

ORDINANCE NO. 94-03

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, PROVIDING FOR THE LEVY AND COLLECTION OF A SALES AND USE TAX OF ONE-HALF OF ONE PERCENT (ONE-HALF [1/2] CENT) FOR THE BENEFIT OF A CITY INDUSTRIAL DEVELOPMENT CORPORATION, AS AUTHORIZED BY THE VOTERS IN AN ELECTION HELD ON JANUARY 15, 1994, IN ACCORDANCE WITH THE TEXAS DEVELOPMENT CORPORATION ACT OF 1979, AS AMENDED; AUTHORIZING THE CREATION OF THE CITY INDUSTRIAL DEVELOPMENT CORPORATION; CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT; DIRECTING PUBLICATION OF THE CAPTION OF THIS ORDINANCE; FINDING THAT THE MEETINGS AT WHICH THIS ORDINANCE IS CONSIDERED ARE OPEN TO THE PUBLIC; PROVIDING FOR SEVERABILITY AND THE REPEAL OF CONFLICTING ORDINANCES; AND CONTAINING OTHER MATTERS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, the City of Tomball conducted an election on January 15, 1994, for the purpose of allowing the voters to determine whether the City should levy and collect a sales and use tax of one-half of one percent (one-half [1/2] cent) pursuant to the provisions of Section 4B of Article 5190.6, Texas Revised Civil Statutes, as amended, the Development Corporation Act of 1979, for the benefit of a City Industrial Development Corporation and to be used to pay the costs of eligible projects;

WHEREAS, the returns of such election were canvassed by the City Council and a majority of the qualified voters who voted authorized the levy and collection of such sales and use tax; and

WHEREAS, the City Council by passage of this Ordinance authorizes the levy and collection of such sales and use tax, and the creation of the City Industrial Development Corporation; now, therefore:

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

Section 1. The recitations stated above are true and correct.

Section 2. There is hereby levied by the City of Tomball, Texas, a sales and use tax of one-half of one percent (one-half [1/2] cent) within the City in accordance with and pursuant to Section 4B of Article 5190.6, Texas Revised Civil Statutes, as amended, the Development Corporation Act of 1979 (the "Act"), for the benefit of a City industrial development corporation, to be used to pay the costs of projects authorized by the Act, including, but not limited to land, buildings, equipment, facilities and improvements found by the board of directors of the City's industrial development corporation to: (a) be required or suitable for use for professional and amateur (including children's) sports, athletic, entertainment, tourist, convention, and public park purposes and events, including stadiums, ball parks, auditoriums, amphitheaters, concert halls, learning centers, parks and park facilities, open space improvements, municipal buildings, museums, exhibition facilities, and related store, restaurant, concession, and automobile parking facilities, related area transportation facilities, and related roads, streets, and water and sewer facilities, and other related improvements that enhance any of those items; or (b) promote or develop new or expanded business enterprises, including a project to provide public safety facilities, streets and roads, drainage and related improvements, demolition of existing structures, general municipally owned improvements, as well as any improvements or facilities that are related to any of those projects and any other project that the board in its discretion determines promotes or develops new or expanded business enterprises; or (c) pay the principal of, interest on, and other costs relating to bonds or other obligations issued by the industrial development corporation to pay the costs of the projects or to refund

bonds or other obligations issued to pay the costs of projects.

Section 3. The City of Tomball hereby authorizes the creation of the City's Industrial Development Corporation, in accordance with the Development Corporation Act of 1979 and the authorization given by the voters at the January 15, 1994, election.

Section 4. The City Manager, Assistant City Manager, and the City Secretary are hereby authorized to assist and cooperate with the Office of the Comptroller of the State of Texas in the implementation of this Ordinance and the levy and collection of such sales and use tax.

Section 5. The City Secretary is authorized to forward a certified copy of this Ordinance to the Comptroller of the State of Texas.

Section 6. Publication; Effective Date; Open Meetings.

The City Secretary of the City of Tomball, Texas, is hereby directed to publish this Ordinance in the official newspaper of the City of Tomball, Texas, in compliance with the provisions of Section 6.14(A) of the City Charter, which publication shall be sufficient if it contains the caption of this Ordinance. This Ordinance shall be effective after the publication requirement of the City Charter is satisfied.

It is found and determined that the meetings at which this Ordinance was considered were open to the public, as required by the Texas Open Meetings Act, and that advance public notice of the time, place, and purpose of the meetings was given.

Section 7. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are to the extent of such inconsistency or conflict repealed.

Section 8. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

FIRST READING:

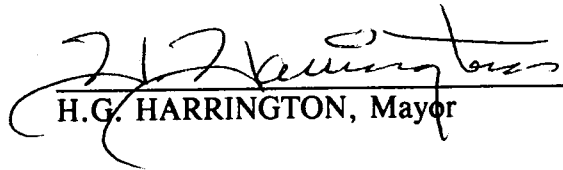
READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY
OF FEBRUARY 1994.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN MATHESON	<u>AYE</u>
COUNCILMAN OLDHAM	<u>AYE</u>
COUNCILMAN WILEY	<u>AYE</u>
COUNCILMAN WOOD	<u>AYE</u>

SECOND READING:

READ, PASSED, APPROVED, AND ADOPTED AS SET OUT BELOW AT THE
MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 21ST
DAY OF FEBRUARY 1994.

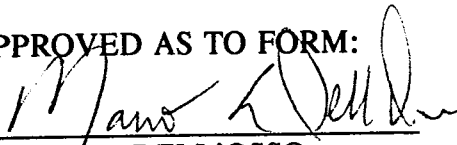
COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN MATHESON	<u>ABSENT</u>
COUNCILMAN OLDHAM	<u>AYE</u>
COUNCILMAN WILEY	<u>AYE</u>
COUNCILMAN WOOD	<u>AYE</u>


H.G. HARRINGTON, Mayor

ATTEST:


MARY REAGAN, City Secretary

APPROVED AS TO FORM:


MARIO L. DELL'OSSO
Olson & Olson
Attorneys for The City of Tomball

PROPOSITION — PROPOSICION

Shall the City of Tomball, Texas be authorized to levy a sales and use tax of one-half cent (1/2¢) within the City in accordance with and pursuant to Section 4B of Article 5190.6, Texas Revised Civil Statutes, as amended, the Development Corporation Act of 1979 (the "Act"), for the benefit of a City industrial development corporation, to be used to pay the costs of projects authorized by the Act, including, but not limited to land, buildings, equipment, facilities and improvements found by the board of directors of the City's industrial development corporation to: (a) be required or suitable for use for professional and amateur (including children's) sports, athletic, entertainment, tourist, convention, and public park purposes and events, including stadiums, ball parks, auditoriums, amphitheaters, concert halls, learning centers, parks and park facilities, open space improvements, municipal buildings, museums, exhibition facilities, and related store, restaurant, concession, and automobile parking facilities, related area transportation facilities, and related roads, streets, and water and sewer facilities, and other related improvements that enhance any of those items; or (b) promote or develop new or expanded business enterprises, including a project to provide public safety facilities, streets and roads, drainage and related improvements, demolition of existing structures, general municipally owned improvements, as well as any improvements or facilities that are related to any of those projects and any other project that the board in its discretion determines promotes or develops new or expanded business enterprises; or (c) pay the principal of, interest on, and other costs relating to bonds or other obligations issued by the industrial development corporation to pay the costs of the projects or to refund bonds or other obligations issued to pay the costs of projects?

¿Deberá de estar autorizada la Ciudad de Tomball, Texas, para imponer un impuesto sobre la venta y utilización de bienes de medio centavo (1/2¢) dentro de la Ciudad de acuerdo con y según la Sección 4B del Artículo 5190.6, de los Estatutos Civiles Revisados de Texas, como enmendados, el Acto Sobre el Desarrollo de Corporaciones de 1979 (el "Acto"), a beneficio de una corporación sobre desarrollo industrial de la Ciudad, que se usará para pagar el costo de proyectos que estén autorizados por el Acto, incluyendo, pero no limitado a, terreno, edificios, equipo, facilidades y mejoras que la junta de directores de la corporación sobre el desarrollo industrial de la Ciudad determine que: (a) estarían requeridas o utilizables para deportes profesionales o deportes de aficionados (incluyendo deportes juveniles), y para propósitos y eventos atléticos, eventos de diversiones, turistas, convenciones, y parques públicos, incluyendo estadios, campos de béisbol, auditorios, anfiteatros, salas de concierto, centros de enseñanza, parques y facilidades de parques, mejoras de terreno no desarrollado, edificios municipales, museos, facilidades de exhibición, y las pertinentes facilidades de transportación de la área, y los pertinentes caminos, calles, y facilidades de agua y desagüe, y otras mejoras pertinentes que encarezcan cualesquier de éstos; o (b) promuevan o desarrollen nuevas o extendidas empresas de negocio, incluyendo un proyecto para proveer facilidades de seguridad pública, calles y caminos, desagüe y otras mejoras pertinentes, la destrucción de estructuras actuales, mejoras generales que pertenezcan al pueblo, tanto como cualesquier otras mejoras o facilidades que pertenezcan a cualesquier de esos proyectos y cualesquier otro proyecto que la junta a su miramiento determine, promueva o desarrolle nuevas o extendidas empresas de negocio; o (c) pague la principal de, interés sobre, y otros costos perteneciendo a bonos u otras obligaciones que están emitidas por la corporación sobre desarrollo industrial para pagar los costos de los proyectos o para reintegrar bonos u otros deberes que estén emitidos para pagar los costos de los proyectos?

FOR (A Favor De)

25

AGAINST (En Contra De)

26

CITY OF TOMBALL — CITY SPECIAL ELECTION
CIUDAD DE TOMBALL — ELECCION ESPECIAL
JANUARY 15, 1994 — 15 DE ENERO DE 1994

DEPOSITING THE BALLOT
 Check your ballot after voting to make sure that the holes are actually punched through. Deposit your ballot in the ballot box. Do not fold your ballot.

PARA DEPOSITAR LA BOLETA
 Después de votar, sírvase verificar que las perforaciones traspasen completamente su boleta. Deposite su boleta en la caja para boletas. No doble su boleta.

Turn The Page To Begin Voting



Vuelva La Página Para Comenzar A Votar