

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



MONDAY, APRIL 25, 2016

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, April 25, 2016 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Pastor Gary Aaron, Victory Baptist Church

3.0 Pledges to U.S. and Texas Flags

- Led by Members of the Tomball High School Student Council

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 Reports and Announcements

- April 18-23, 2016 – **Annual Spring Clean-Up and Chipping Week**
- April 20-21, 2016 – ***Shattered Lives*** Event – Tomball Memorial High School
- April 23, 2016 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- April 30-May 1, 2016 – **Rails & Tails Mudbug Festival** at the Depot, with "*Trackside Toss*" Washers Tournament and "*Roux Run*" Crawfish Race
- May 5, 2016 – **National Day of Prayer**
- May 14, 2016 – **Second Saturday at the Depot**
- May 28, 2016 – **Tomball Chili Challenge 2016** at the Depot
- June 4, 2016 – ***Tomball Honky Tonk Music Festival*** at the Depot
- July 4, 2016 – **July Fourth Celebration & Street Festival** – Business 249 at FM 2920
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Denise Fiore – report on the ***8th Annual 5K Bunny Run and 1 Mile Kids Walk***
 - Mike Baxter – report on the ***"2016 Ride 2 Recovery Texas Challenge"*** Reception

6.0 Approve the Minutes of the April 4, 2016 Regular City Council Meeting

7.0 New Business:

- 7.1 Action to Reconsider Adoption on Second Reading, on a Date Certain, Ordinance No. 2016-05, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 13.1 Acres of Land, Legally Described as 5.001 Acres H.C.C.F. No. X733739 Portion of Lots 487, 488, & 489 and 8.1479 Acres H.C.C.F. No. U200671 Portion of Lots 487, 488 & 489 Tomball Townsite Volume 2, Page 65 M.R.H.C., within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; Said Property Being Generally Located on the East Side of Hufsmith-Kohrville, South of The Estates at Willow Creek Subdivision; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters
- 7.2 Approve Resolution No. 2016-07, City of Tomball Grant Program Projects, Accepting an Award of \$210,526 Urban Area Security Initiative (UASI) Grant to Electronically Link Multiple Dispatch/Communications Centers and Designating George Shackelford as the Authorized Official to Execute the Grant Documentation.

8.0 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 18th day of April 2016 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer

Doris Speer
City Secretary, TRMC

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information.

AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: April 25, 2016

Topic:

- Led by Pastor Gary Aaron, Victory Baptist Church

Background:

Origination:

Recommendation:

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

City Secretary

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

Regular City Council
Agenda Item
Data Sheet

Meeting Date: April 25, 2016

Topic:

- Led by Members of the Tomball High School Student Council

Background:

Origination:

Recommendation:

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

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

Regular City Council
Agenda Item
Data Sheet

Meeting Date: April 25, 2016

Topic:

Background:

Origination:

Recommendation:

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

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

Regular City Council
Agenda Item
Data Sheet

Meeting Date: April 25, 2016

Topic:

- April 18-23, 2016 – **Annual Spring Clean-Up and Chipping Week**
- April 20-21, 2016 – ***Shattered Lives*** Event – Tomball Memorial High School
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- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Denise Fiore – report on the ***8th Annual 5K Bunny Run and 1 Mile Kids Walk***
 - Mike Baxter – report on the ***"2016 Ride 2 Recovery Texas Challenge"*** Reception

Background:

Origination:

Various

Recommendation:

N/A

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

City Secretary

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Annual Spring Clean-Up and Chipping Week
Rails and Tails Mudbug Festival
"Trackside Toss" Washers Tournament
Chili Challenge 2016
July 4th Celebration and Street Festival

City of Tomball
Spring Clean up
Week of April 18 – 23, 2016
Monday – Saturday - 8:00 am - 4:30 pm

Objective:

Provide the citizens of Tomball the opportunity to dispose of large, hard-to-handle items that cannot be collected under the normal garbage service. **** (Remember this is for residents of Tomball only (must have City utility bill as proof); NO COMMERCIAL BUSINESS OPERATORS) ****

Roll Offs will be available at the City Landfill Site (0.4 miles north of E. Hufsmith on Rudolph) to dispose of the acceptable items. See map to landfill site below.

Acceptable Items:

- | | | |
|------------------------------|--------------------------|-----------------------------------|
| • Lumber | • Bricks (small amount) | • Gutter material |
| • Bicycle parts | • Empty buckets or pails | • Cardboard boxes |
| • Plywood (4 cubic yd. max) | • Rocks (small amount) | • Lawn mowers (oil & gas removed) |
| • Rugs/carpet | • Washing machines | • Dishwashers |
| • Siding | • Dryers | |
| • Clothing | • Water heaters | |
| • Box springs and mattresses | • Furniture | |

Not Acceptable:

- | | | |
|----------------------------------|--|--|
| • Tree trimmings | • Insecticides | • Raw meats, food products or byproducts |
| • Limbs or stumps | • Container with unmarked labels holding liquids | • Televisions |
| • Tires | • Sealed containers of any type | • Computers |
| • Engine blocks | • Large amounts of construction or demolition material | • Refrigerators |
| • Structural steel | • Smoke detectors | • AC units |
| • Equipment with oil or gasoline | • Pressurized vessels | • Appliances with Freon or fluids |
| • Fertilizers | • Flammable, combustible or corrosive products | • Paint |
| • Pool chemicals | | |
| • Batteries | | |
| • Oil filters | | |

All appliances must be drained and tagged by a licensed technician.

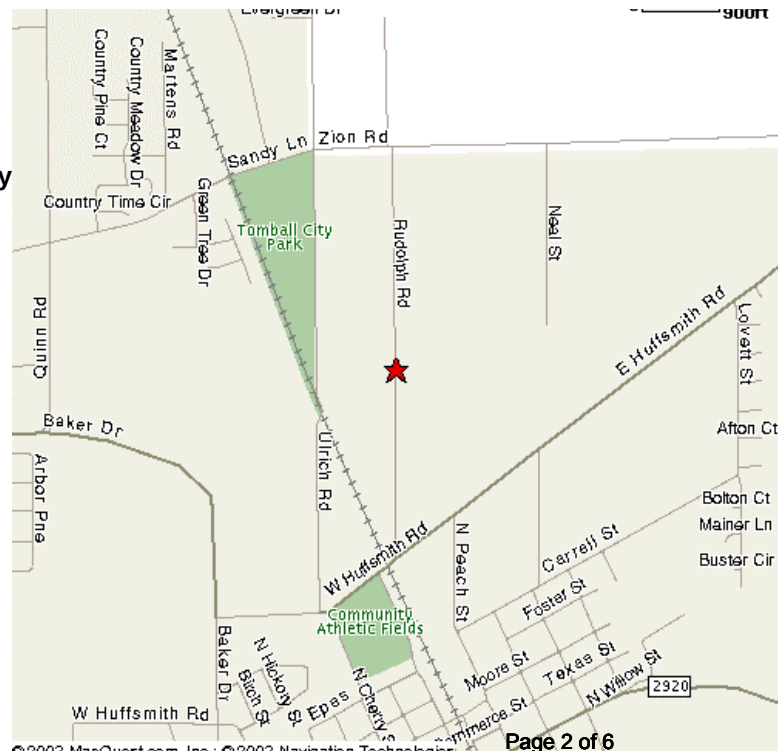
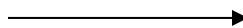
Acceptable items are anything that is inert and would not harm the environment before or after disposal into a landfill.

The City of Tomball will provide a free chipping service for brush and small limbs during the week of Tomball Cleanup. To participate, please call **(281) 290-1400** the week before the cleanup begins to be added to the chipping list.

CHIPPING SPECIFICATIONS:

- Turn all big ends toward road or in one direction
- Limit size to 6 ft.-8 ft., maximum
- Keep logs separate from limbs, nothing over 6" dia.
- Place limbs & brush near roadside and not on property
- Leaves, please bag for regular garbage pickup

Map to Tomball landfill site



Rails & Tails

Mudbug Festival



TOMBALL, TEXAS
APRIL 30 & MAY 1, 2016
11:00 am to 6:30 pm

*On stage - The Fab 5, John Evans, Bayou Roux,
the Chubby Knuckle Choir, Mango Punch,
Guppies from Outer Space, and Pelican 212*

Depot Plaza - 201 South Elm Street – FREE admission and parking
Call 281-351-5484 or visit Tomballtx.gov for more information

"TRACKSIDE TOSS" WASHERS TOURNAMENT

TOMBALL, TEXAS
SATURDAY, APRIL 30, 2016
AT THE DOWNTOWN DEPOT

A RAILS & TAILS
MUDBUG FESTIVAL
EVENT

\$500 IN CASH PRIZES
SINGLE ELIMINATION
THREE-HOLE BOARD
CHECK-IN AND REGISTER AT NOON
TOSsing BEGINS AT 1 PM

PRESENTED BY
*CUSTOM WASHER BOARDS
*K-STAR 99.7FM

For event information, call 281-351-5484 or visit tomballtx.gov.
Email Bret Nordquist at bret@customwasherboards.com to register.

CHILI CHALLENGE 2016

TOMBALL ★ TEXAS

MAY 28TH

PRESENTED BY



*C. A.S.I. SANCTIONED
COOK TEAMS

*BUSINESS CATEGORY

*KID COOKERS

*TROPHIES AWARDED IN
ALL CATEGORIES

*MARGARITA
POUR-OFF

THE POSSE BAND
ON-STAGE

STARTING AT NOON

FOOD & DRINKS

VENDORS

KIDS ZONE

CALL 281-351-5484

OR VISIT

TOMBALLTX.GOV



AT TOMBALL'S HISTORIC DOWNTOWN DEPOT – 221 S. ELM

JULY FOURTH

CELEBRATION & STREET FESTIVAL

TOMBALL, TEXAS

PRESENTED BY ALLIED SIDING & WINDOWS

GIANT FIREWORKS SPECTACULAR

LIVE MUSIC ON THE **K-STAR 99.7FM STAGE**

THE KROGER KIDS ZONE * FOOD AND BEVERAGES

FREE ADMISSION & PARKING * VISIT TOMBALLTX.GOV

BUSINESS 249 AT FM 2920 * GATES OPEN AT 5:00 PM

CALL 281-351-5484 OR VISIT TOMBALLTX.GOV FOR INFO

Regular City Council
Agenda Item
Data Sheet

Meeting Date: April 25, 2016

Topic:

Approve the Minutes of the April 4, 2016 Regular City Council Meeting

Background:

Origination:

City Secretary

Recommendation:

N/A

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

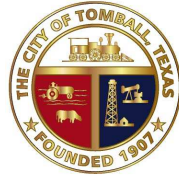
City Secretary

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Draft Minutes of the April 4, 2016 Regular City Council Meeting

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



MONDAY, APRIL 4, 2016

6:00 P.M.

1.0 Call to Order

The Council meeting was called to order at 6:00 p.m. by Mayor Fagan. Other members present:

Councilman Hudgens
Councilman Townsend
Councilman Degges
Councilman Klein Quinn

Members absent:

Councilman Stoll - Excused

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Public Works Director – David Esquivel
Director of Community Development – Craig Meyers
Assistant City Planner – Amelia Lindley
City Engineer – Beth Jones
Consultant – Ron Cox

2.0 The invocation was led by Pastor Bob Webb, Rosehill United Methodist Church

3.0 The pledges to U. S. and Texas Flags were led by members of the Tomball High School Student Council.

4.0 No public comments were received.

5.0 Presentations:

Mayor Fagan presented the following proclamations:

- Proclamation - "**Henleigh Kathryn Holmes Day**"
- Proclamation - "**National Postcard Week**"
- Proclamation - "**National Public Safety Telecommunicators Week**"

6.0 Reports and Announcements:

- April 9, 2016 – **8th Annual 5K Bunny Run and 1 Mile Kids Walk**
- April 9, 2016 – **Lions Club Car Show** at Lone Star College-Tomball Campus
- April 9, 2016 – **2nd Saturday at the Depot**
- April 11, 2016 (Monday) – "**2016 Ride 2 Recovery Texas Challenge**" Welcome and Reception at the Depot – 10:30 a.m.
- April 16, 2016 – **Tomball Rotary Club Annual Fish Fry** at the Depot
- April 18-23, 2016 – **Annual Spring Clean-Up and Chipping Week**
- April 20-21, 2016 – **Shattered Lives** Event – **Tomball Memorial High School**
- April 23, 2016 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- April 30-May 1, 2016 – **Rails & Tails Mudbug Festival** at the Depot, with "**Trackside Toss**" Washers Tournament and "**Roux Run**" Crawfish Race
- May 5, 2016 – **National Day of Prayer**
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- June 4, 2016 – **Tomball Honky Tonk Music Festival** at the Depot
- July 4, 2016 – **July Fourth Celebration & Street Festival** – Business 249 at FM 2920
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - George Shackelford announced that Doris Speer, City Secretary, had earned **Master Municipal Clerk (MMC)** designation from the International Institute of Municipal Clerks (IIMC) and Mayor Fagan presented a plaque from IIMC.

7.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Minutes of the February 15, 2016 Regular City Council Meeting.

Motion carried unanimously.

8.0 New Business:

8.1 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on Second Reading, Ordinance No. 2016-03, an Ordinance of the City of Tomball, Texas, Continuing the City's Juvenile Curfew Ordinance; and Making Other Findings and Provisions Related Thereto. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Absent</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Degges, to adopt, on Second Reading, Ordinance No. 2016-04, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Maple Creek Bed & Breakfast to Operate a “Bed and Breakfast Inn;” Said Property Being Approximately 5.663 Acres, and Being Legally Described as Tract 3, 5.663 Acres of McGraw Tract II, a Subdivision in the Ralph Hubbard Survey, Abstract 383, according to the Map or Plat Thereof Recorded in Vol. 423, Page 107, Map Records, Harris County, Texas, Generally Located East of Hospital Road on the North Side of E. Hufsmith Road; Providing Requirements and Conditions for This CUP; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; and Providing for Severability. Motion carried unanimously. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Absent</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.1 Due to failure to read Ordinance No. 2016-03 by Caption prior to the vote, motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on Second Reading, Ordinance No. 2016-03, an Ordinance of the City of Tomball, Texas, Continuing the City’s Juvenile Curfew Ordinance; and Making Other Findings and Provisions Related Thereto. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Absent</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.3 Councilman Townsend advised that he would abstain from discussion and vote on Item 8.3 and that he had filed an Affidavit of Conflict of Interest with the City Secretary.

Motion was made by Councilman Townsend, second by Councilman Klein Quinn to adopt, on Second Reading, Ordinance No. 2016-05, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 13.1 Acres of Land, Legally Described as 5.001 Acres H.C.C.F. No. X733739 Portion of Lots 487, 488, & 489 and 8.1479 Acres H.C.C.F. No. U200671 Portion of Lots 487, 488 & 489 Tomball Townsite Volume 2, Page 65 M.R.H.C., within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; Said Property Being Generally Located on the East Side of Hufsmith-Kohrville, South of The Estates at Willow Creek Subdivision; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

Councilman Hudgens	<u>Nay</u>
Councilman Stoll	<u>Absent</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Abstain</u>
Councilman Klein Quinn	<u>Aye</u>

Motion FAILED, 2 votes Aye, 1 vote Nay.

9.0 New Business:

- 9.1 Glenn Windsor Presented the Comprehensive Annual Financial Report (CAFR Audit) for the Fiscal Year Ended September 30, 2015.

No action taken.

- 9.2 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the request by Concordia Lutheran High School for City Support of The Crusader Cook-Off, to be held on Saturday, April 23, 2016, through In-Kind Services, Including a Soft Road Closure of Timkin Road, Provided by the City of Tomball.

Motion carried unanimously.

- 9.3 Discussion was held regarding Consideration and Possible Approval to Change the Speed Limit on Brown Road from 30 mph to 35 mph from State Hwy 249 Business to Baker Drive. Consensus of Council was to have City Staff draft an ordinance to change the speed limits on Zion, from Quinn to Ulrich, to 35 MPH, and to request Harris County assistance/approval to change the speed limit on

Brown Road, from SH 249 to East Hufsmith to 35 MPH, and on East Hufsmith, at the eastern curve, to 30 MPH.

No action taken.

- 9.4 Discussion was held regarding approval to Lease City Property located at 107 N. Cherry to Dennis Henderson for Use as Office Space and Additional Restaurant Seating and Authorize City Attorney to Draft Agreement and City Manager to Execute on Behalf of the City of Tomball. Consensus of Council was for the City Attorney to draft an agreement, keeping the building and time capsule “as is” and requiring no permanent changes be made to the structure.

No action taken.

- 9.5 Ron Cox, Consultant, and George Shackelford Presented the Strategic Plan Update – City Council Report. Suggestions were made by Councilmembers to add utilization of the alleyways in the Livable Centers area, provide notice to residents/property owners to move improvements out of the City’s alleyways, to review the long-term financial requirements for the Fire Department, and to return the final document to Council on April 18, 2016.

No action taken.

- 10.0 Motion was made by Councilman Townsend, second by Councilman Degges, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 18th day of April 2016.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: April 25, 2016

Topic:

Action to Reconsider Adoption on Second Reading, on a Date Certain, Ordinance No. 2016-05, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 13.1 Acres of Land, Legally Described as 5.001 Acres H.C.C.F. No. X733739 Portion of Lots 487, 488, & 489 and 8.1479 Acres H.C.C.F. No. U200671 Portion of Lots 487, 488 & 489 Tomball Townsite Volume 2, Page 65 M.R.H.C., within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; Said Property Being Generally Located on the East Side of Hufsmith-Kohrville, South of The Estates at Willow Creek Subdivision; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters

Background:

At the last Council meeting, the 2nd reading of Ordinance #2016-05 failed on a 2-1-1 vote (2-yes, 1-no, 1-abstention). It required three (3) affirmative votes in order to pass the second reading.

On April 7th, city staff received an e-mail from Councilman Degges asking the item to be placed on the agenda for reconsideration. In accordance with Council policies, the City Manager, Mayor, or two (2) Councilmembers in writing can request an item be placed on the agenda. I did receive a request from Councilman Stoll asking this item to be placed on the agenda again.

Section 2.22 (f) (9) of the Tomball Code of Ordinances – Rules of Procedure allows an item to come back to the City Council for reconsideration.

According to City Attorney, the Council would have to vote and approve the item to formally be reconsidered at a specific date, which means there would have to be a motion/second to reconsider the second reading of Ordinance #2016-05 on (specific date).

Attached in your packet are Councilman Degges and Stoll's requests for reconsideration of the agenda item, Administrative Policy Number 77 provisions for reconsideration, and a copy of Section 2.22 (f)(9) of the Code of Ordinances, adopted by the Council in 1995 and restated in Administrative Policy Number 76.

Origination:

Councilmembers Stoll and Degges

Recommendation:

N/A

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

City Secretary

ACTION TAKEN

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Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
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ATTACHMENTS:

Councilman Stoll Email Request for Reconsideration
 Councilman Degges Email Request for Reconsideration
 Administrative Policy Number 77
 Sec. 2-22 - Rules of Procedure (Ordinance No. 95-03)
 Administrative Policy Number 76
 Ordinance No. 2016-05 - P16-0020
 Staff Report - P16-0020

----- Original message -----

From: Mark Stoll <MStoll@tomballtx.gov>

Date: 04/07/2016 1:42 PM (GMT-06:00)

To: Chad Degges Personal <cdegges@htstx.com>

Cc: George Shackelford <GShackelford@tomballtx.gov>, Craig Meyers <cmeyers@tomballtx.gov>, Robert Hauck <RHauck@tomballtx.gov>, Harold Ellis <HEllis@tomballtx.gov>

Subject: Re: 2nd Reading

I approve putting this back on the agenda.

Mark Stoll

City of Tomball

City Councilman Position #2

Sent from my iPad

On Apr 7, 2016, at 1:39 PM, Chad Degges <cdegges@htstx.com> wrote:

George,

I spoke with Councilman Stoll and he agreed to 2nd the request for a 2nd reading of the Brandt issue.

I think this issue deserves to be fully heard at the 2nd reading to allow all of us to discuss and give Field an opportunity to hear the case.

Please coordinate with Mr. Brandt and see when he would be available to attend the 2nd reading.

Best regards,

Chad Degges

Heat Transfer Specialists, Inc.

17314 SH 249, Suite 306

Houston, TX 77064

O# 281-820-9002

C# 713-828-0333

<http://www.htstx.com>

----- Original message -----

From: Chad Degges <cdegges@htstx.com>

Date: 04/07/2016 1:39 PM (GMT-06:00)

To: Mark Stoll <MStoll@tomballtx.gov>, George Shackelford <GShackelford@tomballtx.gov>

Cc: Craig Meyers <cmeyers@tomballtx.gov>, Robert Hauck <RHauck@tomballtx.gov>, Harold Ellis <HEllis@tomballtx.gov>, Gretchen Fagan <gretchen@gretcheninsure.com>

Subject: 2nd Reading

George,

I spoke with Councilman Stoll and he agreed to 2nd the request for a 2nd reading of the Brandt issue.

I think this issue deserves to be fully heard at the 2nd reading to allow all of us to discuss and give Field an opportunity to hear the case.

Please coordinate with Mr. Brandt and see when he would be available to attend the 2nd reading.

Best regards,

Chad Degges

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<http://www.htstx.com>

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

SUBJECT GUIDELINES FOR PREPARATION AND TIMELINESS OF COUNCIL, BOARD AND COMMISSION AGENDAS	NUMBER: 77	EFFECTIVE DATE: July 20, 1998	PAGE 1 OF 1
	REVISED: May 5, 2003	APPROVED BY CITY MANAGER: May 5, 2003	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: May 5, 2003	

The following guidelines are set out for preparation and timeliness of Council agendas:

Items on the Agenda. An item may be placed on the agenda by the Mayor or City Manager. The City Manager, working in conjunction with the Mayor, will exercise their best judgment in determining what other items of City business should come before the Council. City staff seeking to have an item placed on an agenda shall submit that item to the City Manager's office for approval. If two (2) or more of the City Council members make a request in writing that an agenda item be placed on the agenda for any subsequent meeting, then such item shall be placed on the agenda for discussion and/or action as requested. A City Council member, in accordance with Section 551.042 of the Texas Government Code, may propose an item for inclusion on the agenda for a subsequent meeting, and any deliberation or decision on such item shall be limited to the proposal to place the item on the agenda.

Submission of Items and Backup Materials. Items to be placed on the agenda, including the materials to be distributed to Council in connection with the items, must reach the City Secretary's office at the City Hall before 12:00 o'clock noon on the Wednesday of the week preceding the Council meeting.

Packets. The agenda packets for all Regular Meetings will be available in City Hall after 4:00 P.M. on Thursday preceding the Monday Meetings. This should afford ample time for all Council members to inquire into the nature of each matter to be discussed.

The following deadlines for submission of items and backup materials for agenda packets have been established for boards listed below:

Planning Commission: Submission of agenda items and materials no later than 12 noon the first Monday of each month.

Parks Board: Submission of agenda items and materials no later than 12 noon the last Monday of each even-numbered month.

Items not submitted in a timely manner for any of the above boards will be held until the next meeting for that board, commission, or committee.

Sec. 2-22. - Rules of procedure.

- (a) *Adopted.* The following rules of procedure (the "rules") are adopted by the city council (the "council") in accordance with section 6.13 of the city Charter. These rules shall govern all meetings and proceedings of the city council, the order of business, and the conduct of city councilmembers and persons in attendance at such meetings. Additionally, these principles, parliamentary procedures and rules for citizen participation shall be adhered to by all city commissions, boards and committees, to the extent such rules of procedure are not inconsistent with the public business to be conducted by such a body.
- (b) *Purpose and guiding principles.* These rules are simple and meant to be kept simple. Strict technical rules tend to impede rather than advance the legislative process. Reason, common sense and cooperation must prevail in the conduct of city business. Dissent and debate are essential and beneficial elements of our system of free and open government, but rules should not be used to hinder the process, however the ultimate outcome is viewed by an individual or group.
- (c) *Meetings.* The following types of meetings may be held:
- (1) *Regular meetings.* In accordance with section 6.12 of the city Charter, the council shall conduct regular meetings on the first and third Mondays of each month. Whenever a regular meeting date falls on a holiday observed by the city, such regular meeting shall be scheduled and held on the next calendar day which is not a holiday observed by the city, unless the council takes action in advance, by resolution or ordinance, to reschedule such meeting.
 - a. All regular meetings shall begin promptly at 6:00 p.m. (See special/workshop meetings in subsection (2) and (3) of this section.
 - b. Regular meetings shall be held at the city hall as required by the Charter, unless the city council votes to approve a location other than the city hall in the public interest.
 - (2) *Special meetings.* In accordance with section 6.12 of the Charter, additional special meetings may be called upon written request of the mayor or any three councilmembers. If a majority of the city councilmembers at a public meeting request a subsequent special meeting, a special meeting shall be scheduled at the earliest practical time as requested. The council meeting minutes reflecting the request to call a special meeting shall also reflect the scheduled date and time of such special meeting.
 - a. Special meetings may be called to address and act on matters which should not be delayed until a regular meeting.
 - b. Special meetings shall be called to begin promptly at the time designated, unless circumstances reasonably require a different starting time, in which event the circumstances shall be stated on the meeting agenda.
 - c. Except in unusual circumstances, which shall be stated on the meeting agenda, special meetings will be held at the city hall.
 - (3) *Workshop meetings.* In accordance with section 6.12 of the Charter, additional workshop meetings may be called upon written request of the mayor or any three councilmembers. If a majority of the city councilmembers at a public meeting request a subsequent workshop

meeting, a workshop meeting shall be scheduled at the earliest practical time as requested. The council meeting minutes reflecting the request to call a workshop meeting shall also reflect the scheduled date and time of such workshop meeting.

- a. The purpose of a workshop meeting is to give council the opportunity to discuss in depth or explore in detail subjects of interest to the city.
- b. No action items shall be placed on the agenda for a workshop meeting.
- c. Workshop meetings shall begin promptly at the time designated and may precede a regular or special meeting. If circumstances reasonably require a different starting time or a different date, such circumstances shall be stated on the meeting agenda.
- d. As circumstances require, public hearings may be held at workshop meetings for the convenience of the public.
- e. Except in unusual circumstances, which shall be stated on the meeting agenda, workshop meetings will be held at the city hall.

- (4) *Public meetings; executive sessions.* All meetings of the city council are open to the public, in compliance with the Texas Open Meetings Act. Further, the city council may conduct executive sessions in compliance with the Texas Open Meetings Act.

(d) *Agenda.* The following provisions shall apply:

- (1) *Items on the agenda.* An item may be placed on the agenda by the mayor or city manager. The city manager, working in conjunction with the mayor, will exercise their best judgment in determining what other items of city business should come before the council. City staff seeking to have an item placed on an agenda shall submit that item to the city manager's office for approval. If two or more of the city councilmembers make a request in writing that an agenda item be placed on the agenda for any subsequent meeting, then such item shall be placed on the agenda for discussion and/or action as requested. A city councilmember, in accordance with V.T.C.A., Government Code § 551.042, may propose an item for inclusion on the agenda for a subsequent meeting, and any deliberation or decision on such item shall be limited to the proposal to place the item on the agenda.
- (2) *Submission of items and backup materials.* Items to be placed on the agenda, including the materials to be distributed to council in connection with the items, must reach the city secretary's office at the city hall before 12:00 noon on the Wednesday of the week preceding the council meeting.
- (3) *Packets.* The agenda packets for all regular meetings will be available in city hall after 4:00 p.m. on Thursday preceding the Monday meetings. This should afford ample time for all councilmembers to inquire into the nature of each matter to be discussed.
- (4) *Notice to media.* The city secretary's office will assume responsibility for issuing to newspapers, radio and television stations, which have requested such notification, a copy of the agenda advising them that the regular meeting will be held on the following night. The city secretary's office will also assume the responsibility for compliance with the open meetings law.
- (5) *Consideration limited to agenda items.* Except for discussions pertaining to announcements or to requests to have items placed on a subsequent agenda, the council will restrict consideration only to the item or items on the current agenda.
- (6) *Organization and order of agenda.* The following order shall be followed:
 - a. Call to order/roll call.

- b. Pledges of allegiance and invocation.
 - c. Public comments and receipt of petitions. Citizens desiring to be heard will be given the opportunity. Petitions will be received. (See rules for "citizen participation at meetings" in subsection (i) of this section.)
 - d. Presentations.
 - e. Reports and announcements.
 - f. Approval of minutes.
 - g. Old business, by item, discussion/action. Final passage of ordinances and other business pending from a previous council meeting.
 - h. New business consent agenda; items requiring little or no discussion. If one or more members of council desire to remove an item from the consent agenda, such items shall be considered and acted upon separately (placed before new business).
 - i. New business, by item, discussion/action. New ordinances, resolutions, budget amendments and changes, bid openings and bid awards, contracts, policies and other matters to be considered and/or acted upon. New business shall include all public bid openings.
 - j. Executive session.
 - k. Adjournment.
- (e) *Council proceedings.* In accordance with section 6.13 of the Charter, four councilmembers, one of whom may be the mayor, shall constitute a quorum for the purpose of transaction of business and no action of the council shall be valid or binding unless adopted by the affirmative vote of three or more members of the council.
- (f) *Parliamentary procedure.* In all council meetings, the following commonly used rules of parliamentary procedure will be followed. In the event that conflict results in gridlock, and reasonable compromise fails to move the council forward in the conduct of city business, then Robert's Rules of Order, Newly Revised will be followed as necessary. The rules are as follows:
- (1) *Questions to contain one subject.* All questions (motions) submitted for a vote shall contain only one subject. If a question contains two or more points under one subject, any member may require a division, if the question reasonably admits of a division.
 - (2) *Main motion.* A subject is introduced by a main motion. Once seconded, no other topics should be taken up until after the motion is disposed of.
 - (3) *Second.* Any motion requires a second or it dies for lack of a second.
 - (4) *Motion to amend.* This motion is used when the intention is to change, add or omit some part of a main motion. This motion is debatable and requires a majority vote of the members present for passage. A motion to amend is not amendable. First, a vote is held on the motion to amend. If that vote is affirmative, the second vote is held on the main motion as amended.
 - (5) *Motion to table or postpone to a certain time.* This motion would require that consideration of a main motion be delayed until a certain, stated time for, among other reasons, to obtain more information. A future date certain should be set when the subject would be considered. This motion is debatable and requires a majority vote of the members present for passage.
 - (6)

Motion to table indefinitely. This motion postpones consideration of the main motion in such a way that the issue being discussed may be taken up at an unspecified, later date when a majority of the members present vote to "call it from the table." This motion is not debatable and requires a majority vote of the members present for passage.

- (7) *Motion to move the question or call the question.* This motion is made to end discussion that has become lengthy or repetitious. When seconded, the presiding officer immediately moves or calls the vote on the question of closing the discussion. This motion is not debatable and requires a majority vote of the members present for passage.
- (8) *Motion to reconsider.* A vote may be reconsidered during the same meeting on motion made by a member who voted on the prevailing (winning) side of the issue. This motion is debatable and requires a majority vote of the members present for passage. First a vote is held on the motion to reconsider. If that vote is affirmative, the second vote is held on the issue to be reconsidered.
- (9) *Reconsideration of a subject when defeated.* When an ordinance, resolution, motion or other measure has been placed on the agenda, voted on and defeated, the same question shall not again be placed on the agenda for a subsequent meeting to be considered by the council until a lapse of 90 days, unless a majority of council present vote, at a public meeting, that the question be placed on the agenda of a subsequent meeting, stating the date.
- (10) *Suspension of rules; order of agenda.* Consistent with state law and the Charter, any one or all of these rules of procedure may be suspended in order to allow a particular consideration of a subject or matter, provided a majority of the members present vote in favor of such suspension; provided further, the order of business on the agenda may also be suspended by such a majority vote. This motion is debatable.
- (11) *Vote.* The presiding officer shall call for a vote by requesting "all in favor say aye" and "all opposed say nay." The presiding officer or any other member may request a roll call vote at any time, including immediately after a voice vote. Except for the "majority vote of the members present" provided for in applying these procedural rules, any action by council shall require the affirmative vote of three or more members of the council (the mayor has a binding vote only in the case of a tie), in accordance with section 6.13 of the Charter. A councilmember shall state the reason for an abstaining vote, in accordance with section 6.13 of the Charter.
- (12) *Frivolous or delaying motions.* The presiding officer shall not entertain any motion which is frivolous or clearly made for the purpose of delay. In the event a conflict develops, any member may call for a vote (majority of the members present) to consider the matter or to move along.
- (13) *Point of order.* A point of order can be raised at any time and supersedes any issue being discussed at the time. A member who believes the rules are not being followed may use this mechanism to call attention to the problem. The presiding officer must rule on the point of order before proceeding.
- (14) *Questions and inquiries.* A member may ask about correct procedures, ask for facts, ask to speed things along, for a recess for comfort and convenience, or other relevant questions and inquiries. The presiding officer responds to the question or refers it to the proper person.
- (15) *Limit debate.* The council may agree to limit debate on any subject before it is discussed or debated. The agreement should be formalized by majority vote of the members present.
- (16)

Recessed meetings. Recessing a meeting is not a favored practice. However, if circumstances require, any meeting of the council may be recessed to a later time, provided that no recess shall be for a longer period than until the next scheduled meeting. Prior to the recess the presiding officer shall announce the time, date and subjects of the meeting to be reconvened. A new agenda shall be posted for the reconvened meeting, making clear reference to the recessed meeting. The presiding officer may declare the meeting recessed without waiting for a motion. A member may move to recess under the same conditions. When the meeting is recessed, the meeting is immediately halted. The motion by a member is not debatable and a majority vote of the members present is required for passage.

- (17) *Motion to adjourn.* If the time set for adjournment has arrived or if there is no further business, the presiding officer may declare the meeting recessed without waiting for a motion. A member may move to recess under the same conditions. When the meeting is recessed, the meeting is immediately halted. The motion by a member is not debatable and a majority vote of the members present is required for passage.
- (18) *Procedural summary.* The following summary of these procedural rules is included for ease of reference. In the event of an interpretation conflict between this summary and the narrative provisions of these procedural rules, the narrative procedural rules shall control.

Motion	Debatable	Amendable	Majority Vote of Members Present
Main motion	Yes	Yes	Yes
Motion to amend	Yes	No	Yes
Table or postpone to a certain time	Yes	Yes	Yes
Table indefinitely	No	No	Yes
Move or call the question	No	No	Yes
Reconsider	Yes	Yes	Yes
Suspend rules	Yes	Yes	Yes

Point of order	No	No	(Presiding officer)
Limit debate	Yes	Yes	Yes
Recess	No	No	Yes
Adjourn	No	No	Yes

- (g) *City councilmembers decorum and debate.* When a measure is presented for consideration to the council, the presiding officer shall recognize the appropriate individual to present the matter. When two or more members wish to speak, the presiding officer shall name the member who is to speak first. No member of the council shall interrupt another while speaking, except to make a point of order. The presiding officer shall not be obligated to recognize any councilmember for a second comment on the subject or amendment until every councilmember wishing to speak has been allowed a first comment. Councilmembers shall also have the right to yield the floor to another member.
- (1) Councilmembers should not indulge in personal attacks, use personally offensive language, arraign motives of councilmembers or staff, charge deliberate misrepresentation, or use language tending to hold a member of the city council or staff up to contempt.
 - (2) If a member is transgressing the rules of the council, the presiding officer shall, or any councilmember may, call him to order, in which case he shall immediately be quiet unless permitted to explain. The council shall, if appealed to, decide the matter by majority vote of the members present without debate. If the decision is in favor of the member called to order, he shall then be at liberty to proceed, but not otherwise, in compliance with these rules.
- (h) *Duties of mayor or presiding officer.* At all meetings, it is the responsibility of the presiding officer to use the rules of procedure appropriately so that good order and reasonable decorum are maintained and the business of the meeting goes forward. The presiding officer's duties include:
- (1) Calling the meeting to order at the time set.
 - (2) Following the agenda and clarifying to the members what is being voted on at all times.
 - (3) Ensuring that the rules and procedures for the conduct of meetings are followed.
 - (4) Dealing firmly with whispers, commotion, disruptions and frivolous motions.
 - (5) Ensuring that debate is confined to the merits of the question and that personal comments are avoided.
 - (6) Ensuring that the rules for citizen participation are followed.
 - (7) Remaining calm and dealing fairly with all sides of an issue, regardless of personal opinion.
 - (8) Ensuring that city business is handled expeditiously during council meetings.
- (i) *Citizens' participation at meetings.* Rules for speakers:
- (1)

Recognition. Citizens will be allowed to speak at a meeting; however, before a member of the public may address city council or speak at a meeting, the presiding officer must first recognize the member of the public who wishes to speak and announce that the person may proceed.

- (2) *Time limit.* The presiding officer, or the city council by majority vote of the councilmembers present, may set a reasonable time limit for any citizen or person in attendance who desires to address the council or speak at a meeting.
- (3) *Identification.* All members of the public speaking before council shall preface their statements with their name and home address for the record.
- (4) *Speaking from the podium.* All speakers must come to the podium, unless the presiding officer permits speakers to make their statements from their seat in the meeting room.
- (5) *Spokesperson.* Speakers with similar or common interests are encouraged to select someone to act as a spokesperson in order to move the proceedings along. The presiding officer may urge the implementation of this rule at any time.
- (6) *Public comments and receipt of petitions; public hearings.* Any person desiring to be heard by the city council on any matter shall be heard during that part of the meeting reserved for public comments and receipt of petitions, or as scheduled for a public hearing.
- (7) *Scheduled speakers.* Speakers may request, in writing, an opportunity to be placed on the agenda to speak at a meeting concerning a specific matter, as identified in their written request. Written requests to be placed on the agenda to speak must be delivered to the city secretary, or the city secretary's designee, by 12:00 noon on Wednesday of the week preceding the regular, special or workshop meeting of the city council. In the event that the number of speakers who request to be scheduled on the agenda indicates that the comments will be lengthy or repetitious, the presiding officer may schedule such matter for a public hearing or make other appropriate arrangements to ensure that the conduct of the city's business is not unduly impeded.
- (8) *Speaking during consideration of agenda items.* The presiding officer at his own discretion, or by majority vote of the councilmembers present, may recognize a person or persons in attendance and allow such persons to speak prior to consideration and discussion of an agenda item by the city council. Any further discussion of the same matter shall likewise be at the discretion of the presiding officer, or by majority vote of councilmembers present.
- (9) *Rules not to restrict the city.* These rules for speakers will not be construed or applied in such a manner that they restrict the ability of the mayor, or the city council by majority vote of the members present, to reasonably limit or expand the debate and discussion of any item, when necessary in the city's best interest.

(Code 1978, § 2-31; Code 1993, § 2-32; Ord. No. 91-13, 11-18-1991; Ord. No. 92-11, § 1.0, 7-20-1992; Ord. No. 95-03, §§ 1—9, 3-20-1995; Ord. No. 2011-07, §§ 1(2.32(c)), 2(2.32(d)), 5-2-2011)

State Law reference— Open meetings of governmental bodies, V.T.C.A., Government Code § 551.001 et seq.

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

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On March 20, 1995, by Ordinance No. 95-03, the City Council of the City of Tomball provided for Rules of Procedure for the Conduct of City Council Meetings, in accordance with Section 6.13 of the City Charter.

Such rules are set out below in the following Sections of this Policy.

Section 1. RULES OF PROCEDURE ADOPTED. The following Rules of Procedure (the "rules") are adopted by the City Council (the "Council") in accordance with Section 6.13 of the City Charter of the City of Tomball. These rules shall govern all meetings and proceedings of the City Council, the order of business, and the conduct of City Council members and persons in attendance at such meetings.

Additionally, these principles, parliamentary procedures, and rules for citizen participation shall be adhered to by all City Commissions, Boards, and Committees, to the extent such rules of procedure are not inconsistent with the public business to be conducted by such a body.

Section 2. PURPOSE AND GUIDING PRINCIPLES. These rules are simple, and meant to be kept simple. Strict technical rules tend to impede rather than advance the legislative process. Reason, common sense, and cooperation must prevail in the conduct of City business. Dissent and debate are essential and beneficial elements of our system of free and open government, but rules should not be used to hinder the process, however the ultimate outcome is viewed by an individual or group.

Section 3. MEETINGS.

3.1. **Regular Meetings.** In accordance with Section 6.12 of the City Charter, the Council shall conduct regular meetings on the first (1st) and third (3rd) Mondays of each month. Any time a regular meeting date falls on a holiday observed by the City of Tomball, such regular meeting shall be scheduled and held on the next calendar day which is not a holiday observed by the City of Tomball, unless the Council takes action in advance, by resolution or ordinance, to reschedule such meeting.

3.1.1. All regular meetings shall begin promptly at 7:00 p.m. (See Workshop meetings below).

3.1.2. Regular meetings shall be held at the City Hall as required by the Charter.

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3.2. **Special Meetings.** In accordance with Section 6.12 of the City Charter additional special meetings may be called upon written request of the Mayor or any three (3) Council members. If a majority of the City Council members at a public meeting request a subsequent special meeting, a special meeting shall be scheduled at the earliest practical time as requested. The Council meeting minutes reflecting the request to call a special meeting shall also reflect the scheduled date and time of such special meeting.

3.2.1. Special meetings may be called to address and act on matters which should not be delayed until a regular meeting.

3.2.2. Special meetings shall be called to begin promptly at 7:00 p.m., unless circumstances reasonably require a different starting time, in which event the circumstances shall be stated on the meeting agenda.

3.2.3. Except in unusual circumstances, which shall be stated on the meeting agenda, special meetings will be held at the City Hall.

3.3. **Workshop Meetings.** In accordance with Section 6.12 of the City Charter, additional workshop meetings may be called upon written request of the Mayor or any three (3) Council members. If a majority of the City Council members at a public meeting request a subsequent workshop meeting, a workshop meeting shall be scheduled at the earliest practical time as requested. The Council meeting minutes reflecting the request to call a workshop meeting shall also reflect the scheduled date and time of such workshop meeting.

3.3.1. The purpose of workshop meetings is to give Council the opportunity to discuss in depth or explore in detail subjects of interest to the City.

3.3.2. **No action item(s)** shall be placed on the agenda for a workshop meeting.

3.3.3. Workshop meetings shall begin promptly at 5:00 p.m. preceding a regular or special meeting. If circumstances reasonably require a different starting time or a different date, such circumstances shall be stated on the meeting agenda.

3.3.4. As circumstances require, public hearings may be held at workshop meetings for the convenience of the public.

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3.3.5. Except in unusual circumstances, which shall be stated on the meeting agenda, workshop meetings will be held at the City Hall.

3.4. **Public Meetings: Executive Sessions.** All meetings of the City Council are open to the public, in compliance with the Texas Open Meetings Act. Further, the City Council may conduct executive sessions in compliance with the Texas Open Meetings Act.

4.1. **Items on the Agenda.** An item may be placed on the agenda by the Mayor or City Manager. The City Manager, working in conjunction with the Mayor, will exercise their best judgment in determining what other items of City business should come before the Council. City staff seeking to have an item placed on an agenda shall submit that item to the City Manager's office for approval. If two (2) or more of the City Council members make a request in writing that an agenda item be placed on the agenda for any subsequent meeting, then such item shall be placed on the agenda for discussion and/or action as requested. A City Council member, in accordance with Section 551.042 of the Texas Government Code, may propose an item for inclusion on the agenda for a subsequent meeting, and any deliberation or decision on such item shall be limited to the proposal to place the item on the agenda.

4.2. **Submission of Items and Backup Materials.** Items to be placed on the agenda, including the materials to be distributed to Council in connection with the items, must reach the City Secretary's office at the City Hall before 12:00 o'clock noon on the Wednesday of the week preceding the Council meeting.

4.3. **Packets.** The agenda packets for all Regular Meetings will be available in City Hall after 4:00 P.M. on Thursday preceding the Monday Meetings. This should afford ample time for all Council members to inquire into the nature of each matter to be discussed.

4.4. **Notice to Media.** The City Secretary's office will assume responsibility for issuing to newspapers, radio and television stations, which have requested such notification, a copy of the agenda advising them that the regular meeting will be held on the following night. The City Secretary's office will also assume the responsibility for compliance with the Open Meetings Law.

4.5. **Consideration Limited to Agenda Items.** Except for discussions pertaining to announcements or to requests to have items placed on a subsequent agenda, the Council will restrict consideration only to the item or items on the current agenda.

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4.6. Organization and Order of Agenda.

- 4.6.1. Call to Order/Roll Call/Announce that a quorum is present.
- 4.6.2. Pledge of Allegiance and Invocation.
- 4.6.3. Public Comments and Receipt of Petitions - citizens desiring to be heard will be given the opportunity. Petitions will be received. (See rules for "Citizen Participation at Meetings" below.)
- 4.6.4. Reports and Announcements.
- 4.6.5. Approval of Minutes.
- 4.6.6. Old Business, by item, discussion/action - Final passage of ordinances and other business pending from a previous Council meeting.
- 4.6.7. New Business, by item, discussion/action - New ordinances, resolutions, budget amendments and changes, bid openings and bid awards, contracts, policies, and other matters to be considered and/or acted upon.
 - 4.6.7.1. New Business shall include all public bid openings.
- 4.6.8. Consent Agenda - items requiring little or no discussion. If one or more members of Council desire to remove an item from the consent agenda, such item(s) shall be considered and acted upon separately.
- 4.6.9. Executive Session.
- 4.6.10. Final Comments - Mayor and Council.
- 4.6.11. Adjournment.

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Section 5.0. COUNCIL PROCEEDINGS. In accordance with Section 6.13 of the City Charter, four (4) Council members, one of whom may be the Mayor, shall constitute a quorum for the purpose of transaction of business and no action of the Council shall be valid or binding unless adopted by the affirmative vote of three (3) or more members of the Council.

Section 6.0. PARLIAMENTARY PROCEDURE. In all Council meetings the following commonly used rules of parliamentary procedure will be followed. In the event that conflict results in gridlock, and reasonable compromise fails to move the Council forward in the conduct of City business, then Robert's Rules of Order will be followed as necessary.

The rules are as follows:

6.1. **Questions to Contain One Subject.** All questions (motions) submitted for a vote shall contain only one subject. If a question contains two or more points under one subject, any member may require a division, if the question reasonably admits of a division.

6.2. **Main Motion.** A subject is introduced by a main motion. Once seconded, no other topics should be taken up until after the motion is disposed of.

6.3. **Second.** Any motion requires a second or it dies for lack of a second.

6.4. **Motion to Amend.** This motion is used when the intention is to change, add, or omit some part of a main motion. This motion is debatable and requires a majority vote of the members present for passage. A motion to amend is not amendable. First a vote is held on the motion to amend. If that vote is affirmative, the second vote is held on the main motion as amended.

6.5. **Motion to Table or Postpone to a Certain Time.** This motion would require that consideration of a main motion be delayed until a certain, stated time - for, among other reasons, to obtain more information. A future date certain should be set when the subject would be considered. This motion is debatable and requires a majority vote of the members present for passage.

6.6. **Motion to Table Indefinitely.** This motion postpones consideration of the main motion in such a way that the issue being discussed may be taken up at an unspecified, later date when a majority of the members present vote to "call it from the table." This motion is not debatable and requires a majority vote of the members present for passage.

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6.7. **Motion to Move the Question or Call the Question.** This motion is made to end discussion that has become lengthy or repetitious. When seconded, the presiding officer immediately moves or calls the vote on the question of closing the discussion. This motion is not debatable and requires a majority vote of the members present for passage.

6.8. **Motion to Reconsider.** A vote may be reconsidered during the same meeting on motion made by a member who voted on the prevailing (winning) side of the issue. This motion is debatable and requires a majority vote of the members present for passage. First a vote is held on the motion to reconsider. If that vote is affirmative, the second vote is held on the issue to be reconsidered.

6.9. **Reconsideration of a Subject when Defeated.** When an ordinance, resolution, motion, or other measure has been placed on the agenda, voted on, and defeated, the same question shall not again be placed on the agenda for a subsequent meeting to be considered by the Council until a lapse of ninety (90) days, unless a majority of Council present vote, at a public meeting, that the question be placed on the agenda of a subsequent meeting, stating the date.

6.10. **Suspension of Rules: Order of Agenda.** Consistent with State law and the City Charter, any one or all of these rules of procedure may be suspended in order to allow a particular consideration of a subject or matter, provided a majority of the members present vote in favor of such suspension; provided further, the order of business on the agenda may also be suspended by such a majority vote. This motion is debatable.

6.11. **Vote.** The presiding officer shall call for a vote by requesting "all in favor say aye" and "all opposed say nay." The presiding officer or any other member may request a roll call vote at any time, including immediately after a voice vote. Except for the "majority vote of the members present" provided for in applying these procedural rules, any action by Council shall require the affirmative vote of three (3) or more members of the Council (the Mayor has a binding vote only in the case of a tie), in accordance with Section 6.13 of the City Charter. A Council member shall state the reason for an abstaining vote, in accordance with Section 6.13 of the City Charter.

6.12. **Frivolous or Delaying Motions.** The presiding officer shall not entertain any motion which is frivolous or clearly made for the purpose of delay. In the event a conflict develops, any member may call for a vote (majority of the members present) to consider the matter or to move along.

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

SUBJECT COUNCIL MEETING PROCEDURES	NUMBER: 76	EFFECTIVE DATE: March 21, 1995	PAGE 7 OF 11
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	SUPERSEDES:	APPROVED BY CITY COUNCIL: March 20, 1995	

6.13. **Point of Order.** A point of order can be raised at any time and supersedes any issue being discussed at the time. A member who believes the rules are not being followed may use this mechanism to call attention to the problem. The presiding officer must rule on the point of order before proceeding.

6.14. **Questions and Inquiries.** A member may ask about correct procedures, ask for facts, ask to speed things along, for a recess for comfort and convenience, or other relevant questions and inquires. The presiding officer responds to the question or refers it to the proper person.

6.15. **Limit Debate.** The Council may agree to limit debate on any subject before it is discussed or debated. The agreement should be formalized by majority vote of the members present.

6.16. **Recessed Meetings.** Recessing a meeting is not a favored practice. However, if circumstances require, any meeting of the council may be recessed to a later time, provided that no recess shall be for a longer period than until the next scheduled meeting. Prior to the recess the presiding officer shall announce the time, date, and subject(s) of the meeting to be reconvened. A new agenda shall be posted for the reconvened meeting, making clear reference to the recessed meeting. The presiding officer may declare the meeting recessed without waiting for a motion. A member may move to recess under the same conditions. When the meeting is recessed, the meeting is immediately halted. The motion by a member is not debatable and a majority vote of the members present is required for passage.

6.17. **Motion to Adjourn.** If the time set for adjournment has arrived or if there is no further business, the presiding officer may declare the meeting recessed without waiting for a motion. A member may move to recess under the same conditions. When the meeting is recessed, the meeting is immediately halted. The motion by a member is not debatable and a majority vote of the members present is required for passage.

**CITY OF TOMBALL
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6.18. **Procedural Summary.** The following summary of these procedural rules is included for ease of reference. In the event of an interpretation conflict between this summary and the narrative provisions of these procedural rules, the narrative procedural rules shall control.

<u>MOTION</u>	<u>DEBATABLE</u>	<u>AMENDABLE</u>	<u>MAJORITY VOTE OF MEMBERS PRESENT</u>
Main Motion	yes	yes	yes
Motion to amend	yes	no	yes
Table or Postpone to a certain time	yes	yes	yes
Table indefinitely	no	no	yes
Move or call question	no	no	yes
Reconsider	yes	yes	yes
Suspend Rules	yes	yes	yes
Point of Order	no	no	(Presiding Officer)
Limit Debate	yes	yes	yes
Recess	no	no	yes
Adjourn	no	no	yes

Section 7.0. CITY COUNCIL MEMBERS DECORUM AND DEBATE. When a measure is presented for consideration to the Council, the presiding officer shall recognize the appropriate individual to present the matter. When two (2) or more members wish to speak, the presiding officer shall name the member who is to speak first. No member of the Council shall interrupt another while speaking, except to make a point of order. The presiding officer shall not be obligated to recognize any Council member for a second comment on the subject or amendment until every Council member wishing to speak has been allowed a first comment. Council members shall also have the right to yield the floor to another member.

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

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Council members should not indulge in personal attacks, use personally offensive language, arraign motives of Council members or staff, charge deliberate misrepresentation, or use language tending to hold a member of the City Council or staff up to contempt.

If a member is transgressing the rules of the Council, the presiding officer shall, or any Council member may, call him/her to order, in which case he/she shall immediately be quiet unless permitted to explain. The Council shall, if appealed to, decide the matter by majority vote of the members present without debate. If the decision is in favor of the member called to order, he/she shall then be at liberty to proceed, but not otherwise, in compliance with these rules.

Section 8. DUTIES OF MAYOR OR PRESIDING OFFICER. At all meetings it is the responsibility of the presiding officer to use the rules of procedure appropriately so that good order and reasonable decorum are maintained and the business of the meeting goes forward. The presiding officer's duties include:

1. calling the meeting to order at the time set.
2. following the agenda and clarifying to the members what is being voted on at all times.
3. ensuring that the rules and procedures for the conduct of meetings are followed.
4. dealing firmly with whispers, commotion, disruptions, and frivolous motions.
5. ensuring that debate is confined to the merits of the question and that personal comments are avoided.
6. ensuring that the rules for citizen participation are followed.
7. remaining calm and dealing fairly with all sides of an issue, regardless of personal opinion.
8. ensuring that City business is handled expeditiously during Council meetings.

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

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Section 9.0. CITIZENS= PARTICIPATION AT MEETINGS.

9.1. Rules for Speakers.

- 9.1.1. **Recognition.** Citizens will be allowed to speak at a meeting; however, before a member of the public may address City Council or speak at a meeting, the presiding officer must first recognize the member of the public who wishes to speak and announce that the person may proceed.
- 9.1.2. **Time Limit.** The presiding officer, or the City Council by majority vote of the Council members present, may set a reasonable time limit for any citizen or person in attendance who desires to address the council or speak at a meeting.
- 9.1.3. **Identification.** All members of the public speaking before Council shall preface their statements with their name and home address for the record.
- 9.1.4. **Speaking from the podium.** All speakers must come to the podium, unless the presiding officer permits speakers to make their statements from their seat in the meeting room.
- 9.1.5. **Spokesperson.** Speakers with similar or common interests are encouraged to select someone to act as a spokesperson in order to move the proceedings along. The presiding officer may urge the implementation of this rule at any time.
- 9.1.6. **Public Comments and Receipt of Petitions: Public Hearings.** Any person desiring to be heard by the City Council on any matter shall be heard during that part of the meeting reserved for public comments and receipt of petitions, or as scheduled for a public hearing.
- 9.1.7. **Scheduled Speakers.** Speakers may request, in writing, an opportunity to be placed on the agenda to speak at a meeting concerning a specific matter, as identified in their written request. Written requests to be placed on the agenda to speak must be delivered to the City Secretary, or the City Secretary's designee, by 12:00 o'clock noon on Wednesday of the week preceding the regular, special, or workshop meeting of the City Council. In the event that the number of speakers who request to be scheduled on the agenda indicates that the comments will be lengthy or repetitious, the presiding

**CITY OF TOMBALL
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officer may schedule such matter for a public hearing or make other appropriate arrangements to ensure that the conduct of the City's business is not unduly impeded.

- 9.1.8. **Speaking During Consideration of Agenda Items.** The presiding officer at his or her own discretion, or by majority vote of the Council members present, may recognize a person or persons in attendance and allow such person(s) to speak prior to consideration and discussion of an agenda item by the City Council. Any further discussion of the same matter shall likewise be at the discretion of the presiding officer, or by majority vote of Council members present.
- 9.1.9. **Rules Not to Restrict the City.** These rules for speakers will not be construed or applied in such a manner that they restrict the ability of the Mayor, or the City Council by majority vote of the members present, to reasonably limit or expand the debate and discussion of any item, when necessary in the City's best interest.

ORDINANCE NO. 2016-05

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 13.1 ACRES OF LAND, LEGALLY DESCRIBED AS 5.001 ACRES H.C.C.F. NO. X733739 PORTION OF LOTS 487, 488, & 489 AND 8.1479 ACRES H.C.C.F. NO. U200671 PORTION OF LOTS 487, 488 & 489 TOMBALL TOWNSITE VOLUME 2, PAGE 65 M.R.H.C., WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF HUFSMITH-KOHRVILLE, SOUTH OF THE ESTATES AT WILLOW CREEK SUBDIVISION; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, Matthew Gilbert, applicant, has requested that approximately 13.1 acres of land, legally described as 5.001 acres H.C.C.F. No. X733739 Portion of Lots 487, 488, & 489 and 8.1479 acres H.C.C.F. No. U200671 Portion of Lots 487, 488 & 489 Tomball Townsite Volume 2, Page 65 M.R.H.C., generally located on the east side of Hufsmith-Kohrville, south of The Estates at Willow Creek subdivision, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested rezoning; and

Whereas, the public hearing was held before the Planning & Zoning Commission at least forty (40) calendar days after the City's receipt of the requested rezoning; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested rezoning, the City Council held the public hearing for the requested rezoning and the City Council considered the final report of the Planning & Zoning Commission; and

Whereas, the City Council deems it appropriate to grant the requested rezoning.

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

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The zoning classification of the Property is hereby changed from the Agricultural District to the Commercial District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Commercial District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Commercial District as described above.

Section 5. 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 or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any 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.

Section 6. Any person who shall violate any provision of this Ordinance 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.

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 21ST DAY OF MARCH 2016.

COUNCILMAN HUDGENS	<u>ABSENT</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>ABSTAIN</u>
COUNCILMAN QUINN	<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 4TH DAY OF APRIL 2016.

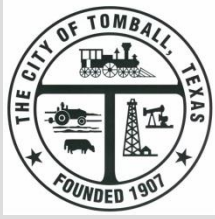
COUNCILMAN HUDGENS	<u>NAY</u>
COUNCILMAN STOLL	<u>ABSENT</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>ABSTAIN</u>
COUNCILMAN QUINN	<u>AYE</u>

ORDINANCE FAILS, 2 VOTES AYE, 1 VOTE NAY.

ATTEST:

Gretchen Fagan, Mayor

Doris Speer, City Secretary



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: March 21, 2016
City Council Public Hearing Date: March 21, 2016

Rezoning Case: P16 -0020
Property Owner(s): Brandt Exploration LLC
Applicant(s): Matthew Gilbert, on behalf of Brandt Exploration
Legal Description: 5.001 acres H.C.C.F. No. X733739 Portion of Lots 487, 488, & 489 and 8.1479 acres H.C.C.F. No. U200671 Portion of Lots 487, 488 & 489 Tomball Townsite Volume 2, Page 65 M.R.H.C.
Location: East side of Hufsmith-Kohrville, south of The Estates at Willow Creek subdivision (Exhibit "A")
Area: 13.1 acres
Comp Plan Designation: Medium Density Residential (Exhibit "B")
Present Zoning and Use: Agricultural (Exhibit "C") / Vacant (Exhibit "D")
Proposed Use(s): Office building with accessory structure
Request: Rezone from Agricultural to Commercial
Adjacent Zoning & Land Uses:
 North: ETJ / Residential home and Neighborhood
 South: ETJ / Vacant
 West: Commercial District / Big League Baseball Academy, VZ Autoworks, Ellis Performance, Copan Trade Coffee Roasters
 East: ETJ / Vacant

BACKGROUND

City staff met with Brandt Construction and Project Manager, Matthew Gilbert on January 6, 2016 to discuss the possibility of rezoning their property for the construction of an office warehouse building.

The property was annexed into the City in 2006. The property owners were issued a vested rights letter (Exhibit "F") on January 10, 2011 for the purpose of a commercial development. The letter granted the property a Commercial zoning classification allowing all uses permitted in the Commercial District. Without any activity on the property or permits pulled, the vested rights letter has expired.

Chapter 50 (Zoning) of the Tomball Code of Ordinances states in Section 50-68 (a) "*territory that has been newly annexed into the city may be initially zoned agricultural, and the district is*

considered a temporary holding zone until permanent zoning is approved. It is anticipated that agricultural zoned land will ultimately be rezoned to another zoning classification for its intended use in accordance with the comprehensive plan in the future.” The property owners are requesting to rezone to a zoning district which will accommodate the proposed development.

ANALYSIS

According to Section 50-77 (a), the Commercial District “*is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair shops, and other similar commercial uses*”.

There are several nonresidential land uses in the vicinity of the subject site. Properties located to the north, east and south are not within the City Limits. The uses on these properties include a residential neighborhood (The Estates at Willow Creek) to the north and vacant land to the east and south. Across Hufsmith-Korhville, there is a baseball academy, an automotive shop and a coffee roasting company. These properties are zoned Commercial.

The Comprehensive Plan designates the property as Medium Density Residential. Surrounding properties are designated Low Density Residential to the north, Rural Residential to the east and south and Medium Density Residential to the west. As mentioned, there are a number of commercial land uses as well as commercially zoned properties in the area. Hufsmith-Korhville and (future) Medical Complex Drive are both designated as Major Arterials by the City’s Major Thoroughfare Plan. Section 50-77 states convenient access to thoroughfares is an important component for commercial zoning districts. While the Comprehensive Plan designates this area as residential, the proposed request appears to be most compatible with the area and existing and proposed roadway networks in the vicinity.

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission and City Council shall consider the following factors:

A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole.

There are commercial uses in the immediate area including a Big League Baseball Academy, VZ Autoworks, Ellis Performance, Copan Trade. The subject site is also within close proximity of the TEDC Business and Technology Park as well as the Baker Hughes developments.

B. Whether the proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

The proposed rezoning is not anticipated to negatively impact any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area. The exact alignment of the future Medical Complex Drive has not been determined and should not affect the development of this site.

- C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.**

There are vacant properties in the vicinity and elsewhere in the City zoned Commercial District, however, the property in question was once vested as Commercial and has been planned for commercial development.

- D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.**

There has been steady development City-wide in the Commercial District.

- E. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved.**

If the proposed rezoning is approved, few, if any effects on other areas designated for similar developments are anticipated.

- F. Any other factors that will substantially affect the public health, safety, morals, or general welfare.**

The proposed rezoning does not appear to negatively affect the public health, safety, morals, or general welfare. As previously mentioned, the proposed development will blend well with other existing developments in the immediate area.

- G. Whether the request is consistent with the Comp Plan.**

The Future Land Use plan designates the property Medium Density Residential; however, the nearby properties are zoned Commercial and currently have Commercial uses established.

PUBLIC COMMENT

Property owners that are within the city limits and within 200 feet of the project site were mailed notification of this proposal on March 1, 2016. Notice of Public Hearing was published in the paper and a sign was placed on the property on February 29, 2016. As of March 10, 2016, no public comment forms have been received.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P16-0020.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Application
- F. Vested Rights Letter

**Exhibit “A”
Aerial Photo**



Exhibit "B"
Comprehensive Plan

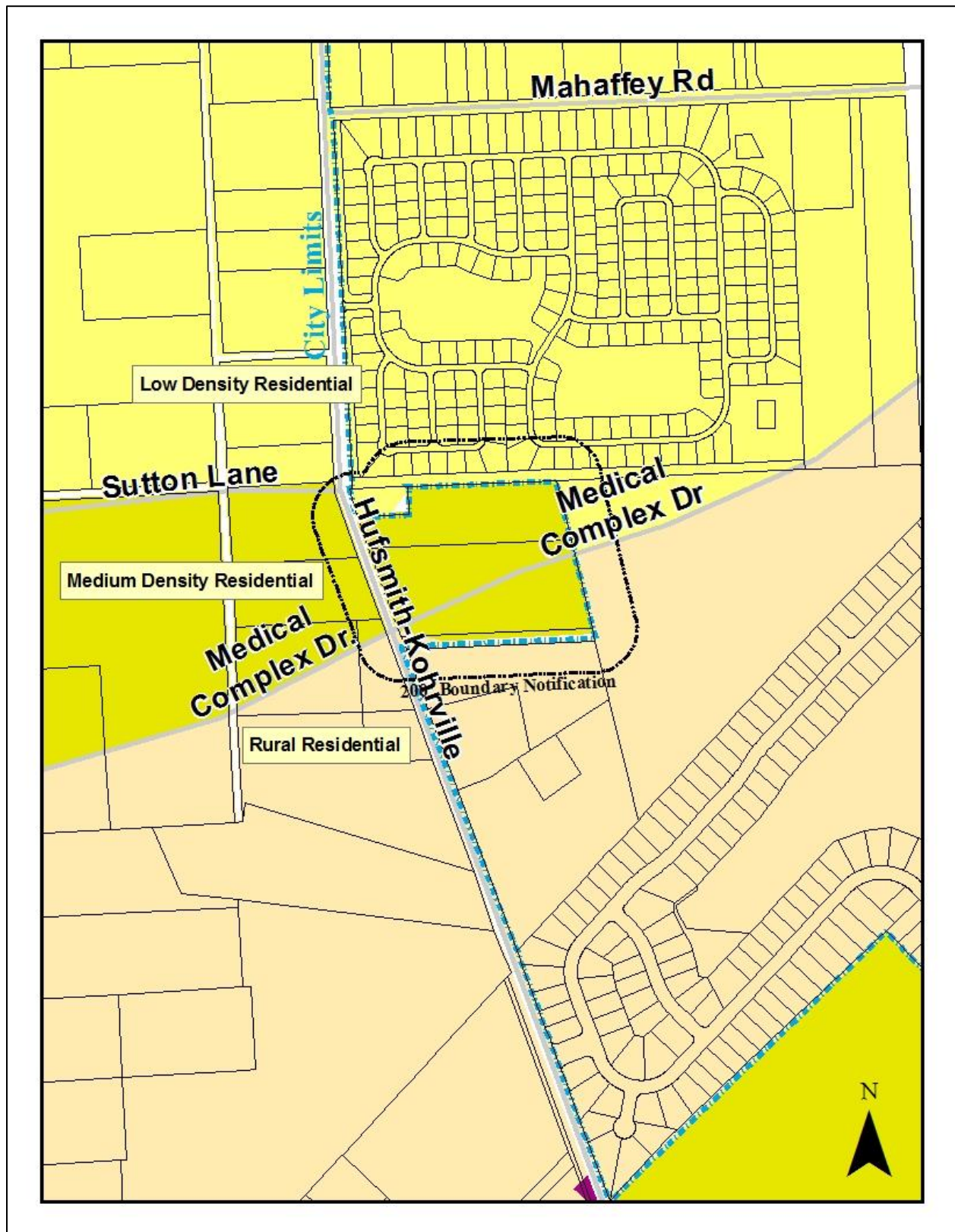
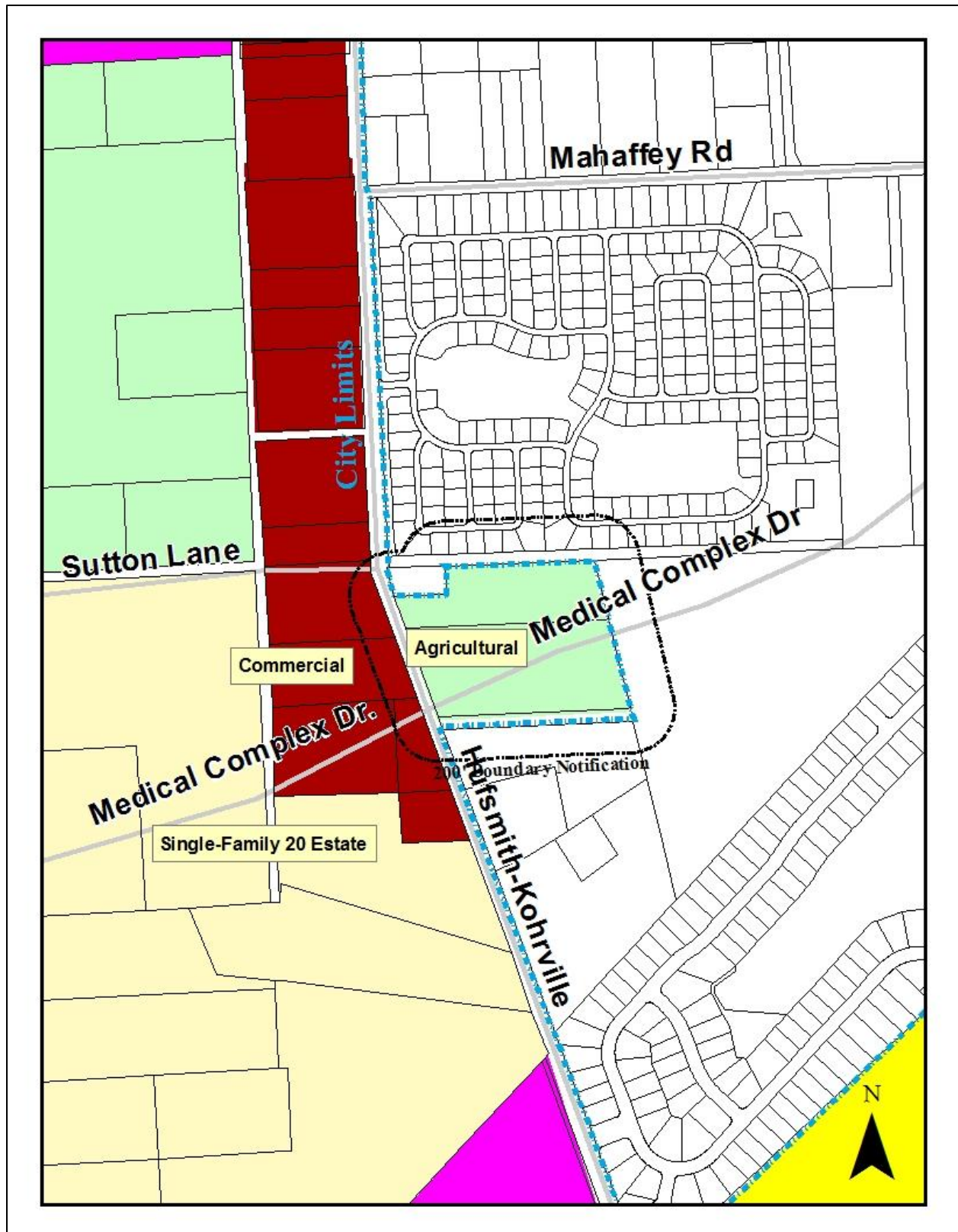


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Looking across Hufsmith-kohrville at the property

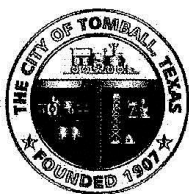


Looking North



Looking South

Exhibit "E"
Application

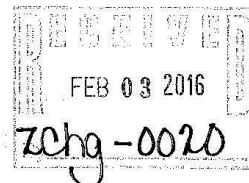


APPLICATION FOR REZONING

Community Development Department
Planning Division

Revised 5/19/15

\$540.00



APPLICATION SUBMITTAL: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

Applicant

Name: Matthew Gilbert Title: Project Manager
Mailing Address: 21020 Park Row City: Katy State: Tx
Zip: 77449
Phone: (281) 578-9595 Fax: (281) 578-9686 Email: Matthewgilbert@sparks.com

Owner

Name: Robert E. Brandt Title: President
Mailing Address: 10330-A Lake Road City: Houston State: Tx
Zip: 77070
Phone: (281) 881-4101 Fax: () N/A Email: brandtconstructionllc@yahoo.com

Engineer/Surveyor (if applicable)

Name: *same as applicant* Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () _____ Fax: () _____ Email: _____

Description of Proposed Project: Construction of Office Building

Physical Location of Property: East side of Huffsmith-Kehrville 1,075' south of Willow Creek Estates Lane
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: 13.11459 acres (TRS 487B-1, 488A, 489A Tomball outlots)
(TRS 487C, 488B, 489B, 490B) [Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Agricultural

Current Use of Property: Vacant

Proposed Zoning District: Commercial

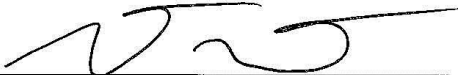
Proposed Use of Property: Office Building

HCAD Identification Number: 035 296 000 0485 Acreage: 13.11459
035 296 000 0536

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

X		2.2.2015
	Signature of Applicant	Date
X		2/3/16
	Signature of Owner	Date

CITY OF TOMBALL
281-351-5484

REC#: 00911189 2/03/2016 9:59 AM
OPER: CK TERM: 005
REF#: W 30431

TRAN: 130.0000 PLANNING AND ZONING
HUFSMITH/WILLOW CREEK
100-5441
REZONING APPLICATIO 540.00CR

TENDERED: 540.00 CHECK
APPLIED: 540.00-

CHANGE: 0.00



February 2, 2016

City of Tomball
Planning and Zoning Department
501 James Street
Tomball, Texas 77375

RE: Rezoning Request for the Proposed Brandt Construction Office Building located on 13.11459 acres of land, including 4.998 acres of land (TRS 487B-1, 488A, & 489A Tomball Outlots) and 8.1479 acres of land (TRS 487C, 488B, 489B, & 490B Tomball Outlots)

Dear Planning Division,

Mr. Brandt is planning to construct an office building for his construction company on the above referenced project. The property is currently zoned Agricultural and the office building that is proposed is not a current allowable use for this zoning classification. Mr. Brandt respectfully requests the above referenced property be rezoned Commercial so the proposed office building will be an allowable use and can be permitted and constructed. The requested zoning of Commercial will match the other tracts located within the City of Tomball immediately on the west side of Huffsmith-Kohrville road.

Please allow this letter to serve as a formal request for the above referenced project to be considered and rezoned from agricultural use to commercial use.

Sincerely,


Matthew A. Gilbert
Project Manager.

21020 PARK ROW • KATY TEXAS 77449
281-578-9595 • FAX: 281-578-9686

Exhibit "F"
Vested Rights Letter



City of Tomball

*Gretchen Fagan
Mayor*

*George Shackelford
City Manager*

January 10, 2011

Robert E. Brandt, President
Brandt Exploration, LLC
10330-A Lake Road
Houston, TX 77070

Re: Vested Rights Determination Letter for the Brandt Exploration Commercial Development of 13.11459 acres of land, including 4.998 acres of land (TRS 487B-1, 488A, & 489A Tomball Outlots) and 8.1479 acres of land (TRS 487C, 488B, 489B, & 490B Tomball Outlots)

Dear Mr. Brandt:

By letter dated November 30, 2010, you have asserted a vested right under Chapter 245 of the Texas Local Government Code with respect to the development of approximately 13.1459 acres of property owned or controlled by Brandt Exploration, LLC. After reviewing your vested rights request, the City's records, and consultation with the City's Attorney, I issue this vested rights determination in accordance with Section 48.5 of the City of Tomball's Zoning Ordinance.

Property Owner(s):

Brandt Exploration, LLC
10330 Lake Road -A
Houston, TX 77070-1696

RDBE, LLC
18718 Spring Heather Court.
Spring, TX 77379-2780

The Property: Seven tracts totaling approximately 13.1459 acres of land, out of the Tomball Outlots, (legally described as TRS 487B-1, 488A, 489A, 487C, 488B, 489B, & 490B) Harris County, Texas, generally located on the easterly side of Hufsmith Kohrville Road, northerly of Spell Road. See Exhibit A, attached.

The Project: A commercial development consisting of seven tracts totaling approximately 13.1459 acres as configured in substantially the same layout as shown on the Preliminary Site Plans submitted to the City on February 14, 2007. (See Exhibit B, attached).

Date of First Permit: November 20, 2006 (Annexation Ordinance No. 2006-20 (4.998 acres) and Annexation Ordinance No. 2006-21 (8.1479 acres), Exhibit C).

Regulations Applicable to Property Owner, the Property, and the Project:

All of the City's current Ordinances, including the City's Zoning Ordinance adopted February 4, 2008, are applicable to the Property Owner, the Property and the Project EXCEPT as follows:

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1. The property classification (i.e., use) of the City's Zoning Ordinance. The Property shall be deemed to have a prior classification of C-Commercial District under the City's Zoning Ordinance for development of the Project. The Property may be used for any use permitted by right in the City's C-Commercial District under Sections 30 and 38 of the City's Zoning Ordinance, as provided in the Zoning Ordinance as of the date of this letter.

2. The lot size, lot dimension, and building size requirements of the City's Zoning Ordinance. The Property shall comply with the Preliminary Site Plans and the City's lot size, lot dimension, and building size requirements that existed prior to the City's Zoning Ordinance for development of the Project, or the City's current Ordinances.

3. Lot coverage requirements of the City's Zoning Ordinance. The Property shall comply with the Preliminary Site Plans and the City's lot coverage requirements that existed prior to the City's Zoning Ordinance for development of the Project, or the City's current lot coverage requirements.

4. Landscaping Requirements of the City's Zoning Ordinance. The Property shall comply with the Preliminary Site Plans and the landscaping requirements that existed prior to the City's Zoning Ordinance for development of the Project, or the City's current landscaping requirements.

Duration of Determination: Pursuant to Zoning Ordinance Section 48.2, some permits vested under this letter may expire two years from the date of such permit unless progress is made towards completion of the Project; provided, however, that such permit(s) shall expire no earlier than the fifth anniversary of the date the first permit applications were filed for the Project (i.e., November 20, 2011), pursuant to Section 245.005 (b) of the Texas Local Government Code. Provided, further, a permit application may expire in less than two years if the applicant fails to provide documents or information necessary to comply with the City's regulations after receiving written notice from the City as provided by Section 245.002(e)(2) of the Texas Local Government Code.

Rights of Appeal: This letter has certain legal consequences. The property owner and/or the City Council have the right to appeal this determination to the City's Board of Adjustments if the property owner and/or the City Council believes that this vested rights determination is in error. Zoning Ordinance, 48.6. Any appeal of my determination must be filed with the Board of Adjustments within 15 calendar days. Zoning Ordinance, 9.8 C. If my determination is not timely appealed to the Board of Adjustments, then my determination shall be considered binding upon the City and the property owners for the duration of the Project. Id. 48.8.

Sincerely,



George Shackelford
City Manager

cc: Mayor and City Council
Scott Bounds, Olson & Olson, LLP
Dan Dompier, DK Interests

Regular City Council

Agenda Item

Data Sheet

Meeting Date: April 25, 2016

Topic:

Approve Resolution No. 2016-07, City of Tomball Grant Program Projects, Accepting an Award of \$210,526 Urban Area Security Initiative (UASI) Grant to Electronically Link Multiple Dispatch/Communications Centers and Designating George Shackelford as the Authorized Official to Execute the Grant Documentation.

Background:

Responding to structure fires requires fire departments to usually request assistance from neighboring agencies. It is no different in Tomball. Making the telephone calls to request this critical assistance is often delayed do to the dispatch office receiving numerous calls on the same incident or other activity. This often delays obtaining these resources by several minutes and jeopardizes the first arriving fire units. Representatives from five dispatch//communications centers have worked for two years to identify a viable solution. The solution addresses federal and state goals and objectives of enhanced fire department response capacity by developing systems to facilitate response operations. (UASI Goal 9 and Objective 9.1)

Council previously approved allowing the Fire Department to apply for a UASI federal grant to electronically link these multiple dispatch/communications centers which will provide dispatch redundancy in emergency situations and significantly improve the efficiency in requesting and deploying automatic and mutual aid emergency response resources. The grant has been awarded and will be implemented by a governance board on which Doug Tippey, our IT Director, will serve. The grant will be managed by the City of Tomball and the project will be developed through a mutually agreed upon memorandum of understanding between the stakeholders. Annual software maintenance is expected to cost the Tomball Fire Department no more than \$1,250.

Origination:

Fire Department

Recommendation:

Staff recommends approval

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

Randy Parr

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Resolution No. 2016-07

RESOLUTION NO. 2016-07

City of Tomball

Grant Program Projects

WHEREAS, the City Council of the City of Tomball finds it in the best interest of the citizens of the City of Tomball that the below designated Homeland Security Grant Program Project be operated for the fiscal years 2016 through 2018; and

WHEREAS, the City Council of the City of Tomball agrees that in the event of loss or misuse of the Homeland Security Grant Program funds, the City Council of the City of Tomball assures that the funds will be returned to the State grant administrator, the Office of the Governor, in full.

WHEREAS, the City Council of the City of Tomball designates George Shackelford, City Manager of Tomball as the grantee's authorized official. The authorized official is given the power to apply, reject, alter, or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Tomball approves submission of the following grant applications to the Office of the Governor:

UASI Allocation FY2016 – E-grant Application No. 3162701 Regional Dispatch
Linking System - \$210,526.32

Passed, Approved and Resolved on the 18th day of April 2016.

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary