

March 1, 2023

**The Honorable Mayor and City Council
City of Tomball
401 West Market Street
Tomball, Texas 77375**

Re: Letter of Agreement for Funding of South Wastewater Treatment Plant Expansion

Dear Mayor and Councilmembers:

The City of Tomball (the “City”), by letter dated February 27, 2023 (the “Request Letter”), which is attached hereto as “Exhibit A”, requested financial assistance from the Tomball Economic Development Corporation (the “TEDC”) for the expansion of the City’s South Wastewater Treatment Plant (the “Project”). Through the Request Letter, the City has requested that the TEDC provide four hundred fifteen thousand dollars (\$415,000) to fund a portion of the design phase of the Project (the “Funds”).

The TEDC hereby agrees to provide the Funds subject to the City’s acknowledgement and compliance with the following conditions:

- 1.** The transfer of Funds contemplated in this Letter of Agreement are subject to all applicable rules associated with a project of the TEDC as provided in Chapter 505 of the Texas Local Government Code;
- 2.** The Funds shall be deposited in a City account dedicated to the Project and shall not be commingled with any other City funds;
- 3.** The Funds shall only be used for the Project as provided herein;
- 4.** The City shall keep a complete and accurate accounting of all expenditures of the Funds and make such records available to the TEDC; and
- 5.** In the event the total amount of the Funds transferred by the TEDC to the City are not used to fund the design phase of the Project as provided herein, then upon completion of the Project, the City shall remit the remaining portion of the Funds to the TEDC.

If the above terms and conditions are acceptable to the City, please have an authorized officer of the City sign below acknowledging the City’s agreement and return this Letter of Agreement to the undersigned. Upon receipt of this signed Letter of Agreement, the TEDC’s Treasurer will be directed to transfer the Funds as provided above.

Yours very truly,

**By: _____
Gretchen Fagan, President
Board of Directors**

AGREED AND ACCEPTED:

CITY OF TOMBALL, TEXAS

Lori Klein Quinn, Mayor

ATTEST:

Doris Speer, City Secretary

EXHIBIT A: City's Request for Funding



City of Tomball

Lori Klein Quinn
Mayor

David Esquivel, PE
City Manager

February 27, 2023.

Kelly Violette, Executive Director
Tomball Economic Development Corporation
29201 Quinn Road, Suite B
Tomball, Texas 77375

RE: South Wastewater Treatment Plant Expansion

Kelly,

The City of Tomball would like to request financial assistance from the Tomball Economic Development Corporation for the design of the South Wastewater Treatment Plant expansion. During the budget process for Fiscal Year 2023, the City requested funding for four projects, including the treatment plant expansion and the City of Tomball is requesting the funding of \$415,000 that was allocated during the budget process.

Currently the South Wastewater Treatment Plan is permitted for 1.5 million gallons per day, and due to the rapid growth within the City, we are nearing our permitted capacity. The City had previously engaged Freese & Nichols, Inc. to determine the timeframe for the expansion and given the extended time for not only the design but construction, this will be a multi-phase project with the first phase consisting of preliminary design to ensure the expansion will meet the long-term growth of the City.

The total estimated project cost, with design, is approximately \$60 million, and the City is in the process of determining the best solution for funding. We do not have a grant for this project, and there are no other funding sources currently available on the state or federal level. The \$415,000 that the City is requesting from the EDC is for Phase I of the design, with total design services estimated at \$2,700,000.

Please let me know if you need any additional information regarding this project and the City's funding request.

Sincerely,

David Esquivel
City Manager