the foundation walls are used to elevate the lowest floor above the base flood elevation.

Critical facilities - includes facilities that materially affect the public health and welfare. Such facilities include, but are not be limited to:

- (1) Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood;
- (2) Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood;
- (3) Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during and after a flood; and

- (4) Structures or facilities that produce, use, treat, store, or dispose of highly volatile, flammable, explosive, toxic, and/or water-reactive materials.

Critical feature - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development - means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, clearing, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. Fences or fence-type walls located within the floodplain are included within this definition.

Development permit - means a permit issued under the provisions of this chapter for any development of a site located within a flood-prone area. The term shall also include a permit for the placement of a recreational vehicle for more than 180 days in Zone AE.

Elevated building – means, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Elevation certificate - means a statement from an engineer or surveyor licensed by the State of Texas on the most current FEMA form certifying that the lowest floor of the structure has been elevated at least as high as required by this chapter.

Existing construction - means for the purposes of determining flood insurance rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

Existing manufactured home park or subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the City of Tomball.

Expansion to an existing manufactured home park or subdivision - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Fill - means any material that is placed in an area and increases the elevation

of that area or displaces water volume.

Flood or flooding - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and/or
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood elevation study - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) – see *Flood elevation study*

Flood protection system - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood proofing – means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood proofing certificate – means a certificate issued by a registered professional engineer licensed in the State of Texas which states that he has developed and/or reviewed the structural design, specifications, and plans for the construction of the structure or improvements covered by the certificate and that the design and methods of construction are in accordance with accepted standards of practice for meeting the following requirements:

- (1) The flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and

- (2) Together with attendant utility and sanitary facilities, the structures are designed so that below the base flood level the structures are watertight with walls impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

Floodplain or flood-prone area - means any land area, including the special flood hazard area, susceptible to being inundated by water from any source (see definition of flooding).

Floodplain management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodway - see *Regulatory floodway*

Functionally dependent use - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure – means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with

historic preservation programs which have been approved by the Secretary of the Interior; or

- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

Levee - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter found at section 38-42(d).

Manufactured home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain

management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City of Tomball and includes any subsequent improvements to such structures.

New development- means the initial construction of a structure.

New manufactured home park or subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the City of Tomball.

Recreational vehicle - means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

Regulatory floodway -means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Repetitive loss - means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before damage occurred.

Special flood hazard area or special area – means the land in the floodplain within the city, that is subject to a one percent or greater chance of flooding in any given year and is designated on the FIRM as Zone AE.

Start of construction – (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure – means, for flood plain management purposes, a walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial damage - means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement - means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before “start of construction” of the improvement or repair; or
- (2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term includes repetitive loss, as defined in this section; “substantial damage”, regardless of the actual repair work performed, but does not include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code

specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

- (2) Any alteration of a “historical structure” provided that the alteration will not preclude the structure’s continued designation as a “historical structure”.

Utilities - means all building utilities including, but not limited to, electrical, heating, ductwork, ventilating, plumbing, air conditioning equipment, and any other service facilities.

Variance - means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter. (See Sec. 38-30 of this chapter and Section 60.6 of the National Flood Insurance Program regulations.)

Violation - means the failure of a structure or other development to be fully compliant with the City of Tomball’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine area

Sec. 38-6. General provisions.

- (a) *Lands to which this chapter applies.* This chapter shall apply to all flood-prone areas within the jurisdiction of the City of Tomball, Texas.
- (b) *Basis for establishing flood-prone areas.* The special flood hazard area identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, “The Flood Insurance Study for Harris County, Texas,” dated June 18, 2007, with accompanying Flood Insurance Rate Maps, dated June 18, 2007, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. In addition to the special flood hazard area, the City Engineer may designate certain areas to be flood-prone based on flood history or other characteristics that indicate a potential for future flooding events.

- (c) *Compliance.* No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.
- (d) *Penalties for noncompliance.* Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.
- (e) *Abrogation and greater restrictions.* This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (f) *Interpretation.* In the interpretation and application of this chapter, all provisions shall be:
 - (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit or repeal any other powers granted under State statutes.
- (g) *Warning and disclaimer of liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the flood-prone areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Tomball, any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

ARTICLE II. ADMINISTRATION.

Sec. 38-26. Establishment of development permit.

- (a) *In general.* No building permit, development permit, construction site permit or other permit required for a structure or development shall be issued, and no plat shall be approved, unless the applicant demonstrates that the permit or plat meets the applicable requirements of this chapter, or unless a variance, excepting such structure or development from the provisions of this chapter, is granted under the terms of this chapter.
- (b) *Development permit required.* A development permit shall be obtained before construction or development begins within any special flood hazard area established in section 38-6(b) or within any other flood-prone area designated by the City Engineer. The permit shall be for all structures including manufactured homes, as set forth in the “Definitions,” and for all development including fill and other activities, also as set forth in the “Definitions.”
- (c) *Application for development permit.* Application for a development permit shall be made on forms furnished by the Department of Public Works and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
 - (1) The existing topography and the location, dimensions, and elevation of any proposed alterations;
 - (2) Existing and proposed structures;
 - (3) The location of the proposed alterations in relation to special flood hazard areas;
 - (4) Elevation in relation to mean sea level, of the lowest floor (including basement) of all new and substantially improved structures;
 - (5) Elevation in relation to mean sea level to which any nonresidential structures will be or have been floodproofed.
 - (6) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 38-42(b);

- (7) If the site is adjacent to a watercourse or drainage channel, the description of how that watercourse will be impacted as a result of proposed development;
 - (8) Base flood elevations from effective FIRM data for all structures and substantial improvements; and
 - (9) Each sheet in the plans on which elevations are marked shall include the vertical datum and adjustment, consistent with the effective FIRM, along with the FIRM benchmark and site benchmark used for vertical control.
- (d) *Elevation certificate.* The permit applicant for development of a structure is required to provide the City Engineer with a signed FEMA elevation certificate at three stages during the application and construction process.
- (1) When the permit application is submitted;
 - (2) Prior to forming/ pouring the lowest floor of the structure; and
 - (3) Prior to receiving the final inspection (photographs required on final certificate).
- (e) *Engineering analyses.* Based on the nature of the proposed development, the City Engineer may require the permit applicant to submit one or more of the following studies:
- (1) Fill Mitigation Analysis;
 - (2) Hydraulic Impact Analysis;
 - (3) Hydrologic Impact (Overland Flow Path & Ponding) Analysis; and or,
 - (4) Any other technical analysis deemed necessary by the City Engineer in order to protect the community from the impacts of potential flooding events.

Permit applicants are encouraged to discuss proposed development plans with the City Engineer prior to submitting an application in order to determine which analyses may be required to support the application. Technical analyses shall be certified by a professional engineer licensed in the State of Texas.

- (f) *Permit approval or denial.* Approval or denial of a development permit by the City Engineer shall be based on all of the provisions of this chapter and the following relevant factors:
- (1) The danger to life and property due to flooding or erosion damage;
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (3) The danger that materials may be swept onto other lands to the injury of others;
 - (4) The compatibility of the proposed use with existing and anticipated development;
 - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - (8) The necessity to the facility of a waterfront location, where applicable; and
 - (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

Sec. 38-27. Designation of the Floodplain Administrator.

The City Engineer is hereby appointed Floodplain Administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (Emergency Management and Assistance – National Flood Insurance Program Regulations) pertaining to floodplain management by granting or denying development permit applications in accordance with its provisions.

Sec. 38-28. Duties and responsibilities of the Floodplain Administrator.

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:

- (a) *Permit review.*
 - (1) Review all development permit applications to determine that the requirements of this chapter have been satisfied.
 - (2) Review all development permit applications to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
 - (3) Review all development permit applications to determine if the proposed development is located in the regulatory floodway. If located in the regulatory floodway, assure that the encroachment provisions of section 38-44 are met.
 - (4) Review all development permit applications to ensure that the proposed building site projects, including the placement of manufactured homes, will be reasonably safe from flooding.
- (b) *Use of other base flood data (in A Zones).* When base flood elevation data has not been provided in accordance with section 38-6(b), **Basis for establishing flood-prone areas**, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer sections 38-42, **Specific standards**, and 38-44, **Floodways**.
- (c) *Information to be obtained and maintained.*
 - (1) Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in section 38-28(b), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - (2) For all new or substantially improved flood proofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in section 38-28(b):
 - (i) Verify and record the actual elevation (in relation to mean sea level), and

- (ii) Maintain the flood proofing certifications required in section 38-26(c) (6).
- (3) Maintain for public inspection all records pertaining to the provisions of this chapter.
- (d) *Alteration of watercourses.*
 - (1) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (e) *Interpretation of FIRM boundaries.* Make interpretations where needed, as to exact location of the boundaries of the special flood hazard area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 38-30.
- (f) *FIRM revision – encroachments.* Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE and AH on a community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first completes all of the provisions required by Section 65.12.

Sec. 38-29. Plat approval; issuance.

- (a) Any person who is required or elects to obtain a plat shall also comply with the provisions of this chapter, if applicable.
- (b) When a person files an application for approval of a plat, the approval of the plat is subject to the approval of a drainage plan for the property that is the subject of the plat application if the property is located in whole or in part in a flood-prone area within the city. The drainage plan shall include the base flood elevation data for the property certified as true and correct on the face of the drainage plan by a registered professional engineer licensed in the State of Texas.

- (c) The City Engineer shall review the drainage plan and determine whether the development will be reasonably safe from flooding and whether such proposed development is:
 - (1) Consistent with the need to minimize flood damage within the flood-prone area;
 - (2) To be constructed so that all public utility facilities including, but not limited to, sanitary sewer, gas, water and electrical systems are located and constructed so as to minimize flood damage from the base flood;
 - (3) To be constructed so that drainage is provided to reduce exposure of such development to flood hazards; and
 - (4) Would comply with the applicable requirements of Article III of this chapter.
- (d) If the proposed development satisfies the criteria in subsection (c) of this section, the City Engineer shall approve the drainage plan and shall so notify the City Planning and Zoning Commission in writing.
- (e) The City Planning and Zoning Commission shall not approve a final plat until the City Engineer has approved the drainage plan for that site.

Sec. 38-30. Variance procedures.

- (a) *Appeal board.*
 - (1) The Appeal Board, as established by City Council, shall hear and decide appeals and requests for variances from the requirements of this chapter.
 - (2) The Appeal Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.
 - (3) In passing upon such applications, the Appeal Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - (i) The danger that materials may be swept onto other lands to the injury of others;

- (ii) The danger to life and property due to flooding or erosion damage;
 - (iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) The importance of the services provided by the proposed facility to the community;
 - (v) The necessity to the facility of a waterfront location, where applicable;
 - (vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) The compatibility of the proposed use with existing and anticipated development;
 - (viii) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (xi) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (4) Upon consideration of the factors of section 38-30(a)(3) and the purposes of this chapter, the Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
 - (5) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (b) *Conditions for variances.*

- (1) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in section 38-30(a)(3) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
- (3) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result
- (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 38-30(a)(3), or conflict with existing local laws or ordinances.
- (6) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

- (7) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except section 38-30(b)(1), and otherwise complies with sections 38-41(a) and (b) of the General standards.
 - (8) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Section 38-30 (b) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
 - (9) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (c) *Appeal of decision.* All decisions of the Board of Adjustments are final and binding and may not be appealed to City Council. However, any person aggrieved by a decision of the Board of Adjustments may present a verified petition that states that the decision of Board is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition must be presented to a court of appropriate jurisdiction within ten calendar days after the date the Board's decision is filed in the office of the Secretary of the Board.

ARTICLE III. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 38-41. General standards.

In the flood-prone area, the following standards are required:

- (a) *Anchoring.*
 - (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
 - (2) All manufactured homes must likewise be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrostatic and hydrodynamic loads including the effects of buoyancy, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques.)
- (b) *Site drainage.* Drainage pathways are required around structures to guide floodwaters around such structures.
- (c) *Construction materials and methods.*
 - (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - (3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (d) *Utilities.*

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
 - (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (e) *Standards for subdivisions.*
- (1) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be consistent with the need to minimize flood damage;
 - (2) All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet Floodplain Development Permit requirements of this chapter
 - (3) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
 - (4) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and,
 - (5) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).
- (f) *Review of building permits.* Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (Section 38-28(b)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.
- (g) *Mitigation of Fill.* Fill in the flood-prone area must be mitigated to ensure that the storage volume of such area is not diminished by development. A

development permit applicant must submit a Fill Mitigation Analysis demonstrating that the proposed development, if constructed, will not result in a decrease in storage volume within the flood-prone area.

Sec. 38-42. Specific standards.

- (a) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least 1.5 feet above the base flood elevation. A registered professional engineer or land surveyor shall submit a FEMA Elevation Certificate to the Floodplain Administrator that verifies that the standard of this paragraph is satisfied.
- (b) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either meet the specific standards for residential construction, or, together with attendant utility and sanitary facilities, shall:
 - (1) Be floodproofed to at least 1.5 feet above the base flood level so that the structure is watertight with walls substantially impermeable to the passage of water;
 - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in section 38-28(c)(2);
 - (4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in section 38-42(d);
 - (5) Applicants floodproofing nonresidential buildings are advised that flood insurance premiums may be based on rates that are greater than those established for buildings with the first floor elevated to the same level.
- (c) *Critical facility.* Construction of new critical facilities shall be, to the extent possible, located outside the limits of the flood-prone area. Construction of new critical facilities shall be permissible within the flood-prone area if no feasible alternative site is available. Critical facilities constructed within the flood-prone area shall have the lowest floor

elevated, or the structure shall be flood-proofed to an elevation, at least 1.5 feet above the elevation of the 500-year (0.2% probability) flood event or three feet above the highest adjacent grade of the building site if flood elevation data is not available. Additionally, flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access to and from the critical facility must be assured under all circumstances. The City Engineer will review and approve all plans for access routes for critical facilities located in the flood-prone area.

- (d) *Enclosures.* Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a professional engineer licensed in the state of Texas or must meet or exceed the following minimum criteria:
- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (2) The bottom of all openings shall be no higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (4) Below grade crawlspaces shall be designed in accordance with FEMA Technical Bulletin 11-01, "*Crawlspace Construction for Buildings Located in Special Flood Hazard Areas*", FIA-TB-11, or revisions to this document.
 - (5) Below grade, crawlspaces are prohibited at sites where the velocity of floodwaters exceeds five (5) feet per second.
 - (6) All building utility systems within the crawlspace shall be elevated above base flood elevation or be designed so that floodwaters cannot enter or accumulate within the system component during flood conditions.
 - (7) The interior of a crawlspace below the base flood elevation must not be more than 2 feet below the lowest adjacent exterior grade (LAG) and the height of the below grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation must not exceed 4 feet at any point.

- (8) Below grade, crawlspaces constructed in accordance with the requirements listed in this subsection shall not be considered basements. However, applicants who construct buildings that have below grade crawlspaces are hereby advised that such buildings may have higher flood insurance premiums than buildings that have crawlspaces with interior elevations at or above the lowest adjacent grade. In addition, the building design must include adequate provision for drainage from the crawlspace following a flooding event.

(e) *Manufactured homes.*

- (1) All manufactured homes to be placed or substantially improved on sites:
 - (i) Outside of a manufactured home park or subdivision;
 - (ii) In a new manufactured home park or subdivision;
 - (iii) In an expansion to an existing manufactured home park or subdivision; or
 - (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood; shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at 1.5 feet above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.
- (2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within the flood-prone area that are not subject to the above manufactured home provisions shall be elevated so that either:
 - (i) The lowest floor of the manufactured home is elevated at 1.5 feet above the base flood elevation, or
 - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

- (f) *Recreational vehicles.* Recreational vehicles placed on sites are required to either:
 - (1) be on the site for fewer than 180 consecutive days;
 - (2) be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
 - (3) meet the requirements of section 38-42(e) and the elevation and anchoring requirements for manufactures homes.
- (g) *Accessory structures.* Accessory structures shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters; shall be anchored to prevent floatation which may result in damage to other structures; and service utilities such as electrical and heating equipment shall be elevated or floodproofed.
- (h) *Breakaway walls.* Breakaway walls must be designed so that if carried downstream they will not cause damage to any other structure. Breakaway walls must have a design safe loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty pounds per square foot (either by design or when so required by city or state codes) may be permitted only if a registered professional engineer certifies that the proposed design meets the following conditions
 - (1) Wall collapse shall result from a water load less than that which would occur during the base flood; and,
 - (2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100 year mean recurrence interval).

Sec. 38-43. Before regulatory floodway.

In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the city of Tomball's FIRM unless

it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Sec. 38-44. Regulatory Floodway.

The regulatory floodway is the designated area within Zone AE of the special flood hazard area established in section 38-6(b). Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (a) Prohibit new private development in the regulatory floodway. Improvements to existing structures which do not propose an expansion of the existing footprint of such structures may be permitted if all other requirements of this section are fulfilled.
- (b) Concerning public development, prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer, licensed by the state of Texas, is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. This requirement may be satisfied by a Conditional Letter of Map Revision issued by the Federal Emergency Management Agency.
- (c) Require that the bottom of the lowest horizontal member supporting the proposed structure, including bridges, be elevated at least 18 inches above the base flood elevation.
- (d) If sections 38-44(b and c) are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article III hereof, Provisions for flood hazard reduction.

Sec. 38-45. Standards for shallow flooding areas (AO/AH Zones).

Located within the special flood hazard area established in Section 38-6(b) are areas designated as shallow flooding.. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. In these areas, the following provisions apply:

- (a) New construction and substantial improvements of residential structures and manufactured homes within AO/AH zones shall have the

lowest floor (including basement) elevated above the highest grade adjacent to the building, 1.5 feet or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).

- (b) New construction and substantial improvements of nonresidential structures within AO/AH zones shall either:
 - (1) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, 1.5 feet or more above the depth number specified on the FIRM (at least two feet, if no depth number is specified); or
 - (2) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in section 38-42(b) (3).
- (c) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures
- (d) Recreational vehicles placed on sites within AO/AH Zones on the community's FIRM must either:
 - (1) be on the site for fewer than 180 consecutive days,
 - (2) be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - (3) Meet the requirements of section 38-45 above and the elevation and anchoring requirements for manufactured homes.”

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

SECTION 3. It is the intent of the City that this Ordinance shall comply in all respects with the applicable provisions of the United States Constitution, the Texas Constitution, and the Charter of the City of Tomball. In the event any clause, phrase, provision, sentence, or part of

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

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

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE ____TH DAY OF _____ 2010.

COUNCILMAN QUINN	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____

SECOND READING:

READ, PASSED AND ADOPTED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE ____TH DAY OF
_____ 2010.

COUNCILMAN QUINN _____

COUNCILMAN STOLL _____

COUNCILMAN BROWN _____

COUNCILMAN TOWNSEND _____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 38. FLOOD DAMAGE PREVENTION BY PROVIDING FOR THE DESIGNATION OF ADDITIONAL FLOOD HAZARD AREAS, REQUIRING THE MITIGATION OF FILL IN FLOOD-PRONE AREAS, PROHIBITING NEW DEVELOPMENT IN THE FLOODWAY, ALTERING APPELLATE PROCEDURES, AND MAKING OTHER RELATED CHANGES; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000 FOR VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SAVINGS AND SEVERABILITY; PROVIDING FOR PUBLICATION; AND MAKING OTHER PROVISIONS AND FINDINGS RELATED THERETO.

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

SECTION 1. Chapter 38, Flood Damage Prevention, of the Code of Ordinances of the City of Tomball, Texas, is amended to read:

“Chapter 38

FLOOD DAMAGE PREVENTION

ARTICLE I. IN GENERAL

Sec. 38-1. Statutory authorization.

The Legislature of the State of Texas has in the Flood Control Insurance Act and Texas Water Code, (including Section 16.315), delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City of Tomball, Texas, does ordain as follows:

Deleted: ,
Deleted: Texas Water Code
Deleted: ,
Deleted: , and
Deleted: 311
Deleted: et seq., as amended

Sec. 38-2. Findings of fact.

- (a) The flood hazard areas of the City of Tomball, Texas are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (b) These flood losses are created by the cumulative effect of obstructions in floodplains, which increase flood heights and velocities, and by the occupancy

Deleted: areas of special flood hazards

of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, or otherwise protected from flood damage,

Deleted: when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated,

Sec. 38-3. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Protect human life and health;
- (b) Minimize expenditure of public money for costly flood control projects;
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) Minimize prolonged business interruptions;
- (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (f) Help maintain a stable tax base by providing for the sound use and development of the flood-prone area in such a manner, as to minimize future flood blight areas;
- (g) Ensure that potential buyers are notified that property is in a flood-prone area; and
- (h) Ensure that those who occupy the flood-prone area assume responsibility for their actions.

Deleted: also contribute to the flood loss

Deleted: to

Deleted: p

Deleted: to

Deleted: m

Deleted: to

Deleted: m

Deleted: to

Deleted: m

Deleted: to

Deleted: m

Deleted: ;

Deleted: to

Deleted: s

Deleted: of special flood hazard so

Deleted: To

Deleted: e

Deleted: n

Deleted: area of special flood hazard; and

Deleted:

Deleted: To

Deleted: e

Deleted: areas of special flood hazard

Deleted: and provisions for

Deleted: ing

Deleted: ing

Deleted: which

Deleted: and

Deleted: I

Deleted: due to water or erosion hazards, or which result in damaging increases in erosion or in

Deleted: ing

Deleted: ling

Deleted:

Deleted: help

Deleted: e

Deleted: or channel

Deleted: ling

Sec. 38-4. Methods of reducing flood losses.

In order to accomplish its purposes, this chapter uses the following methods:

- (a) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (d) Control filling, grading, dredging, and other development which may increase flood damage; and

Deleted: and

Deleted: I

Deleted: due to water or erosion hazards, or which result in damaging increases in erosion or in

Deleted: ing

Deleted: ling

Deleted:

Deleted: help

Deleted: e

Deleted: or channel

Deleted: ling

- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other lands.

Sec. 38-5. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted, to give them the meaning they have in common usage and to give this chapter it's most reasonable application.

Accessory structure - means a structure, which is located on the same parcel of property as the principle structure, the use of which is incidental to the use of the principle structure, and, which is not to be used for human habitation. Types of accessory structures include, but are not limited to, detached garages, boathouses, small pole barns and storage sheds.

Addition - means any alteration to an existing structure that increases its footprint.

Appeal - means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

Area of future conditions flood hazard - means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

Area of shallow flooding - means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

Area of special flood hazard - is the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base flood - means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) - The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for

Deleted: ing

Deleted: ing

Deleted: areas

Formatted: Indent: Left: 0.53", First line: 0", Right: 0.47"

Deleted: so as

Deleted: s

Deleted: s

Deleted: are

Deleted: such as detached garages, boathouses, small pole barns and

Deleted: storage sheds,

Deleted: are

Deleted: ,

Deleted: ; shall be constructed and placed on the building site so as to offer minimum resistance to the flow of ... [1]

Formatted: Font: Not Italic

Formatted: Font: Italic

Deleted: Alluvial fan flooding - ... [2]

Formatted: Font: Italic

Formatted: Font: Italic

Formatted ... [3]

Deleted: ,

Deleted: . The base flood depths ... [4]

Deleted: ¶

Formatted: Font: Italic

Deleted: means

Formatted ... [5]

Deleted: Also referred to as the ... [6]

Deleted: Designation on maps a ... [7]

Formatted ... [8]

Formatted: Font: Italic

Deleted: ¶

Formatted: Font: Not Bold, Italic

Formatted ... [9]

Formatted: Font: Not Bold, Italic

Formatted ... [10]

Formatted ... [11]

Formatted ... [12]

Formatted ... [13]

Formatted ... [14]

Formatted ... [15]

Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the “base flood.”

Formatted: Font: Times New Roman, 11.5 pt

Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

Formatted: Font: Times New Roman, 11.5 pt

Formatted: Font: Italic

Breakaway wall - means open wood lattice, insect screening or any other suitable building material approved by the City Engineer which is not part of the structural support of the associated structure and which is intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the structure or damage to the structural integrity of the structure on which breakaway walls are used.

Construction site permit – means a permit issued to a developer by the city for site work and or construction of water, sanitary, or natural gas mains.

Conveyance – means the flow of water during the base flood with a velocity that is greater than one foot per second or a depth that is greater than one foot.

Crawlspace - is an enclosed area below the lowest floor of a building formed when the foundation walls are used to elevate the lowest floor above the base flood elevation.

Deleted: and as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exist of floodwaters

Critical facilities - includes facilities that materially affect the public health and welfare. Such facilities include, but are not be limited to:

Deleted: y

- (1) Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood;
- (2) Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood;
- (3) Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during and after a flood; and
- (4) Structures or facilities that produce, use, treat, store, or dispose of highly volatile, flammable, explosive, toxic, and/or water-reactive materials.

Deleted: means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste

Critical feature - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Formatted: Font: Italic

Development - means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, clearing, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. Fences or fence-type walls located within the floodplain are included within this definition.

Development permit - means a permit issued under the provisions of this chapter for any development of a site located within a flood-prone area. The term shall also include a permit for the placement of a recreational vehicle for more than 180 days in Zone AE.

Elevated building – means, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Elevation certificate - means a statement from an engineer or surveyor licensed by the State of Texas on the most current FEMA form certifying that the lowest floor of the structure has been elevated at least as high as required by this chapter.

Existing construction - means for the purposes of determining flood insurance rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

Existing manufactured home park or subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the City of Tomball.

Expansion to an existing manufactured home park or subdivision - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Fill - means any material that is placed in an area and increases the elevation of that area or displaces water volume.

Flood or flooding - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and/or

Deleted: special flood hazard

Deleted: s A1-A30, AH and

Deleted: C

Formatted: Font: Italic

Formatted: Font: Italic

Deleted: M

Formatted: Font: Italic

Deleted: H

Formatted: Font: Italic

Deleted: P

Formatted: Font: Italic

Deleted: S

Formatted: Font: Italic

Deleted: adopted

Formatted: Font: Italic

Formatted: Default, Indent: Left: 0.53", First line: 0", Right: 0.47", Space After: 0 pt, Line spacing: single

Deleted: ¶

Formatted: Font: (Default) HKNLCC+TimesNewRoman,Bold, 12 pt

Formatted: Font: Italic

Formatted: Font: Italic

Deleted: ¶

- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood elevation study - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Insurance Rate Map (FIRM) - means an official map of a community on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) – see *Flood elevation study*.

Flood protection system - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes, hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood proofing – means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood proofing certificate – means a certificate issued by a registered professional engineer licensed in the State of Texas which states that he has developed and/or reviewed the structural design, specifications, and plans for the construction of the structure or improvements covered by the certificate and that the design and methods of construction are in accordance with accepted standards of practice for meeting the following requirements:

- (1) The flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and
- (2) Together with attendant utility and sanitary facilities, the structures are designed so that below the base flood level the structures are watertight with walls impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

Deleted: ¶

Deleted: the

Deleted: flood insurance rate

Formatted: Indent: Left: 0.53", Right: 0.47", Space After: 0 pt, No page break before, Keep with next

Deleted: promulgated by

Deleted: f

Deleted: insurance administrator of the Federal Emergency Management Agency which

Deleted: s

Deleted: city, as amended and supplemented from time to time

Formatted: Font: Italic

Formatted: Font: Italic

Deleted: means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Formatted: Font: Italic

Deleted: d

Deleted: Examples of flood protection

Deleted: s

Deleted: ,

Deleted: but are not limited to,

Floodplain or flood-prone area - means any land area, including the special flood hazard area, susceptible to being inundated by water from any source (see definition of flooding).

Floodplain management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Deleted: state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction. These include, but are not limited to

Floodway - see Regulatory floodway

Deleted: ¶

Deleted: means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Functionally dependent use - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Formatted: Indent: Left: 0.53",
First line: 0.5", Right: 0.47"

Historic Structure – means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

Deleted: r

- (a) By an approved state program as determined by the Secretary of the Interior or
- (b) Directly by the Secretary of the Interior in states without approved programs.

Formatted: Justified, Indent: Left: 1.53", Hanging: 0.46", Right: 0.47"
Deleted: ;

Levee - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Formatted: Font: Not Bold, Italic
Formatted: Font: Not Bold
Formatted: Font: Not Bold, Italic
Formatted: Font: Italic

Levee system - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Formatted: Font: Times New Roman, 11.5 pt, Not Bold, Italic
Formatted: Font: Times New Roman, 11.5 pt, Not Bold, Italic

Lowest floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter found at section 38-42(d).

Formatted: Font: Times New Roman, 11.5 pt
Formatted: Font: Italic
Deleted: F
Formatted: Font: Italic

Manufactured home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Deleted: a
Deleted: (2)
Deleted: H
Formatted: Font: Italic
Formatted: Font: Italic

Manufactured home park or subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Formatted: Font: Italic

Mean sea level - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Formatted: Font: Not Bold, Italic
Formatted: Font: Not Bold, Italic
Formatted: Font: Times New Roman, 11.5 pt
Formatted: Font: (Default) HKNLCA+TimesNewRoman, 11.5 pt

New construction - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City of Tomball and includes any subsequent improvements to such structures.

New development - means the initial construction of a structure.

Formatted: Font: Italic

New manufactured home park or subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the City of Tomball.

Formatted: Font: Italic

Deleted: a

Deleted: community

Recreational vehicle - means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47"

Regulatory floodway - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Deleted: F

Riverine - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Repetitive loss - means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before damage occurred.

Special flood hazard area or special area - means the land in the floodplain within the city, that is subject to a one percent or greater chance of flooding in any given year and is designated on the FIRM as Zone AE.

Deleted: unnumbered A

Deleted: s,

Deleted: Zones, AO Zones, AH Zones, AI through A99 Zones, VO Zones, VI through V30 Zones, VE Zones or V Zones

Deleted: -

Start of construction ~~=~~ (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a

site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means, for flood plain management purposes, a walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial damage - means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement - means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before "start of construction" of the improvement or repair; or
- (2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term includes repetitive loss, as defined in this section; "substantial damage", regardless of the actual repair work performed, but does not include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

Deleted: -

Formatted: Normal, Indent: Left: 0.53", First line: 0", Right: 0.47", Space After: 0 pt, Line spacing: single

Formatted: Font: Times New Roman

Formatted: Font: Times New Roman

Deleted: .

Formatted: Font: Bookman Old Style, 12 pt

Deleted: is started

Deleted: , however,

- (2) Any alteration of a “historical structure” provided that the alteration will not preclude the structure’s continued designation as a “historical structure”.

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Tabs: 1", Left

Deleted: listed on the National Register of Historic Places or a State Inventory of Historic Places.

Utilities - means all building utilities including, but not limited to, electrical, heating, ductwork, ventilating, plumbing, air conditioning equipment, and any other service facilities.

Variance - means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter. (See Sec. 38-30 of this chapter and Section 60.6 of the National Flood Insurance Program regulations.)

Deleted: *Utility construction permit* – means a permit issued to a developer by the city to construct a water or sewer main.

Violation - means the failure of a structure or other development to be fully compliant with the City of Tomball’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

Deleted: community's

Water Surface Elevation - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine area

Deleted: *Water dependent* - means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.¶

Formatted: Font: Times New Roman, 11.5 pt

Formatted: Font: Not Bold, Italic

Formatted: Font: Times New Roman, 11.5 pt, Not Bold, Italic

Formatted: Font: Times New Roman, 11.5 pt

Deleted: of special flood hazards

Deleted: the

Deleted: of special flood hazard

Deleted: areas of

Sec. 38-6. General provisions.

- (a) *Lands to which this chapter applies.* This chapter shall apply to all flood-prone areas within the jurisdiction of the City of Tomball, Texas.
- (b) *Basis for establishing flood-prone areas.* The special flood hazard area identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, “The Flood Insurance Study for Harris County, Texas,” dated June 18, 2007, with accompanying Flood Insurance Rate Maps, dated June 18, 2007, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. In addition to the special flood hazard area, the City Engineer may designate certain areas to be flood-prone based on flood history or other characteristics that indicate a potential for future flooding events.
- (c) *Compliance.* No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.
- (d) *Penalties for noncompliance.* Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision

Formatted: Font: Italic

Formatted: Font color: Custom Color(0,112,192))

Deleted: (c)

of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

(e) *Abrogation and greater restrictions.* This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Deleted: ¶

Deleted: (d)

Deleted: C

(f) *Interpretation.* In the interpretation and application of this chapter, all provisions shall be:

Deleted: (e)

Deleted:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit or repeal any other powers granted under State statutes.

(g) *Warning and disclaimer of liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the flood-prone areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Tomball, any officer or employee thereof, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

Deleted: (f)

Deleted: r

Deleted: of special flood hazards

Deleted: , or the Federal Insurance Administration,

ARTICLE II. ADMINISTRATION.

Sec. 38-26. Establishment of development permit.

- (a) *In general.* No building permit, development permit, construction site permit or other permit required for a structure or development shall be issued, and no plat shall be approved, unless the applicant demonstrates that the permit or plat meets the applicable requirements of this chapter, or unless a variance, excepting such structure or development from the provisions of this chapter, is granted under the terms of this chapter.
- (b) *Development permit required.* A development permit shall be obtained before construction or development begins within any special flood hazard area established in section 38-6(b) or within any other flood-prone area designated by the City Engineer. The permit shall be for all structures including manufactured homes, as set forth in the “Definitions,” and for all development including fill and other activities, also as set forth in the “Definitions.”
- (c) *Application for development permit.* Application for a development permit shall be made on forms furnished by the Department of Public Works and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
- (1) The existing topography and the location, dimensions, and elevation of any proposed alterations;
 - (2) Existing and proposed structures;
 - (3) The location of the proposed alterations in relation to special flood hazard areas;
 - (4) Elevation in relation to mean sea level, of the lowest floor (including basement) of all new and substantially improved structures;
 - (5) Elevation in relation to mean sea level to which any nonresidential structures will be or have been floodproofed.
 - (6) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 38-42(b);

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 0" + Indent at: 1.25"

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 0" + Indent at: 1.25"

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 0" + Indent at: 1.25"

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 0" + Indent at: 1.25"

Deleted: and substantial improvements

- (7) If the site is adjacent to a watercourse or drainage channel, the description of how that watercourse will be impacted as a result of proposed development;
- (8) Base flood elevations from effective FIRM data for all structures and substantial improvements; and
- (9) Each sheet in the plans on which elevations are marked shall include the vertical datum and adjustment, consistent with the effective FIRM, along with the FIRM benchmark and site benchmark used for vertical control.
- (d) Elevation certificate. The permit applicant for development of a structure is required to provide the City Engineer with a signed FEMA elevation certificate at three stages during the application and construction process.
- (1) When the permit application is submitted;
- (2) Prior to forming/ pouring the lowest floor of the structure; and
- (3) Prior to receiving the final inspection (photographs required on final certificate).
- (e) Engineering analyses. Based on the nature of the proposed development, the City Engineer may require the permit applicant to submit one or more of the following studies:
- (1) Fill Mitigation Analysis;
- (2) Hydraulic Impact Analysis;
- (3) Hydrologic Impact (Overland Flow Path & Ponding) Analysis; and or.
- (4) Any other technical analysis deemed necessary by the City Engineer in order to protect the community from the impacts of potential flooding events.

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 0" + Indent at: 1.25"

Deleted: definition

Deleted: .

Deleted: A

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1.06" + Tab after: 0" + Indent at: 1.31"

Permit applicants are encouraged to discuss proposed development plans with the City Engineer prior to submitting an application in order to determine which analyses may be required to support the application. Technical analyses shall be certified by a professional engineer licensed in the State of Texas.

Deleted: Applicants shall submit an engineering analysis

(f) Permit approval or denial. Approval or denial of a development permit by the City Engineer shall be based on all of the provisions of this chapter and the following relevant factors:

- (1) The danger to life and property due to flooding or erosion damage;
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (3) The danger that materials may be swept onto other lands to the injury of others;
- (4) The compatibility of the proposed use with existing and anticipated development;
- (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- (8) The necessity to the facility of a waterfront location, where applicable; and
- (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

Sec. 38-27. Designation of the Floodplain Administrator.

The City Engineer is hereby appointed Floodplain Administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (Emergency Management and Assistance – National Flood Insurance Program Regulations) pertaining to floodplain management by granting or denying development permit applications in accordance with its provisions.

Sec. 38-28. Duties and responsibilities of the Floodplain Administrator.

Deleted: that demonstrates that the development will not, at any time, either change the conveyance capacity or diminish storage volume of the special flood hazard area; except that, if the applicant submits a Conditional Letter of Map Revision approved by the Federal Emergency Management Agency, the engineering analysis need only demonstrate that the development will not, at any time, diminish storage volume of the special flood hazard area. ¶

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 0" + Indent at: 1.5"

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 0" + Indent at: 1.5"

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 0" + Indent at: 1.5"

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 0" + Indent at: 1.5"

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 0" + Indent at: 1.5"

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 0" + Indent at: 1.5"

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47"

Deleted: f

Deleted: a

Deleted: f

Deleted: a

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:

(a) *Permit review.*

- (1) Review all development permit applications to determine that the requirements of this chapter have been satisfied.

Deleted: s

Deleted: permit

- (2) Review all development permit applications to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

Deleted: s

- (3) Review all development permit applications to determine if the proposed development is located in the regulatory floodway. If located in the regulatory floodway, assure that the encroachment provisions of section 38-44 are met.

Deleted: s

Deleted: 3

- (4) Review all development permit applications to ensure that the proposed building site projects, including the placement of manufactured homes, will be reasonably safe from flooding.

Deleted: .

Deleted: .

- (b) *Use of other base flood data (in A Zones).* When base flood elevation data has not been provided in accordance with section 38-6(b), **Basis for establishing flood-prone areas**, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer sections 38-42, **Specific standards**, and 38-44, **Floodways**.

Deleted: D

Deleted: I

Deleted: (A Zones)

Deleted: the

Deleted: of special flood hazard

Deleted: (local administrator)

(c) *Information to be obtained and maintained.*

- (1) _____ Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in section 38-28(b), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

- (2) For all new or substantially improved flood proofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in section 38-28(b):

- (i) Verify and record the actual elevation (in relation to mean sea level), and

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.94" + Tab after: 0" + Indent at: 1.19"

Deleted: .

- (ii) Maintain the flood proofing certifications required in section 38-26(c) (6).

Deleted: b

Deleted: 3

- (3) Maintain for public inspection all records pertaining to the provisions of this chapter.

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.94" + Tab after: 0" + Indent at: 1.19"

(d) *Alteration of watercourses.*

- (1) Notify in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

Deleted: Department of Land Conservation and Development

Deleted: Insurance Administration

- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

- (e) *Interpretation of FIRM boundaries.* Make interpretations where needed, as to exact location of the boundaries of the special flood hazard area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 38-30.

Deleted: 29

- (f) FIRM revision – encroachments. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE and AH on a community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first completes all of the provisions required by Section 65.12.

Formatted: Font: Not Italic

Sec. 38-29. Plat approval; issuance.

- (a) Any person who is required or elects to obtain a plat shall also comply with the provisions of this chapter, if applicable.
- (b) When a person files an application for approval of a plat, the approval of the plat is subject to the approval of a drainage plan for the property that is the subject of the plat application if the property is located in whole or in part in a flood-prone area within the city. The drainage plan shall include the base flood elevation data for the property certified as true and correct

Deleted: special flood hazard area

on the face of the drainage plan by a registered professional engineer licensed in the State of Texas.

- (c) The City Engineer shall review the drainage plan and determine whether the development will be reasonably safe from flooding and whether such proposed development is:

Deleted: c

Deleted: c

- (1) Consistent with the need to minimize flood damage within the flood-prone area;

Deleted: special flood hazard

- (2) To be constructed so that all public utility facilities including, but not limited to, sanitary sewer, gas, water and electrical systems are located and constructed so as to minimize flood damage from the base flood;

- (3) To be constructed so that drainage is provided to reduce exposure of such development to flood hazards; and

- (4) Would comply with the applicable requirements of Article III of this chapter.

- (d) If the proposed development satisfies the criteria in subsection (c) of this section, the City Engineer shall approve the drainage plan and shall so notify the City Planning and Zoning Commission in writing.

Deleted: c

Deleted: e

Deleted: c

Deleted: p

Deleted: c

- (e) The City Planning and Zoning Commission shall not approve a final plat until the City Engineer has approved the drainage plan for that site.

Formatted: Justified, Indent: Left: 0.53", Hanging: 0.46", Right: 0.47", No bullets or numbering

Sec. 38-30. Variance procedures.

- (a) *Appeal board.*

Deleted: c

Deleted: p

Deleted: z

Deleted: c

Deleted: e

- (1) The Appeal Board, as established by City Council, shall hear and decide appeals and requests for variances from the requirements of this chapter.

- (2) The Appeal Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

Deleted:

- (3) In passing upon such applications, the Appeal Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

Deleted: City Council

Deleted: .

- (i) The danger that materials may be swept onto other lands to the injury of others;
- (ii) The danger to life and property due to flooding or erosion damage;
- (iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (iv) The importance of the services provided by the proposed facility to the community;
- (v) The necessity to the facility of a waterfront location, where applicable;
- (vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (vii) The compatibility of the proposed use with existing and anticipated development;
- (viii) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- (ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (xi) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Formatted: Justified, Indent: Left: 1.53", Hanging: 0.46", Right: 0.47", No bullets or numbering

(4) Upon consideration of the factors of section 38-30(a)(3) and the purposes of this chapter, the Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 0" + Indent at: 1.25"

Deleted: 29

(5) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency, upon request.

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 0" + Indent at: 1.25"

Deleted: Insurance Administration

(b) *Conditions for variances.*

(1) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in section 38-30(a)(3) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.

Deleted: Generally, the only condition under which a variance from the elevation standard

Deleted: is

Deleted: 29

Deleted: 4

(2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

(3) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result

Deleted: <#> ¶

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances shall only be issued upon:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant;

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 38-30(a)(3), or conflict with existing local laws or ordinances.

Formatted: Justified, Indent: Left: 1.53", Hanging: 0.46", Right: 0.47", Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Left + Aligned at: 1.56" + Tab after: 0" + Indent at: 2.06"

Formatted: Justified, Indent: Left: 1.53", Hanging: 0.46", Right: 0.47", Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Left + Aligned at: 1.56" + Tab after: 0" + Indent at: 2.06"

Formatted: Justified, Indent: Left: 1.53", Hanging: 0.46", Right: 0.47", Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Left + Aligned at: 1.56" + Tab after: 0" + Indent at: 2.06"

Deleted: 29

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 0" + Indent at: 1.25"

(6) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely

populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

- (7) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except section 38-30(b)(1), and otherwise complies with sections 38-41(a) and (b) of the **General standards**.

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 0" + Indent at: 1.25"

Deleted: 29

- (8) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Section 38-30 (b) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 0" + Indent at: 1.25"

- (9) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 0" + Indent at: 1.25"

- (c) Appeal of decision. All decisions of the Board of Adjustments are final and binding and may not be appealed to City Council. However, any person aggrieved by a decision of the Board of Adjustments may present a verified petition that states that the decision of Board is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition must be presented to a court of appropriate jurisdiction within ten calendar days after the date the Board's decision is filed in the office of the Secretary of the Board.

Formatted: Justified, Indent: Left: 0.53", Hanging: 0.46", Right: 0.47"

Formatted: Font: Italic

Deleted: Any person or persons aggrieved by the decision of the . . . Appeal Board may appeal such decision in the courts of competent jurisdiction.

ARTICLE III. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 38-41. General standards.

In the flood-prone area, the following standards are required:

Deleted: all

Deleted: s of special flood hazards

(a) *Anchoring.*

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
- (2) All manufactured homes must likewise be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrostatic and hydrodynamic loads including the effects of buoyancy, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques.)

Formatted: Font: Italic

(b) *Site drainage. Drainage pathways are required around structures to guide floodwaters around such structures.*

Formatted: Justified, Indent: Left: 0.53", Right: 0.47", No bullets or numbering

(c) *Construction materials and methods.*

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Deleted: AH zone drainage. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.¶

Deleted: E

Deleted: shall be

(d) *Utilities.*

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
 - (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (e) *Standards for subdivisions.*
- (1) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be consistent with the need to minimize flood damage;
 - (2) All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet Floodplain Development Permit requirements of this chapter. Deleted: .
 - (3) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
 - (4) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and,
 - (5) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).
- (f) *Review of building permits.* Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (Section 38-28(b)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates. Deleted: s
- (g) Mitigation of Fill. Fill in the flood-prone area must be mitigated to ensure that the storage volume of such area is not diminished by development. A

development permit applicant must submit a Fill Mitigation Analysis demonstrating that the proposed development, if constructed, will not result in a decrease in storage volume within the flood-prone area.

Sec. 38-42. Specific standards.

- (a) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least 1.5 feet above the base flood elevation. A registered professional engineer or land surveyor shall submit a FEMA Elevation Certificate to the Floodplain Administrator that verifies that the standard of this paragraph is satisfied.

Deleted: to

Deleted: , architect,

Deleted: certification

- (b) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either meet the specific standards for residential construction, or, together with attendant utility and sanitary facilities, shall:

Deleted: have the lowest floor, including basement, elevated to 1.5 feet above the base flood level

- (1) Be floodproofed to at least 1.5 feet above the base flood level so that the structure is watertight with walls substantially impermeable to the passage of water;

Deleted: so that below

- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

- (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in section 38-28(c)(2);

- (4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in section 38-42(d);

Deleted: a

Deleted: (2)

- (5) Applicants floodproofing nonresidential buildings are advised that flood insurance premiums may be based on rates that are greater than those established for buildings with the first floor elevated to the same level.

Deleted: shall

Deleted: be notified

Deleted: will

Deleted: one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below.

- (c) *Critical facility.* Construction of new critical facilities shall be, to the extent possible, located outside the limits of the flood-prone area. Construction of new critical facilities shall be permissible within the flood-prone area if no feasible alternative site is available. Critical facilities constructed within the flood-prone area shall have the lowest floor

Formatted: Justified, Indent: Left: 0.53", Hanging: 0.46", Right: 0.47"

elevated, or the structure shall be flood-proofed to an elevation, at least 1.5 feet above the elevation of the 500-year (0.2% probability) flood event or three feet above the highest adjacent grade of the building site if flood elevation data is not available. Additionally, flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access to and from the critical facility must be assured under all circumstances. The City Engineer will review and approve all plans for access routes for critical facilities located in the flood-prone area.

(d) Enclosures. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a professional engineer licensed in the state of Texas or must meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) Below grade crawlspaces shall be designed in accordance with FEMA Technical Bulletin 11-01, "Crawlspace Construction for Buildings Located in Special Flood Hazard Areas", FIA-TB-11, or revisions to this document.
- (5) Below grade, crawlspaces are prohibited at sites where the velocity of floodwaters exceeds five (5) feet per second.
- (6) All building utility systems within the crawlspace shall be elevated above base flood elevation or be designed so that floodwaters cannot enter or accumulate within the system component during flood conditions.
- (7) The interior of a crawlspace below the base flood elevation must not be more than 2 feet below the lowest adjacent exterior grade (LAG) and the height of the below grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation must not exceed 4 feet at any point.

Deleted: .

Formatted: Justified, Indent: Left: 0.53", Hanging: 0.46", Right: 0.47", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 4 + Alignment: Left + Aligned at: 0.5" + Tab after: 0" + Indent at: 0.75"

Deleted: be

Deleted: registered

Deleted: or architect

(8) Below grade, crawlspaces constructed in accordance with the requirements listed in this subsection shall not be considered basements. However, applicants who construct buildings that have below grade crawlspaces are hereby advised that such buildings may have higher flood insurance premiums than buildings that have crawlspaces with interior elevations at or above the lowest adjacent grade. In addition, the building design must include adequate provision for drainage from the crawlspace following a flooding event.

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1.13" + Tab after: 0" + Indent at: 1.38"

Deleted: will

(e) *Manufactured homes.*

Deleted: c

(1) All manufactured homes to be placed or substantially improved on sites:

- (i) Outside of a manufactured home park or subdivision;
- (ii) In a new manufactured home park or subdivision;
- (iii) In an expansion to an existing manufactured home park or subdivision; or
- (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood; shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at 1.5 feet above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

Formatted: Justified, Indent: Left: 1.53", Hanging: 0.46", Right: 0.47", No bullets or numbering

(2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within the flood-prone area that are not subject to the above manufactured home provisions shall be elevated so that either:

Deleted: Zones A1-30, AH, and AE on the community's FIRM

- (i) The lowest floor of the manufactured home is elevated at 1.5 feet above the base flood elevation, or
- (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

(f) *Recreational vehicles.* Recreational vehicles placed on sites are required to either:

Deleted: d

- (1) be on the site for fewer than 180 consecutive days;
- (2) be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- (3) meet the requirements of section 38-42(e) and the elevation and anchoring requirements for manufactures homes.

Deleted: c

Deleted: above

Formatted: Justified, Indent: Left: 0.99", Hanging: 0.53", Right: 0.47", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1.31" + Tab after: 0" + Indent at: 1.56"

Formatted: Justified, Indent: Left: 0.53", Hanging: 0.46", Right: 0.47", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 7 + Alignment: Left + Aligned at: 0.56" + Tab after: 0" + Indent at: 0.81"

(g) *Accessory structures.* Accessory structures shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters; shall be anchored to prevent floatation which may result in damage to other structures; and service utilities such as electrical and heating equipment shall be elevated or floodproofed.

(h) *Breakaway walls.* Breakaway walls must be designed so that if carried downstream they will not cause damage to any other structure. Breakaway walls must have a design safe loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty pounds per square foot (either by design or when so required by city or state codes) may be permitted only if a registered professional engineer certifies that the proposed design meets the following conditions

- (1) Wall collapse shall result from a water load less than that which would occur during the base flood; and,
- (2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100 year mean recurrence interval).

Deleted: l

Deleted: one hundred-year

Sec. 38-43. Before regulatory floodway.

In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the city of Tomball's FIRM unless

Deleted: community's

it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Sec. 38-44. Regulatory Floodway.

Deleted: s

The regulatory floodway is the designated area within Zone AE of the special flood hazard area established in section 38-6(b). Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

Deleted: Located within areas

Deleted: are areas designated as floodways

(a) Prohibit new private development in the regulatory floodway. Improvements to existing structures which do not propose an expansion of the existing footprint of such structures may be permitted if all other requirements of this section are fulfilled.

(b) Concerning public development, prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer, licensed by the state of Texas, is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. This requirement may be satisfied by a Conditional Letter of Map Revision issued by the Federal Emergency Management Agency.

Deleted: a

Deleted: P

(c) Require that the bottom of the lowest horizontal member supporting the proposed structure, including bridges, be elevated at least 18 inches above the base flood elevation.

(d) If sections 38-44(b and c) are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article III hereof, **Provisions for flood hazard reduction.**

Deleted: b

Deleted: l

Deleted: is

Sec. 38-45. Standards for shallow flooding areas (AO/AH Zones).

Deleted: ¶
¶

Located within the special flood hazard area established in Section 38-6(b) are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. In these areas, the following provisions apply:

Deleted: S

Deleted: areas appear on FIRMs as AO zones with depth designations

Deleted: The base

Deleted: in these zones range from

Deleted: above ground

Deleted: or

Deleted: usually characterized as

(a) _____ New construction and substantial improvements of residential structures and manufactured homes within AO/AH zones shall have the lowest floor (including basement) elevated above the highest grade

adjacent to the building, 1.5 feet or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).

- (b) New construction and substantial improvements of nonresidential structures within AO/AH zones shall either:
 - (1) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, 1.5 feet or more above the depth number specified on the FIRM (at least two feet, if no depth number is specified); or
 - (2) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in section 38-42(b) (3).
- (c) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures
- (d) Recreational vehicles placed on sites within AO/AH Zones on the community's FIRM must either:
 - (1) be on the site for fewer than 180 consecutive days,
 - (2) be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - (3) Meet the requirements of section 38-45 above and the elevation and anchoring requirements for manufactured homes.”

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

SECTION 3. It is the intent of the City that this Ordinance shall comply in all respects with the applicable provisions of the United States Constitution, the Texas Constitution, and the Charter of the City of Tomball. In the event any clause, phrase, provision, sentence, or part of

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

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

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE ____TH DAY OF _____ 2010.

COUNCILMAN QUINN	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____

SECOND READING:

READ, PASSED AND ADOPTED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE ____TH DAY OF
_____ 2010.

COUNCILMAN QUINN _____

COUNCILMAN STOLL _____

COUNCILMAN BROWN _____

COUNCILMAN TOWNSEND _____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Page 3: [1] Deleted	LaserJ	4/20/2010 2:59:00 PM
----------------------------	---------------	-----------------------------

; shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters; shall be anchored to prevent floatation which may result in damage to other structures; and service utilities such as electrical and heating equipments shall be elevated or flood-proofed

Page 3: [2] Deleted	Wilson, Sonja M.	4/1/2010 4:23:00 PM
----------------------------	-------------------------	----------------------------

Alluvial fan flooding - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex – means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Page 3: [3] Formatted	Wilson, Sonja M.	4/1/2010 4:40:00 PM
------------------------------	-------------------------	----------------------------

Normal, Indent: Left: 0.53", Right: 0.47", Space After: 0 pt, Line spacing: single, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Page 3: [4] Deleted	LaserJ	4/20/2010 4:42:00 PM
----------------------------	---------------	-----------------------------

. The base flood depths range from

Page 3: [5] Formatted	Wilson, Sonja M.	4/1/2010 4:34:00 PM
------------------------------	-------------------------	----------------------------

Font: Times New Roman, 11.5 pt

Page 3: [6] Deleted	Wilson, Sonja M.	3/31/2010 10:58:00 AM
----------------------------	-------------------------	------------------------------

Also referred to as the “100-year flood.” Designation on maps always includes the letters A or V.

Page 3: [7] Deleted	Wilson, Sonja M.	3/31/2010 10:57:00 AM
----------------------------	-------------------------	------------------------------

Designation on maps always includes the letters A or V.

Page 3: [8] Formatted	Wilson, Sonja M.	4/1/2010 4:40:00 PM
------------------------------	-------------------------	----------------------------

Indent: Left: 0.53", First line: 0", Right: 0.47", Keep with next

Page 3: [9] Formatted	Wilson, Sonja M.	4/28/2010 2:56:00 PM
------------------------------	-------------------------	-----------------------------

Font: Not Bold, Not Highlight

Page 3: [10] Formatted	Wilson, Sonja M.	4/28/2010 2:56:00 PM
-------------------------------	-------------------------	-----------------------------

Font: Times New Roman, 11.5 pt, Italic

Page 3: [11] Formatted	Wilson, Sonja M.	4/28/2010 2:56:00 PM
-------------------------------	-------------------------	-----------------------------

Font: Times New Roman, 11.5 pt, Not Bold, Italic

Page 3: [12] Formatted	Wilson, Sonja M.	4/28/2010 2:56:00 PM
-------------------------------	-------------------------	-----------------------------

Font: Times New Roman, 11.5 pt, Not Bold

Page 3: [13] Formatted	Wilson, Sonja M.	4/1/2010 4:31:00 PM
-------------------------------	-------------------------	----------------------------

Font: Times New Roman, 11.5 pt

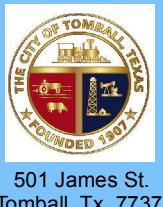
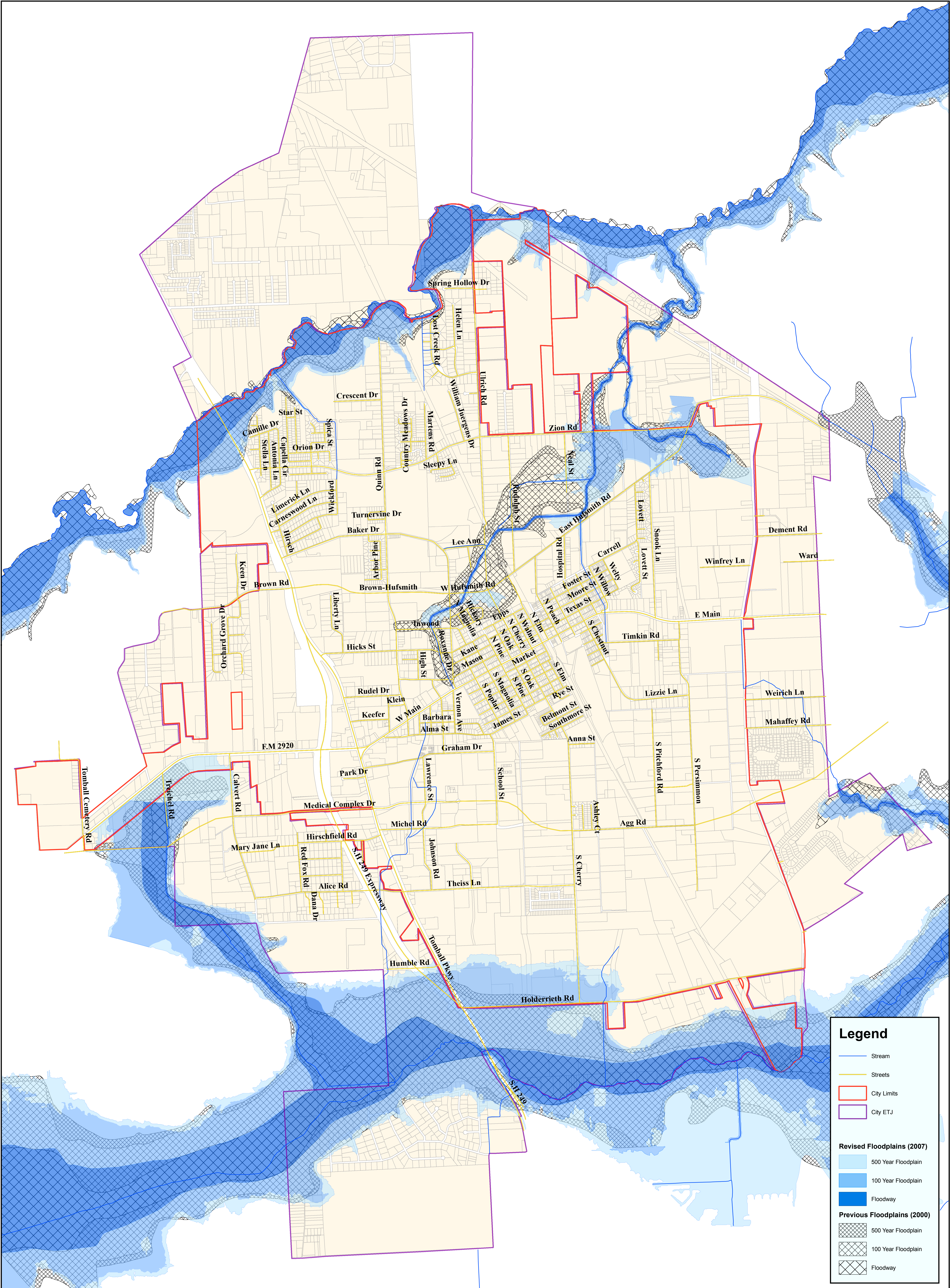
Page 3: [14] Formatted	Wilson, Sonja M.	4/1/2010 4:31:00 PM
-------------------------------	-------------------------	----------------------------

Font: Times New Roman, 11.5 pt

Page 3: [15] Formatted	Wilson, Sonja M.	4/1/2010 4:31:00 PM
-------------------------------	-------------------------	----------------------------

Font: Times New Roman, 11.5 pt

REVISED FEMA FLOODPLAIN



This is not an official FEMA Flood Insurance Rate Map (FIRM). This is for information purposes only and allows the user the Revised Preliminary FEMA Floodplains.

The Revised FEMA Floodplain is effective as of June 18, 2007.



0 2,000 4,000 8,000 12,000 Feet

Regular City Council

Agenda Item

Data Sheet

Meeting Date: September 20, 2010

Topic:

Authorize Substitute Position Authorities to Cover Vacancies created by Unfilled Police Officer Positions and Long-term Absence of Tomball Police Officer, Paul Overcast.

Background:

The Tomball Police Department currently has four police officer vacancies. It is anticipated that these vacancies will be filled as a result of our current candidate pool, however, the selection, background, and hiring process will take months. Additionally, Officer Paul Overcast has been on sick leave since May 10, 2010, recovering from neurosurgery, and while he is steadily making progress, he is not expected to return to work for months.

These issues created a personnel shortfall that during the Summer months has been covered by two part-time officers based on prior City Council authorization allowing the Chief of Police to hire the part-time officers. This authorization ends on September 30, 2010.

If this authorization is allowed to expire, the aforementioned shortfalls will have to be covered on an overtime basis by current employees. This is not only costly, but has the potential to fatigue officers as this coverage continues for a protracted period of time.

As a means of alleviating the personnel shortfall, saving City funds, and ensuring quality service is maintained, it is requested that substitute position authority be granted, authorizing the chief of police to hire part-time police officers to fill these vacancies as long they exist, and only if there are budgeted funds available.

The City is fortunate to have outstanding reserve officers who are willing to work on a part-time basis. Therefore, there will be no cost associated with recruitment, hiring, background investigation, uniforms, equipment, or training. The only cost to the City will be salary, which will not negatively impact our current budget due to salary savings we have already realized as a result of current vacancies.

Origination:

Robert S. Hauck, Chief of Police

Recommendation:

It is recommended that City Council approve substitute position authorities allowing the chief of police to hire part-time police officers to fill vacancies as long they exist, and as long as there are budgeted funds available.

Funding: Yes

Account Number: 100-121-6004

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

Robert S. Hauck, Chief of Police

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

Regular City Council

Agenda Item

Meeting Date: September 20, 2010

Data Sheet

Topic:

Award Contract for Janitorial Services for City of Tomball Facilities for the 2010-2011 Fiscal Year to Low Bidder, Phillips Cleaning Services, LLC

Background:

Bids were taken on 9/7/2010 for Janitorial Services for the 2010-2011 fiscal year and the lowest and best bidder was Phillips Cleaning Services, LLC. They are a local Tomball company with very good, confirmed references.

Origination:

Finance Department

Recommendation:

Staff recommends that the contract for janitorial services be awarded to the lowest bidder, Phillips Cleaning Services, LLC.

Funding:

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

Glenn Windsor, Finance Director, CPA, CGFO

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

ATTACHMENTS:

FY 2010-2011 Janitorial Services Bids

CITY OF TOMBALL – JANITORIAL SERVICES

REPORT OF OPENING AND TABULATION OF BIDS

DATE: 9-7-2010

TIME: 9:02 AM

PROJECT NUMBER: 2010-07

	YEARLY AMOUNT
1) Phillips Cleaning Services, LLC 29634 Quinn Rd., Tomball, TX 77375	\$41,376.00
2) G&C Building Maintenance Services, Inc. 13309-1 Reeveston Rd., Houston, TX 77039	\$42,000.00
3) Alanton Group, Inc. 14090 FM 2920, Suite G-333 Tomball, TX 77377	\$43,645.00
4) C&S Janitorial Services 13940 Bammel N. Houston, Suite 214 Houston, TX 77066	\$44,160.00
5) Jan-Pro Cleaning Systems of Houston 15810 Park Ten Place, Suite #135 Houston, TX 77095	\$45,444.00
6) American Janitorial Services, Ltd. 2951 Marina Bay Dr., Suite 130 #935 League City, TX 77573	\$51,360.00
7) United Building Services Co. P. O. Box 879 Tomball, TX 77377-0879	\$52,200.00 without bond \$58,200.00 with bond
8) James Enterprise 607 Cedar Street, Suite #4 Cedar Hill, Texas 75104	\$57,960.00
9) Maintenance of Houston 4007 Waldo Street Houston, TX 77063	\$59,908.50
10) A+ Office Cleaning P. O. Box 1401 Tomball, TX 77377	\$67,215.00

Regular City Council

Agenda Item

Data Sheet

Meeting Date: September 20, 2010

Topic:

Approve Amendment to Administrative Policy #24, Entitled "*Tennis Court Reservation Policy*"

Background:

City Council approved the current Tennis Court Reservation Policy on August 3, 2009, which included establishing certain rules and fees pertaining to reservations and use by tennis leagues. At that time, Public Works was considering provisions in the policy that would facilitate league play. Rule #11 of the current policy allows for staff discretion for reserving all four courts for league play. The intent for this provision was to enable leagues to finish play in less time, keeping in mind that Council's concern for reserving the courts has always been that at least one court be available for public use. The purpose was to allow the four courts to be reserved for league play only, under certain circumstances, and if an issue was raised by citizens wanting to play and could not because all four courts were reserved, the policy would be changed.

During the 2009 playing season, two concerns were raised by local citizens who could not use the courts as all courts were reserved for league play by one league. During 2009, one of seven leagues requested exclusive use of all four courts. That reservation was amended to provide three courts which resolved the issues.

During the 2010 playing season, two of eight leagues have requested exclusive use of all four courts. Both requests were denied by staff. One of the two leagues that were denied is persisting with their request as the current rule allows staff discretion.

Staff is requesting Council approval of a policy amendment that will eliminate staff discretion regarding exclusive use of all four tennis courts, and only allow exclusive use of up to three of four courts at one time.

Origination:

Public Works

Recommendation:

Staff recommends approval of amendment to Administrative Policy #24 Tennis Court Reservation Policy as presented.

Funding:

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

Director of Public Works

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

ATTACHMENTS:

Current Tennis Court Res Policy

Proposed Tennis Court Res Policy

Revised Tennis Court Res App

**CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES**

SUBJECT TENNIS COURTS RESERVATION POLICY	NUMBER: 24	EFFECTIVE DATE: August 3, 2009	PAGE 1 OF 2
	REVISED:	APPROVED BY CITY MANAGER: August 3, 2009	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: August 3, 2009	

The general public may reserve Jerry Matheson Park tennis courts. Reserving tennis courts will guarantee availability. Individuals may not utilize city facilities for profit making endeavors.
Priority use of tennis courts to be given by reservation.

1. Reservations may be made by contacting Public Works. The tennis courts must be cleaned up by reserving party immediately after function is over. There will be a charge if the City has to clean the tennis courts.
2. No glass containers.
3. No loud or abusive language.
4. The possession and/or consumption of alcoholic beverages are prohibited in the park area.
5. No pets on tennis courts.
6. No littering.
7. No loud music.
8. No display or use of firearms of any kind.
9. Park closes at 10 p.m. unless previous arrangements are made.
10. Limit of four (4) persons per court, 2 hour time limit.
11. No more than 3 of 4 courts reserved at one time, except on designated league days for league play with staff permission.
12. No more than 3 months reserved at one time.
13. Tennis shoes must be worn at all times.
14. No roller skating, skate boarding, bicycles or hockey allowed on courts at any time.

- ☐ **Residency verification :** _____ (city staff)
☐ ***RESIDENT** ☐ **PER COURT-2 HOURS \$5.00**
☐ **NON-RESIDENT** ☐ **PER COURT-2 HOURS \$10.00**
☐ **LEAGUE FEES: \$150.00 per league-per season (4 months)**
 ☐ **Spring-(Feb., Mar., Apr., May)**
 ☐ **Fall-(Sept., Oct., Nov., Dec.)**

***Resident: Must present recent Tomball City Water Bill or have a current account with The City Utility department.**

Date Needed: _____ Time: _____ Number of Courts: _____ Total Due: _____

Date Needed: _____ Time: _____ Number of Courts: _____ Total Due: _____

Date Needed: _____ Time: _____ Number of Courts: _____ Total Due: _____

Date Needed: _____ Time: _____ Number of Courts: _____ Total Due: _____

Date Needed: _____ Time: _____ Number of Courts: _____ Total Due: _____

Contact Person: _____ Email: _____

**CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES**

SUBJECT TENNIS COURTS RESERVATION POLICY	NUMBER: 24	EFFECTIVE DATE: August 3, 2009	PAGE 2 OF 2
	REVISED:	APPROVED BY CITY MANAGER: August 3, 2009	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: August 3, 2009	

Business Phone: _____ Home
phone: _____ Fax: _____

Home Address: _____ City: _____ St. _____ Zip: _____

I have read the Tennis Court Rules and Regulations and understand that I am responsible for cleanup. If the Tennis Courts are not cleaned up or have been damaged, I will be subject to any costs incurred by the City. I am also responsible to make certain that all rules and regulations are followed and am aware that violation of the rules and regulations could prohibit future applications for reservations by me or the organization I am representing.

INDEMNIFICATION

INDEMNIFICATION. LICENSEE agrees that it will indemnify and save the CITY harmless of, from and against any and all claims, demands, actions, damages, losses, costs, liabilities, expenses and judgments (hereinafter "claims") recovered from or asserted against CITY on account of injury or damage to persons or property to the extent that any such damage or injury may be incident to, arise out of, or be caused, either proximately or remotely, in whole or in part, by an act, omission, negligence or misconduct on the part of LICENSEE or any of its agents, servants, employees, contractors, patrons, guests, licensees or invitees or of any other person entering upon the LICENSED PREMISES with the express or implied invitation or permission of LICENSEE, or when and such injury or damage is the result, proximate or remote, of the violation by LICENSEE or any of its agents, servants, employees, contractors, patrons, guests, licensees or invitees of any law, ordinance or governmental order of any kind, or when any such injury or damage may in any way arise from or out of the occupancy or use by the LICENSEE, its agents, servants, employees, contractors, patrons, guests, or invitees. LICENSEE further expressly covenants and agrees to protect, defend, indemnify, and hold harmless the CITY from all claims based upon alleged joint and/or concurrent negligence of the CITY and LICENSEE arising out of or incident to LICENSEE's occupancy or use of the LICENSED PREMISES. LICENSEE covenants and agrees that in case CITY shall be made a party to any litigation commenced by or against LICENSEE or relating to this LICENSE or to the LICENSED PREMISES, then LICENSEE shall and will pay all costs and expenses, including reasonable attorney's fees and court costs, incurred by or imposed upon CITY by virtue of any such litigation.

ACKNOWLEDGEMENT: I _____ (printed name) hereby acknowledge that the solicitation of, and/or administering or receiving paid instructions, lessons, or therapy, and the sale of any merchandise at this public facility is strictly prohibited.

Signature _____ Date: _____

Confirmation of Park Reservations by signature below only! Application subject to a 24 hour application review period prior to approval by City Administration.

City of Tomball: _____ (City Staff) Date: _____

KEEP THIS FORM WITH YOU AT THE PARK!!!!

Public Works Depart.-501 James Street-Tomball, Texas- (281) 290-1400, after hours, Police Dept. Dispatch-281-351-5451

**CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES**

SUBJECT TENNIS COURTS RESERVATION POLICY	NUMBER: 24	EFFECTIVE DATE: August 3, 2009	PAGE 1 OF 2
	REVISED:	APPROVED BY CITY MANAGER:	
	SUPERSEDES:	APPROVED BY CITY COUNCIL:	

The general public may reserve Jerry Matheson Park tennis courts. Reserving tennis courts will guarantee availability. Individuals may not utilize city facilities for profit making endeavors.

Priority use of tennis courts to be given by reservation.

1. Reservations may be made by contacting Public Works. The tennis courts must be cleaned up by reserving party immediately after function is over. There will be a charge if the City has to clean the tennis courts.
2. No glass containers.
3. No loud or abusive language.
4. The possession and/or consumption of alcoholic beverages are prohibited in the park area.
5. No pets on tennis courts.
6. No littering.
7. No loud music.
8. No display or use of firearms of any kind.
9. Park closes at 10 p.m. unless previous arrangements are made.
10. Limit of four (4) persons per court, 2 hour time limit.
11. No more than 3 of 4 courts reserved at one time.
12. No more than 3 months reserved at one time.
13. Tennis shoes must be worn at all times.
14. No roller skating, skate boarding, bicycles or hockey allowed on courts at any time.

☐ **Residency verification : _____ (city staff)**

☐ ***RESIDENT ☐ PER COURT-2 HOURS \$5.00**

☐ **NON-RESIDENT ☐ PER COURT-2 HOURS \$10.00**

☐ **LEAGUE FEES: \$150.00 per league-per season (4 months)**

☐ **Spring-(Feb., Mar., Apr., May)**

☐ **Fall-(Sept., Oct., Nov., Dec.)**

***Resident: Must present recent Tomball City Water Bill or have a current account with The City Utility department.**

Date Needed: _____ Time: _____ Number of Courts: _____ Total Due: _____

Date Needed: _____ Time: _____ Number of Courts: _____ Total Due: _____

Date Needed: _____ Time: _____ Number of Courts: _____ Total Due: _____

Date Needed: _____ Time: _____ Number of Courts: _____ Total Due: _____

Date Needed: _____ Time: _____ Number of Courts: _____ Total Due: _____

Contact Person: _____ Email: _____

**CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES**

SUBJECT TENNIS COURTS RESERVATION POLICY	NUMBER: 24	EFFECTIVE DATE: August 3, 2009	PAGE 2 OF 2
	REVISED:	APPROVED BY CITY MANAGER: August 3, 2009	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: August 3, 2009	

Business Phone: _____ Home
phone: _____ Fax: _____

Home Address: _____ City: _____ St. _____ Zip: _____

I have read the Tennis Court Rules and Regulations and understand that I am responsible for cleanup. If the Tennis Courts are not cleaned up or have been damaged, I will be subject to any costs incurred by the City. I am also responsible to make certain that all rules and regulations are followed and am aware that violation of the rules and regulations could prohibit future applications for reservations by me or the organization I am representing.

INDEMNIFICATION

INDEMNIFICATION. LICENSEE agrees that it will indemnify and save the CITY harmless of, from and against any and all claims, demands, actions, damages, losses, costs, liabilities, expenses and judgments (hereinafter "claims") recovered from or asserted against CITY on account of injury or damage to persons or property to the extent that any such damage or injury may be incident to, arise out of, or be caused, either proximately or remotely, in whole or in part, by an act, omission, negligence or misconduct on the part of LICENSEE or any of its agents, servants, employees, contractors, patrons, guests, licensees or invitees or of any other person entering upon the LICENSED PREMISES with the express or implied invitation or permission of LICENSEE, or when and such injury or damage is the result, proximate or remote, of the violation by LICENSEE or any of its agents, servants, employees, contractors, patrons, guests, licensees or invitees of any law, ordinance or governmental order of any kind, or when any such injury or damage may in any way arise from or out of the occupancy or use by the LICENSEE, its agents, servants, employees, contractors, patrons, guests, or invitees. LICENSEE further expressly covenants and agrees to protect, defend, indemnify, and hold harmless the CITY from all claims based upon alleged joint and/or concurrent negligence of the CITY and LICENSEE arising out of or incident to LICENSEE's occupancy or use of the LICENSED PREMISES. LICENSEE covenants and agrees that in case CITY shall be made a party to any litigation commenced by or against LICENSEE or relating to this LICENSE or to the LICENSED PREMISES, then LICENSEE shall and will pay all costs and expenses, including reasonable attorney's fees and court costs, incurred by or imposed upon CITY by virtue of any such litigation.

ACKNOWLEDGEMENT: I _____ (printed name) hereby acknowledge that the solicitation of, and/or administering or receiving paid instructions, lessons, or therapy, and the sale of any merchandise at this public facility is strictly prohibited.

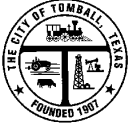
Signature _____ Date: _____

Confirmation of Park Reservations by signature below only! Application subject to a 24 hour application review period prior to approval by City Administration.

City of Tomball: _____ (City Staff) Date: _____

KEEP THIS FORM WITH YOU AT THE PARK!!!!

CITY OF TOMBALL ADMINISTRATIVE POLICIES, RULES AND PROCEDURES
Public Works Department-501 James Street-Tomball, Texas- (281) 290-1400, after hours, Police Dept. Dispatch-281-351-5451



City of Tomball
TENNIS COURTS-MATHESON PARK @1240 ULRICH
RESERVATION
Rules and Regulations
(281)290-1400
Fax # (281) 351-4735

Office Hours 8:00am-5:00pm-Park Hours 8:00am-10:00pm

The general public may reserve Jerry Matheson Park tennis courts. Reserving tennis courts will guarantee availability. Individuals may not utilize city facilities for profit making endeavors.

Priority use of tennis courts to be given by reservation.

1. Reservations may be made by contacting Public Works. The tennis courts must be cleaned up by reserving party immediately after function is over. There will be a charge if the City has to clean the tennis courts.
2. No glass containers.
3. No loud or abusive language.
4. The possession and/or consumption of alcoholic beverages are prohibited in the park area.
5. No pets on tennis courts.
6. No littering.
7. No loud music.
8. No display or use of firearms of any kind.
9. Park closes at 10 p.m. unless previous arrangements are made.
10. Limit of four (4) persons per court, 2 hour time limit.
11. No more than 3 of 4 courts reserved at one time.
12. No more than 3 months reserved at one time.
13. Tennis shoes must be worn at all times.
14. No roller skating, skate boarding, bicycles or hockey allowed on courts at any time.

☐ **Residency verification :** _____ (city staff)

☐ ***RESIDENT** ☐ **PER COURT-2 HOURS \$5.00**

☐ **LEAGUE FEES: \$150.00 per league-per season (4 months)**

☐ **NON-RESIDENT** ☐ **PER COURT-2 HOURS \$10.00**

☐ **Spring-(Feb., Mar., Apr., May)** ☐ **Fall-(Sept., Oct., Nov., Dec.)**

***Resident: Must present recent Tomball City Water Bill or have a current account with The City Utility department.**

Date Needed: _____	Time: _____	Number of Courts: _____	Total Due: _____
Date Needed: _____	Time: _____	Number of Courts: _____	Total Due: _____
Date Needed: _____	Time: _____	Number of Courts: _____	Total Due: _____
Date Needed: _____	Time: _____	Number of Courts: _____	Total Due: _____
Date Needed: _____	Time: _____	Number of Courts: _____	Total Due: _____

Contact Person: _____ Email: _____

Business Phone: _____ Home Phone: _____ Fax: _____

Home Address: _____ City: _____ St. _____ Zip: _____

I have read the Tennis Court Rules and Regulations and understand that I am responsible for cleanup. If the Tennis Courts are not cleaned up or has been damaged, I will be subject to any costs incurred by the City. I am also responsible to make certain that all rules and regulations are followed and am aware that violation of the rules and regulations could prohibit future applications for reservations by me or the organization I am representing.

INDEMNIFICATION

INDEMNIFICATION. LICENSEE agrees that it will indemnify and save the CITY harmless of, from and against any and all claims, demands, actions, damages, losses, costs, liabilities, expenses and judgments (hereinafter "claims") recovered from or asserted against CITY on account of injury or damage to persons or property to the extent that any such damage or injury may be incident to, arise out of, or be caused, either proximately or remotely, in whole or in part, by an act, omission, negligence or misconduct on the part of LICENSEE or any of its agents, servants, employees, contractors, patrons, guests, licensees or invitees or of any other person entering upon the LICENSED PREMISES with the express or implied invitation or permission of LICENSEE, or when and such injury or damage is the result, proximate or remote, of the violation by LICENSEE or any of its agents, servants, employees, contractors, patrons, guests, licensees or invitees of any law, ordinance or governmental order of any kind, or when any such injury or damage may in any way arise from or out of the occupancy or use by the LICENSEE, its agents, servants, employees, contractors, patrons, guests, or invitees. LICENSEE further expressly covenants and agrees to protect, defend, indemnify, and hold harmless the CITY from all claims based upon alleged joint and/or concurrent negligence of the CITY and LICENSEE arising out of or incident to LICENSEE's occupancy or use of LICENSED PREMISES. LICENSEE covenants and agrees that in case CITY shall be made a party to any litigation commenced by or against LICENSEE or relating to this LICENSE or to the LICENSED PREMISES, then LICENSEE shall and will pay all costs and expenses, including reasonable attorney's fees and court costs, incurred by or imposed upon CITY by virtue of any such litigation.

ACKNOWLEDGEMENT: I _____ (printed name) hereby acknowledge that the solicitation of, and/or administering or receiving paid instructions, lessons, or therapy, and the sale of any merchandise at this public facility is strictly prohibited.

Signature _____ Date: _____

Confirmation of Park Reservations by signature below only! Application subject to a 24 hour application review period prior to approval by City Administration.

City of Tomball: _____ (City Staff) Date: _____

KEEP THIS FORM WITH YOU AT THE PARK!!!!

Public Works Department-501 James Street-Tomball, Texas- (281) 290-1400, after hours, Police Dept. Dispatch-281-351-5451

Regular City Council

Agenda Item

Meeting Date: September 20, 2010

Data Sheet

Topic:

Receive the Capital Improvements Plan Advisory Committee (CIPAC) Recommendation for the Mayor to Issue the Certificate of Compliance Letter to the Texas Attorney General Regarding Compliance with Chapter 395 of the Texas Local Government Code.

Background:

In accordance to Chapter 395.082 of the Texas Local Government Code (LGC) a political subdivision that imposes an impact fee shall submit a written certification verifying compliance with this chapter to the Attorney General each year not later than the last day of the political subdivision's fiscal year. The Capital Improvements Plan Advisory Committee (CIPAC) met on September 13, 2010 to discuss the status of impact fees since the last CIPAC meeting on April 13, 2009. Engineering and Planning Department briefly reviewed the following:

1. Section 395.082 of the LGC to determine the Attorney General notification requirement stated above,
2. March 4, 2009 Memorandum from Engineering and Planning Department summarizing the purpose of the Infrastructure Master Plan and Impact Fee Determination 2007-2017 (copy attached);
3. April 13, 2009 CIPAC recommendation to the Mayor and City Council on land use assumptions and Infrastructure Master Plan and Impact Fee Determination 2007-2017 (copy attached); and
4. Ordinance 2009-12 adopting the Infrastructure Master Plan and Impact Fee Determination 2007-2017 as the City's Capital Improvement Plan (copy attached).

As a result and as noted in the attached September 13, 2010 Meeting Minutes and letter from the Chairman, CIPAC made its final recommendation by a 5-0 vote to request City Council to authorize the Mayor to certify to the Attorney General of Texas a certification of compliance with Chapter 395 of the Texas Local Government Code.

Origination:

Engineering and Planning Department

Recommendation:

Engineering and Planning Department recommend approval.

Funding:

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

Engineering and Planning Department

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER

☐ YES ☐ NO

☐ 1ST ☐ 2ND

ATTACHMENTS:

March 4, 2009 Memo to CIPAC

April 13, 2009 CIPAC Recommendation to Council

Construction Cost Trends

Ordinance 2009-12

CIPAC Draft Minutes 09.13.10

CIPAC Recommendation

CITY OF TOMBALL

MEMORANDUM

Date: March 4, 2009

To: Capital Improvement Plan (CIP) Advisory Committee

From: Engineering & Planning Department

Subject: CIP Advisory Committee Meeting, March 9, 2009

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

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

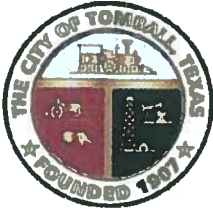
City Council will act on approving and adopting the land use assumptions and capital improvements plan for water, wastewater, drainage, park and roadway facilities, as prepared by Lockwood, Andrews & Newnam, Inc., P.E., using generally accepted engineering and planning practices in accordance with Section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

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

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

Exhibit 3-1
City of Tomball Population Projections





CITY OF TOMBALL CAPITAL IMPROVEMENTS PLAN ADVISORY COMMITTEE

DATE: APRIL 14, 2009

TO: MAYOR AND CITY COUNCIL

FROM: MARK A. MCCLURE, P.E

RE: CIPAC RECOMMENDED IMPACT FEE POLICY

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

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

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

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

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

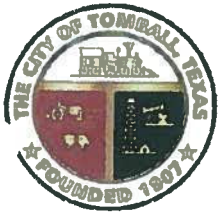
The recommended increases were unanimously approved by the CIPAC. For comparison, Exhibit B contains a chart showing a sample revision of other Cities and their current water and sewer impact fees.

Sincerely,

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

cc: Jan Belcher
Mary Coker

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



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

DATE: APRIL 13, 2009

TO: MAYOR AND CITY COUNCIL

FROM: CAPITAL IMPROVEMENTS PLAN ADVISORY COMMITTEE

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

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

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

Sincerely,

Tom Crofoot
CIPAC Chairman

Attachments:

Exhibit A
Exhibit B

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

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

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

Note:

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

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

Increase in the proposed maximum impact fees due to population growth projections and recent increase in historical construction cost. The Plan assumed six (6) major developments would occur impacting over 859 acres of development, prior to fourth quarter of calendar year 2008 downturn in economy. The Plan assumed developments included Raleigh Creek Subdivision (143 acres), Bob Allen Subdivision (206 acres), Shoppes at Spring Creek (40 acres), Saratoga Ranch Subdivision (149 acres), Pine Country Subdivision (56 acres), and TIRZ (265 acres). Reference attached Exhibit B, single family fees comparison study for other Municipalities

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

Exhibit B (04-13-09) *mm*

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

Bureau of Reclamation Construction Cost Trends

(Base: 1977 = 100 for Indexing Field Costs Only)

Item	2004				2005				2006				2007			
	Jan	Apr	Jul	Oct	Jan	Apr	Jul	Oct	Jan	Apr	Jul	Oct	Jan	Apr	Jul	Oct
Construction Indexes																
Earth dams	217	222	226	233	237	239	243	249	256	261	267	269	269	277	283	286
Dam structure	196	200	204	210	215	216	223	229	233	234	240	241	240	243	249	252
Spillway	231	238	242	250	254	256	257	262	275	285	290	294	295	308	315	319
Outlet works	253	259	264	271	274	276	277	281	292	300	304	309	310	320	326	330
Concrete dams	245	248	251	257	260	263	267	272	282	292	295	298	299	309	314	317
Diversion dams	244	250	254	261	264	267	271	277	280	286	289	292	293	299	303	305
Pumping plants	248	253	257	263	266	269	272	277	280	283	287	291	293	297	300	302
Structures and improvements	241	249	254	262	266	269	271	278	281	287	291	292	295	300	304	305
Equipment	260	262	264	270	272	274	277	280	283	285	288	294	296	298	302	305
Pumps and prime movers	262	265	267	272	274	278	281	283	287	289	293	300	301	305	310	311
Accessory elect. & misc. equip.	256	259	261	267	269	269	271	276	277	279	280	287	288	288	291	294
Powerplants	253	257	260	265	267	269	272	276	279	283	285	288	290	296	299	301
Structures and improvements	242	249	254	262	266	269	271	278	281	287	291	293	295	300	304	305
Equipment	261	263	265	269	270	272	274	277	280	283	285	289	290	297	300	301
Turbines and accessories	264	266	267	271	272	275	277	280	283	286	288	292	294	301	304	305
Accessory elect. & misc. equip.	250	254	257	262	263	265	268	272	275	277	278	284	284	286	291	293
Steel pipelines	273	275	277	287	290	291	291	293	295	297	305	309	311	313	318	320
Concrete pipelines	244	248	251	256	258	261	265	271	275	278	282	285	286	289	292	294
Canals	239	246	251	259	264	266	271	278	282	285	290	292	294	299	305	307
Canal earthwork	223	228	233	240	245	247	255	262	266	267	274	275	274	278	286	289
Canal structures	250	257	261	270	274	276	280	287	290	296	299	301	304	310	314	315
Tunnels	269	275	280	288	291	293	297	304	306	311	314	317	319	323	327	329
Laterals and drains	263	277	288	303	311	314	316	323	327	332	338	340	343	347	352	355
Lateral earthwork	220	225	229	235	239	241	248	255	258	260	265	267	267	270	277	279
Lateral structures	289	307	323	343	353	356	356	363	367	374	380	382	387	391	395	398
Distribution pipelines	246	250	253	258	260	263	266	271	276	278	281	285	286	289	292	294
Switchyards and substations	246	251	256	261	264	266	269	274	277	283	285	287	289	294	301	304
Wood pole transmission lines	211	222	231	233	234	241	240	243	250	262	255	250	249	253	255	252
Poles and fixtures	207	219	232	229	227	235	234	237	238	241	229	222	213	217	218	216
Overhead conductors and devices	220	227	232	239	245	252	249	254	268	292	290	288	296	302	303	299
Steel tower transmission lines	238	247	254	261	264	268	268	274	280	292	293	294	298	301	305	304
Primary roads	242	248	252	261	263	267	271	278	282	293	295	296	296	311	317	319
Secondary roads	280	282	284	291	294	297	302	309	321	331	336	338	341	374	382	389
Bridges	273	278	281	287	291	293	296	303	307	311	314	317	321	329	333	338
General property	247	256	261	266	267	270	271	277	279	283	285	289	287	290	292	293
Composite trend	252	259	265	274	277	280	283	288	293	298	301	303	305	309	314	316
Land Indexes																
Arizona	486	502	518	518	518	518	518	530	542	554	566	626	686	746	806	866
California	418	421	424	443	462	481	500	510	520	530	540	570	600	630	660	690
Colorado	286	288	290	293	296	299	302	309	316	323	330	340	350	360	370	395
Idaho	282	284	286	290	294	298	302	308	314	320	326	351	376	401	426	466
Kansas	157	157	157	163	169	175	181	186	191	196	201	206	211	216	221	233
Montana	246	251	256	257	258	259	260	266	272	278	284	309	334	359	384	434
Nebraska	186	189	192	193	194	195	196	201	206	211	216	221	226	231	236	248
Nevada	406	412	418	421	424	427	430	441	452	463	474	519	564	609	654	719
New Mexico	299	303	307	317	327	337	347	355	363	371	379	414	449	484	519	579
North Dakota	167	169	171	170	169	168	167	171	175	179	183	186	189	192	195	205
Oklahoma	184	187	190	190	190	190	190	194	198	202	206	212	218	224	230	240
Oregon	334	338	342	348	354	360	366	373	380	387	394	398	402	406	410	425
South Dakota	236	240	244	248	252	256	260	268	276	284	292	302	312	322	332	352
Texas	242	246	250	259	268	277	286	292	298	304	310	322	334	346	358	388
Utah	376	384	392	396	400	404	408	416	424	432	440	470	500	530	560	630
Washington	231	235	239	241	263	275	287	293	299	305	311	314	317	320	323	331
Wyoming	267	271	275	278	281	284	287	295	303	311	319	327	335	343	351	386
Other Indicators																
Machinery and equipment (BLS)	247	250	252	258	260	265	269	274	275	281	283	284	284	288	289	290
Federal salary	280	280	280	280	290	290	290	290	300	300	300	300	306	306	306	306
10.7% 11.2% 12.1% 25.1%																

Inquiries to: 86-68170, Fax: (303) 445-6475

Bureau of Reclamation Construction Cost Trends

(Base: 1977 = 100 for Indexing Field Costs Only)

Item	2008				2009				2010				2011			
	Jan	Apr	Jul	Oct	Jan	Apr	Jul	Oct	Jan	Apr	Jul	Oct	Jan	Apr	Jul	Oct
Construction Indexes																
Earth dams	291	296	309	312	298											
Dam structure	257	262	271	274	266											
Spillway	323	329	347	349	326											
Outlet works	334	338	354	359	343											
Concrete dams	320	323	332	334	326											
Diversion dams	307	311	322	326	320											
Pumping plants	305	308	321	326	322											
Structures and improvements	308	312	326	330	320											
Equipment	307	309	321	329	329											
Pumps and prime movers	314	317	332	341	341											
Accessory elect. & misc. equip.	296	298	303	311	311											
Powerplants	302	306	317	322	318											
Structures and improvements	307	312	326	330	320											
Equipment	302	305	316	321	320											
Turbines and accessories	307	310	320	326	324											
Accessory elect. & misc. equip.	294	296	304	312	310											
Steel pipelines	326	328	347	361	362	33%	2004-09									
Concrete pipelines	296	305	314	318	317											
Canals	312	317	329	333	324											
Canal earthwork	295	300	311	315	305											
Canal structures	318	322	334	338	331											
Tunnels	332	337	347	353	348											
Laterals and drains	360	372	400	404	390											
Lateral earthwork	285	289	298	302	295											
Lateral structures	403	419	459	463	446											
Distribution pipelines	296	304	313	318	316											
Switchyards and substations	303	311	321	327	319											
Wood pole transmission lines	244	252	257	260	244											
Poles and fixtures	209	203	210	214	202											
Overhead conductors and devices	291	317	317	320	299											
Steel tower transmission lines	302	317	327	330	317											
Primary roads	320	323	339	340	327	35%	2004-09									
Secondary roads	394	399	416	418	409											
Bridges	342	346	354	360	358											
General property	294	295	308	317	307											
Composite trend	318	325	340	345	337											
Land Indexes																
Arizona	926	986	1046	1096	1146											
California	720	750	780	815	850											
Colorado	420	445	470	490	510											
Idaho	506	546	586	616	646											
Kansas	245	257	269	284	299											
Montana	484	534	584	634	684											
Nebraska	260	272	284	309	334											
Nevada	784	849	914	969	1024											
New Mexico	639	699	759	814	869											
North Dakota	215	225	235	255	275											
Oklahoma	250	260	270	282	294											
Oregon	440	455	470	495	520											
South Dakota	372	392	412	447	482											
Texas	418	448	478	513	548	126%	2004-09									
Utah	700	770	840	910	980											
Washington	339	347	355	370	385											
Wyoming	421	456	491	526	561											
Other Indicators																
Machinery and equipment (BLS)	291	293	298	300	305											
Federal salary	316	316	316	316	328											

31% 08-09

Inquiries to: 86-68170, Fax: (303) 445-6475
01/2004 - 01/2009

$$\frac{548-242}{242} = 126\%$$

Construction Economics

ENR publishes both a Construction Cost Index and Building Cost index that are widely used in the construction industry. This website contains an explanation of the indexes methodology and a complete history of the 20-city national average for the CCI and BCI. Both indexes have a materials and labor component. In the second issue of each month ENR publishes the CCI, BCI, materials index, skilled labor index and common labor index for 20 cities and the national average. The first issue also contains an index review of all five national indexes for the latest 14 month period.

[Click here for more on using ENR Indexes](#)

Gain Quick ENR's Histo

Find ENR's Awa
(published later
75 different buil

Current Cost Indices

Construction Costs	Building Costs	Materials Cost		
 Despite this month's 0.1% decline in the CCI, the index's annual inflation rate held at 5.1%.	20-CITY: 1913 = 100	APR 2009 INDEX VALUE	% CHANGE MONTH	% CHANGE YEAR
	CONSTRUCTION COST	8528.39	-0.1	+5.1
	COMMON LABOR	18015.79	0.0	+5.4
	WAGE \$/HR.	34.23	0.0	+5.4

[View Complete Construction Economics Report](#) [May 04, 2009]

Order ENR's For 75 Differ

Our tables for ce
prices are publis
every month; pip
drywall prices th
For information c
March, 2005, cli

Construction Update

A 14 page repor
forecasts affectir

Materials Trends

[View all Materials Trends](#)



Concrete Prices Post Modest Increase

Ready-mix concrete prices posted modest monthly increases of between 0.2% and 0.4% at the start of May, according to ENR's 20-city average price for 3,000, 4,000 and 5,000 psi concrete. This month's slight rebound offset last month's declines. The net result left ENR's average price 4.2% above May 2008's level. The latest producer price index for ready-mix concrete showed concrete prices slipping 0.7% in March, according to the Bureau of Labor Statistics. The PPI for concrete remained 4.8% above March 2008's level. For the same period, the PPI for cement was up 6.0% for the year.

[View Complete Construction Economics Report](#) [May 04, 2009]

Historical Indices

[View all Historical Indices](#)

Construction Cost Index History

200 hours of common labor at the 20-city average of common labor rates, plus 25 cwt of standard structural steel shapes at the mill price prior to 1996 and the fabricated 20-city price from 1996, plus 1.128 tons of portland cement at the 20-city price, plus 1,088 board-ft of 2 x 4 lumber at the 20-city price.

Building Cost Index History

68.38 hours of skilled labor at the 20-city average of bricklayers, carpenters and structural ironworkers rates, plus 25 cwt of standard structural steel shapes at the mill price prior to 1996 and the fabricated 20-city price from 1996, plus 1.128 tons of portland cement at the 20-city price, plus 1,088 board-ft of 2 x 4 lumber at the 20-city price.

Construction Economics

ENR publishes both a Construction Cost Index and Building Cost index that are widely used in the construction industry. This website contains an explanation of the indexes methodology and a complete history of the 20-city national average for the CCI and BCI. Both indexes have a materials and labor component. In the second issue of each month ENR publishes the CCI, BCI, materials index, skilled labor index and common labor index for 20 cities and the national average. The first issue also contains an index review of all five national indexes for the latest 14 month period.

[Click here for more on using ENR Indexes](#)

Gain Quick ENR's Histo

Find ENR's Awards (published later 75 different build

Current Cost Indices

Construction Costs	Building Costs	Materials Cost		
 A 0.3% dip in material costs cut the BCI's annual escalation rate of 4.3% last month to 4.1%.	20-CITY: 1913 = 100	APR 2009 INDEX VALUE	% CHANGE MONTH	% CHANGE YEAR
	BUILDING COST	4761.05	-0.1	+4.1
	SKILLED LABOR	8112.22	0.0	+4.1
	WAGE \$/HR.	45.02	0.0	+4.1

[View Complete Construction Economics Report](#) [May 04, 2009]

Order ENR's For 75 Differ

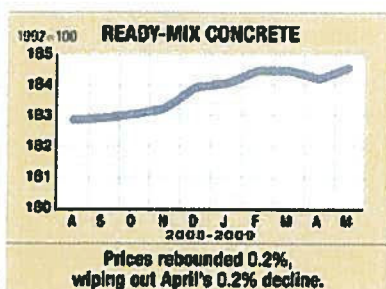
Our tables for ca prices are publis every month; pip drywall prices th For information March, 2005, cli

Construction Update

A 14 page repor forecasts affecti

Materials Trends

[View all Materials Trends »](#)



Concrete Prices Post Modest Increase

Ready-mix concrete prices posted modest monthly increases of between 0.2% and 0.4% at the start of May, according to ENR's 20-city average price for 3,000, 4,000 and 5,000 psi concrete. This month's slight rebound offset last month's declines. The net result left ENR's average price 4.2% above May 2008's level. The latest producer price index for ready-mix concrete showed concrete prices slipping 0.7% in March, according to the Bureau of Labor Statistics. The PPI for concrete remained 4.8% above March 2008's level. For the same period, the PPI for cement was up 6.0% for the year.

[View Complete Construction Economics Report](#) [May 04, 2009]

Historical Indices

[View all Historical Indices »](#)

Construction Cost Index History

200 hours of common labor at the 20-city average of common labor rates, plus 25 cwt of standard structural steel shapes at the mill price prior to 1996 and the fabricated 20-city price from 1996, plus 1.128 tons of portland cement at the 20-city price, plus 1,088 board-ft of 2 x 4 lumber at the 20-city price.

Building Cost Index History

68.38 hours of skilled labor at the 20-city average of bricklayers, carpenters and structural ironworkers rates, plus 25 cwt of standard structural steel shapes at the mill price prior to 1996 and the fabricated 20-city price from 1996, plus 1.128 tons of portland cement at the 20-city price, plus 1,088 board-ft of 2 x 4 lumber at the 20-city price.

Construction Economics

ENR publishes both a Construction Cost Index and Building Cost index that are widely used in the construction industry. This website contains an explanation of the indexes methodology and a complete history of the 20-city national average for the CCI and BCI. Both indexes have a materials and labor component. In the second issue of each month ENR publishes the CCI, BCI, materials index, skilled labor index and common labor index for 20 cities and the national average. The first issue also contains an index review of all five national indexes for the latest 14 month period.

[Click here for more on using ENR Indexes](#)

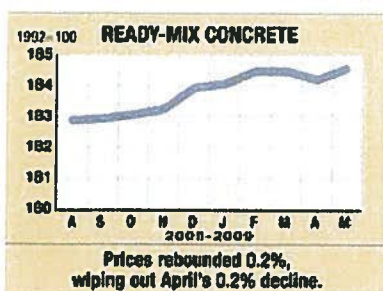
Current Cost Indices

Construction Costs	Building Costs	Materials Cost		
 Cement, steel and lumber prices all fell this month, offsetting last year gains. This kept annual inflation steady.	20-CITY: 1913 = 100	APR 2009 INDEX VALUE	% CHANGE MONTH	% CHANGE YEAR
	MATERIALS	2713.54	-0.3	+3.8
	CEMENT \$/TON	100.91	-0.8	-0.4
	STEEL \$/CWT	44.83	-0.2	+8.4
	LUMBER \$/MBF	411.60	-0.7	-4.2

[View Complete Construction Economics Report](#) [May 04, 2009]

Materials Trends

[View all Materials Trends »](#)



Concrete Prices Post Modest Increase

Ready-mix concrete prices posted modest monthly increases of between 0.2% and 0.4% at the start of May, according to ENR's 20-city average price for 3,000, 4,000 and 5,000 psi concrete. This month's slight rebound offset last month's declines. The net result left ENR's average price 4.2% above May 2008's level. The latest producer price index for ready-mix concrete showed concrete prices slipping 0.7% in March, according to the Bureau of Labor Statistics. The PPI for concrete remained 4.8% above March 2008's level. For the same period, the PPI for cement was up 6.0% for the year.

[View Complete Construction Economics Report](#) [May 04, 2009]

Historical Indices

[View all Historical Indices »](#)

Construction Cost Index History

200 hours of common labor at the 20-city average of common labor rates, plus 25 cwt of standard structural steel shapes at the mill price prior to 1996 and the fabricated 20-city price from 1996, plus 1.128 tons of portland cement at the 20-city price, plus 1,088 board-ft of 2 x 4 lumber at the 20-city price.

Building Cost Index History

68.38 hours of skilled labor at the 20-city average of bricklayers, carpenters and structural ironworkers rates, plus 25 cwt of standard structural steel shapes at the mill price prior to 1996 and the fabricated 20-city price from 1996, plus 1.128 tons of portland cement at the 20-city price, plus 1,088 board-ft of 2 x 4 lumber at the 20-city price.

**Gain Quick
ENR's Histo**

Find ENR's Awe
(published later
75 different buil

**Order ENR's
For 75 Differ**

Our tables for c
prices are publi
every month; pi
drywall prices th
For information
March, 2005, cli

**Construction
Update**

A 14 page repor
forecasts affecti

to update: go to ENR website, user ID: pborsack password: toner question: best school answer: A&M

Construction Cost Index History (1908-2008)

HOW ENR BUILDS THE INDEX: 200 hours of common labor at the 20-city average of common labor rates, plus 25 cwt of standard structural steel shapes at the mill price prior to 1986 and the fabricated 20-city price from 1986, plus 1.128 tons of portland cement at the 20-city price, plus 1,088 board ft of 2 x 4 lumber at the 20-city price.

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	ANNUAL AVG Annual % Change
1990	4680	4685	4691	4693	4707	4732	4734	4752	4774	4771	4787	4777	4732
1991	4777	4773	4772	4786	4801	4818	4854	4892	4891	4892	4896	4889	4835
1992	4888	4884	4927	4946	4965	4973	4992	5032	5042	5052	5058	5059	4985
1993	5071	5070	5106	5167	5262	5280	5282	5230	5255	5264	5278	5310	5210
1994	5336	5371	5381	5405	5405	5408	5409	5424	5437	5437	5439	5439	5408
1995	5443	5444	5435	5432	5433	5432	5484	5506	5491	5511	5519	5524	5471
1996	5532	5532	5537	5550	5572	5597	5617	5652	5683	5719	5740	5744	5620
1997	5765	5768	5759	5799	5837	5860	5863	5854	5851	5848	5838	5858	5826
1998	5852	5874	5875	5883	5881	5895	5921	5929	5963	5986	5995	5991	5920
1999	6000	5992	5986	6008	6006	6039	6076	6091	6128	6134	6127	6127	6059
2000	6130	6160	6202	6201	6233	6238	6225	6233	6224	6259	6266	6283	6221
2001	6281	6272	6279	6286	6288	6318	6404	6389	6391	6397	6410	6390	6343
2002	6462	6462	6502	6480	6512	6532	6605	6592	6589	6579	6578	6563	6538
2003	6581	6640	6627	6635	6642	6694	6695	6733	6741	6771	6794	6782	6694
2004	6825	6862	6957	7017	7065	7109	7126	7188	7298	7314	7312	7308	7115
2005	7297	7298	7309	7355	7398	7415	7422	7479	7540	7563	7630	7647	7446
2006	7660	7689	7692	7695	7691	7700	7721	7722	7763	7883	7911	7888	7751
2007	7880	7880	7856	7865	7942	7939	7959	8007	8050	8045	8092	8089	7966
2008	8090	8094	8109	8112	8141	8185	8293	8362	8557	8623	8602	8551	8310
2009	8549	8533	8534	8528	8574								8544

Percent change from 2003-2009 28%

1908	97	1931	181	1954	628	1977	2576
1909	91	1932	157	1955	660	1978	2776
1910	96	1933	170	1956	692	1979	3003
1911	93	1934	198	1957	724	1980	3237
1912	91	1935	196	1958	759	1981	3535
1913	100	1936	206	1959	797	1982	3825
1914	89	1937	235	1960	824	1983	4066
1915	93	1938	236	1961	847	1984	4146
1916	130	1939	236	1962	872	1985	4195
1917	181	1940	242	1963	901	1986	4295
1918	189	1941	258	1964	936	1987	4406
1919	196	1942	276	1965	971	1988	4519
1920	251	1943	290	1966	1019	1989	4615
1921	202	1944	299	1967	1074		
1922	174	1945	308	1968	1155		
1923	214	1946	346	1969	1269		
1924	215	1947	413	1970	1381		
1925	207	1948	461	1971	1581		
1926	208	1949	477	1972	1753		
1927	206	1950	510	1973	1896		
1928	207	1951	543	1974	2020		
1929	207	1952	569	1975	2212		
1930	203	1953	600	1976	2401		

ORDINANCE NO. 2009-12

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Schedule of maximum Capital Recovery Fees

		Effective: June 1, 2009	Effective: June 1, 2010	Effective: June 1, 2011	Effective: June 1, 2012
Water:	Per LUE	\$1,162.98	\$1,218.36	\$1,273.74	\$1,329.12
Wastewater:	Per LUE	\$1,446.57	\$1,515.46	\$1,584.34	\$1,653.23

Drainage effective June 1, 2009:

M118 per acre	\$6,023.90
M121E per acre	\$6,828.71
M121W per acre	\$4,985.14
M125 per acre	\$ 574.40"

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

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

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

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

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 18TH DAY OF MAY 2009.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN LAZENBY	<u>AYE</u>
COUNCILMAN WEBB	<u>NAY</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF JUNE 2009.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN LAZENBY	<u>AYE</u>
COUNCILMAN WEBB	<u>NAY</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

PASSED AND APPROVED by a vote of 4 “ayes” in favor and 1 “nays” against on this second and final reading in full compliance with the provisions of Section 3.10 of the Charter of the City of Tomball on the 1st day of June 2009.

ATTEST:

Doris Speer
Doris Speer, City Secretary

APPROVED:

Gretchen Fagan
Gretchen Fagan, Mayor

APPROVED AS TO FORM:

Scott Bounds
Scott Bounds
CITY ATTORNEY

**MINUTES OF
SPECIAL CAPITAL IMPROVEMENTS PLAN MEETING
CITY OF TOMBALL, TEXAS**

MONDAY, SEPTEMBER 13, 2010



5:30 P.M.

1.0 Call to Order

The meeting was called to order by Chairman Wallace at 5:30 p.m. Other members present were:

Commissioner Harvey
Commissioner Crofoot
Commissioner Tague
Commissioner Chambers
Commissioner Mottershaw – Arrived at 6:04 p.m.

Others present:

Director of Engineering & Planning – Mark McClure
City Planner/Community Development Coordinator – Kelly Violette
Senior Administrative Assistant – Brandy Pate

draft

2.0 No Public Comments were received.

3.0 Commissioner Tague made a motion to Approve the Minutes of the Capital Improvements Plan Meeting of March 9, 2009 and April 13, 2009; second by Commissioner Crofoot.

Motion carried unanimously.

Discussion/Action of the Following Items:

4.0 New Business:

4.1 Mark McClure, Director of Engineering and Planning presented the Status of Impact Fees since the last Committee Meeting of April 13, 2009.

4.2 Commissioner Crofoot made a motion to recommend the Mayor, file a letter of notice of compliance with the Attorney General, as required by Section 395.082 of the Texas Local Government Code; second by Commissioner Tague.

Motion carried unanimously.

- 4.3 Discussion and Action Regarding establishing the next meeting of the Capital Improvements Plan Advisory Committee.

Commissioner Harvey made a motion to hold the next meeting on June 13, 2011, but if significant growth occurs, the Committee would need to hold a Special Meeting at an earlier date.

Commissioner Crofoot amended that motion to include significant change from growth projections, positive or negative, rather than significant growth; second by Commissioner Harvey.

- 5.0 Motion was made by Commissioner Chambers to adjourn; second by Commissioner Tague.

Motion carried unanimously.

Meeting was adjourned at 6:08.

PASSED AND APPROVED this ____ day of _____ 2010.

Brandy Pate
P&Z Commission Secretary

Lori Wallace
Chairman



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

DATE: SEPTEMBER 14, 2010

TO: MAYOR AND CITY COUNCIL

FROM: CAPITAL IMPROVEMENTS PLAN ADVISORY COMMITTEE

RE: COMMITTEE RECOMMENDATION TO THE PROGRESS OF THE CIP

In accordance with Chapter 395 of the Texas Local Government Code, the Capital Improvements Plan Advisory committee (CIPAC) created under Section 395.058 shall file semiannual reports with respect to the progress of the capital improvements plan and report to the political subdivision any perceived inequities in implementing the plan or imposing the impact fee.

I hereby certify that this letter with the attached Ordinance 2009-12, whereby adopting the Infrastructure Master Plan and Impact Fee Determination 2007-2017 as the City's Capital Improvements Plan and minutes of the CIPAC meeting held on September 13, 2010, in which the committee made its final recommendation by a 5-0 vote to City Council to authorize the Mayor to certify to the Attorney General of Texas certification of compliance with Chapter 395 of the Texas Local Government Code.

Sincerely,


Lori Wallace
CIPAC Chairman

Attachments:

Draft 09-13-10 CIPAC Meeting Minutes

Regular City Council

Agenda Item

Meeting Date: September 20, 2010

Data Sheet

Topic:

Authorize the Mayor to Issue the Certificate of Compliance Letter to the Texas Attorney General Regarding Compliance with Chapter 395 of the Texas Local Government Code.

Background:

In accordance to Chapter 395.082 of the Texas Local Government Code (LGC) a political subdivision that imposes an impact fee shall submit a written certification verifying compliance with this chapter to the Attorney General each year not later than the last day of the political subdivision's fiscal year.

Origination:

Engineering and Planning Department

Recommendation:

Engineering and Planning Department recommend approval.

Funding:

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

Engineering and Planning Department

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

ATTACHMENTS:

Certification of Compliance Letter

DRAFT

September __, 2010

The Honorable Greg Abbott
Attorney General of Texas
Office of the Attorney General
P. O. Box 12548
Austin, Texas 78711-2548

Re: Certification of Compliance with Chapter 395, Texas Local Government Code

Dear Mr. Attorney General:

This letter constitutes verification of compliance with Chapter 395 of the Local Government Code by the City of Tomball.

“I, Gretchen Fagan, Mayor of the City of Tomball, Texas, do hereby certify that the City of Tomball, Texas is in compliance with Chapter 395 of the Local Government Code. This statement certifies compliance with Chapter 395, Local Government Code.”

Very truly yours,

Gretchen Fagan
Mayor of the City of Tomball, Texas

ATTEST:

Doris Speer, City Secretary
City of Tomball, Texas

cc: George Shackelford, City Manager
Mark McClure, P.E., Director of Engineering & Planning
Doris Speer, City Secretary

Regular City Council

Agenda Item

Meeting Date: September 20, 2010

Data Sheet

Topic:

Approve Change Orders No. 1 and No. 2 for \$59,320.00 and \$29,030.00 Representing a Total Contract Increase of \$88,350.00 for the Quinn Road Sidewalks and Utilities Project, Engineering and Planning Project No. 2007-10005, Project Bid No. 2010-01

Background:

The Quinn Road Sidewalks and Utilities Project was awarded by Council on December 21, 2009 for \$461,228.56 to MAS Contractors, LLC. The contract start date was established as January 19, 2010. Change Order No. 1 represents a project increase of thirteen-percent and Change Order No. 2 represents a project increase of six-percent, for a total project increase of nineteen-percent. If the change orders are approved by Council, the revised contract total will be \$549,578.56. The Engineer of Record, Jones and Carter, has provided the following descriptions for the change orders.

Summary of Change Order #1

Various locations of the proposed sidewalk were adjusted to better suit existing conditions such as trees, commercial signs or the new EMS Facility which was constructed during this project. These changes to the sidewalk location resulted in additional work items for excavation, ditch grading, removal of drainage pipes, and required additional culvert pipe. Two concrete driveways were removed, which were twice as thick as expected. This resulted in the use of different types of equipment for the removal and increased the work effort of the contractor. Due to sandy soil conditions beneath Quinn Rd, and two TISD driveways, the contractor recommended, and the engineers agreed, to allow the use of restrained joint pipes. The use of this material kept the soil from collapsing while the pipe was being augured. The quantity of hydro mulch seeding was added to re-establish grasses in those areas where construction activities resulted in a reduction of ground cover. These requested changes are necessary and justified.

Summary of Change Order #2

Inwood Street is a Harris County maintained roadway between Baker Street and Quinn Road. The County required the design and location of the sidewalk to be changed. This change resulted in the sidewalk being located over the existing roadside ditch. Pipe culverts and inlets were added to the project to maintain the existing drainage patterns from Inwood Street to the Harris County Flood Control Channel. These requested changes are necessary and justified.

Engineering and Planning Department have reviewed the subject change orders and concurs with the summary provided by the EOR and recommends Council approval. No further change orders are anticipated on this project. The August 2010 CIP Project report issued by the Finance Department depict \$83,082 available funding remaining for the project (Accounting Project No. 146). The Michel Road Improvements and Ext. Project (Accounting Project No. 074) and available funding is proposed to be utilized for the balance of the required project funding in the amount of \$5,268.

Origination:

Engineering and Planning Department

Recommendation:

Engineering and Planning Department recommend approval.

Funding: No

Funds will be transferred from Account: PN #074 (Michel Road Improvements and Ext) to Account: PN #146 (Quinn Road Improvements)

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

Engineering and Planning

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

ATTACHMENTS:

Quinn Rd. - Change Order No. 1

Quinn Rd. - Change Order No. 2

Change Order

No. 1 (Revised)

Date of Issuance: 09/14/10 Effective 09/14/10 Date: _____

Project: Quinn Rd Sidewalks & Utilities	Owner: City of Tomball	Owner's Contract No.: 2007-10005
Contract: 2010-10	Date of Contract: 01/19/10	
Contractor: MAS Contractors, LLC	Engineer's Project No.:	

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

Changes in item quantities approved in field by City of Tomball Engineer and Inspector

Attachments (list documents supporting change):

Schedule of Values - List of Item Changes

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$461,228.56

[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____

\$0

Contract Price prior to this Change Order:

\$461,228.56

[Increase] [Decrease] of this Change Order:

\$59,320.00

Contract Price incorporating this Change

\$520,548.56

CHANGE IN CONTRACT TIMES:

Original Contract ☒ Working ☐ Calendar

Substantial completion (days or date): 180

Ready for final payment (days or date):

[Increase] [Decrease] from previously approved Change Orders

Substantial completion (days):

Ready for final payment (days):

Contract Times prior to this Change Order:

Substantial completion (days or date):

Ready for final payment (days or date):

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date):

Ready for final payment (days or date):

Contract Times with all approved Change Orders:

Substantial completion (days or date):

Ready for final payment (days or date):

RECOMMENDED:

By: 
Engineer (Authorized Signature)

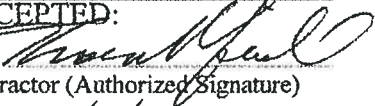
Date: 9/14/2010

ACCEPTED:

By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:

By: 
Contractor (Authorized Signature)

Date: 09/14/10
THOMAS M GREENFIELD

Approved by Funding Agency (if applicable):

Date:

MAS CONTRACTORS, LLC	QUINN ROAD SIDEWALKS & UTILITIES
SCHEDULE OF VALUES	PROJECT 2010-01

CHANGE ORDER #1

9/10/2010

Item	Description	Unit	Qty	\$ Unit	\$ Change
13	remove exist pavement structures - sidewalk/driveway	sy	59	20.00	1,180.00
14	remove exist pavement structures - SET	ea	3	50.00	150.00
17	exc. Ditches, channels, det. Facilities; regrade ditch	lf	2277	10.00	22,770.00
18	exc/backfill structures - fill for new sidewalk	cy	624	20.00	12,480.00
19	auger pipe and conduit, 8" steel encasement for gas piping	lf	50	50.00	2,500.00
21	auger pipe and conduit, 12" water line	lf	50	50.00	2,500.00
23	PVC 12" for drainage under sidewalk	lf	20	10.00	200.00
29	fire hydrants	ea	1	2,800.00	2,800.00
32	rcp 18" culvert	lf	6	45.00	270.00
34	rcp 24" culvert	lf	50	45.00	2,250.00
35	18" SET 6:1	ea	2	950.00	1,900.00
36	24" SET 6:1	ea	3	750.00	2,250.00
39	concrete driveways	sy	160	6.50	1,040.00
-	hydromulching	sf	80000	0.04	2,880.00
-	12" pipe restraints	ea	12	250.00	3,000.00
-	8" pipe restraints	ea	3	150.00	450.00
-	Specialized equipment rental - hammer for busting thick concrete and concrete blade, 2 days	ls	1	700.00	700.00
Total Change Order					59,320.00

Note:

Driveways at (2) residential properties on Quinn Road between Hicks & Inwood were twice the thickness, resulting in additional handling and disposal.

Stations 21+02 and 22+27

Change Order

No. 2

Date of 09/14/10

Effective 09/14/10

Issuance:

Date:

Project: Quinn Rd Sidewalks & Utilities	Owner: City of Tomball	Owner's Contract No.: 2007-10005
Contract: 2010-10	Date of Contract: 01/19/10	
Contractor: MAS Contractors, LLC	Engineer's Project No.:	

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

Changes in item quantities approved in field by City of Tomball Engineer and Inspector

Attachments (list documents supporting change):

Schedule of Values - List of Item Changes

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$461,228.56

[Increase] [~~Decrease~~] from previously approved Change Orders No. 1 to No.

\$59,320.00

Contract Price prior to this Change Order:

\$520,548.56

[Increase] [~~Decrease~~] of this Change Order:

\$29,030.00

Contract Price incorporating this Change

\$549,578.56

CHANGE IN CONTRACT TIMES:

Original Contract ☒ Working ☐ Calendar

Substantial completion (days or date): 180

Ready for final payment (days or date):

[Increase] [~~Decrease~~] from previously approved Change Orders

Substantial completion (days):

Ready for final payment (days):

Contract Times prior to this Change Order:

Substantial completion (days or date):

Ready for final payment (days or date):

[Increase] [~~Decrease~~] of this Change Order:

Substantial completion (days or date):

Ready for final payment (days or date):

Contract Times with all approved Change Orders:

Substantial completion (days or date):

Ready for final payment (days or date):

RECOMMENDED:

By: 
Engineer (Authorized Signature)

Date: 9/14/2010

ACCEPTED:

By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:

By: 
Contractor (Authorized Signature)

Date: _____

Thomas M. Greenfield

Approved by Funding Agency (if applicable):

Date: _____

EJCDC C-941 Change Order

Prepared by the Engineers Joint Contract Documents Committee and endorsed by the Construction Specifications Institute.

Page 1 of 1

MAS CONTRACTORS, LLC
SCHEDULE OF VALUES

QUINN ROAD SIDEWALKS & UTILITIES
PROJECT 2010-01

CHANGE ORDER #2

9/10/2010

Item	Description	Unit	Qty	\$ Unit	\$ Change
11	adjust mh, inlets, valve boxes to grade, water value	ea	4	100.00	400.00
14	remove exist pavement structures - SET	ea	2	50.00	100.00
	clear/grub, remove tree	ea	1	500.00	500.00
	remove exist pavement structures - slope paving	cy	11	20.00	220.00
-	Remove/dispose 24" RCP from under existing 6" driveways - Inwood	lf	75	30	2,250.00
-	Install 24" RCP embedded in stabilized sand	lf	270	68	18,360.00
-	Install inlets	ea	3.00	1,800.00	5,400.00
-	Harris County Permits	ls	1.00	2,200.00	2,200.00
Total Change Order					29,030.00

Regular City Council

Agenda Item

Meeting Date: September 20, 2010

Data Sheet

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:

- Sec. 551.072 – Deliberations Regarding Real Property

Background:

Origination:

Recommendation:

Funding:

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

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