



MESSER ★ FORT

THE MUNICIPAL LAW FIRM

FRISCO | DALLAS | AUSTIN | ABILENE

June 23, 2025

Kelly Violette, CEcD, PCED, AICP *via email* kviolatte@tomballedc.org
Executive Director
Tomball Economic Development Corporation
29201 Quinn Rd., Suite B
Tomball, Texas 77375

RE: Tomball Economic Development Corporation RFQ No. 2025-01-TEDC

Dear Ms. Violette:

Attached is a copy of Messer Fort, PLLC's response to Tomball EDC's Request for Qualifications, RFQ No. 2025-01-TEDC, for Professional Legal Services.

As requested, my physical and mailing address and my phone number are listed at the bottom of the page. Please do not hesitate to contact me if you have any questions or need any additional information that is not contained in the enclosed response.

Very truly yours,
MESSER FORT, P.L.L.C.

JULIE FORT



**Messer Fort, PLLC
Attorney
Organizational Chart**

**Managing Partner
Head EDC Attorney**



**Head Litigation
Attorney**



**EDC, Zoning &
Land Use
Attorney**



**Head Water/
Utility Attorney**



**Head Employment
Attorney**



**Head Open Records
Attorney**

STATEMENT OF INSURANCE COVERAGE

Insurance.

This statement is to confirm that Messer Fort, PLLC, presently maintains the following insurance coverages and liability amounts:

Professional Liability: \$1,000,000 for each claim as well as a \$1,000,000 aggregate.

General Liability: \$1,000,000 for each claim as well as a \$1,000,000 aggregate.

Workers' Compensation: \$1,000,000 for each claim as well as a \$1,000,000 aggregate.

STATEMENT OF CONFLICT OF INTEREST

Conflict of Interest.

Messer Fort, PLLC (also “M&F” or the “Firm”) only represents local government clients and does not represent any developers doing business with the Tomball Economic Development Corporation (“TEDC”). The Firm does not have any conflicts of interest that would interfere in carrying out the duties and responsibilities as General Counsel to TEDC. Should a potential conflict arise, the Firm will notify the client in writing with a suggested course of action for TEDC to consider. Julie Fort served as interim general counsel to The Woodlands for one year in 2021-2022, but we are not aware of any conflict resulting from such representation.

STATEMENT OF QUALIFICATIONS

Messer Fort, PLLC is pleased to submit its qualifications to the TEDC for its consideration in selection of a firm to serve as the TEDC General Counsel. M&F is a premier municipal law firm in the state with a reputation for excellence in all areas of municipal practice, with a particular specialty in representing economic development corporations. We would be honored to be selected to serve as its TEDC general counsel. Office locations and addresses are:

Messer Fort, PLLC		
Frisco (Principal Office)	Austin	Abilene
6371 Preston Road Suite 200 Frisco, Texas 75034	4201 W. Parmer Lane Bldg. C, Suite 150 Austin, Texas 78727	2500 S. Willis Suite 400 Abilene, Texas 79605

Key Personnel to Serve TEDC.

If selected, all resources of the Firm would be available to serve TEDC. Specifically, Julie Fort would be the TEDC General Counsel, and would be responsible for the provision, supervision, and coordination of all legal services for the TEDC, including meeting coverage. Julie Fort, she practices from our Frisco office. Josh Brockman-Weber would also provide service to TEDC as needed and when appropriate. The detailed resumes of Ms. Fort and Mr. Brockman-Weber are attached to the end of this proposal, along with the resumes of our head employment law attorney, Melisa Cranford, and our head litigation attorney, Andy Messer.

Firm History, Nature and Extent of Practice.

Messer Fort’s mission statement “**to build long term relationships by delivering first class service**” and our stated desire to value “**people, integrity, results**” drive the Firm’s view of its role as TEDC General Counsel. We believe that our role is not one of policymaker or administrator, but rather one of counselor – to provide sound, accurate information so that each board member fully equipped to govern, and the staff is fully equipped to manage the daily operations of TEDC and implement the policies set by the TEDC

Board of Directors. Keeping both our mission statement and our statement of values in mind facilitates enduring relationships with our clients despite regular appointments that may cause a change in board membership. By understanding that TEDC, as an entity, is our client, we help provide stability and continuity.

Overview of the Firm.

The Firm has over 25 attorneys with general municipal experience and the following number of attorneys with unique specialties:

- Nine attorneys who practice in the area of **economic development**.
- Two attorneys specializing in **employment law**.
- Three attorneys devoted to **open record responses** and communicating with the Texas Attorney General.
- Two attorneys who specialize in **eminent domain**.
- Five attorneys who deal with **litigation and appeals**. Three attorneys in the Firm, Andy Messer, Kevin Curley and Brad Bullock are on the Texas Municipal League Intergovernmental Risk Pool's approved-panel list. **No other firm in Texas has this many risk pool-approved attorneys.**
- Eight attorneys who deal with **zoning, plating, and land use**. The Firm represents many municipalities experiencing significant growth, and regularly provides counsel on land use matters. We are special counsel to some cities acting as only land use counsel.

When the Firm is selected to serve a client, one experienced attorney is responsible for and directs the provision of legal services in all areas for TEDC and attends TEDC meetings as requested. The lead attorney is supported by all other members of the Firm, each contributing their area of expertise and knowledge as a resource for the benefit of the client. TEDC is also assigned a primary paralegal.

Areas of Practice & Examples of Experience.

1. **Economic development matters under Local Government Code, Chapters 501, 504 and 505, and Chapter 380.** The economic development attorneys at the Firm have extensive experience with Type A and Type B economic development corporations ("EDCs"), their scope of power and limitations, unique procedural requirements, relationship to the city, and board obligations. The Firm has extensive economic development experience advising and negotiating on behalf of our EDC clients on a variety of issues, such as development incentives and funding sources, business retention and expansion incentives, performance and reimbursement agreements, redevelopment of city and EDC-owned real property, collaboration with independent foundations, and tax increment financing and zones. We also routinely review and negotiate incentive and performance agreements. The Firm currently represents over 35 EDCs around the state, and currently represents at least five (5) EDCs in the rapidly growing areas of Central and North Texas including the cities of Lavon, Providence Village, Mesquite, Celina, Buda, Pflugerville, Marble Falls, Lockhart and Bruceville-Eddy.

Economic development projects handled by Julie Fort include the following:

- \$1 Billion Dollar Google data center.
- Incentive agreements for Costco, Home Depot and Lowes.
- Multiple hotel and convention center projects.
- Forgivable loan agreements for manufacturing facilities.
- Real estate acquisition for hotel project.
- Development agreement incentivizing 3,200 acres of lakefront property to contain maria, luxury hotel, over 55 community, commercial and single family development.
- Participation in negotiation and document drafting for minor league and professional sports teams.
- Multiple historic downtown revitalization programs and projects, including in the cities of Mesquite, Denison and Celina.

- Drafting complex development agreements that provide for the construction of off-site public infrastructure and development incentives, including the cities of Grand Prairie, Lavon, Providence Village and Farmersville.

Recent economic development projects for Josh Brockman-Weber include the following:

- 6,000 square foot destination restaurant- Buda 2022
- Recruitment of Tesla supplier- \$11M Capital investment- over 120 new jobs- Buda 2024
- Recruitment of Wind Generation Power Supplier – 100 new jobs- Buda 2024
- Expansion of U.S Foods Facility- 165 new jobs; \$120M in capital investment- Buda 2024
- Entrepreneur center and related programming (Buda 2025)
- Infill development of city-owned land (Buda, Kaufman, Marble Falls)
- Hotel and conference center development (Marble Falls- under construction)
- Mixed-use development consisting of office, retail, green space, and restaurant space- \$19M capital investment- Buda 2024
- Business and industrial park development (Pflugerville, Magnolia)
- Road and drainage projects promoting economic development (Magnolia, Marble Falls, Pflugerville)
- Hailiang Copper Manufacturing Facility- \$200M Capital investment; 300 jobs- Sealy 2019

2. **Open meetings and open records.** All of the Firm's attorneys are fully trained and regularly engaged in addressing open meetings and public information issues. Attorney Michael Kallas leads the Open Records practice group containing 3 attorneys and 2 paralegals and specializes in drafting requests for an Attorney General opinion when a client seeks to withhold information from disclosure. In addition, the Firm's open government training materials have been approved by the Attorney General's office to satisfy the training requirements for public officials mandated in Chapters 551 and 552 of the Texas Government Code. The Firm routinely provides open government training to the boards and commissions of the clients we represent. The Firm's open record section handles most of the 100+ clients open records request, which consist of approximately 1,000+ requests per month.
3. **Real estate matters, including platting, deeds, and easements.** The Firm has extensive real estate transaction experience including the acquisition, sale, lease and financing of real estate interests (negotiation, title review, document drafting – deeds, easements, licenses, leases, deed restrictions). Our attorneys routinely work on real estate matters, including drafting easements for clients and purchase agreements where the client is purchasing or selling real estate. Julie Fort has assisted Celina in drafting multiple patio and alley agreements for redevelopment. The Firm regularly addresses complex real estate issues for our clients such as the negotiation of long-term ground leases for a municipal airport, the negotiation and drafting of a donation deed for a new city hall, the acquisition of property for a public safety facility, and title review and title objections for the purchase of right-of-way on property with complicated lien issues.
4. **Business contracts and agreements.** The Firm has extensive experience reviewing and drafting a wide variety of contracts, agreements and interlocal agreements. We are fully versed in the contractual provisions which are unique to economic development corporations and have a breadth and depth of experience to ensure final documents protect the client's interests and minimize liability.
5. **Zoning matters.** Messer Fort is a leading land use and development firm in the state. The Firm's principals and senior attorneys have helped many cities develop their comprehensive plans and subdivision/zoning ordinances or unified development codes. Julie Fort is recognized by her peers as a pre-eminent land use attorney in Texas and is frequently asked to help train other municipal attorneys across the state in zoning matters. For example, she has served on the planning committee, and been a

regular speaker, for the annual University of Texas Land Use Law conference and Texas City Attorney Association conferences. Julie serves as land use counsel in cities where the Firm is not the City Counsel due to her expertise.

6. **Employment.** Melissa Cranford serves as the primary human resources attorney for the firm. Melissa's practice focuses on advising organizational heads, management leaders and elected and appointed officials regarding complex and sensitive employment decisions. She regularly represents management in proceedings with the EEOC and Texas Workforce Commission, as well as in administrative matters and arbitration. In addition, Robin Cross works frequently on personnel matters for the firm and has over twenty-five years' experience advising and representing various units of government. She is Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization.
7. **Litigation.** Government litigation is a hallmark of Messer Fort. The Firm is one of the select law firms in Texas who is entrusted by the Texas Municipal League Intergovernmental Risk Pool (TMLIRP) to handle state and federal litigation. Andy Messer, Kevin Curley and Brad Bullock have all been approved TMLIRP attorneys for many years and are recognized for their respective expertise. Our municipal attorneys are knowledgeable in and litigate cases involving civil rights, land use, zoning, annexation, employment, discrimination, excessive force, condemnation, and tort claims of personal injury, property damage and wrongful death.

Fees.

M&F will bill monthly for services rendered and expenses incurred in the manner agreed to by the parties. Hourly rates will be billed at the following rates:

\$275	per attorney hour for general counsel services
\$350	per attorney hour for employment, litigation, and utility services
\$150	per hour for law clerks and planners
\$110	per hour for paralegals

Time for legal work and travel is billed in tenth-of-an-hour increments, as follows:

.1 = 6 minutes	.3 = 18 minutes	.5 = 30 minutes	.7 = 42 minutes	.9 = 54 minutes
.2 = 12 minutes	.4 = 24 minutes	.6 = 36 minutes	.8 = 48 minutes	1.0 = 60 minutes

Any costs charged to Tomball Economic Development Corporation will be at actual cost, and without markup, such as filing and recording fees, litigation costs, and online research services.

Capacity and Capability.

The Firm has the capacity and capability to perform on short or immediate notice. TEDC officials and main TEDC personnel will have the cell-phone numbers of the primary and secondary attorneys for immediate contact. TEDC should expect to receive quick responses to calls and texts seeking immediate help. The Firm would assign one paralegal to monitor all of TEDC's emails, calls, deadlines and assignments. That paralegal will be conversant with all matters involving TEDC and would be a great resource for staff in facilitating meetings and tracking the status of legal matters. The Firm has the capability among its attorneys to handle emergencies, including emergency meetings.

Approach to Communicating with the Client.

The attorneys at Messer Fort understand the critical need for clear, consistent communication with our clients at both the Board of Directors and staff levels. We strive to keep communication lines open and make ourselves available to our clients "whenever and wherever." We understand that issues affecting clients don't just happen Monday through Friday from 8 to 5. We are available at any time to discuss and handle urgent, unforeseen matters.

Julie Y. Fort



Julie Fort's practice focuses on providing a range of legal services to cities and economic development corporations, both large and small. Julie has 30 years of experience. She has represented municipalities, economic, community and industrial development corporations, community colleges, housing authorities, counties and other governmental entities on a wide range of matters, such as: economic incentives, bylaws and corporate governance, open meetings and public information, planning, zoning and land use, negotiations with special districts, development agreements, annexation, easement and right-of-way acquisition, conflicts of interest, nepotism, constitutional issues, elections, code enforcement, charter and ordinance drafting and attendance at posted meetings.

Selected Accomplishments

- TCAA Vice President, 2025
- Named among Best Lawyers in Dallas in Land Use Law by D Magazine, 2009 and 2011
- Chair of the Government Law Section of the State Bar of Texas, 2011-2012
- Merit Certification in Municipal Law from Texas City Attorneys Association
- Member of Supreme Court Task Force to Expand Legal Services Delivery, 2010-2012
- McKinney Economic Development Corporation Board of Directors, 2012-2015
- Named Top 50 Women in Business in McKinney Living Magazine, 2010
- Member of the Board of the McKinney Chamber of Commerce, 2008-2011
- Planning and Zoning Commissioner, City of Frisco, 1999-2000

Representative Experience

- Negotiate and draft plans, agreements and ordinances for Public Improvement Districts and Tax Increment Reinvestment Zones, including Creeks of Legacy PID and Reinvestment Zone Number 2 for the City of Celina and Bayside at Waterman's PID for the City of Galveston.
- Negotiated with developer of 3,200-acre tract for development agreement on annexation, zoning and financial issues for the City of Denison.
- Negotiated an drafted incentive agreement for Google data center.
- Regularly draft ordinances covering a variety of subject matters.
- Regularly assist with open meetings issues and public information requests.
- Assisted negotiating and drafting agreements and leases for baseball stadium, soccer stadium and hockey arena for the City of Frisco.

Publications and Presentations

- MUDs, Not a Day at the Spa, TCAA Summer Conference, June 2025
- Texoma Council of Governments Annexation Workshop, September 2022
- Riley Fletcher Municipal Law Conference "Zoning and Platting 101", February 2018, 2020, 2022 and 2024
- Midlothian Economic Development Board Training, 2019
- Cedar Hill Zoning Board of Adjustment Training, April 2019
- Texoma Council of Governments Small Cities Workshop, November 2018
- UTCLE Land Use Conference – "Special Purpose District Overview", April 2017
- Focus North Texas - "Special Purpose District Overview", January 2017
- UTCLE Land Use Conference – "PID/TIRZ in the City", April 2016
- TCAA Best Practices Workshop Public Improvement Districts – "The Life of a PID", February 2016
- Dallas City Attorney's Office – "Legal Ethics", June 2015
- *Texas Municipal League Economic Development Handbook*, Texas Municipal League, January 2015
- UTCLE Land Use Conference – "Tax Increment Reinvestment Zone (TIRZ) Agreements," March 2014

Education

Southern Methodist University, J.D., May 1995

University of North Texas, B.A. (*cum laude*), December 1991

Josh Brockman-Weber



Josh has over 24 years of legal experience representing public and private sector clients. Josh has advised cities, economic development corporations and special districts along the Gulf Coast, North and Central Texas in all aspects of general municipal law, economic development, real estate and construction law, and land use and development. Josh joined the firm following dissolution of The Nichols Firm, PLLC, continuing his successful representation of local government and economic development clients.

Representative Experience

- The Nichols Firm, PLLC
 - Attorney - Of counsel
- Brockman Brauchle, PLLC, formerly Brockman, Brauchle & Evans, PLLC
 - Attorney - Outside general counsel and litigation counsel for various employment issues and commercial disputes; partnership and business disputes, subrogation issues, real estate fraud and residential construction disputes involving builders, subcontractors, vendors, and homeowners.
- City of Houston Municipal Courts
 - Administrative Law Judge and Associate Judge
- Paxson & Associates, P.C.
 - Attorney - Litigation defense of claims involving complex business contracts, breach of fiduciary duties, fraud, breach of warranties, and construction defects.

Practice Areas

- General Municipal Law
- Economic Development
- Real Estate and Construction Law
- Litigation
- Land Use and Development

Education

Texas Tech University School of Law – Doctor of Jurisprudence, 1999

University of Houston Law Center- 1999

The University of Texas at Austin – Bachelor of Arts, 1994

Licensure and Bar Admissions

State Bar of Texas – 1999

State Bar of Texas Sections on Government Law, Litigation, and Construction Law

Texas City Attorney's Association

U.S. District Courts: Southern, Eastern and Western Districts of Texas

Wm. Andrew Messer



Andy Messer has 37 years of experience in governmental law, defense litigation and appeals, representing various entities on claims of civil rights, discrimination, land use, annexation, zoning, platting, planned developments, employment, police liability, retaliatory discharge, competitive bidding, city ordinance defense, condemnation and tort claims of personal injury and wrongful death. He currently serves as City Attorney for numerous North Texas cities. He is on the approved panel counsel list for the TML Risk Pool to represent local governments in significant litigation and appeals. He regularly speaks across the state on municipal and litigation issues.

Selected Accomplishments

- Best Lawyers in America, Municipal Law and Litigation, 2007-2024
- Served as director and on the faculty of the State Bar Suing and Defending Governmental Entities course
- Served on the faculty of the University of Texas Land Use Law conference
- Recipient of award from CLEAT for exemplary service to police officers

Representative Experience

- Messer Fort, PLLC
 - City Attorney for numerous cities. Represent multiple cities in all areas of municipal practice and attend City Council and Planning & Zoning Commission meetings as City Attorney. Emphasis areas include public/private partnerships, economic development incentive agreements, land use matters, complex development agreements, ordinance drafting, annexation, charter review, and general governance issues.
- City of Wichita Falls: Municipal law, litigation and appeals.
- City of Dallas: Municipal law, litigation and appeals.

Representative Cases

- *MC Trilogy Texas, LLC v. City of Heath*, 2024 WL 3239932 (N.C. Tex. 2024)
- *Mesquite Asset Recovery Group LLC, et al. v. City of Mesquite, Texas*, No. 3:24-CV-0740-D, 2024 WL 4557351 (N.D. Tex. Oct. 23, 2024)
- *City of Heath vs. Williamson*, 2021 WL 1731796 (Tex. App. — Dallas 2021)
- *Dallas County Hospital District v. Bravo*, 2021 WL 822916 (Tex. App. — Dallas 2021)
- *London v. Rick Van Park, LLC*, 2021 WL 1884650 (Tex. App. — Dallas 2021)
- *Brown v. Coulston*, 2020 WL 10224613 (5th Cir. 2020)
- *State v. City of Double Horn*, 2019 WL 5582237 (Tex. App. — Austin 2020)
- *City of Teague vs. City of Fairfield et al*, 2019 WL 5068753 (Tex. App. — Waco 2019)
- *City of Justin vs. City of Northlake*, 2018 WL 4259853 (Tex. App. — Texarkana 2018)
- *Roa vs. City of Denison*, 2018 WL 2229373 (5th Cir. 2018)
- *Mote vs. Walthall*, 2017 WL 515411 (E.D. Tex. 2017)
- *City of Pilot Point, Texas v. Eland Farms, LP*, 2016 WL 354103 (Tex. App.—Fort Worth 2016)
- *LGD Properties, Inc. vs. Seis Lagos Utility District*, 2016 WL 3689435 (5th Cir. 2016)
- *Arch Resorts, LLC. v. City of McKinney*, 2016 WL 3196767 (Tex. App.—Dallas 2016)

Education

Baylor University School of Law, J.D. 1985
Baylor University, B.B.A. 1983

Melissa H. Cranford



Melissa Cranford provides counsel on a wide range of employment matters including workplace investigations, regulatory compliance, and policy guidance and training. She has successfully represented numerous clients before the Texas Workforce Commission and the EEOC. Melissa regularly provides first-chair representation in arbitration and is an experienced negotiator of labor and employment contracts. Melissa is also a frequent presenter on Labor and Employment topics around the state.

Representative Experience

Messer Fort, P.L.L.C. - Partner

- Provides responsive and efficient representation of public sector clients regarding labor and employment matters, including workplace investigations, best practices, regulatory compliance, employee separation and civil service matters.
- Successful defense of labor and employment claims including discrimination, retaliation, wage and hour disputes (including consolidated and class action matters), and collective bargaining agreements.
- Regularly represents clients in employment disputes and civil litigation, including arbitration.
- Advises elected officials and management regarding executive agreements and separation.

Selected Presentations

- Employment law basics for elected officials and supervisors
- Legal Update: Pregnant Workers' Fairness Act (PWFA) and the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act
- #Metoo: Now What? Harassment and Discrimination case law update
- Joint Decisions: THC and CBD in the workplace
- School Resource Officers: What police departments need to know

Education

Texas Tech University School of Law, JD, May 1999

Abilene Christian University, BA Mass Communication, May 1994

Licensure and Bar Admissions

State Bar of Texas (1999)

U.S. District Court Northern District of Texas

U.S. District Court Eastern District of Texas

U.S. District Court Western District of Texas

United States Court of Appeals for the Fifth Circuit