

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



MONDAY, MAY 15, 2017

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, May 15, 2017 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 Richard Jennings, Senior Pastor - River of Praise

3.0 Pledges to U.S. and Texas Flags

- Led by Members of the Tomball High School or Tomball Memorial High School Student Councils

4.0 Canvass of Elections:

4.1 Canvass of Election
Escrutinio de la Elección
Kiểm Phiếu của Cuộc Bầu Cử
拉票選舉

Resolution No. 2017-06, Canceling the Regular City Officer's Election Scheduled to be held on the 6th Day of May, 2017, in Accordance with Section 2.053(a) of the Texas Election Code; Directing the Giving of Notice of Such Cancellation of Election; and Providing Details Relating to the Cancellation of Such Election as approved by City Council on March 6, 2017, at the Regular Council Meeting. The following actions complete the canvass of the May 6, 2017 Election.

Resolución Nro. 2017-06, cancelando la Elección Regular de Funcionarios de la Ciudad programada para el 6 de mayo de 2017, de acuerdo con la Sección 2.053(a) del Código Electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y disponiendo los detalles relativos a la cancelación de tal elección como fue aprobada por el Consejo Municipal el 6 de marzo de 2017 en la asamblea ordinaria del Consejo. Las medidas indicadas a continuación completan el escrutinio de la Elección del 6 de mayo de 2017.

Nghị quyết số 2017-06, Hủy Bỏ Cuộc Bầu Cử Viên Chức Thành Phố Thường Lệ Dự Kiến sẽ được tổ chức vào ngày 6 tháng Năm, 2017 chiếu theo Mục 2.053(a) của Bộ Luật Tuyên Cử Tiểu Bang Texas; Chỉ thị việc Ban Hành Thông Báo Hủy Bỏ Cuộc Bầu Cử; và Cung Cấp Thông Tin Chi Tiết liên quan đến Hủy Bỏ Cuộc Bầu Cử theo phê chuẩn của Hội Đồng Thành Phố vào ngày 6 tháng Ba, 2017 tại Cuộc Họp Hội Đồng Thường Lệ. Các hành động sau đây hoàn tất việc kiểm phiếu ngày 6 tháng Năm, 2017.

決議案2017-06號，取消一般市府官員應於2017年5月6日的選舉計畫，其是根據德克薩斯州選舉法2.053(a)節；茲此通知該選舉取消；以及提供關於由市政委員會於2017年3月6日，在一般是政會議通過取消該選舉的詳情。下列行動完成2017年5月6日選舉遊說

4.2 Presentation to Councilman F. S. "Field" Hudgens

Presentación a Concejal F. S. "Field" Hudgens

Trình lên ông hội đồng F. S. Hudgens

簡報 Councilman F Hudgens S 。

4.3 Administer Oath of Office to Elected Officials

Administrar el juramento al cargo de los funcionarios electos

Làm lễ Tuyên Thệ Nhậm Chức cho các Viên Chức Được Bầu Chọn

管管理選舉官員宣誓就職

4.4 Consideration to Elect Mayor Pro-Tem, in Accordance with Section 6.08 of the City of Tomball Home Rule Charter

Considerar elegir un Alcalde Interino, de acuerdo con la Sección 6.08 de la Carta Orgánica de Gobierno Local de al Ciudad de Tomball.

Xem xét Bầu Chọn Thị Trưởng Tạm Thời, chiếu theo Mục 6.08 của Hiến Chương Điều Lệ Địa Phương Thành Phố Tomball.

考慮選出暫替市長，根據Tomball市自治憲章6.08節

5.0 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.]*

6.0 Reports and Announcements

- May 27, 2017 – **Tomball Honky Tonk Music Festival and Chili Challenge**

- July 4, 2017 – **Tomball July 4th Celebration & Street Festival**
- August 26, 2017 – **Tomball Texas Music Festival**
- September 23, 2017 – **7th Annual Beetles, Brew & Barbeque Festival**– 12:00 Noon-6:00 p.m.
- October 7, 2017 – **4th “Annual Paces for Pink” 5K Run**
- October 7, 2017 – **“Zomball in Tomball”**
- October 21, 2017– **6th Annual Tomball Bluegrass Festival**– 12:00 Noon-6:00 p.m.
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Mike Baxter – Report on the Success of the ***Rails & Tails Mudbug Festival***
 - Glenn Windsor – Quarterly Investment Report for Period Ending March 31, 2017. The Public Funds Investment Act requires that a report of the City's Investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values, yield information, and weighted average maturities. On March 31, 2017, the City had total cash and cash equivalents in the amount of \$70,624,591. A copy of the report is attached for Council review.

7.0 Approve the Minutes of the May 1, 2017 Regular Tomball City Council Meeting

8.0 Old Business:

- 8.1 Adopt, on Second Reading, Ordinance No. 2017-10, an Ordinance of the City of Tomball, Texas, Amending its Zoning Ordinance by Approving a Planned Development District of Approximately 65.6190 Acres of Land Located at the Southwest Corner of the Intersection of State Highway 249 and State Highway 99, Amending the Official Zoning Map of the City to Reflect the Planned Development District to be Known as Planned Development–10 (PD 10) District; Adopting Regulations Applicable To PD–10 District; Providing for Severability; Providing for a Penalty of an Amount not to Exceed \$2,000.00 for Each Violation Hereof, with Each Day Constituting a New Violation; Making Findings of Fact; and Providing for Other Matters.

9.0 New Business:

- 9.1 Approve Request for Qualifications to Seek an Independent Auditing Firm for the Fiscal Years Ending September 30, 2017 through September 30, 2021, a Five-Year Term
- 9.2 Adopt, on First Reading, Ordinance No. 2017-09, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory within Such Limits and Boundaries; Approving a Service Plan for All of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause [A Tract Containing 11.130 Acres or 484,852 Square Feet of Land, Situated in the Elizabeth Smith Survey, Abstract No. 70, Harris County, Texas. Being out of a Called 16.4724-Acre Tract Conveyed to 11311 Holderreith Limited, L.P. as recorded under Harris County Clerk's File (H.C.C.F.) No. W840420, Tomball, Texas; Located within the Extraterritorial Jurisdiction of the

City of Tomball, Harris County, Texas, Located at 11311 Holderrieth Road]
(Mustang Cat)

- 9.3 Consideration to approve **Zoning Case P17-0037**: Request by Jerry M. Young, on behalf of Mustang Cat, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 11.130 acres of land, legally described as a tract or parcel containing 11.130 acres or 484,852 square feet of land, situated in the Elizabeth Smith Survey, Abstract No. 70, Harris County, Texas, being out of a called 16.4724 acre tract conveyed to 11311 Holderrieth Limited, L.P. as recorded under Harris County Clerk's file (H.C.C.F.) No. w840420, generally located at the southwest corner of Holderrieth and Hufsmith-Kohrville Road to the Light Industrial District.
- Conduct Public Hearing on **Zoning Case P17-0037**
 - Adopt, on First Reading, Ordinance No. 2017-16, 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 11.130 Acres of Land, Legally Described as a Tract or Parcel Containing 11.130 Acres or 484,852 Square Feet of Land, Situated in the Elizabeth Smith Survey, Abstract No. 70, Harris County, Texas, Being out of a Called 16.4724 Acre Tract Conveyed to 11311 Holderrieth Limited, L.P. as Recorded under Harris County Clerk's File (H.C.C.F.) No. W840420, within the City of Tomball, Harris County, Texas, to the Light Industrial District; Said Property being generally located at the Southwest Corner of Holderrieth Road and Hufsmith-Kohrville Road; 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.
- 9.4 Consideration to approve Zoning Case P17-0036: Request by DJ and Kelly Ray, on behalf of Lefty's Auto Crafters, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.17 acres of land, legally described as Lot 9 Block 1 Main Street – Tomball, generally located on the east side of Holderrieth Boulevard, between Main Street and Arnold Street, from the Single-family 6 District to the Commercial District.
- Conduct Public Hearing on Zoning Case P17-0036
 - Adopt, on First Reading, Ordinance No. 2017-17, 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 0.17 Acres of Land, Legally Described as Lot 9 Block 1 Main Street – Tomball, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Commercial District; Said Property being generally located on the East Side of Holderrieth Boulevard, between Main Street and Arnold Street; 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.
- 9.5 Award Contract for Project No. 2012-12 - Traffic Signal at Hufsmith-Kohrville Road and Spell Road to Third Coast Services, LLC, in the Amount of \$106,847.77.
- 9.6 Consideration and Possible Action to Approve Development Agreement with Pigs

Unlimited International, Inc. for the City of Tomball to Temporarily Provide Out-of-City Utility Services

10.0 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 11th day of May 2017 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: May 15, 2017

Topic:

- Led by Richard Jennings, Senior Pastor - River of Praise

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: May 15, 2017

Topic:

- Led by Members of the Tomball High School or Tomball Memorial High School Student Councils

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: May 15, 2017

Topic:

Canvass of Election

Escrutinio de la Elección

Kiểm Phiếu của Cuộc Bầu Cử

拉票選舉

Resolution No. 2017-06, Canceling the Regular City Officer's Election Scheduled to be held on the 6th Day of May, 2017, in Accordance with Section 2.053(a) of the Texas Election Code; Directing the Giving of Notice of Such Cancellation of Election; and Providing Details Relating to the Cancellation of Such Election as approved by City Council on March 6, 2017, at the Regular Council Meeting. The following actions complete the canvass of the May 6, 2017 Election.

Resolución Nro. 2017-06, cancelando la Elección Regular de Funcionarios de la Ciudad programada para el 6 de mayo de 2017, de acuerdo con la Sección 2.053(a) del Código Electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y disponiendo los detalles relativos a la cancelación de tal elección como fue aprobada por el Consejo Municipal el 6 de marzo de 2017 en la asamblea ordinaria del Consejo. Las medidas indicadas a continuación completan el escrutinio de la Elección del 6 de mayo de 2017.

Nghị quyết số 2017-06, Hủy Bỏ Cuộc Bầu Cử Viên Chức Thành Phố Thường Lệ Dự Kiến sẽ được tổ chức vào ngày 6 tháng Năm, 2017 chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Tiểu Bang Texas; Chỉ thị việc Ban Hành Thông Báo Hủy Bỏ Cuộc Bầu Cử; và Cung Cấp Thông Tin Chi Tiết liên quan đến Hủy Bỏ Cuộc Bầu Cử theo phê chuẩn của Hội Đồng Thành Phố vào ngày 6 tháng Ba, 2017 tại Cuộc Họp Hội Đồng Thường Lệ. Các hành động sau đây hoàn tất việc kiểm phiếu ngày 6 tháng Năm, 2017.

決議案2017-06號, 取消一般市府官員應於2017年5月6日的選舉計畫, 其是根據德克薩斯州選舉法2.053(a)節; 茲此通知該選舉取消; 以及提供關於由市政委員會於2017年3月6日, 在一般是政會議通過取消該選舉的詳情。下列行動完成2017年5月6日選舉遊說

Background:

Resolution No. 2017-06, canceling the May 6, 2017 Regular City Officer's Election was approved by Council on March 6, 2017, following the deadline for additional candidates to file for the open positions of Council Positions 1 and 5.

Tonight's activities complete the 2017 election process.

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
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ATTACHMENTS:

Unofficial Canvass of Election
Resolution No. 2017-09

UNOFFICIAL CANVASS

OFFICIAL CANVASS

REGULAR CITY OFFICER'S ELECTION ON THE 6TH DAY OF MAY, 2017

The Regular Election, scheduled to be held in the City of Tomball on the 6th day of May 2017, at which election the following officers were to be elected by the qualified voters of the City, was canceled in accordance with Section 2.053(a) of the Texas Election Code.

ELECTION RESULTS:

The following candidates were certified as unopposed and were hereby elected as follows:

Candidate

John F. Ford

Lori Klein Quinn

Office Sought

Council Position 1

Council Position 5

RESOLUTION NO. 2017-06

A RESOLUTION OF THE CITY OF TOMBALL, TEXAS, CANCELING THE REGULAR CITY OFFICER'S ELECTION SCHEDULED TO BE HELD ON THE 6TH DAY OF MAY, 2017, IN ACCORDANCE WITH SECTION 2.053(a) OF THE TEXAS ELECTION CODE; DIRECTING THE GIVING OF NOTICE OF SUCH CANCELLATION OF ELECTION; AND PROVIDING DETAILS RELATING TO THE CANCELLATION OF SUCH ELECTION

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

Section 1: It is hereby ordered that the Regular Election, scheduled to be held in the City of Tomball on the 6th day of May, 2017, at which election the following officers were to be elected by the qualified voters of the City, is canceled in accordance with Section 2.053(a) of the Texas Election Code.

POSITION:	COUNCIL POSITION 1
	COUNCIL POSITION 5

Section 2: The following candidates have been certified as unopposed and are hereby elected as follows:

<u>Candidate</u>	<u>Office Sought</u>
John F. Ford	Council Position 1
Lori Klein Quinn	Council Position 5

Section 3: A copy of the Order of Cancellation, attached herein and made part of Resolution No. 2017-06, will be posted on Election Day at the following polling place, which would have been used in the election:

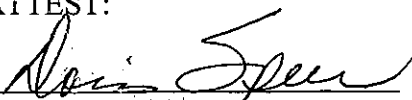
POLLING PLACE
Tomball City Hall
401 Market Street
Tomball, Texas 77375

PASSED, APPROVED and RESOLVED this 6th day of March, 2017.



Gretchen Fagan, Mayor
City of Tomball

ATTEST:



Doris Speer, City Secretary
City of Tomball

RESOLUCIÓN Nro. 2017-06

RESOLUCIÓN DE LA CIUDAD DE TOMBALL, TEXAS, CANCELANDO LA ELECCIÓN REGULAR DE FUNCIONARIOS MUNICIPALES PROGRAMADA PARA EL DÍA 6 DE MAYO DE 2017 DE ACUERDO CON LA SECCIÓN 2.053(A) DEL CÓDIGO ELECTORAL DE TEXAS; INSTRUYENDO QUE SE DE AVISO DE TAL CANCELACIÓN DE ELECCIÓN; Y PROVEYENDO DETALLES RELATIVOS A LA CANCELACIÓN DE TAL ELECCIÓN

EL CONSEJO MUNICIPAL DE LA CIUDAD DE TOMBALL, TEXAS, RESUELVE:

Sección 1: Por la presente se ordena que la Elección Regular, programada para celebrarse en la Ciudad de Tomball el 6 de mayo de 2017, en la cual los votantes calificados de la Ciudad habrían votado para elegir a los siguientes funcionarios, sea cancelada de acuerdo con la sección 2.053(a) del Código Electoral de Texas.

POSICIÓN:	POSICIÓN 1 EN EL CONSEJO
	POSICIÓN 5 EN EL CONSEJO

Sección 2: Los siguientes candidatos han sido certificados como candidatos únicos y por la presente son electos como sigue a continuación:

<u>Candidato</u>	<u>Cargo que aspira ocupar</u>
John F. Ford	Posición 1 del Consejo
Lori Klein Quinn	Posición 5 del Consejo

Sección 3: Una copia de la Orden de Cancelación, adjunta al presente y hecha parte de la Resolución Nro. 2017-06, será colocada el Día de Elección en el siguiente lugar de votación que se hubiera utilizado en la elección:

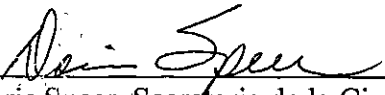
LUGAR DE VOTACIÓN
Tomball City Hall
401 Market Street
Tomball, Texas 77375

PASADA, APROBADA y RESUELTA este día 6 de marzo de 2017.



Gretchen Fagan, Alcaldesa
City of Tomball

ATESTIGUA:



Doris Speer, Secretaria de la Ciudad
Ciudad de Tomball

NGHI QUYẾT SỐ 2017-06

MỘT NGHỊ QUYẾT CỦA THÀNH PHỐ TOMBALL, TIỂU BANG TEXAS, HỦY BỎ CUỘC BẦU CỬ VIÊN CHỨC THÀNH PHỐ THƯỜNG KỲ DỰ KIẾN SẼ ĐƯỢC TỔ CHỨC VÀO NGÀY 6 THÁNG NĂM, 2017, CHIẾU THEO MỤC 2.053(a) CỦA BỘ LUẬT TUYỂN CỬ TEXAS; CHỈ THỊ VIỆC ĐƯA RA THÔNG BÁO VỀ HỦY BỎ CUỘC BẦU CỬ ĐÓ; VÀ CUNG CẤP THÔNG TIN CHI TIẾT LIÊN QUAN ĐẾN VIỆC HỦY BỎ CUỘC BẦU CỬ ĐÓ.

HỘI ĐỒNG THÀNH PHỐ CỦA THÀNH PHỐ TOMBALL, TEXAS QUYẾT NGHỊ:

Mục 1: Theo đây ra lệnh rằng Cuộc Bầu Cử Thường Kỳ, dự kiến sẽ được tổ chức tại Thành Phố Tomball vào ngày 6 tháng Năm 2017, tại đó cuộc bầu cử các viên chức sau đây đã được lựa chọn bởi các cử tri hội đủ điều kiện của Thành Phố, bị hủy bỏ chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Texas.

VỊ TRÍ: ỦY VIÊN HỘI ĐỒNG VỊ TRÍ 1
ỦY VIÊN HỘI ĐỒNG VỊ TRÍ 5

Mục 2: Các ứng cử viên sau đây đã được xác nhận là không có đối thủ và theo đây được đắc cử như sau:

Ứng Cử Viên
John F. Ford
Lori Klein Quinn

Vị Trí Đặc Cử
Ủy Viên Hội Đồng Vị Trí 1
Ủy Viên Hội Đồng Vị Trí 5

Mục 3: Một bản sao của Lệnh Hủy Bỏ, được đính kèm theo Nghị Quyết này và trở thành một phần của Nghị Quyết số 2017-06, sẽ được niêm yết vào Ngày Bầu Cử tại địa điểm bỏ phiếu sau đây, mà lẽ ra được sử dụng trong cuộc bầu cử:

ĐỊA ĐIỂM BỎ PHIẾU
Tomball City Hall
401 Market Street
Houston, Texas 77375

ĐƯỢC CHẤP THUẬN VÀ THÔNG QUA hôm nay ngày 6 tháng Ba, 2017.


Gretchen Fagan, Thị Trưởng
Thành Phố Tomball

CHỨNG THỰC:


Doris Speer, Bí Thư Thành Phố
Thành Phố Tomball

決議案編號2017-06

一德克薩斯州，TOMBALL市決議案，取消一般市府官員應於2017年5月6日的選舉計畫，其是根據德克薩斯州選舉法2.053(a)節；茲此通知該選舉取消；以及提供關於取消該選舉的詳情

特此由德克薩斯州，TOMBALL市決議:

第1條:

茲此命令計畫在德克薩斯州，TOMBALL市2017年5月6日舉行的選舉，在該選舉應由本市合乎資格選民選出下列官職，根據德克薩斯州選舉法2.053(a)節該選舉已取消。

席位: 委員席位 1
 委員席位 5

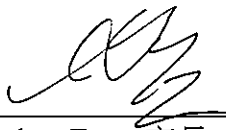
第2條: 下列候選人已被證實為無競爭對手當選候選人:

<u>候選人</u>	<u>當選職位</u>
John F. Ford	委員席位 1
Lori Klein Quinn	委員席位 5

第3條: 本取消令命令副本，在此附上以及成為決議案編號2017-06的一部分，將於選舉日張貼在在下列可能啟用的投票場所。

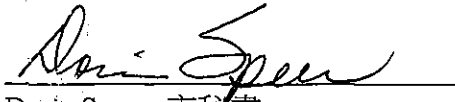
投票場所
Tomball市政廳
401 Market Street
Tomball, Texas 77375

在2017年3月6日通過，批准及決議。



Gretchen Fagan市長
Tomall市

此證:



Doris Speer, 市秘書
Tomall市

ORDER OF CANCELLATION
(ORDEN DE CANCELACIÓN)
Đơn đặt hàng của CANCELLATION
取消命令

The City of Tomball, Texas hereby cancels the election scheduled to be held on May 6, 2017 in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

(El Ciudad de Tomball por la presente cancela la elección que, de lo contrario se hubiera celebrado el 6 de mayo de 2017 de conformidad, con la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido certificados como candidatos únicos y por la presente quedan elegidos como se halla indicado a continuación:)

[The thành phố Tomball, Texas hướng hủy bỏ cuộc bầu cử dự kiến sẽ được tổ chức vào ngày 6 tháng năm 2017 phù hợp với phần 2.053(a) của luật bầu cử Texas. Các ứng cử viên sau đã chứng nhận là mà và hướng được bầu làm như sau]:

(市Tomball, 得克薩斯特此取消預定的競選舉舉行2017年5月6日符合第2.053部分(a)得克薩斯競選代碼。以下候選人被證明了作為不受反對和特此被選舉如下):

Candidate (*Candidato*) [Ứng cử viên]

(候選人; 應試者, 攻讀學

位者; 候補者; 求職應徵者)

John F. Ford

Lori Klein Quinn

Office Sought (*Cargo al que presenta candidatura*)

[Văn phòng tìm kiếm con dấu]

(被尋找的辦公室)

Council Position 1 (*Concejal Posición 1*)

[hội đồng vị trí 1] (委員會位置1)

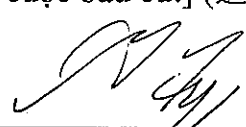
Council Position 5 (*Concejal Posición 5*)

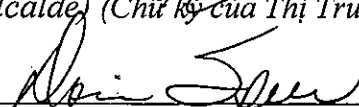
[hội đồng vị trí 5] (委員會位置5)

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

(El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.)

[A bản sao của lệnh này sẽ được đăng trên ngày bầu cử tại mỗi địa điểm phòng phiếu nào đã được sử dụng trong cuộc bầu cử.] (這秩序的拷貝在選舉日將被張貼在用於競選的每個投票所。)


Mayor (*Alcalde*) (*Chữ ký của Thị Trưởng*) (市長簽名)


Secretary (*Secretaria*) [*Bí thư*] (秘書)

(seal) (*sello*) [*con dấu*] (封印)

March 6, 2017
Date of Adoption (*Fecha de Adopción*) [ngày nhận con nuôi]

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 15, 2017

Topic:

Presentation to Councilman F. S. "Field" Hudgens

Presentación a Concejal F. S. "Field" Hudgens

Trình lên ông hội đồng F. S. Hudgens

簡報 Councilman F Hudgens S .

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: May 15, 2017

Topic:

Administer Oath of Office to Elected Officials

Administrar el juramento al cargo de los funcionarios electos

Làm lễ Tuyên Thệ Nhậm Chức cho các Viên Chức Được Bầu Chọn

管管理選舉官員宣誓就職

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
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Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 15, 2017

Topic:

Consideration to Elect Mayor Pro-Tem, in Accordance with Section 6.08 of the City of Tomball Home Rule Charter

Considerar elegir un Alcalde Interino, de acuerdo con la Sección 6.08 de la Carta Orgánica de Gobierno Local de al Ciudad de Tomball.

Xem xét Bầu Chọn Thị Trưởng Tạm Thời, chiếu theo Mục 6.08 của Hiến Chương Điều Lệ Địa Phương Thành Phố Tomball.

考慮選出暫替市長, 根據Tomball市自治憲章6.08節

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
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Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 15, 2017

Topic:

- May 27, 2017 – ***Tomball Honky Tonk Music Festival and Chili Challenge***
- July 4, 2017 – **Tomball July 4th Celebration & Street Festival**
- August 26, 2017 – **Tomball Texas Music Festival**
- September 23, 2017 – **7th Annual Beetles, Brew & Barbeque Festival** – 12:00 Noon-6:00 p.m.
- October 7, 2017 – **4th “Annual Paces for Pink” 5K Run**
- October 7, 2017 – **“Zomball in Tomball”**
- October 21, 2017– **6th Annual Tomball Bluegrass Festival** – 12:00 Noon-6:00 p.m.
- Reports by City staff and members of council about items of community interest on which no action will be taken
 - Mike Baxter – Report on the Success of the ***Rails & Tails Mudbug Festival***
 - Glenn Windsor – Quarterly Investment Report for Period Ending March 31, 2017. The Public Funds Investment Act requires that a report of the City's Investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values, yield information, and weighted average maturities. On March 31, 2017, the City had total cash and cash equivalents in the amount of \$70,624,591. A copy of the report is attached for Council review.

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
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ATTACHMENTS:

Quarterly Investment Report for Period Ending March 31, 2017

CITY OF TOMBALL PORTFOLIO DIVERSIFICATION March 31, 2017

By Type

	Current Market Value	Percent Portfolio
Securities	\$ 1,391,394	1.97%
Investment Pools	68,035,025	96.33%
Checking and Cash on hand	1,198,172	1.70%
Total Portfolio	\$ 70,624,591	

Safety of principal is the first priority of any Public investing portfolio. The City of Tomball invests in Securities of Federal, State and Local Governments, in Texas CLASS and in the state pool, TexPool. These investments are in securities with a rating of A-1/P-1 or higher and pools with Standard & Poor's highest rating of AAAm. Our charter requires that we maintain reserves of no less than 90 days and no more than one year of the current budgeted expenditures. The City currently has reserves in excess of the charter requirement.

Diversification By Type

■ Securities
■ Investment Pools
■ Checking and Cash on hand

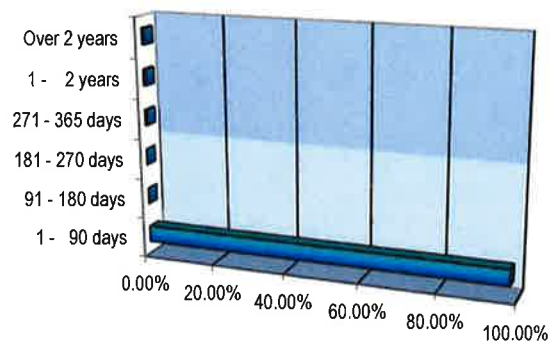


By Maturity

	Current Market Value	Percent Portfolio
1 - 90 days	\$ 69,233,197	98.03%
91 - 180 days	-	-
181 - 270 days	-	-
271 - 365 days	383,523	0.54%
1 - 2 years	498,696	0.71%
Over 2 years	509,175	0.72%
Total Portfolio	\$ 70,624,591	

Ensuring adequate liquidity is available to cover all expenditures is the second priority of any public investing program. The City staff forecasts cash flow and ladders the maturity of investments to ensure funds are adequate when needed. A portion of funds are kept in overnight investments as a buffer for any unexpected expenditures. These overnight investments (TexPool, Texas CLASS) have been performing according to market in the yield category as well as providing liquidity.

Diversification by Maturity



**CITY OF TOMBALL
INVESTMENT PORTFOLIO SUMMARY
ACTIVITY FOR QUARTER ENDING
March 31, 2017**

ALL CITY FUNDS (POOLED)

INVESTMENTS	COST	MARKET	RATIO	YTM at COST	BENCHMARK YTM**
Beginning of period	1,411,524	1,387,804	0.9832	1.130%	0.85%
Purchases	-	-			
Maturities	-	-			
Change in value	-	3,590			
Sales					
End of period	1,411,524	1,391,394	0.9857	1.130%	1.03%

Total Accrued Interest at end of period: \$ 6,645

**Benchmark security is the One-year U. S. Treasury Bill
Weighted average maturity of the portfolio at quarter end is **760** days.

This report is in compliance with the investment strategies as approved
and the Public Funds Investment Act.



Treasurer

Asst. Treasurer

**CITY OF TOMBALL
INVESTMENTS IN SECURITIES
PORTFOLIO AS OF MARCH 31, 2017**

SECURITY DESCRIPTION	CUSIP NUMBER	RATING	MATURITY DATE	INTEREST YIELD	MARKET VALUE	DAYS AFTER 03/31/17	INDIVIDUAL MARKET VALUE/TOTAL	WAM DAYS x PERCENT
1) Kansas St. Dev. Fin. Auth. Revenue- 2.608%	485429Y32	A+	4/15/2020	1.300%	509,175	1111	36.595%	406.57
2) Federal Farm Credit Bank- 1.25%	3133EFV38	AA+	3/29/2019	1.250%	498,696	728	35.841%	260.93
3) Boerne, TX- 2.00%	097041LE5	AA	3/1/2018	0.840%	383,523	335	27.564%	92.34
TOTALS				1.130%	1,391,394	725	100.000%	759.83

**CITY OF TOMBALL
CASH AND CASH EQUIVALENTS
FOR QUARTER ENDING
March 31, 2017**

FUNDS	CASH AND CASH EQUIVALENTS					INVESTMENTS			TOTAL CASH, CASH EQUIVALENTS AND INVESTMENTS
MAJOR FUNDS	TEXAS CLASS	TEXPOOL	OPERATING ACCOUNT	CASH ON HAND	TOTAL CASH AND CASH EQUIVALENTS	INVESTMENT SECURITIES	TOTAL INVESTMENTS		
General	\$ 2,551,474	\$ 9,892,420	\$ 173,582	\$ 1,896	\$ 12,619,372	\$ 509,175	\$ 509,175	\$ 13,128,547	
Debt Service	\$ 956,054	\$ 3,501,771	\$ 251,572	\$ -	\$ 4,709,397	\$ 383,523	\$ 383,523	\$ 5,092,920	
Enterprise	\$ 2,718,933	\$ 4,222,387	\$ 298,530	\$ 600	\$ 7,240,450	\$ 498,696	\$ 498,696	\$ 7,739,146	
OTHER FUNDS									
Special Revenue	\$ 76,544	\$ 14,185	\$ 6,998	\$ -	\$ 97,727	\$ -	\$ -	\$ 97,727	
Housing Trust	\$ -	\$ -	\$ 981	\$ -	\$ 981	\$ -	\$ -	\$ 981	
Municipal Court Building Security	\$ 102,059	\$ 150,409	\$ 8,799	\$ -	\$ 261,267	\$ -	\$ -	\$ 261,267	
Municipal Court Technology	\$ 61,235	\$ 125,708	\$ 1,310	\$ -	\$ 188,253	\$ -	\$ -	\$ 188,253	
Hotel Occupancy Tax	\$ 102,059	\$ 375,724	\$ 10,812	\$ -	\$ 488,595	\$ -	\$ -	\$ 488,595	
Red Light Camera Program	\$ -	\$ 512,956	\$ 76,065	\$ -	\$ 589,021	\$ -	\$ -	\$ 589,021	
Tomball "Fun Runs"	\$ -	\$ -	\$ 4,153	\$ -	\$ 4,153	\$ -	\$ -	\$ 4,153	
General Capital Projects	\$ 51,030	\$ 35,256,086	\$ 234,781	\$ -	\$ 35,541,897	\$ -	\$ -	\$ 35,541,897	
Business Park	\$ -	\$ 1,094,419	\$ -	\$ -	\$ 1,094,419	\$ -	\$ -	\$ 1,094,419	
Fleet Replacement	\$ 459,265	\$ 1,300,844	\$ 3,542	\$ -	\$ 1,763,651	\$ -	\$ -	\$ 1,763,651	
Water Capital Recovery	\$ 102,059	\$ 1,606,621	\$ 670	\$ -	\$ 1,709,350	\$ -	\$ -	\$ 1,709,350	
Sewer Capital Recovery	\$ 153,088	\$ 1,513,832	\$ 335	\$ -	\$ 1,667,255	\$ -	\$ -	\$ 1,667,255	
Health Insurance Trust	\$ -	\$ 1,113,736	\$ 118,546	\$ -	\$ 1,232,282	\$ -	\$ -	\$ 1,232,282	
Tomball Legacy Fund	\$ -	\$ 20,127	\$ 5,000	\$ -	\$ 25,127	\$ -	\$ -	\$ 25,127	
TOTALS	\$ 7,333,800	\$ 60,701,225	\$ 1,195,676	\$ 2,496	\$ 69,233,197	\$ 1,391,394	\$ 1,391,394	\$ 70,624,591	

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 15, 2017

Topic:
Approve the Minutes of the May 1, 2017 Regular Tomball City Council Meeting

Background:

Origination:
City Secretary

Recommendation:

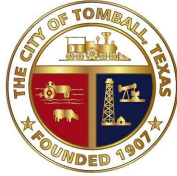
Party(ies) responsible for placing this item on agenda:
City Secretary

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

ATTACHMENTS:

Draft Minutes of the May 1, 2017 Regular Tomball City Council Meeting

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



MONDAY, MAY 1, 2017

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 Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

Council-Elect Ford
City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
HR Director – Lisa Coe
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
Community Center Director – Rosalie Dillon
TEDC-Executive Director – Kelly Violette
Chief-NWEMS – Brian Bayani
CSO Administrative Assistant – Monica Duran
Admin. Asst. to Assistant City Manager – Meagan Mageo
Public Works Admin. Assistant – Alexis McMinn

2.0 The invocation was led by Robert Hauck.

3.0 The pledges to the U. S. and Texas Flags were led by members of the Tomball High School Cougar Pride Band Percussion.

4.0 The following public comments were received:

Robert Harris - Expressed his support for changes to the City's
17335 Wagganner, 77447 red light camera enforcement program.

5.0 Presentations:

Robert Hauck, Meagan Mageo, and Alexis McMinn gave a presentation regarding the City of Tomball's Helping Hands Program, made possible through Southeast Texas Housing Finance Corporation (SETH) grant funds.

Mayor Fagan made the following presentations:

- Proclamation – May 1, 2017 is “**Tomball High School Cougar Pride Band Percussion - World Champions” Day**
- Proclamation – May 4, 2017 is “**2017 Tomball National Day of Prayer**”
- Proclamation – May 7-13, 2017 is “**National Travel and Tourism Week**”
- Proclamation – May 7-13, 2017 is “**National Hurricane Preparedness Week – Tomball, Texas**”
- Proclamation – May 14-20, 2017 is “**Tomball Firefighter Appreciation Week**”
- Proclamation – May 14-20, 2017 is “**National Public Works Week – Tomball, Texas**”
- Proclamation – May 16, 2017 is “**Peace Officers Memorial Day**” and May 14-20, 2017 is “**Tomball Police Week**”
- Proclamation – May 14-20, 2017 is “**National Emergency Medical Services Week**”

6.0 Reports and Announcements:

- May 6-7, 2017 – ***Rails & Tails Mudbug Festival***
- May 27, 2017 – ***Tomball Honky Tonk Music Festival and Chili Challenge***
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - David Esquivel reported on the Success of the ***Annual Spring Clean-Up and Chipping Week*** and the ***Tomball Consolidated Recycling Day***

7.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the April 17, 2017 Regular Tomball City Council Meeting and the April 24, 2017 Special Tomball City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Degges, second by Councilman Townsend, to adopt, on Second Reading, Resolution No. 2017-07-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and A-K 133 HWY 249-GRAND PARKWAY, L.P., to make direct incentives to, or expenditures for, assistance with infrastructure costs for the promotion of new or expanded business enterprise related to the construction of a commercial shopping center known as the Grand Parkway Town Center to be located at the southwest corner of State Highway 249 and State Highway 99. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2017-12, 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 Francisco Choi, on behalf of TamiroWood, LLC, to Operate an "Assisted Living Facility (Continuing Care Retirement Community)" at 609 South Pine Street; Said Property Being approximately 2 acres, and Being Legally Described as Part of Outlots 127 and 129 Five Acre Tracts Tomball Outlots, Harris County, Texas, Generally Located on the East Side of South Pine Street Between James Street and Cherry Laurel Street; 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. Vote was as follows:

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

Motion carried unanimously.

- 8.3 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2017-13, an Ordinance of the City of Tomball, Texas, Amending Its Zoning Ordinance, By Approving a Planned Development District of approximately 70.36 acres of Land, Legally Described as Reserve C, C1 And C2 Tomball Greens; Within The City of Tomball, Harris County, Texas; Amending the Official Zoning Map of the City to Reflect the Planned Development District to be known as Planned Development – 9 (PD-9) District; Adopting a Concept Plan and Regulations Applicable to PD-9 District; 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>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.4 Motion was made by Councilman Degges, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2017-15, an Ordinance of the City of Tomball, Texas Amending the Code of Ordinances of the City Amending Article II, Taxicabs, of Chapter 48, Vehicles for Hire, to Add Definitions to Section 48-26, Definitions; Amending Section 48-31, Cruising Prohibited, to Allow City Council to Designate Parking Areas within the City for Taxicabs during Peak Times; Amending Section 48-32, Maximum Seating, to Increase the Maximum Number of Persons to Ten (10); Deleting Sections 48-33 through 48-33; Adding a New Section 4-33, Violations, to Specify Specific Actions which Violate This Ordinance; Amending Section 48-39, Property Left in Vehicle, to Delete Specific Penalty Provision; Deleting Section 48-40, Penalties; Amending Section 48-56, Required, of Division 2, Business Permit, to Exclude Taxicabs Licensed in Other Jurisdictions Delivering Passengers in the City; Amending Section 48-57, Application, to Require Certain Information to be Included in Business Permit Application; Amending Section 48-65, Inspection, to Delete Certain Inspection Requirements; Amending Section 48-66, Revocation, to Allow Chief of Police to Revoke Business Permit; Amending Section 48-67, Identification of Vehicles, to Allow City Secretary to Issue Taxi Permit Numbers; Amending Section 48-83, Application of Division 3, Driver's Licenses, Changing the Medical Reporting Requirements; Amending Section 48-87, Appeal, to Allow City Manager to Hear Appeal;

Amending Section 48-88, Identification Cards, to Alter the Requirements of Identification Cards; Amending Sections 48-89, Transfer Prohibited, 48-90, Duration, and 48-91, Fee, to Add the Words “City Chauffer’s License”; Amending Section 48-107, Minimum Amounts of Coverage, of Division 4, Insurance, Altering the Minimum Insurance Requirements; Amending Section 48-110, Increasing Amount upon Return of Execution Unsatisfied, to Clarify Regulations Therein; Providing a Penalty Not in Accordance with Section 1-14 of the City’s Code of Ordinances for Any Violation Hereof with Each Day Constituting a Separate Offense; Providing for Severability and Providing Other Findings Related Hereto. Vote was as follows:

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

Motion carried, 3 votes Aye, 2 votes Nay.

9.0 New Business:

- 9.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2017-08, a Resolution of the City Council of the City of Tomball, Texas, Sponsoring the July 4th Celebration, to be Held in Tomball on Tuesday, July 4, 2017, Closing State Highway Business 249 from Hicks Street to the North Entrance to the Kroger Parking Lot from 3:00 PM until 11:00 PM, and Authorizing the City Manager to Issue a Letter to TxDOT Requesting the Closure of the Designated Portion of State Highway Business 249.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2017-09, a Resolution of the City of Tomball, Texas, Amending the City of Tomball’s Current Human Resources Handbook by Replacing Sections 2, 3, 4 and 7 Therein and Repealing all Other Resolutions or Parts of Resolutions Inconsistent or in Conflict Herewith; and Providing for Severability.

Motion carried unanimously.

- 9.3 Conduct Public Hearing on Ordinance No. 2017-10 and Adopt, on First Reading, Ordinance No. 2017-10, an Ordinance of the City of Tomball, Texas, Amending its Zoning Ordinance by Approving a Planned Development District of Approximately

65.6190 Acres of Land Located at the Southwest Corner of the Intersection of State Highway 249 and State Highway 99, Amending the Official Zoning Map of the City to Reflect the Planned Development District to be Known as Planned Development–10 (PD 10) District; Adopting Regulations Applicable To PD–10 District; Providing for Severability; Providing for a Penalty of an Amount not to Exceed \$2,000.00 for Each Violation Hereof, with Each Day Constituting a New Violation; Making Findings of Fact; and Providing for Other Matters

Mayor Fagan called the public hearing to order at 6:57 p.m.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:57 p.m.

Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2017-10 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2017-10, an Ordinance of the City of Tomball, Texas, Amending its Zoning Ordinance by Approving a Planned Development District of Approximately 65.6190 Acres of Land Located at the Southwest Corner of the Intersection of State Highway 249 and State Highway 99, Amending the Official Zoning Map of the City to Reflect the Planned Development District to be Known as Planned Development–10 (PD 10) District; Adopting Regulations Applicable To PD–10 District; Providing for Severability; Providing for a Penalty of an Amount not to Exceed \$2,000.00 for Each Violation Hereof, with Each Day Constituting a New Violation; Making Findings of Fact; and Providing for Other Matters. Vote was as follows:

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

Motion carried unanimously.

- 9.4 Motion was made by Councilman Klein Quinn, second by Councilman Hudgens, to approve and ratify the Assignment of Development Agreement regarding the Assignment of Annual Assessment Collections for PID No. 3, The Reserve at Spring Lake (Zion Road Properties, LLC, PID #3 receivables to Preferred Bank.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Degges, second by Councilman Klein Quinn, to reappoint Sherrie Meicher as the City of Tomball's Representative to the Southeast Texas Housing Finance Corporation (SETH) Board of Directors.

Motion carried unanimously.

- 9.6 Executive Session: City Council recessed at 7:04 p.m. to meet in closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss with the City Attorney the following pending litigation:

1. Cause No. 1058840; *City of Tomball, Texas v. James Midkiff*; in the Harris County Court at Law No. 3; and
2. Cause No. 1058870; *City of Tomball, Texas v. Carolyn Ann Lang*; in the Harris County Court at Law No. 4

Upon reconvening into the regular session at 7:22 p.m., the action was taken:

- 9.7 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve settlement in Cause No. 1058840; *City of Tomball, Texas v. James Midkiff*; in the Harris County Court at Law No. 3, in the amount of \$471,000.00, with a \$7,500.00 allotment for fences, and to authorize the City Manager to execute the necessary documents.
- 9.8 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve settlement in Cause No. 1058870; *City of Tomball, Texas v. Carolyn Ann Lang*; in the Harris County Court at Law No. 4, in the amount of \$670,000.00, with a \$7,500.00 allotment for fences, and to authorize the City Manager to execute the necessary documents.
- 10.0 Motion was made by Councilman Hudgens, second by Councilman Stoll, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 15th day of May 2017.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 15, 2017

Topic:

Adopt, on Second Reading, Ordinance No. 2017-10, an Ordinance of the City of Tomball, Texas, Amending its Zoning Ordinance by Approving a Planned Development District of Approximately 65.6190 Acres of Land Located at the Southwest Corner of the Intersection of State Highway 249 and State Highway 99, Amending the Official Zoning Map of the City to Reflect the Planned Development District to be Known as Planned Development-10 (PD 10) District; Adopting Regulations Applicable To PD-10 District; Providing for Severability; Providing for a Penalty of an Amount not to Exceed \$2,000.00 for Each Violation Hereof, with Each Day Constituting a New Violation; Making Findings of Fact; and Providing for Other Matters.

Background:

Ordinance 2017-10 creates Planned Development District-10 (PD 10) which was approved by City Council on February 6, 2017 as part of the NewQuest Properties amended Development Agreement.

Origination:

NewQuest Properties

Recommendation:

Adopt, on Second Reading

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

City Secretary

ACTION TAKEN

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

Ordinance No. 2017-10

ORDINANCE NO. 2017-10

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS ZONING ORDINANCE BY APPROVING A PLANNED DEVELOPMENT DISTRICT OF APPROXIMATELY 65.6190 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 249 AND STATE HIGHWAY 99, AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO REFLECT THE PLANNED DEVELOPMENT DISTRICT TO BE KNOWN AS PLANNED DEVELOPMENT – 10 (PD 10) DISTRICT; ADOPTING REGULATIONS APPLICABLE TO PD – 10 DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000.00 FOR EACH VIOLATION HEREOF, WITH EACH DAY CONSTITUTING A NEW VIOLATION; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER MATTERS.

* * * * *

WHEREAS, the property owners have requested that approximately 65.6190 acres of land located at the southwest corner of the intersection of State Highway 249 and State Highway 99, more particularly described in Exhibit “C”, attached hereto and incorporated herein for all purposes (the “Property”), be annexed into the City of Tomball (the “City”); and

WHEREAS, the property owners and the City have agreed that the Property will be placed into a Planned Development District pursuant to Section 50-80 of the City’s Code of Ordinances; and

WHEREAS, the City Council finds it to be in the best interest of the health, safety and welfare of its citizens to place the Property into a Planned Development District – PD-10 District – in accordance with the following terms and regulations; now, therefore,

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

Section 1. The facts and matters set out in the preamble to this ordinance are hereby found to be true and correct.

Section 2. The zoning classification of the Property is hereby deemed PD-10 District subject to the regulations, restrictions and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball shall be revised and amended to show the designation of the Property as PD-10 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 to reflect the zoning classification of the Property.

Section 5. PD-10 District shall be subject to the following limitation, restrictions and covenants:

I. INTRODUCTION

This planned unit development application was prepared on behalf of NewQuest Properties (the “Developer”) pursuant to the City of Tomball ordinances related to Planned Development Districts. The purpose of this Grand Parkway Town Center Planned Development District (this “PDD”) is to encourage flexibility in the use and development of the land in order to promote the most appropriate design. These requirements will help to facilitate the development of a commercial project known as Grand Parkway Town Center that will service the surrounding communities (the “Project”).

The development and operation of the Project shall be governed solely by the terms of this PDD for purposes of Chapter 50 of the City of Tomball Code of Ordinances. In the event of any conflicts between the terms and provisions of this PDD and the terms and provisions of the City of Tomball Code of Ordinances, present or future, the terms and provisions of the PDD shall supersede and control. No provision of Chapter 50 of the City of Tomball Code of Ordinances, as such may be amended from time to time, shall prevent the development or operation of the property so long as the terms and provisions of the PDD are satisfied. To the extent this document does not address subject matter governed by Sec. 50-77 of the City of Tomball Code of Ordinances, the provisions of Sec. 50-77 in effect as of the date of this document shall apply to the Project.

II. EXISTING CONDITIONS

A. Physical Opportunities and Constraints

Located at the southwest corner of the intersection of State Highway 249 (“S.H. 249”) and State Highway 99 (the “Grand Parkway”), the Project is composed of 65.6190 acres as depicted in Exhibit A – Area Location Map and Exhibit B – Project Survey, and more particularly described in Exhibit C – Legal Description attached hereto (the “Property”). The Property is located north of Boudreaux Road and the Northpointe subdivision and east of Rocky Road.

Located along the southwestern corner of the site are a thirty five (35) foot wide pipeline easement and a fifty (50) foot wide pipeline easement that extend diagonally from Rocky Road to Boudreaux Road. The Property is currently undeveloped and in a rough graded condition. Please refer to Exhibit B – Project Survey for all existing conditions.

B. Surrounding Land Use

The mix of land uses that surround the Project range from single family residential to commercial uses. Immediately west and north of the Project is undeveloped land. To the east, across S.H. 249, is Graceview Baptist Church. Southeast is a variety of commercial uses including an automobile dealership as well as an auto repair facility south of the site is Northpointe, a single family development. More rural residential development is located to the southwest of the Property. The surrounding land uses can be seen on Exhibit A – Area Location Map attached hereto.

III. PROJECT DESCRIPTION

A. Compliance with Comprehensive Plan

The City of Tomball’s Comprehensive Plan does not designate a specific land use for the Property. However, the Project, as proposed, is consistent with existing development along S.H. 249 as well as along the Grand Parkway.

B. Plan Description

The Concept Plan consists of various retail and commercial uses, including multiple large anchor tenants, a large grocery store with attached retail and two (2) fuel centers, various pad sites for banks and restaurants, a pharmacy and similar single tenant development. The southwest portion of the site is proposed as various commercial uses. A large detention pond will be located toward the center of the Property to provide the necessary detention within the Project. The Concept Plan for the Project is attached hereto as Exhibit D. Changes may be made to the Concept Plan per Article III, Section E (12) below.

Access to the Property may be taken from the frontage roads for the Grand Parkway and/or from S.H. 249. Local traffic will be able to access the site from Rocky Road and Boudreaux Road. Adequate internal circulation will be provided within the site to ensure appropriate access and internal connectivity between uses. Developer intends to construct an internal sixty foot (60') right of way connecting to Rocky Road and Boudreaux Road in the general location depicted on the Concept Plan. The proposed pad sites will primarily be situated immediately adjacent to Grand Parkway and S.H. 249 while the large anchor tenants will be both internal to the site and at the intersection of the major thoroughfares.

The Project will be developed with a consistent signage and landscaping plan that will create cohesiveness amongst the various users as well as help to unify the Project and create an aesthetically pleasing destination for residents and visitors to the area.

C. General Project Character

1. **Buildings:** All buildings within the Project shall be constructed of typical materials used on similar projects in the area. The materials and colors of each *building* shall be complementary to the surrounding Project. No further restrictions shall apply to the size, location or materials of the buildings within the Project.
2. **Access & Mobility:** The Project will take primary access from the Grand Parkway and S.H. 249 and secondary access from Rocky Road and Boudreaux Road.
3. **Parks Dedication:** No designated park land or fee in lieu thereof or open space dedication is required within the Project.

D. Zoning

1. **Current and Surrounding Zoning:** The Property and all surrounding property is currently outside the city limits of the City of Tomball and are therefore not within any zoning district.
2. **Platting:** The City of Tomball hereby acknowledges that a preliminary plat has been submitted for the Project meeting the requirements of Section 50-37 of the Tomball Zoning Ordinance.
3. **Land Uses:** All uses designated as permitted or permitted subject to a conditional use permit (CUP) in a Commercial District (C) as of the date of this PDD shall be allowed by right. For the avoidance of doubt, the current City of Tomball Commercial District ordinance and Use Regulations chart are attached hereto as Exhibit E.

E. Project Development Regulations

With some exceptions contained herein, the Project will conform to the development regulations for the Commercial Zoning District as described in Section 50-77 of the Tomball Zoning Ordinance. Any items not specifically addressed below shall revert to the regulations set forth in the Section 50-77 of the City of Tomball Zoning Ordinance in place at the time the PDD is approved. The below regulations shall apply to all development within the project:

1. **Building Height:** The maximum building height for any building within the Project shall be one hundred twenty (120) feet. All accessory buildings (as defined in the City of Tomball Zoning Ordinance) shall be limited to one (1) story in height.
2. **Minimum Building Setbacks:** The below setbacks shall be adhered to on all development within the Project:
 - a. Front Setback (arterial) – Minimum twenty-five (25) feet from front property line (including front property line adjacent to an arterial street).
 - b. Interior Front Setback – Minimum of ten (10) feet from any public right-of-way located within the interior of the Project.
 - c. Interior Side Setbacks - When retail or commercial uses are platted adjacent to other retail or commercial uses and integrated into the Project, no side yard setback is required.
 - d. Rear Setback - Minimum ten (10) feet from front property line.
 - e. Side Setbacks - Minimum ten (10) feet from the property line.
3. **Maximum Lot Coverage:**

Commercial Uses - Maximum lot coverage is 70 percent including main and accessory buildings; maximum 90 percent impervious coverage (including all buildings, parking areas, sidewalks, etc.)
4. **Maximum floor area:** There is no maximum floor area ratio.
5. **Screening, Buffering and Fencing Requirements:** All standards listed in Section 50-115 of the Zoning Ordinance must apply, with the exception of the following:
 - a. A six (6) foot high tubular steel fence may be permitted at the perimeter of the Property in place of a solid screening wall.
 - b. All required screening will be opaque except in the case of garden center that is attached as an accessory use to the primary retail use.

In lieu of opaque screening, garden centers will be required to provide a permanent enclosure but no opacity regulations are required.

6. Supplemental Regulations: Temporary Seasonal Sale – Section 50-116(2)(b) shall be adhered to with the exception of the regulations listed below:

- a. Temporary seasonal sales may occupy the parking spaces that are required by this chapter for the primary uses of the property for seasonal sales on a temporary basis only, which is a maximum of thirty (30) days per display of seasonal materials and a maximum of seven (7) displays per calendar year, provided parking is adequate and not overloading the streets or adjacent properties; and
- b. Tenants or occupants may conduct occasional sidewalk sales on the sidewalk located immediately in front of the premises such tenant or occupant is then occupying so long as the sidewalk sales do not impair ingress and egress on such sidewalks. Any anchor tenant or grocery store may conduct year round selling on the sidewalk immediately in front of the premises occupied by such anchor tenant or grocery store.

7. Landscaping: Landscaping must be installed in accordance with the landscape plan for the Project (See Exhibit F - Landscape Plan attached hereto). Final location of all planting may shift as final design of the individual parcels is developed, but an amendment to the landscape plan will not be required so long as the total number of trees and shrubs and the overall percentage of landscape area does not change more than ten (10) percent from the approved plan.
8. Lighting: The Project will be consistent with the lighting regulations as set forth in the City of Tomball Code of Ordinances, with the exception of the following:

All lighting shall be directed downward and shielded so as to prevent the direct illumination of public rights-of-way and adjacent properties and to minimize glare. Lighting shall be limited to a maximum of four (4) foot candle along all property lines, unless adjacent to a residential district or use.

9. Façade Overlay District: The Project is not subject to any current or future Overlay District

10. Parking:

a. The Project will comply with the parking requirements listed below:

- i. All Retail and Grocery uses - 4 spaces per 1000 sq. ft.
- ii. Home Improvement Center – 2.5 spaces per 1000 sq. ft.
- iii. Eating Establishment – 8 space per 1000 sq. ft.
- iv. Bank/Financial Institution – 3 spaces per 1000 sq. ft.
- v. Office - 3 spaces per 1000 sq. ft.
- vi. Motion Picture Theater – 1 space per 4 theater seats
- vii. Clinic, Emergency Care – 4 spaces per 1000 sq. ft.

b. Stacking – Section 50.112(c)(11) shall be adhered to with the exception of the regulations listed below:

- i. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of three stacking spaces;
- ii. For each service window of a drive-through restaurant, a minimum of three spaces shall be provided for the first vehicle stop, and two spaces shall be provided for each additional vehicle stop (order/pick-up windows, etc.); and
- iii. Escape lanes shall not be required for drive-through facilities located within the Project.

11. Public Street: Any public street must have a minimum sixty (60) foot right of way. Utilities may be provided within the allotted right of way. No additional utility easements will be required if sufficient space is available within the right of way.

12. Changes to Concept Plan: The City Manager or designee shall approve any changes to the Concept Plan so long as the Project continues to be consistent with other first class commercial projects in the area. Changes that do not conform with the foregoing require approval of the City of Tomball Planning and Zoning Commission and Tomball City Council.

F. Utilities

Utilities will be provided by the City of Tomball (waterline only), Harris County Municipal Utility District No. 273 and Northpointe Water Control and Improvement District and will be coordinated with all applicable agencies.

G. Signage

The Project will comply with the signage requirements listed below:

1. Definitions:
 - a. Approved Signs: The signage shown on Exhibits G-1 and G-2 attached hereto, plus any signage which is, from time to time, adopted by a National Chain located in the Project.
 - b. National Chain: A retail business which operates (i) fifty (50) or more units in at least two (2) states under the same trade name, or (ii) twenty-five (25) or more units in the State of Texas under the same trade name.
2. Pylon/Monument Signage: On-premises and off-premises ground signs will be provided in a cohesive manner throughout the Project. Please refer to Exhibit G-1 for the proposed locations of approved signs and Exhibit G-2 for the signage designs (collectively, the "Signage Exhibits"). The final locations and design of the approved signs may vary depending on the final layout of the Project, and shall be determined by Developer. So long as the maximum size and number of approved signs does not differ materially from those depicted in the Signage Exhibits, no amendment to the attached Signage Exhibits will be required, and such signs will be deemed approved. No provision of Chapter 34 of the City of Tomball Code of Ordinances, as such may be amended from time to time, shall prevent the installation of the approved signs. All signs depicted in the Signage Exhibits shall be constructed according to the standards of the International Building Code, 2012 edition (nonresidential) (the International Building Code) and any amendments to the International Building Code adopted by the City of Tomball and in effect as of the date of this document.
3. Wall Signs: The maximum horizontal length of any tenant wall sign (including wall signs of National Chains) shall not exceed eighty percent (80%) of the width of such tenant's usable storefront. Storefront width applies to one (1) surface material. If the width of the storefront contains more than one building/façade material, the size limitation shall be determined based on the width of one (1) building/façade material, rather than the combined width of multiple building/façade materials.

Except for the foregoing, wall signs shall be allowed within the Project without limitation to the number, size or location of such wall signs.

4. Construction/Advertising Signs: Signs setting forth information concerning a building or other structure under repair or construction or advertising the sale or rental of the premises are permitted so long as the building or other structure is under repair or construction or so long as the premises is for sale or rent, and no permit shall be required to erect, construct or reconstruct such signs.
5. Temporary Signs: Temporary signs are permitted for advertising grand openings and holiday promotions so long as such temporary signs are removed within sixty (60) days of the date they are installed. Temporary signs shall otherwise be permitted for up to fourteen (14) consecutive days. No permit shall be required to erect, construct or reconstruct such signs.
6. National Chain Signs: Subject to Article III, Section G (3) above, the standard signs and logos of a National Chain (including, but not limited to, marquee signs, projecting signs, wall signs and roof signs) shall be permitted so long as such signs and logos do not utilize flashing, moving or audible lights or appurtenances.
7. CEVMS: Changeable electronic variable message signs (CEVMS) are permitted adjacent to state right-of-way so long as such CEVMSs meet the other requirements contained within Chapter 34 of the City of Tomball Code of Ordinances.
8. Signs Permits: The foregoing notwithstanding, the City of Tomball may issue permits for signage in the Project, but only to ensure the requirements of this Section G have been satisfied. If the NewQuest Properties, or its affiliate, certifies to the City that any signage in the Project satisfies the requirements of this Section G, the City shall issue permits for the signage within ten (10) days thereafter.

H. Development Schedule

It is anticipated that the Project will be developed in multiple phases over a three (3) year period. The Concept Plan is conceptual in nature and the location and size of the buildings may change in response to market driven forces. The location and timing of the phases is dependent upon market driven forces and the City of Tomball shall approve any future changes to location of timing of the phases and/or the Concept Plan so long as the Project is consistent with other first class commercial projects in the area.

I. Exhibits

- A. Area Map
- B. Survey
- C. Legal Description
- D. Concept Plan
- E. Sec. 50-77 – Commercial District (C) & Sec. 50-82 – Use regulations (charts)
- F. Landscape Plan
- G. Signage Exhibits

Section 6. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, 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 \$2000. Each day of violation shall constitute a separate offense.

Section 7. It is the intent of the City that this Ordinance shall comply in all respects with the applicable provisions of the United States Constitution, the Texas Constitution, and the Charter of the City of Tomball. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 8. This Ordinance shall take effect fourteen (14) days from and after its passage and the publication of the caption hereof, as provided by law and the City's Home Rule Charter.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF MAY 2017.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN 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 15TH DAY OF MAY 2017.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

EXHIBIT A

EXHIBIT B

CURVE TABLE				
STATION	DATA	ROD	LENGTH	CHORD
C1	551.222	324.76	840.62	8 372.521 E - 304.77
C2	578.787	330.74	414.43	8 6019.38 E - 410.07
C3	137.58	324.98	58.17	8 3726.15 E - 388.17
C4	132.767	182.62	303.92	8 2475.07 E - 300.14
C5	327.17	234.07	1399.40	8 7238.07 E - 1258.08
C6	473.123	2004.59	13.95	8 6833.07 E - 13.95

R.A. DUCLOS SURVEY
ABSTRACT NO. 1473

WILLIAM PERKINS SURVEY
ABSTRACT NO. 621

TRACT 1
65.6190 ACRES
(2,858,363 SQ. FT.)

A-X TEXAS VENTURE CAPITAL, L.C.
(H.C.F.F. NO. F577137)
(H.C.F.F. NO. 20150073274)
(H.C.F.F. NO. 20150446291)
(H.C.F.F. NO. 20150424092)
(H.C.F.F. NO. 20150446503)
(H.C.F.F. NO. 20150446572)

BOUDREAU ROAD
(100' R.O.W.)
(R.C.C.F. NO. D900150)

CANYON GATE @ NORTHEAST,
SECTION FIVE
(FILM CODE NO. 411029; E.C.M.B.)

MATCHLINE "A"

SHEET 3 OF 4

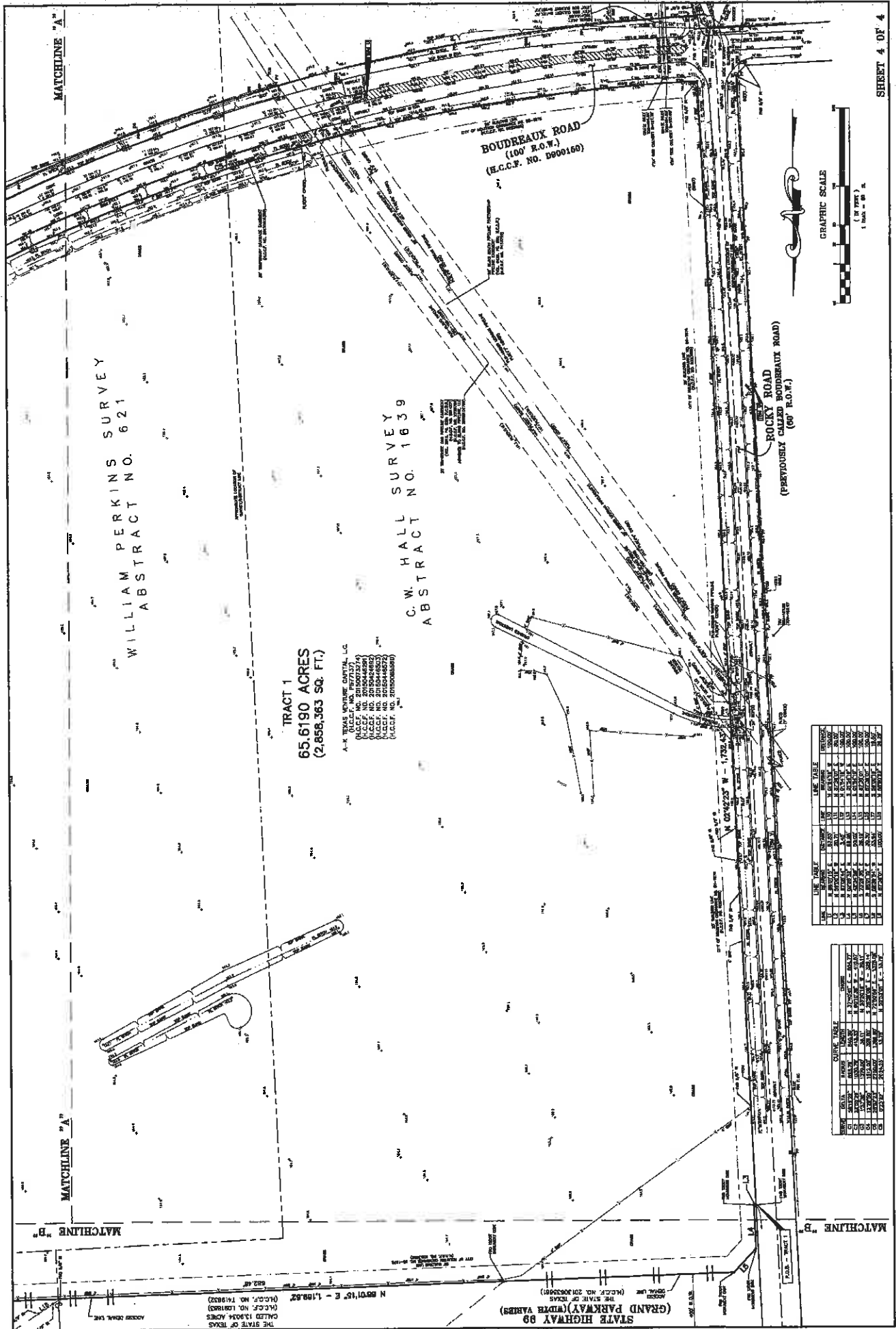


EXHIBIT C

EXHIBIT C

May 10, 2016

Tract 1

***65.6190 acres of land in the William Perkins Survey, Abstract No. 621,
the T. A. Duclos Survey, Abstract No. 1473,
and in the C. W. Hall Survey, Abstract No. 1639, Harris County, Texas***

A FIELD NOTE DESCRIPTION of 65.6190 acres (2,858,363 square feet) of land in the Williams Perkins, Survey, Abstract No. 621, in the T. A. Duclos Survey, Abstract No. 1473, and in the C. W. Hall Survey, Abstract No. 1639, Harris County, Texas; said 65.6190 acre tract of land being several tracts of land conveyed to A-K Venture Capital, L.C., as recorded in Harris County Clerk's File Nos. P577137, 20150073274, 20150446291, 20150424692, 20150446503, 20150446572 and 20150085560; said tract being more particularly described by metes-and-bounds as follows with the bearings being based on Texas State Plane Coordinate System, South Central Zone (NAD83) per GPS Observations using National Geodetic Survey Continuously Operating Reference Stations:

COMMENCING FOR REFERENCE at a 5/8-inch iron rod found at the intersection of the south right-of-way line of Boudreaux Estates Drive (previously called Boudreaux Road, 60 feet wide) with the east right-of-way line of Rocky Road (previously called Boudreaux Road, 60 feet wide) for the northwest corner of a 14.8700 acre tract of land conveyed to Greater Life Church, as recorded in Harris County Clerk's File No. P747894;

THENCE, South 02° 42' 23" East with the east right-of-way line of said Rocky Road, at a distance of 508.47 pass a point at the intersection of the east right-of-way line of said Rocky Road with the north right-of-way line of State Highway 99 (Grand Parkway, right-of-way width varies), as recorded in Harris County Clerk's File No. 20130635661 and continuing for a total distance of 1,125.13 feet to a TXDOT monument disk found at the intersection of the east right-of-way line of said Rocky Road with the south right-of-way line of said State Highway 99 for a northwest corner and the POINT OF BEGINNING of this tract;

THENCE, North 87° 08' 44" East - 3.45 feet with a south right-of-way line of said State Highway 99 to a TXDOT monument disk found for an interior corner of this tract;

THENCE, North 02° 28' 32" West - 66.98 feet with an east right-of-way line of said State Highway 99 to a TXDOT monument disk found for an angle point of this tract;

THENCE, North 42° 34' 59" East - 50.02 feet with the southeast right-of-way line of said State Highway 99 to a TXDOT monument disk found for an angle point of this tract;

THENCE, North 88° 01' 15" East - 1,169.62 feet with the south right-of-way line of said State Highway 99 to a TXDOT monument disk found for an angle point of this tract;

THENCE, South 73° 26' 35" East - 26.19 feet with the south right-of-way line of said State Highway 99 to a TXDOT monument disk found for an angle point of this tract;

THENCE, North 88° 01' 15" East - 30.30 feet with the south right-of-way line of said State Highway 99 to a TXDOT monument disk found for the beginning of a non-tangent curve to the right;

THENCE, in a southeasterly direction with the south right-of-way line of said State Highway 99 and with said non-tangent curve to the right having a radius of 1,030.79 feet, a central angle of 22° 58' 29", a length of 413.33 feet and a chord bearing South 60° 10' 38" East – 410.57 feet to a 5/8-inch iron rod found in the southwest right-of-way line of State Highway 249 (width varies) for the northeast corner of this tract;

THENCE, in a southeasterly direction with the southwest right-of-way line of said State Highway 249 and with a non-tangent curve to the right having a radius of 1,379.00 feet, a central angle of 01° 37' 30", a length of 39.11 feet and a chord bearing South 23° 20' 16" East – 39.11 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." found for the end of said curve;

THENCE, South 22° 44' 12" East – 154.41 feet with the southwest right-of-way line of said State Highway 249 to a TXDOT monument disk found for a point-of-curvature;

THENCE, in a southeasterly direction with the southwest right-of-way line of said State Highway 249 and with a curve to the left having a radius of 1,512.00 feet, a central angle of 12° 29' 50", a length of 329.80 feet and a chord bearing South 28° 59' 08" East – 329.14 feet to a TXDOT monument disk found for the end of said curve;

THENCE, South 35° 12' 22" East – 395.67 feet with the southwest right-of-way line of said State Highway 249 to a TXDOT monument disk found at the northeast end of a cutback at the intersection of the southwest right-of-way line of said State Highway 249 with the northwest right-of-way line of Boudreaux Road (100 feet wide), as recorded in Harris County Clerk's File No. D900150 for a southeast corner of this tract;

THENCE, South 08° 39' 54" West – 53.94 feet with said cutback to a TXDOT monument disk found at the southwest end of said cutback for a southeast corner of this tract;

THENCE, South 58° 19' 09" West – 791.84 feet with the northwest right-of-way line of said Boudreaux Road to a 5/8-inch iron rod found for the beginning of a non-tangent curve to the right;

THENCE, in a westerly direction with the north right-of-way line of said Boudreaux Road and with said non-tangent curve to the right having a radius of 2,750.00 feet, a central angle of 28° 57' 23", a length of 1,389.80 feet and a chord bearing South 72° 50' 56" West – 1,375.06 feet to a 5/8-inch iron rod found at the intersection of the north right-of-way line of said Boudreaux Road with the east right-of-way line of said Rocky Road for the southwest corner of this tract;

THENCE, North 02° 42' 23" West – 1,732.43 feet with the east right-of-way line of said Rocky Road to the POINT OF BEGINNING and containing 65.6190 acres (2,858,363 square feet) of land.

Note: This metes-and-bounds description was written in conjunction with a survey performed on even date.

COMPILED BY:
TEXAS ENGINEERING AND MAPPING
Civil Engineers - Land Surveyors
Stafford, Texas
Firm Registration No. 10119000
Job No. 356-181
356-181_South_Tract_R1.doc



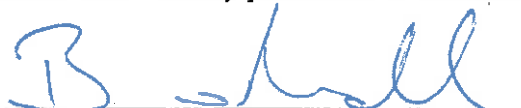
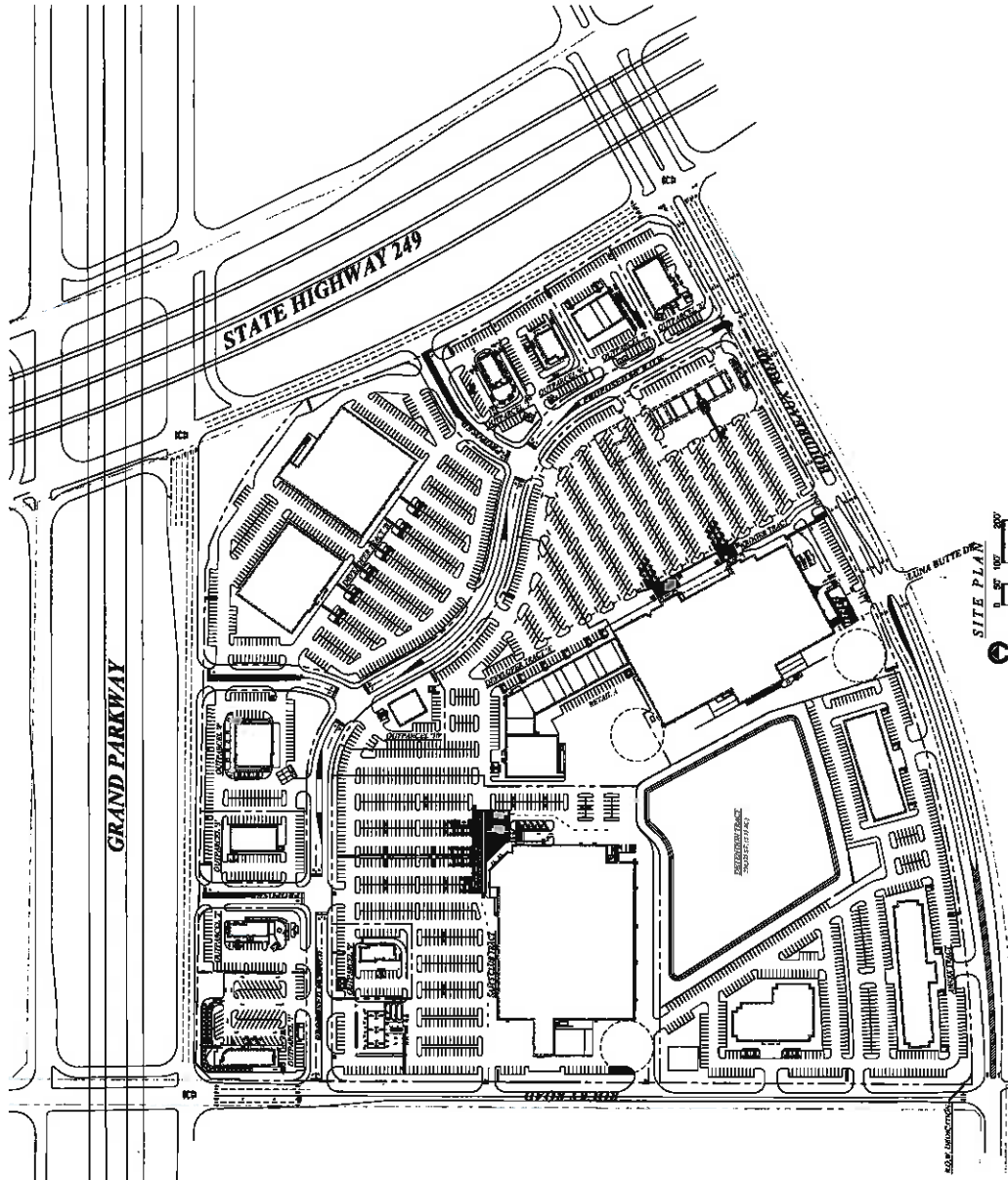

Brian Nesvadba
Registered Professional Land Surveyor
State of Texas No. 5776

EXHIBIT D

EXHIBIT D



SITE PLAN
1/2" = 1' - 0"

GRAND PARKWAY TOWN CENTER

EXHIBIT
SWC OF GRAND PARKWAY & STATE HIGHWAY 249
TOMBALL, TEXAS

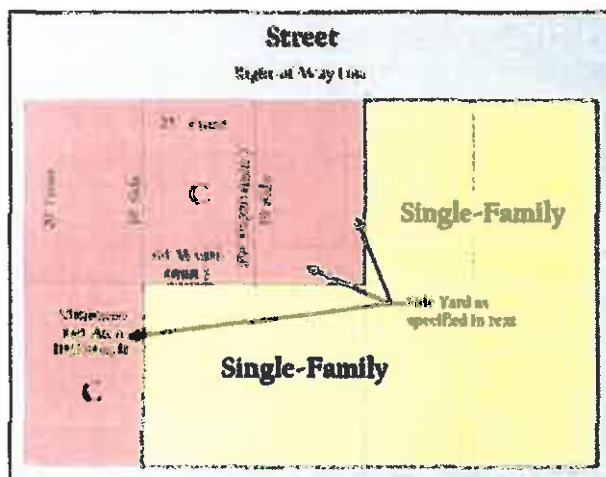
EXHIBIT E

EXHIBIT E

Sec. 50-77. - Commercial District (C).

- (a) **General purpose and description.** The C Commercial District is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses. Some light manufacturing may also be allowed with certain conditions. The uses envisioned for the C Commercial District will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.
- (b) **Permitted uses.** Those uses listed for the C district in the use charts (section 50-82) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.
- (c) **Height regulations.** The maximum height in the C district shall be:
 - (1) 70 feet for the main buildings; also see setback requirements related to height in subsection (d)(2)b of this section.
 - (2) One story for accessory buildings.
 - (3) Additional height may be approved by CUP.
- (d) **Area regulations.**
 - (1) **Size of lot.**
 - a. Minimum lot area: 10,000 square feet.
 - b. Minimum lot width: 60 feet.
 - c. Minimum lot depth; 100 feet.
 - (2) **Size of yards.**
 - a. Minimum front yard: 25 feet. Where a lot faces a designated arterial street, the front yard shall be a minimum of 35 feet.
 - b. Minimum side and rear yard: ten feet. If adjacent to a single-family, duplex (two family), patio home or single-family attached district, then side and rear setbacks (within which parking is permitted) shall be according to the height of the primary structure, as follows:

Illustration 50-77-1: Setback and height relationship for commercial structures



1. Setbacks shall be measured at a ratio of five feet in horizontal setback distance for every three feet of building height as shown in Illustration 50-75-2.
 2. Setback measurements shall be calculated by story.
 3. These measurements shall not limit any building to less than 35 feet.
- c. Interior side yards: when retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the city's building code.
- d. Exceptions for certain retail shopping center outbuildings fronting State Highway 249: notwithstanding any other provision of this section to the contrary, the building line for retail outbuildings adjacent to State Highway 249 and State Highway 249 Bypass shall be ten feet if:
1. The retail outbuilding is within a shopping center development (a development comprised of retail businesses which share common parking and pedestrian areas and facilities for their clientele) which contains not less than 1¼ acres of land and which has not less than 240 feet of frontage on said State Highway 249 and State Highway 249 Bypass;
 2. The retail outbuilding contains not more than 100 square feet of floor area;
 3. The retail outbuilding is located so as not to create a hazard to vehicular or pedestrian traffic on the shopping center site, the adjacent State Highway 249 and State Highway 249 Bypass, or any other adjacent public or private street or property; limit spacing of said structures to no greater than one per 300 feet;
 4. The retail outbuilding is located not less than 50 feet from any paved portion of State Highway 249 and State Highway 249 Bypass, whether main lane or access road; and
 5. The retail outbuilding is located so as to be a minimum of 300 feet from the closest retail outbuilding along either side of State Highway 249 and State Highway 249 Bypass, measured in a straight line from the center fronts of each retail outbuilding.
- (3) Maximum lot coverage. Maximum lot coverage is 60 percent including main and accessory buildings; maximum 90 percent impervious coverage (including all buildings, parking areas, sidewalks, etc.).
- (4) Maximum floor area. Maximum floor area ratio (FAR) is 2:1.
- (5) The maximum glare produced by any industry shall be limited to four footcandles of illumination intensity beyond the industrial or commercial tract boundary throughout the light frequency spectrum beginning with ultraviolet and ending through the infrared wavelengths.

(Code 1978, § 5-9; Code 1993, § 14-9; Ord. No. 2008-01, § 31, 2-4-2008)

Sec. 50-82. - Use regulations (charts).

(a) Conformance with the use charts.

- (1) Generally. The use of land and/or buildings shall be in accordance with those listed in the following use charts. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the permitted uses in the use charts are:

P	Designates use permitted in the zoning district indicated
(Blank)	Designates use prohibited (i.e., not allowed) in the zoning district indicated
C	Designates use may be permitted in the zoning district indicated by a CUP (also see section 50-81)
‡	The land use is defined within section 50-2

- (2) Unlisted uses. If a use is not listed (or is blank) in the use charts, it is not allowed in any zoning district (see subsection (a)(4) of this section).
- (3) Use chart organization. The land uses are listed in the use charts in alphabetical order.
- (4) Classification of new/unlisted uses. It is recognized that new types of land use will arise in the future, and forms of land use not presently anticipated may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the use charts shall be made as follows:

a. Initiation.

1. A person, city department, the planning and zoning commission, or the city council may propose zoning amendments to regulate new and previously unlisted uses.
2. A person requesting the addition of a new or unlisted use shall submit to the city manager or his designee, all information necessary for the classification of the use, including but not limited to the following:
 - (i) The nature of the use and whether the use involves dwelling activity, sales, services, or processing;
 - (ii) The type of product sold or produced under the use;
 - (iii) Whether the use has enclosed or outside storage and the amount and nature of the storage;
 - (iv) Anticipated employment typically anticipated with the use;
 - (v) Transportation requirements;
 - (vi) The nature and time of occupancy and operation of the premises;
 - (vii) The off-street parking and loading requirements;
 - (viii) The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated;

(ix) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required; and

(x) Impervious surface coverage.

- b. The city manager, or his designee, shall refer the question concerning any new or unlisted use to the planning and zoning commission, requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts in subsection (a)(4)a.2 of this section. An amendment to this chapter shall be required as prescribed by section 50-34.
- c. The planning and zoning commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted (by right or by CUP).
- d. The planning and zoning commission shall transmit its findings and recommendations to the city council as to the classification proposed for any new or unlisted use. The city council shall approve or disapprove the recommendation of the planning and zoning commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use charts of subsection(b) of this section according to section 50-34.
- e. Standards for new and unlisted uses may be interpreted by the city manager, or his designee, as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined in subsection (a)(b) of this section shall be followed for determination of the appropriate district. The decision of the city manager, or his designee, may be appealed according to the process outlined in subsections (a)(4)a2 through (a)(4)d of this section.

(b) Use charts.

Types of Land Uses	Residential Zoning Districts							Nonresidential Zoning Districts				OT&M U	Parking ratio (Also see section 50-112)	
	A G	SF - 20 -E	SF -9	SF -6	D	M F	MH P	O	G R	C	L I			
Agriculture														
Bulk grain and/or feed storage	P										C	C		1 space per 1,000 square feet
Farm (ranch, garden, crops, livestock, or orchard) ‡	P	P	P	P	P	P	P	P	P		P	P	P	None

Feed and grain store/farm supply store ‡	C													C		P	P		C	1 space per 500 square feet
Flour and other grain mills																	P			1 space per 1,000 square feet
Livestock, wholesale/auction	C																			None
Livestock sales/auction	C																			None
Stable, commercial	C																C			1 space per 1,000 square feet
Stables (private, principal or accessory use) ‡	P			C																None
Residential																				
Accessory building/structure (business or industry) ‡														P	P		P	P	P	None
Accessory building/structure (residential) ‡	P	P	P	P		P	P												P	None
Accessory dwelling	P	P	P	C		C	C												P	None
Garage/accessory dwelling ‡	P	P	P	C		C	C												P	None
Caretaker's, guard's residence ‡	P	C					P			P	P			P	P				P	1 space per caretaker/guard
Dwelling, four-family							P												P	2 spaces per

dental																	300 square feet
Credit agency								P	P		P	P		P			1 space per 300 square feet
Bank, savings and loan, or credit union (no motor bank services)								P	P		P	P		P			1 space per 300 square feet
Bank, savings and loan, or credit union (with motor bank services)								C	P		P	P		P			1 space per 300 square feet
Office, professional and general business ‡								P	P		P	P		P			1 space per 300 square feet
Office, parole-probation									P		P	P		C			1 space per 300 square feet
Office showroom/warehouse ‡								C	C		P	P		P			1 space per 300 square feet
Security monitoring company (no outside storage)								P	P		P	P		P			1 space per 300 square feet
Telemarketing agency								C	C		C	P		C			1 space per 250 square feet
Telephone exchange/switching station ‡	C							P	P		P	P		C			1 space per 500 square feet
Temporary real estate	P	P	P	P		P	P	P	P		P	P		P			4 spaces

field office																		
Model home (including sales office)	P	P	P	P		P	P		P	P			C	C		P	2 spaces per model	
Personal and Business																		
Ambulance service											C			P	P		C	1 space per 500 square feet
Automobile driving school (including defensive driving)										C	P			P	P		P	1 space per classroom seat
Barber/beauty shop (no related school/college)										C	P			P	P		P	1 space per 200 square feet
Bed and breakfast inn ‡	P	C	C	C		C	C			C	P			P			P	2 spaces plus one per guest room
Check cashing service											P			P	P		P	1 space per 100 square feet
Dance hall/dancing facility ‡											C			C			P	1 space per 100 square feet
Dance/drama/music schools (performing arts, martial arts)	C	C	C	C		C	C			C	C	P		P	P		P	1 space per 100 square feet
Fortunetelling and similar activities ‡															C			1 space per 300 square feet

Funeral home ‡										C		P	P	C	See section 50-112
Greenhouse (non-retail/hobby)	P	P	P	P	P	P	P							P	None
Health club (indoor)									C	P		P	P	P	One space per 300 square feet
Health club (outdoor)										P		P	P	P	One space per 300 square feet
Hotel/motel ‡										P		P	P	P	See section 50-112
Laundromat/washateria/self-service ‡										P		P	P	P	1 space per 200 square feet
Laundry/dry cleaning (retail only, drop off/pick up) ‡									C	P		P	P	P	1 space per 200 square feet
Mailing service (private)										P		P	P	P	1 space per 200 square feet
Pharmacy (retail only)									C	P		P	P	P	1 space per 200 square feet
Reception venue	C	C							C	P		P	P	P	1 space: 4 seats
Recreational vehicle park								C							
Rehabilitation care facility (halfway house) ‡	C	C	C	C		C	C	C	C	P		C	P	P	Greater of 1 per three

																		beds or 1.5 spaces per dwelling
Rehabilitation care institution (business) ‡	C	C	C	C	C	C		C	P		P	P		P				Greater of 1 per three beds or 1.5 spaces per dwelling
Seamstress, dressmaker or tailor (retail only)								C	P		P	P		P				1 per 200 square feet
Sexually oriented business												C						
Tattoo or body piercing studio ‡									C		P							1 space per 200 square feet
Wedding chapel									P		P	P		P				1 per four seats
Retail																		
Antique shop (no outside sales or storage) ‡									P		P	P		P				1 space per 500 square feet
Antique shop (with outside storage)									C		P	P		P				1 space per 500 square feet
Apparel shop									P		P	P		P				1 space per 200 square feet
Art gallery/museum/dealer ‡								C	P		P	P		P				1 space per 500 square feet

Artist or photography studio										C	P		P	P	P	1 space per 500 square feet
Bakery, retail (eating establishment, no drive-through) ‡										C	P		P	P	P	1 space per 200 square feet
Bakery, retail (with drive-through)											P		P	P	P	1 space per 200 square feet
Bakery (wholesale) ‡													P	P	P	1 space per 500 square feet
Bird and pet shops (retail only)											P		P	P	P	1 space per 200 square feet
Book/stationery shop (retail only) ‡											P		P	P	P	1 space per 200 square feet
Brewpub										C	P		P	P	P	1 space per 1,000 square feet for the brewing of beer, ale, etc., plus 1 space per 100 square feet for associated eating or drinking establishments
Building material sales/lumber yard ‡											C		P	P	P	1 space per 1,000 square

Eating establishment (with drive-through service) ‡											P		P	P		P	
Electronic goods (retail only)											P		P	P		P	1 space per 200 square feet
Florist shop (retail only) ‡										C	P		P	P		P	1 space per 200 square feet
Food or grocery store											P		P	P		P	1 space per 500 square feet
Furniture and appliance store (retail only) ‡											P		P	P		P	1 space per 500 square feet
Furniture store (new and used) ‡											P		P	P		P	1 space per 200 square feet
General retail stores (no outside storage)											P		P	P		P	1 space per 200 square feet
Gift or card shop (retail only)										C	P		P	P		P	1 space per 200 square feet
Hardware store											P		P	P		P	1 space per 400 square feet
Hobby and crafts store (retail only)										C	P		P	P		P	1 space per 200 square feet

Home improvement center											P			P	P		P	1 space per 400 square feet plus one per 1,000 square feet of warehouse area
Jewelry store											P			P	P		P	1 space per 200 square feet
Market, open air, flea														C	P		P	1 space per 200 square feet
Meat and fish market (retail only)											P			P	P		P	1 space per 200 square feet
Motion picture studios, commercial films											C			P	P		P	1 space per 300 square feet
Motion picture theater (indoors)											P			P	P		P	See section 50-112
Nursery ‡											P			P	P		P	1 space per 1,000 square feet of sales area
Garden shop ‡											P			P	P		P	1 space per 200 square feet
Painting and refinishing shop											C			P	P		P	1 space per 500 square feet

Piano and musical instruments (retail only)										P		P	P		P	1 space per 200 square feet
Shoe repair shop (retail only)										P		P	P		P	1 space per 200 square feet
Sign shop (small scale, such as a storefront; includes sign and banner making for retail sale only; no outside storage)										P		P	P		P	1 space per 300 square feet
Stone monuments and gravestones, engraving and retail sales only										C		P	P		C	1 space per 500 square feet
Trophy engraving										P		P			P	1 space per 300 square feet
Upholstery shop (nonauto)										P		P	P		P	1 space per 200 square feet
Used merchandise										P		P	P		P	1 space per 200 square feet
Video rental/sales										P		P	P		P	1 space per 200 square feet
Transportation and Auto Services																
Airport or landing field ‡	C														C	1 space per 500 square feet

All-terrain vehicle (go-carts) dealer/sales (w/outdoor sales, storage, and display)										P		P	P		1 space per 300 square feet
All-terrain vehicle (go-carts) dealer/sales (w/no outdoor sales, storage, and display)										P		P	P	C	1 space per 300 square feet
Auto accessories (retail sales only)										P		P	P	P	1 space per 200 square feet
Auto body repair/painting										C		P	P	P	1 space per 200 square feet
Auto dealer (new, auto servicing and used auto sales as accessory uses only, w/outdoor sales, storage, and display) ‡										P		P	P		See section 50-112
Auto dealer (new, auto servicing and used auto sales as accessory uses only, w/no outdoor sales, storage, and display)										P		P	P	C	See section 50-112
Auto dealer, primarily used auto sales w/outdoor sales, storage, and display‡										C		P	P		See section 50-112
Auto dealer, primarily used auto sales w/no outdoor sales, storage, and display										C		P	P	C	See section 50-112

Auto glass repair/tinting									P		P	P		P	1 space per 200 square feet
Auto interior shop/upholstery									C		P	P		P	1 space per 200 square feet
Auto muffler shop									C		P	P		P	1 space per 200 square feet
Auto paint shop									C		P	P		P	One per 200 square feet
Auto parts sale (new or rebuilt; no outside storage, no outside display, no repair)									P		P	P		P	1 space per 200 square feet
Auto parts sale (new or rebuilt; with outside storage or display)									C		P	P			1 space per 200 square feet
Auto rental									P		P	P		C	1 space per 200 square feet
Auto repair (major) ‡									C		P	P		C	1 space per 200 square feet
Auto repair (minor) ‡									P		P	P		P	1 space per 200 square feet
Auto storage or auto auction ‡											C	P			1 space per 1,000 square feet

Auto tire sales (indoor)										P		P	P		P	1 space per 200 square feet
Auto wrecker service												P	P		C	1 space per 200 square feet
Automobile assembly													P		C	1 space per 1,000 square feet
Automobile parts manufacturing													C	P	C	1 space per 1,000 square feet
Automobile wash (full service/detail shop) ‡										P		P	P		P	3 space per washing capacity of module
Automobile wash (self- service) ‡										C		P	P		P	3 space per washing capacity of module
Bike sales and/or repair										P		C	P		P	1 space per 500 square feet
Bus or truck storage												P	P			1 space per 1,000 square feet
Gasoline station										P		P	P		P	See section 50-112
Motor freight transportation, storage, and terminal												P	P		C	See section 50-112

Motorcycle sales/dealer w/outdoor sales, storage, and display ‡										P		P	P		See section 50-112
Motorcycle sales/dealer w/no outdoor sales, storage, and display										P		P	P	C	See section 50-112
Parking lot or garage for passenger cars and trucks of less than one-ton capacity ‡	C		C	C	C	C		C	P		P	P		C	None
Personal watercraft sales (new/repair) w/outdoor sales, storage, and display									P		P	P			See section 50-112
Personal watercraft sales (new/repair) w/no outdoor sales, storage, and display									P		P	P		C	See section 50-112
Railroad team tracks, unloading docks, and spurs											P	P		C	None
Railroad yards, round house or shop												C	P	C	1 space per 1,000 square feet
Taxi/limousine service									C		P	P		C	1 space per 1.5 automobiles in service
Tire sales (indoors, no outside storage) ‡											P	P		P	1 space per 1,000 square feet
Tire sales (outdoors, with											C	P			1 space per

owned) ‡																	hole
Playfield or stadium (private)	C									C		P	P		P		1 space per three seats ⁴
Recreational vehicle park/campground ‡	C											C	P		C		1.5 per RV pad
Skating rink										P		P	P		P		1 space per 200 square feet, plus 1 per 3 seats based on max capacity
Swimming pool, private (use by membership) ‡	P	P	P	P	P	P	P	P	P	P		P	P		P		1 space for each 100 square feet of gross water surface and deck area
Swimming pool, commercial ‡										C	P		P	P		P	1 space per 100 square feet of gross water surface and deck area
Tennis court (private/not lighted)	P	P	P	P	P	P	P	P	P	P		P	P		P		2 spaces per court
Tennis court (private/lighted)	C	C	C	C	C	C	C	C		C		C	C		C		2 spaces per court
Institutional/Governmental																	
Adult day care (business)	See Household care facility																
Antenna (commercial)	See section 50-116																

Antenna (noncommercial)	See section 50-116													
Armed services recruiting center								P	P		P	P	P	1 space per 300 square feet
Assisted living facility (continuing care retirement community) ‡						P		C	P		P		P	1.5 spaces per dwelling unit plus any additional space for accessory uses
Auction house									C		P	P	C	1 space per 100 square feet
Broadcast station (with tower)	See section 50-116													
Broadcast towers (commercial)	See section 50-116													
Cellular communications tower/PCS	See section 50-116													
Cemetery and/or mausoleum ‡	C	C	C	C		C	C	C	C	C		C	C	1 space per 5,000 square feet of land
Child day care center (business) ‡							C		C	P		P	P	1 space per three children
Church/temple/place of worship ‡	P	P	P	P		P	P	P	P	P		P	P	1 space per four seats in sanctuary
Civic center (municipal) ‡	P	P	P	P		P	P	P	P	P		P	P	10 spaces plus

																		1,300 square feet above 2,000
Civic club									P	P		P	P		P			See section 50-112
Community center (public)	C	C	C	C		C	C		C	P	P		P	P		P		See section 50-112
Community home ‡	P	P	P	P		P	P		P						P			1 space per 300 square feet
Community or social buildings ‡	C	C	C	C		C	C		C	P	P		P	P		P		1 space per 300 square feet
Country club (private) ‡	C	C	C	C		C	C			C	C		C	C		P		10 spaces plus one per 300 square feet above 2,000
Earth satellite dish (private, less than 3 feet in diameter)	See section 50-116																	
Electric power plant													C	P		C		1 space per 1,000 square feet
Electrical substation ‡	C	C	C	C		C	C		C	C	C		C	C		C		1 space per 1,000 square feet
Exhibition hall ‡											C		P	P		C		1 space per 100 square feet
Fair ground or rodeo ‡	C												C	C		C		1 space per

																	1,000 square feet of land area
Family home (child care in place of residence) ‡	P	P	P	P		P	P		P	P	P		P			P	1 space per 10 children plus 1 space per teacher
Fraternal organization ‡										C	P		P	P		P	10 spaces plus 1 per 300 square feet above 2,000
Fraternity or sorority house ‡						C	C			C	C		C			C	2 spaces per bedroom
Governmental building or use (county, state or federal) ‡	C	C	C	C		C	C		C	P	P		P	P		P	1 space per 300 square feet
Heliport ‡										C	C		C	C		C	3 spaces
Helistop										C	C		C	C		C	3 spaces
Hospital ‡										C	P		P	P		P	1 space per bed
Household care facility ‡	P	P	P	P		P	P		P							P	1 space per 6 clients
Household care institution											P		P	P			1 space per 6 clients
Institution for alcoholic, narcotic, or psychiatric patients ‡											C		C	P		C	1 space per 200 square feet
Institution of religious, educational or	C	C	C	C		C	C		C	C	P		P	P		P	1 space per 200 square

philanthropic nature																		feet
Municipal facility or use ‡	P	P	P	P		P	P		P	P	P		P	P		P		1 space per 300 square feet
Museum	C	C	C	C		C	C		C	C	P		P	P		P		See section 50-112
Park and/or playground (private) ‡	P	P	P	P		P	P		P	P	P		P	P		P		
Park and/or playground (public, municipal) ‡	P	P	P	P		P	P		P	P	P		P	P		P		
Penal or correctional institutions	C												P	P		C		1 space per 500 square feet
Post office (governmental)	P	P	P	P		P	P		P	P	P		P	P		P		10 plus 1 per 200 square feet
Non-city public assembly (auditorium, gymnasium, stadiums, meeting halls, etc.)											P		P	P		C		1 space per 4 seats
Radio, television and communications towers	See section 50-116																	
Rectory/parsonage	P	P	P	P		P	P		P	P	P		P	P		P		5 spaces, plus 1 per bedroom
Retirement housing for the elderly ‡	See Assisted living facility																	
Riding academy	P	C	C	C		C	C		C	C	C		C	P		C		1 space per five stalls

Sanitary landfill (private)															C		1 space per ten acres
School, business (e.g., barber/beauty/cosmetology)										P			P	P		P	1 space per three students, based on design
School, college or university	C	C	C	C	C	C	C	C	P			P	P			P	10 per classroom plus 2 per office
School, commercial trade (vocational) ‡									C	P			P	P		P	1 space per student
School, public or denominational ‡	P	P	P	P	P	P	P	P	P	P			P	P		P	See section 50-112
School, other than public or denominational ‡									C	P			P	P		P	
Sheltered care facility ‡							C			C			C	C		C	1 space per three beds or 1.5 per dwelling
Sign, all types (defined within the referenced section) ‡	See ch. 34 of this Code																
Skilled nursing facility ‡							P		C	C			P			C	See section 50-112
Studio for radio and/or television (no towers) ‡									P	P			P	P		P	1 space per 200 square feet
Commercial and Wholesale Trade																	

Animal kennel (outdoor pens)	P											C	P		1 space per 500 square feet
Appliance repair									P			P	P	P	1 space per 500 square feet
Book binding												P	P	P	1 space per 500 square feet
Carpet and rug cleaning plant									C			P	P	C	1 space per 1,000 square feet
Cattle, swine, or poultry feedlot (CAFO)	C												C		1 space per 5,000 square feet of land
Cleaning plant (commercial laundry) ‡									C			P	P	C	1 space per 1,000 square feet
Communication equipment sales/service (installation and/or repair, no outdoor sales or storage or towers/antennae)									P			P	P	P	1 space per 1,000 square feet
Construction contractor with storage yard	C											P	P		1 space per 1,000 square feet of land
Contractor's office/sales, no outside storage including vehicles									P			P	P	P	1 space per 1,000 square feet of land
Contractor's temporary	P	P	P	P	P	P	P	P	P			P	P	P	None

Lawnmower repair and/or sales										C		P	P	C	1 space per 500 square feet
Loading or storage tracks												P	P	C	None
Locksmith										P		P	P	C	1 space per 500 square feet
Machine shop												P	P	C	1 space per 1,000 square feet
Maintenance and repair service for buildings/janitorial										C		P	P	C	1 space per 500 square feet
Manufactured home display or sales (new or used) ‡												C	P	C	1 space per 1,000 square feet
Mattress, making and renovating												P	P	C	1 space per 1,000 square feet
Milk depot, wholesale												P	P		1 space per 1,000 square feet
Mini-warehouse/self storage ‡										C		P	P	C	See section 50-112
Mortuary										C		P	P	C	See section 50-112
Moving and storage company												P	P	C	1 space per 1,000 square feet

News printing																			P	P		C	1 space per 1,000 square feet		
Outdoor sales as a primary use ‡																			C		P	P		1 space per 5,000 square feet of land area	
Pawn shop ‡																					P	P		C	1 space per 200 square feet
Pet and animal grooming shop (no outside kennels) ‡																			P		P	P		P	1 space per 200 square feet
Plumbing shop																			C		P	P		C	1 space per 200 square feet
Printing equipment, supplies and repairs																			C		P	P		C	1 space per 500 square feet
Propane sales filling (retail)																			C		P	P		C	1 space per 200 square feet
Publishing and printing company																			C		P	P		P	1 space per 500 square feet
Quick lube/oil change/minor inspection																			P		P	P		P	1 space per 200 square feet
Salvage storage yard ‡																						C			5 per acre
Scientific and industrial																					C	P			1 space per

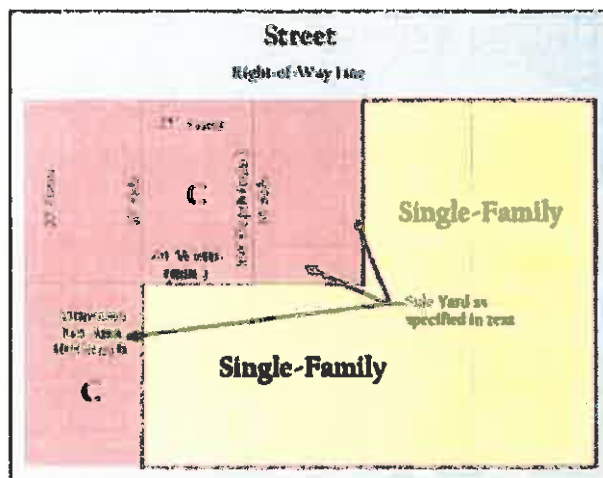
research laboratories (hazardous) ‡																		300 square feet
Scientific and industrial research laboratories (nonhazardous) ‡								P	C		P	P		P				1 space per 300 square feet
Scrap metal storage yard												C						5 space per acre
Security systems installation company									C		P	P		C				1 space per 300 square feet
Sheet metal shop											P	P						1 space per 1,000 square feet
Storage of cement, sands and gravel	C											C	P					1 space per 5,000 square feet of storage area
Storage of used lumber and building materials												C	P					1 space per 5,000 square feet of storage area
Taxicab storage and repair												P	P					1 space per 500 square feet
Taxidermist	C								C			P	P					1 space per 500 square feet
Tool and machinery rental (indoor storage only) ‡									P			P	P		P			1 space per 200 square feet

Tool and machinery rental (with outdoor storage) ‡																		C			P	P		C	1 space per 200 square feet	
Vacuum cleaner sales and repair ‡																		P			P	P		P	1 space per 200 square feet	
Veterinarian clinic (indoor kennels) ‡	P																	P			P	P		P	1 space per 500 square feet	
Veterinarian clinic (outdoor kennels or pens) ‡	C																				C	P			1 space per 500 square feet	
Warehouse (defined under storage or wholesale warehouse) ‡																		C			P	P		C	1 space per 1,000 square feet	
Welding shop																		C			P	P		C	1 space per 1,000 square feet	
Wholesale trade, nondurable goods																		C			P	P		C	1 space per 1,000 square feet	
Woodworking shops																		C			P	P		C	1 space per 1,000 square feet	
Wrecking materials yard ‡																						C			1 space per 1,000 square feet	
Light and Heavy Manufacturing/Industrial																										
Acid manufacture																						C			1 space per 1,000 square	

Sec. 50-77. - Commercial District (C).

- (a) **General purpose and description.** The C Commercial District is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses. Some light manufacturing may also be allowed with certain conditions. The uses envisioned for the C Commercial District will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.
- (b) **Permitted uses.** Those uses listed for the C district in the use charts (section 50-82) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.
- (c) **Height regulations.** The maximum height in the C district shall be:
 - (1) 70 feet for the main buildings; also see setback requirements related to height in subsection (d)(2)b of this section.
 - (2) One story for accessory buildings.
 - (3) Additional height may be approved by CUP.
- (d) **Area regulations.**
 - (1) **Size of lot.**
 - a. Minimum lot area: 10,000 square feet.
 - b. Minimum lot width: 60 feet.
 - c. Minimum lot depth; 100 feet.
 - (2) **Size of yards.**
 - a. Minimum front yard: 25 feet. Where a lot faces a designated arterial street, the front yard shall be a minimum of 35 feet.
 - b. Minimum side and rear yard: ten feet. If adjacent to a single-family, duplex (two family), patio home or single-family attached district, then side and rear setbacks (within which parking is permitted) shall be according to the height of the primary structure, as follows:

Illustration 50-77-1: Setback and height relationship for commercial structures



1. Setbacks shall be measured at a ratio of five feet in horizontal setback distance for every three feet of building height as shown in Illustration 50-75-2.
 2. Setback measurements shall be calculated by story.
 3. These measurements shall not limit any building to less than 35 feet.
- c. Interior side yards: when retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the city's building code.
- d. Exceptions for certain retail shopping center outbuildings fronting State Highway 249: notwithstanding any other provision of this section to the contrary, the building line for retail outbuildings adjacent to State Highway 249 and State Highway 249 Bypass shall be ten feet if:
1. The retail outbuilding is within a shopping center development (a development comprised of retail businesses which share common parking and pedestrian areas and facilities for their clientele) which contains not less than 1¼ acres of land and which has not less than 240 feet of frontage on said State Highway 249 and State Highway 249 Bypass;
 2. The retail outbuilding contains not more than 100 square feet of floor area;
 3. The retail outbuilding is located so as not to create a hazard to vehicular or pedestrian traffic on the shopping center site, the adjacent State Highway 249 and State Highway 249 Bypass, or any other adjacent public or private street or property; limit spacing of said structures to no greater than one per 300 feet;
 4. The retail outbuilding is located not less than 50 feet from any paved portion of State Highway 249 and State Highway 249 Bypass, whether main lane or access road; and
 5. The retail outbuilding is located so as to be a minimum of 300 feet from the closest retail outbuilding along either side of State Highway 249 and State Highway 249 Bypass, measured in a straight line from the center fronts of each retail outbuilding.
- (3) Maximum lot coverage. Maximum lot coverage is 60 percent including main and accessory buildings; maximum 90 percent impervious coverage (including all buildings, parking areas, sidewalks, etc.).
- (4) Maximum floor area. Maximum floor area ratio (FAR) is 2:1.
- (5) The maximum glare produced by any industry shall be limited to four footcandles of illumination intensity beyond the industrial or commercial tract boundary throughout the light frequency spectrum beginning with ultraviolet and ending through the infrared wavelengths.

(Code 1978, § 5-9; Code 1993, § 14-9; Ord. No. 2008-01, § 31, 2-4-2008)

Machinery manufacture																		C	P			1 space per 1,000 square feet
Marble working and finishing																		C	P			1 space per 1,000 square feet
Meat packing plant																			C			1 space per 1,000 square feet
Metal cans and shipping containers manufacture																		C	P			1 space per 1,000 square feet
Metal products, stamping and manufacture																		C	P			1 space per 1,000 square feet
Mirror resilvering																		C	P			1 space per 200 square feet
Office equipment manufacture																		P	P			1 space per 1,000 square feet
Oil compounding and barreling																			C			1 space per 1,000 square feet
Oilcloth manufacture																				C		1 space per 1,000 square feet
Orthopedic, prosthetic, surgical appliances and supplies manufacture																		P	P			1 space per 1,000 square feet

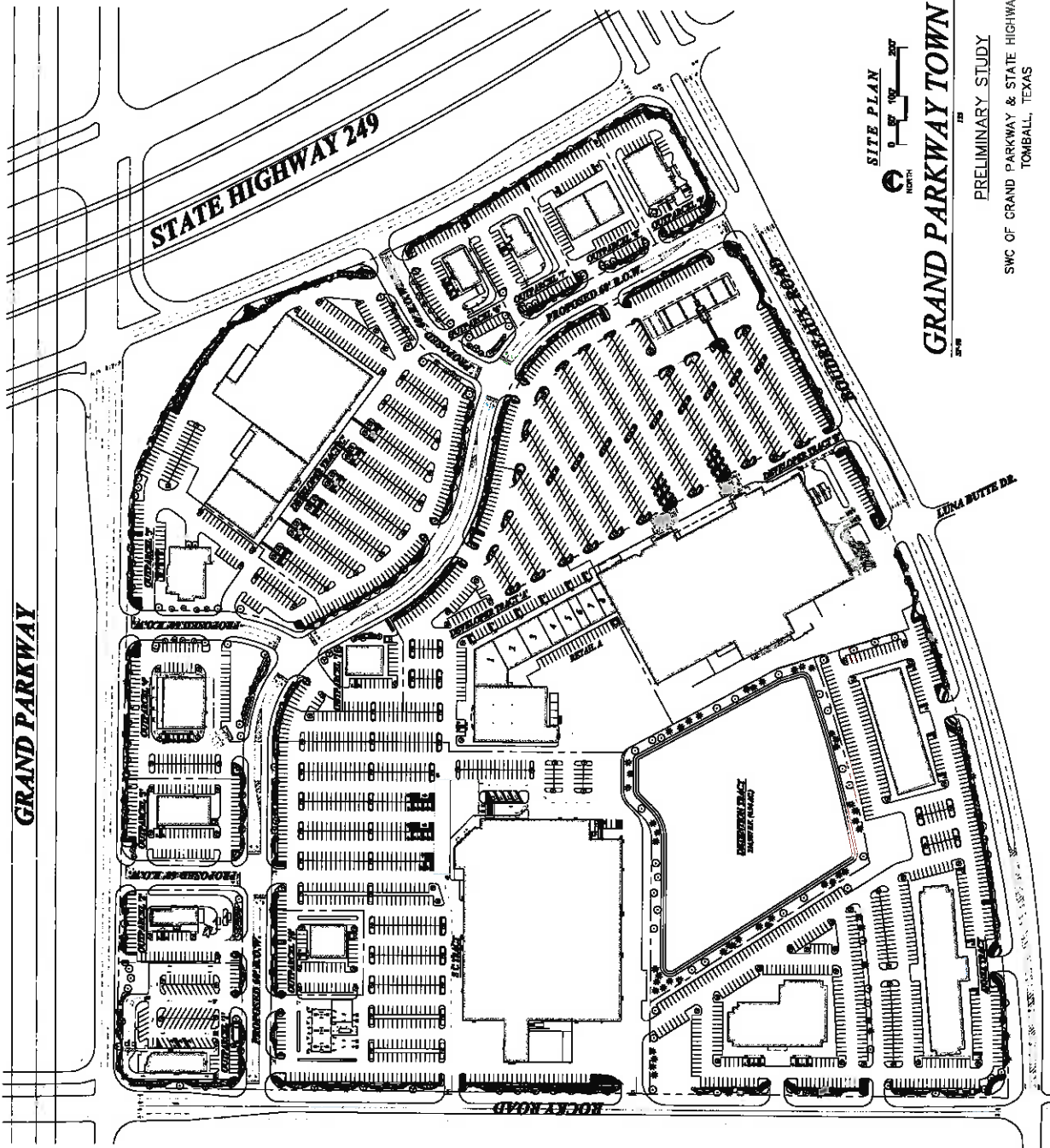
Wood container manufacture															C	P		1 space per 1,000 square feet
Wood distillation (manufacture of tar, charcoal, turpentine and similar																C		1 space per 1,000 square feet
Wood preserving manufacture and treatment																C		1 space per 1,000 square feet
Wood products manufacture															C	P		1 space per 1,000 square feet

(Ord. No. 2008-01, § 38, 2-4-2008; Ord. No. 2010-09, § 2, 5-3-2010; Ord. No. 2012-18, § 2, 7-2-2012; Ord. No. 2013-23, § 2, 2-2-2013; Ord. No. 2013-19, § 2, 11-4-2013; Ord. No. 2014-35, § 2, 10-6-2014; Ord. No. 2014-45, § 2, 1-5-2015; Ord. No. 2015-07, § 3, 4-20-2015; Ord. No. 2015-19, § 2, 10-5-2015; Ord. No. 2015-25, § 2, 1-4-2016)

Machinery manufacture																			C	P		1 space per 1,000 square feet
Marble working and finishing																			C	P		1 space per 1,000 square feet
Meat packing plant																				C		1 space per 1,000 square feet
Metal cans and shipping containers manufacture																			C	P		1 space per 1,000 square feet
Metal products, stamping and manufacture																			C	P		1 space per 1,000 square feet
Mirror resilvering																			C	P		1 space per 200 square feet
Office equipment manufacture																			P	P		1 space per 1,000 square feet
Oil compounding and barreling																				C		1 space per 1,000 square feet
Oilcloth manufacture																				C		1 space per 1,000 square feet
Orthopedic, prosthetic, surgical appliances and supplies manufacture																			P	P		1 space per 1,000 square feet

Paint manufacture and/or mixing																			C	P		1 space per 1,000 square feet
Paper and paper pulp manufacture																				C		1 space per 1,000 square feet
Paper products and paper box manufacture																			P	P		1 space per 1,000 square feet
Pecan processing																			C	P		1 space per 1,000 square feet
Petroleum and petroleum products refining																						1 space per 1,000 square feet
Petroleum distribution/storage ‡																			C	P		1 space per 1,000 square feet
Plastic products, molding, casting and shaping																			P	P		1 space per 1,000 square feet
Poultry hatchery																						1 space per 1,000 square feet
Poultry slaughtering and processing																						1 space per 1,000 square feet
Printing ink manufacture																				P		1 space per 1,000 square feet

EXHIBIT F



SITE PLAN
NORTH

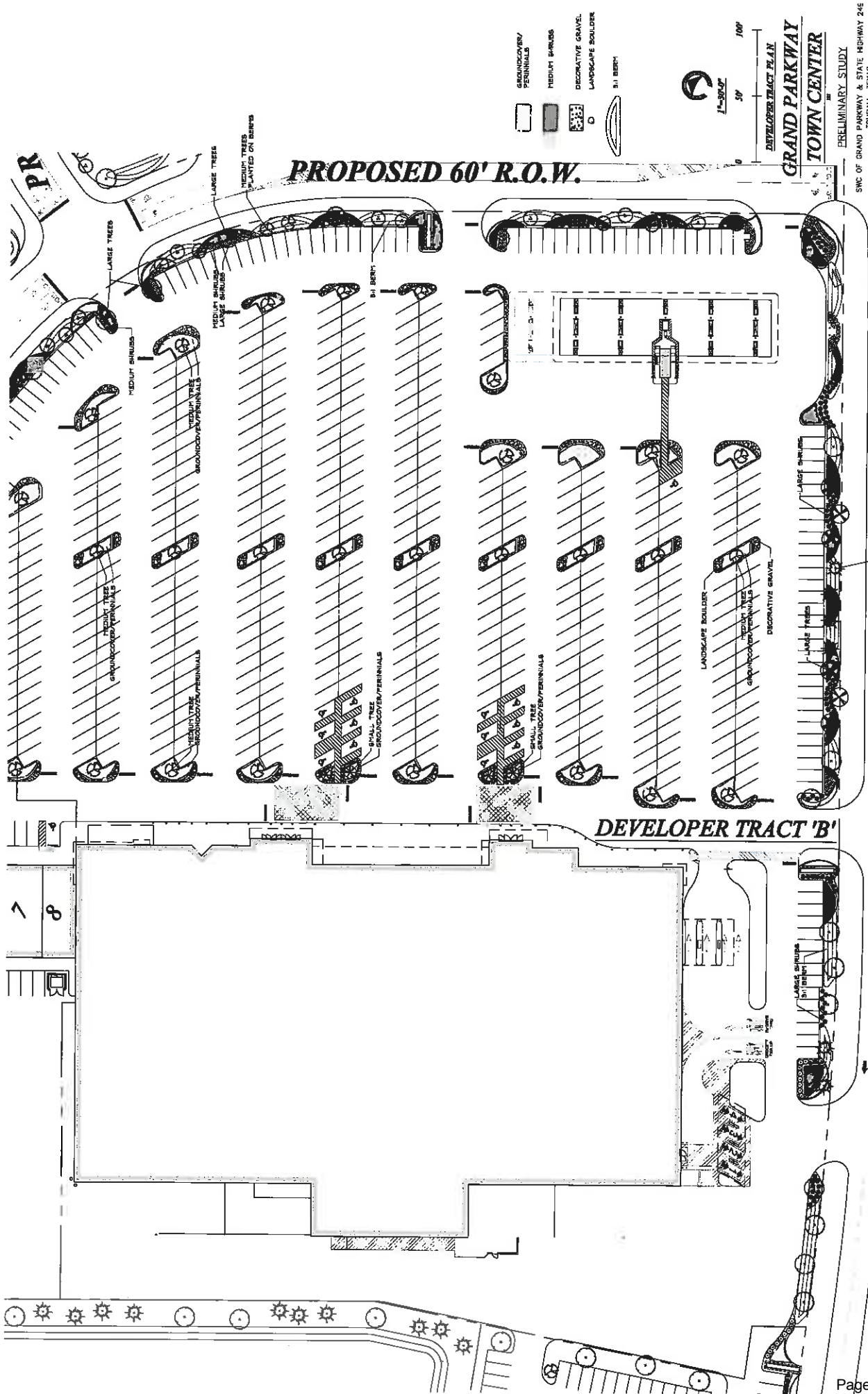
GRAND PARKWAY TOWN CENTER

PRELIMINARY STUDY

SWC OF GRAND PARKWAY & STATE HIGHWAY 249
TOMBALL, TEXAS

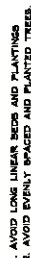
NewQuest
PROPERTIES
6824 W. Sam Houston Parkway N.
Suite 100 Houston, Texas 77066
281.477.4300 www.newquest.com

EXHIBIT F



NextQuest
 LANDSCAPE ARCHITECTS
 2814774300 www.nextquest.com

1. BEDS SHOULD HAVE A NATURAL, CURVILINEAR EDGE WITH MASS GROUPINGS OF PLANT MATERIAL.
2. TREES SHOULD BE PLANTED IN A NATURAL, OFF-CENTER LAYOUT, LEAVING VISIBILITY TO SIGNAGE.
3. A MAJORITY OF TREES SHOULD BE EVERGREEN.
4. SHRUB PLANTINGS SHOULD BE A NICE MIX OF EVERGREEN, ORNAMENTAL GRASSES, AND GROUNDCOVER.



MEDIUM SHRUBS

MIX LARGE AND MEDIUM TREES ON MEDIAN FOR STREET TREES

USE LARGE TREES ON NON-ENTRIED AREAS

USE A MIX OF 3/4 BERING AND 1/4 REDWOOD FOR SCREENING OF PARKING LOTS

MEDIUM SHRUBS

GROUND COVER/SPERMATOPHYTES

The diagram illustrates three different island configurations for a parking lot:

- INTERIOR ISLANDS:** Shows a rectangular island with a central circular area. Labels include: LANDSCAPE BOULDER TO DETER CUBS HOPPING, DECORATIVE GRAVEL, GROUNDCOVER/PERENNIALS, (1) MEDIUM TREE PER ISLAND, and (1) MEDIUM TREE PER ISLAND.
- BEFORE FRONT ISLANDS WEAR FRONT DOOR/VADA PARKING:** Shows a trapezoidal island with a central circular area. Labels include: LANDSCAPE BOULDER TO DETER CUBS HOPPING, DECORATIVE GRAVEL, GROUNDCOVER/PERENNIALS, (1) MEDIUM TREE PER ISLAND, and (1) MEDIUM TREE PER ISLAND.
- FRONT DOOR/VADA PARKING:** Shows a rectangular island with a central circular area. Labels include: LANDSCAPE BOULDER TO DETER CUBS HOPPING, DECORATIVE GRAVEL, GROUNDCOVER/PERENNIALS, (1) MEDIUM TREE PER ISLAND, and (1) MEDIUM TREE PER ISLAND.

[illegible]

1. LANDSCAPE ROCK SHALL BE MOSS ROCK
2. STANDARD BULLROCK SHALL BE 5'-5' AGGREGATE IN SIZE OR EQUAL.
3. FLAGSTONE SHALL BE OKLAHOMA BROWN OR SIMILAR.
4. BORDER ROCK SHALL BE OKLAHOMA BROWN CHIPS OR MATCH OTHER STONE ON ADJACENT.

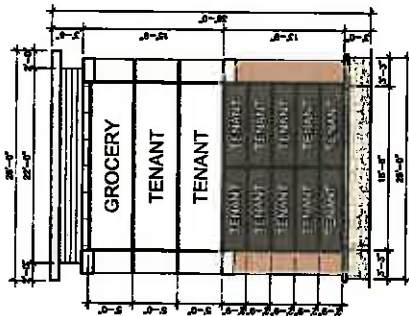
PRELIMINARY STUDY

SWC OF GRAND PARKWAY & STATE HIGHWAY 249

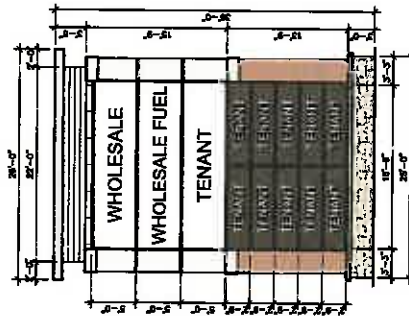


EXHIBIT G

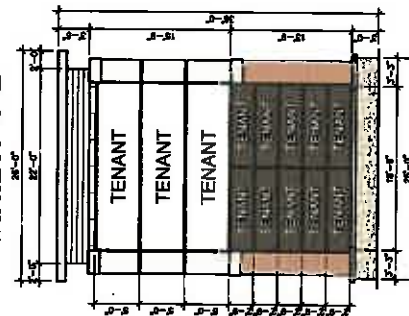
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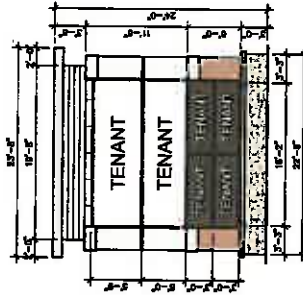
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SCALE: NOT TO SCALE



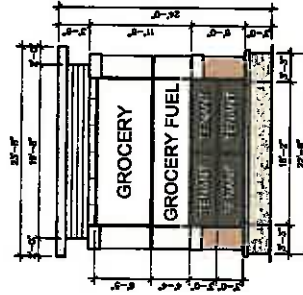
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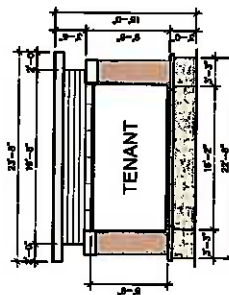
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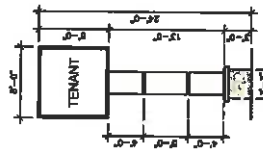
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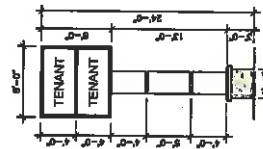
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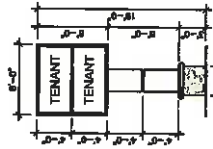
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SCALE: NOT TO SCALE



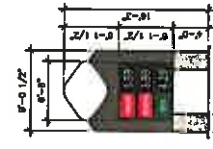
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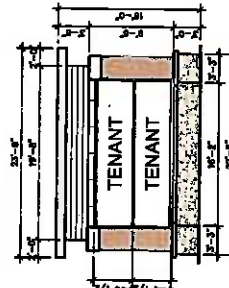
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PAD PYLON SIGN TYPE 'C3'
SCALE: NOT TO SCALE



FUEL SIGN TYPE 'E'
SCALE: NOT TO SCALE



PAD MONUMENT SIGN TYPE 'B2'
SCALE: NOT TO SCALE

GRAND PARKWAY TOWN CENTER

EXHIBIT

SWC OF GRAND PARKWAY & STATE HIGHWAY 289
TOMBALL, TEXAS

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 15, 2017

Topic:

Approve Request for Qualifications to Seek an Independent Auditing Firm for the Fiscal Years Ending September 30, 2017 through September 30, 2021, a Five-Year Term

Background:

Our contract for audit services with the independent accounting firm of Weaver & Tidwell, LLP ended with the completion of the audit for the fiscal year ending 9/30/2016.

This agenda item is for the approval of the Request For Qualifications (RFQ) of an independent auditing firm for the fiscal years ending 9/30/17 through 9/30/21, a five year term.

An independent audit of the City's financial statements is required by State law. Additionally, GFOA "Best Practices" recommends that state and local governmental entities should enter into multiyear agreements of at least five years in duration when obtaining the services of independent auditors. "Such agreements allow for greater continuity and help to minimize the potential for disruption in connection with the independent audit. Multiyear agreements can also help to reduce audit costs by allowing auditors to recover certain "startup" costs over several years, rather than over a single year.

Origination:

Finance

Recommendation:

Council Approval of the Request for Qualifications (RFP) for Audit Procurement

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

Glenn Windsor, CPA Finance Director

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
--	--	-------

ATTACHMENTS:

GFOA Audit Procurement Best Practices
FY 2017 Audit RFQ



BEST PRACTICE

Audit Procurement

BACKGROUND:

The Government Finance Officers Association (GFOA) has long recommended that state and local governmental entities obtain independent audits of their financial statements performed in accordance with the appropriate professional auditing standards. Properly performed audits play a vital role in the public sector by helping to preserve the integrity of the public finance functions and by maintaining citizens' confidence in their elected leaders.

RECOMMENDATION:

GFOA makes the following recommendations regarding the selection of auditing services:

- The scope of the independent audit should encompass not only the fair presentation of the basic financial statements, but also the fair presentation of the financial statements of individual funds and component units. The cost of extending full audit coverage to the financial statements of individual funds and component units can be justified by the additional degree of assurance provided. Nevertheless, the selection of the appropriate scope of the independent audit ultimately remains a matter of professional judgment. Accordingly, those responsible for securing independent audits should make their decision concerning the appropriate scope of the audit engagement based upon their particular government's specific needs and circumstances, consistent with applicable legal requirements.
- Governmental entities should require in their audit contracts that the auditors of their financial statements conform to the independence standard promulgated in the General Accounting Office's *Government Auditing Standards* even for audit engagements that are not otherwise subject to generally accepted government auditing standards.
- Governmental entities should enter into multiyear agreements of at least five years in duration when obtaining the services of independent auditors. Such multiyear agreements can take a variety of different forms (e.g., a series of single-year contracts), consistent with applicable legal requirements. Such agreements allow for greater continuity and help to minimize the potential for disruption in connection with the independent audit. Multiyear agreements can also help to reduce audit costs by allowing auditors to recover certain "startup" costs over several years, rather than over a single year.
- Governmental entities should undertake a full-scale competitive process for the selection of independent auditors at the end of the term of each audit contract, consistent with applicable legal requirements. Ideally, auditor independence would be enhanced by a policy requiring that the independent auditor be replaced at the end of the audit contract, as is often the case in the private sector. Unfortunately, the frequent lack of competition among audit firms fully qualified to perform public-sector audits could make a policy of mandatory auditor rotation counterproductive. In such cases, it is recommended that a governmental entity actively seek the participation of all qualified firms, including the current auditors, assuming that the past performance of the current auditors has proven satisfactory. Except in cases where a

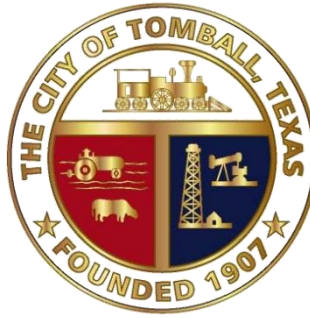
multiyear agreement has taken the form of a series of single-year contracts, a contractual provision for the automatic renewal of the audit contract (e.g., an automatic second term for the auditor upon satisfactory performance) is inconsistent with this recommendation.

- Professional standards allow independent auditors to perform certain types of nonaudit services for their audit clients. Any significant nonaudit services should always be approved in advance by a governmental entity's audit committee. Furthermore, governmental entities should routinely explore the possibility of alternative service providers before making a decision to engage their independent auditors to perform significant nonaudit services.
- The audit procurement process should be structured so that the principal factor in the selection of an independent auditor is the auditor's ability to perform a quality audit. In no case should price be allowed to serve as the sole criterion for the selection of an independent auditor.

References:

- *CPA Audit Quality: A Framework for Procuring Audit Services*, General Accounting Office, August 1987.
- *Audit Management Handbook*, Stephen J. Gauthier, GFOA, 1989.
- *An Elected Official's Guide to Auditing*, Stephen J. Gauthier, GFOA, 1992.
- *Governmental Accounting, Auditing and Financial Reporting (GAAFR)*, Stephen J. Gauthier, GFOA.

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CITY OF TOMBALL, TEXAS

REQUEST FOR QUALIFICATIONS

INDEPENDENT FINANCIAL AUDIT SERVICES

DUE DATE:

THURSDAY, JUNE 08, 2017, AT 2:00 PM (CST)

ISSUED BY:

FINANCE DEPARTMENT

**CITY OF TOMBALL, TEXAS
REQUEST FOR QUALIFICATIONS
INDEPENDENT FINANCIAL AUDIT SERVICES**

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**CITY OF TOMBALL, TEXAS
REQUEST FOR QUALIFICATIONS
INDEPENDENT FINANCIAL AUDIT SERVICES**

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**CITY OF TOMBALL, TEXAS
REQUEST FOR QUALIFICATIONS
INDEPENDENT FINANCIAL AUDIT SERVICES**

I. INTRODUCTION

A. Request for Qualifications (RFQ)

The City of Tomball, Texas (the City) is soliciting Statements of Qualifications for services to audit its financial records and accounts and to prepare its comprehensive annual financial report (CAFR) based on the audit. Persons qualified to perform these services include certified public accountants who are licensed in the State of Texas and public accountants who hold permits to practice from the Texas State Board of Public Accountancy.

B. Term of Engagement

A five-year engagement is contemplated, subject to the annual review and recommendation of the City Manager and Director of Finance, the satisfactory negotiation of terms (including a price acceptable to both the City and the selected firm), the concurrence of the City Council, and the annual availability of an appropriation. The audit will initially be performed for the fiscal year of October 1, 2016 to September 30, 2017.

II. DESCRIPTION OF THE MUNICIPALITY

A. Background Information

The City, incorporated on July 18, 1933, is located northwest of Houston, Texas, in a rapidly growing area of Harris County. The City currently occupies a land area of 12.31 square miles and serves an estimated population of 11,540. The City of Tomball is empowered to levy a property tax on both real and personal properties located within its boundaries. It also is empowered by state statute to extend its corporate limits by annexation, which occurs when deemed appropriate by the governing council. With the adoption of the home rule charter in 1980, the municipality presently operates under the Council-Manager form of government.

B. Current City Officials

• Elected Officials:

Mayor Gretchen Fagan

Councilmember, Place 1 John Ford

Councilmember, Place 2 Mark Stoll

Councilmember, Place 3 Chad Degges

Councilmember, Place 4 Derek S.Townsend, Sr.

Councilmember, Place 5 Lori Klein Quinn

• Appointed Officials:

City Manager George Shackelford

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Assistant City Manager Robert Hauck
City Secretary.....Doris Speer
Director of Finance Glenn Windsor
Director of Public Works David Esquivel
Chief of Police Billy Tidwell
Fire Chief Randy Parr
Director of Community Development Craig Meyers
Director of Information Technology.....Doug Tippey
Director of Human Resources.....Lisa Coe
Director of Marketing Mike Baxter
Tomball Economic Development Corporation
Executive Director Kelly Violette

C. Fund Structure

As of April 30, 2017, the City's fund structure is as follows:

Fund Type	Number of Individual Funds	Number with Legally Adopted Annual Budgets
General fund	1	1
Special revenue funds	8	6
Debt service funds	1	1
Capital projects funds	2	2
Enterprise funds	3	3
Internal service funds	2	2
Agency funds	0	0
Pension trust funds	0	0

D. Budgetary Basis of Accounting

The City prepares its operating budget on an annual basis. The budgets for all governmental funds are prepared and adopted on a basis consistent with generally accepted accounting principles. The budgets prepared and adopted for enterprise funds differ from generally accepted accounting principles primarily in that depreciation expense is not a budgeted item, while capital outlay is budgeted as an expense. The budgets for capital projects funds are prepared and adopted on a fiscal year project basis.

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E. Financial Information

Total annual appropriations for funds of the primary government for fiscal year 2015-16 total \$74.4 million. More detailed information about the City and its finances can be found in prior CAFRs and budgets. These documents, along with other information, are available on the City website at <http://tomballtx.gov>.

F. Pension Plans

The City's employees participate in the Texas Municipal Retirement System. The City also offers its employees an optional Internal Revenue Code Section 457(b) deferred compensation plan through ICMA-RC.

G. Federal and State Financial Assistance

During the fiscal year to be audited, the City may receive funding from federal and state financial assistance programs. A Single Audit may be required if the appropriate grant expenditure thresholds are met.

H. Component Units

Besides the primary government, the City's financial statements provide information for its three (3) component units. The Tomball Economic Development Corporation is included as a discretely presented component unit. This component unit is funded by the levy of a sales and use tax of one-half of one percent to promote economic development within the community. Blended component units include Employee Benefits Trust and the Tomball Legacy Fund, Inc.

I. Computer Systems

The City currently utilizes the INCODE software package from Tyler Technologies, Inc., for the following applications:

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- General ledger
- Accounts payable
- Accounts receivable
- Check reconciliation
- Purchase orders
- Fixed assets
- Project accounting
- Payroll
- Court to include municipal and civil court
- Utility billing
- Cash collections
- Building projects (*includes permitting, inspections, code enforcement*)

J. Internal Audit Function

The City does not currently have any internal audit functions.

K. Finance Department Personnel

The Director of Finance has two Bachelor of Business Administration degrees from the Lamar University in Beaumont and has over 31 years of municipal finance experience.

Other finance-related personnel include the following positions:

- Senior Accountants (2)
- Accounting Assistants for accounts payable and purchasing
- Utility Billing Supervisor

III. SCOPE OF AUDIT SERVICES REQUIRED

A. Auditing Standards to be Followed

The examination of the City's financial statements should be made in accordance with:

- Auditing standards generally accepted in the United States of America,
- Standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States,
- Provisions of relevant Governmental Accounting Standards Board statements, and
- U.S. Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, as applicable.

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B. Reports to be Issued

The selected audit firm will be required to prepare the following reports:

- Independent Auditor's Report,
- Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With *Government Auditing Standards*, and
- All other reports required of the independent auditor examining the City's financial statements in accordance with the standards listed above.

C. Evaluation of Internal Control Systems

The selected audit firm shall observe the adequacy of the systems of internal control. If weaknesses are noted, appropriate findings and recommendations should be reviewed with the City Manager and Director of Finance, with final inclusion in a separate letter to management.

D. Provision of Advisory Guidance

The successful audit firm will be expected to provide advisory guidance to City staff during the course of audit work for accounting and other technical matters necessary to keep the City in compliance with any changes in governmental accounting and financial reporting standards.

E. Special Assistance to be Provided

Each year, the City submits its CAFR to the Government Finance Officers Association of the United States and Canada (GFOA) for review in its Certificate of Achievement for Excellence in Financial Reporting Program. The City has received the Certificate of Achievement for 26 consecutive years, and it is anticipated that the City will again receive the certificate for its fiscal year 2016 CAFR. Therefore, the successful audit firm will be required to provide special assistance to meet the requirements of this program. The City will give additional consideration to those firms that have actively participated in technically assisting clients previously awarded the certificate.

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F. Requested Client-prepared Schedules

The successful audit firm will be expected to submit a detailed list of requested client-prepared schedules to the City's Finance Department at an agreed-upon date to facilitate efficient and timely completion for the fieldwork process. Because the Finance Department is staffed at only a maintenance level and must carry on its normal operations during the audit, much of the time necessary for preparing schedules may require staff overtime. This time constraint should be taken into account in preparing the Statement of Qualifications.

G. CAFR Preparation

The audit firm will prepare the draft and final versions of the CAFR as follows:

- The introductory and statistical sections will be prepared by the auditor with assistance from City staff.
- The financial section will be prepared by the auditor. The auditor will compile and prepare all financial statements and schedules. The notes to the basic financial statements will be a joint effort of the City and the auditor, and they will be prepared by the auditor.

Printing and binding of copies of the CAFR will be the responsibility of the audit firm, with the report covers provided by the City. The audit firm will also provide the City with a print-ready version of the CAFR in Portable Document Format (PDF) to facilitate the printing of any additional copies and for posting the CAFR on the City's website.

H. Working Paper Retention and Access to Working Papers

All working papers and reports must be retained, at the auditor's expense, for a minimum of five (5) years, unless the firm is notified in writing by the City of the need to extend the retention period.

At the City's request, copies of any or all working papers prepared in conjunction with a respective audit engagement will be provided, on a timely basis, at no cost to the City. In addition, the audit firm shall respond to reasonable inquiries of successor auditors and allow them to review working papers relating to matters of continuing accounting significance.

IV. CITY OF TOMBALL'S RESPONSIBILITIES DURING THE AUDIT

- A.** The City's finance department staff shall close all accounts 45-60 days after fiscal year end and prepare, at the audit firm's option, a trial balance and/or detailed general ledger transaction listing for all funds to be examined by the auditor.

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- B. The City will provide the auditor with an onsite work area and access to a source of power, internet access, telephone, photocopier, and fax machine.
- C. The City will make available and accessible all documents, records, and systems requested by the independent auditors to conduct their examination.
- D. City staff will be available to provide documents and reports for examination, reproduce documents, prepare specific schedules, etc.
- E. The City will allow the auditor access to staff work areas for confidential discussions to take place.

V. **CALENDAR OF EVENTS**

A. **Selection of Audit Firm**

The following is a proposed calendar of events for selection of an auditor. Dates are subject to change.

<u>KEY DATE</u>	<u>DESCRIPTION OF EVENT</u>
Wednesday, May 24, 2017	Advertise RFQ in local newspaper, post RFQ on City's website, and distribute RFQ to prospective firms
Wednesday, May 31, 2017	Second advertisement of RFQ in local newspaper
Thursday, June 08, 2017	Receive sealed Statements of Qualifications by 2:00 PM at City Secretary's Office at City Hall, 401 Market Street and publicly open thereafter in Council Chamber
Monday, June 19, 2017	City Council selection of audit firm (tentative)

B. **Contemplated Schedule for Annual Audit**

The desired schedule for completion of certain aspects of the audit for each year of the engagement is as follows:

1. The audit may commence after September 30 or at an earlier time for planning purposes as mutually agreed upon by the City.
2. The detailed list of requested schedules to be prepared by City staff needs to be provided to the City at least one (1) month prior to the beginning of fieldwork.

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3. The preliminary draft report will be prepared by the audit firm and given to the City during February.
4. The audit firm will be required to present the CAFR to the City Council at a meeting scheduled in March.

VI. INFORMATION REQUESTED FROM AUDIT FIRMS

Any firm interested in being considered for the independent financial audit services engagement is requested to submit, on the firm's letterhead, a Statement of Qualifications which provides information on the points indicated below. Responding firms should refer to Section VII (Submission of Statement of Qualifications) of this RFQ for additional response guidelines.

To achieve a uniform review process and obtain the maximum degree of comparability, the Statement of Qualifications is to be organized according to the following outline:

A. Title Page

Show the RFQ subject, the name of the proposing firm, mailing address, website address, telephone number, primary contact, and date submitted.

B. Table of Contents

Include a clear identification of the material by section and by page number.

C. Letter of Transmittal

1. Briefly state the firm's understanding of the work to be performed and provide a clear commitment that work will be performed within the time periods specified in the RFQ.
2. Provide the names of the persons who will be authorized to make representations for the firm, their titles, addresses, email addresses, and telephone numbers.
3. State that the person signing the transmittal letter is authorized to bind the firm and enter into a contract.
4. The firm should provide affirmative statements that:
 - a. It is licensed to practice in the State of Texas and
 - b. It is independent of the City of Tomball as defined by *Government Auditing Standards* issued by the Comptroller General of the United States. (Otherwise, identify and discuss any potential conflicts of interest of which the firm is aware.)

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D. Profile of the Responding Firm *(15 points maximum)*

1. State whether the firm is local, regional, national, or international.
2. State the location of the office from which work is to be performed and the number of partners, managers, supervisors, seniors, and other professional staff employed at that office.
3. Describe the local office's capacity to audit information technology systems, including the number and classifications of personnel skilled in computer sciences who will work on the audit.
4. List the firm's professional affiliations and the results of the latest peer review.

E. Summary of the Responding Firm's Qualifications *(50 points maximum)*

1. Describe the firm's most recent auditing experience similar to the type of audit being requested. Include a reference list of local government audit clients and the number of years served for each. Indicate who prepared each entity's CAFR and whether the entity has been awarded any GFOA Certificates of Achievement for Excellence in Financial Reporting.
2. Identify the partner, audit manager, and supervisors who will work on the audit. Resumes including relevant governmental auditing experience and continuing education for each individual assigned to the audit should be included. (Resumes may be included as an appendix.)
3. Indicate the firm's experience in providing any additional services to local governments by listing the name of each entity, the type(s) of service performed, and the year(s) of engagement.

F. Approach to the Audit *(35 points maximum)*

1. Submit a work plan to accomplish the scope of services required, including an explanation of the audit methodology to be followed. In developing the work plan, reference should be made to sources of information, such as the City's budget and related materials, organizational charts, manuals and programs, and financial and other management information systems. The planned use of any specialists should also be specified. In addition, proposers are required to provide the following information on their audit approach:
 - a. Proposed segmentation of the engagement,
 - b. Level of staff and number of hours to be assigned to each proposed segment of the engagement,

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- c. Sample sizes and the extent to which statistical sampling is to be used in the engagement,
 - d. Extent of the use of EDP software in the engagement,
 - e. Type and extent of analytical procedures to be used in the engagement,
 - f. Approach to be taken to gain and document an understanding of the City's internal control structure,
 - g. Approach to be taken in determining laws and regulations that will be subject to audit test work, and
 - h. Approach to be taken in drawing audit samples for purposes of tests of compliance.
2. State the purpose and degree of utilization of City of Tomball personnel.

VII. SUBMISSION OF STATEMENT OF QUALIFICATIONS

A. Instructions to Prospective Firms

The following instructions should be observed by firms responding to this RFQ:

1. Please respond specifically to all information requested in this RFQ or indicate why a particular response is not given.
2. Please limit responses to relevant material. Any additional data may be included in the Statement of Qualifications at the proposer's discretion. Additional information must be submitted in the form of an appendix or bound separately.
3. Identify the RFQ item being addressed in the introduction to each response.
4. Respondents or their representatives are prohibited from communicating with City of Tomball officials (including City Council members) and employees regarding the RFQ from the time it is released until it has been acted upon by the City Council. Violation of this provision by respondents or their agents will lead to disqualification of the respective Statement of Qualifications from consideration.
5. If there are any clarification questions regarding the scope of work and/or any other requirements of this RFQ, respondents or their representatives should submit them in writing and forward them via email to Glenn Windsor, Director of Finance, at gwindor@tomballtx.gov.
6. The City of Tomball is subject to the Texas Open Records Act. However, certain types of information may be exempt from disclosure under the Act. Firms submitting information which they

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deem confidential or proprietary must clearly mark and identify such information page by page. The City will, to the extent allowed by applicable law, protect such information from disclosure. The final decision as to what information must be disclosed under the Open Records Act lies with the Texas Attorney General.

B. Filing Requirements

The City of Tomball requests two (2) bound copies of the Statement of Qualifications, along with one (1) unbound copy suitable for reproduction. All Statements of Qualifications should be sealed in an envelope and clearly marked "Statement of Qualifications for Independent Financial Audit Services" on the outside of the envelope or on any carrier's envelope.

Sealed Statements of Qualifications are to be mailed, sent by overnight courier, or hand-delivered to the attention of:

Doris Speer
City Secretary
City of Tomball, Texas
401 Market Street, Tomball, TX 77375-4645 (physical address)

The City of Tomball will accept sealed Statements of Qualifications for independent financial audit services **until 2:00 PM on Thursday, June 08, 2017. Statements of Qualifications received after this time will not be considered.**

The City of Tomball will not be responsible in the event that the U.S. Postal Service or any other courier system fails to deliver the sealed Statements of Qualifications to the City of Tomball by the deadline specified above. Electronic transmission or facsimile of the Statement of Qualifications will **NOT** accepted.

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VIII. EVALUATION CRITERIA

City staff's recommendation to the City Council will be based on the Statement of Qualifications determined to offer the best value to the City and its citizens. The evaluation of the Statement of Qualifications will be made based on, but not limited to, the following criteria, in no particular order of priority or rating, in addition to the scoring listed in Section VI (Information Requested from Audit Firms) of this document. These factors will be applied to all eligible, responsive firms in comparing the Statements of Qualifications received and in selecting the audit firm.

The City of Tomball reserves the right to require oral presentations by any or all firms. A contract award may be made without oral presentations and/or discussions with firms after RFQ responses are received by the City. Therefore, RFQ responses should be submitted on the most favorable terms.

All costs directly or indirectly related to preparation of a response or oral presentation, if any, required to supplement and/or clarify an item in the RFQ shall be the sole responsibility of, and shall be borne by, the responding firm.

The City will use the following criteria in selecting the best qualified firm:

- A. Knowledge of generally accepted accounting principles, auditing standards, financial policies, and procedures applicable to governmental entities,
- B. Prior experience in auditing financial statements of similar sized or larger municipal governments in Texas,
- C. Proposing firm's approach to the examination and the work plan for accomplishing the scope of services required in the RFQ,
- D. Availability of trained personnel and technical resources required for conducting the audit and for providing consultation on accounting and other technical matters as needed to keep the City current on any changes in governmental accounting and financial reporting standards, and
- E. A demonstrated ability to provide assistance in obtaining the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association.

IX. RIGHTS RESERVED BY THE CITY OF TOMBALL

The City of Tomball reserves the right to:

- A. Accept, reject, re-solicit, and/or extend the RFQ by up to two (2) additional weeks from the original submission date if only one or no Statement of Qualifications is received by the submission deadline,

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- B. Hold Statements of Qualifications for 90 days from the submission date without action,
- C. Extend the original 90-day holding period prior to the award if agreed upon in writing by both parties,
- D. Request additional information or to meet with representatives from responding firms to discuss items in the Statement of Qualifications before and after submission, any or all of which may be used in forming a recommendation,
- E. Disregard and reject the entire Statement of Qualifications for any alterations, changes, or deletions made to this RFQ by the proposer,
- F. Reject any or all Statements of Qualifications received and to accept the Statement of Qualifications the City considers being in its best interest based upon the requirements and descriptions outlined in the RFQ,
- G. Retain all Statements of Qualifications submitted and to use any ideas in a Statement of Qualifications regardless of whether that Statement is selected, and
- H. Terminate all or any part of the unfinished portion of the work resulting from this solicitation within thirty (30) days written notice due to default, delay, or non-performance by the firm or if it is deemed in the best interest of the City for convenience.

X. WARRANTIES

- A. The successful firm warrants that it will not delegate or subcontract its responsibilities under the audit engagement without the express prior written consent of the City.
- B. The successful firm warrants that it will not replace or substitute key audit personnel without the City's knowledge and consent.
- C. The successful firm warrants that it is willing and able to obtain an errors and omissions insurance policy providing a prudent amount of coverage for willful or negligent acts or the omissions of any officers or employees.
- D. The submission of a Statement of Qualifications shall be prima facie evidence that the proposing firm has full knowledge of the scope, nature, quantity, and quality of the work to be performed, the detailed requirements of the specifications, and the conditions under which the work is to be performed.

XI. DOLLAR COST OF THE AUDIT SERVICES TO BE PROVIDED

Once the City has ranked all validly submitted Statements of Qualifications and selected a firm on the basis of demonstrated competence and qualifications, the City will enter

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into negotiations with the successful firm in an attempt to obtain a fair and reasonable price for its services. To this end, the firm will be expected to provide the following items for consideration at that time:

- A. The dollar cost is to provide the maximum not-to-exceed fee. The total hours and hourly rate required to complete the requested work by staff classification are to be stated. The resulting all-inclusive maximum not-to-exceed fee amount is to contain all direct and indirect costs, including all out-of-pocket expenses.
- B. The cost to perform the Single Audit (if applicable) is to be shown separately from the cost to audit the basic financial statements and required supplementary information. In addition, the expected rates for any additional services for which the City might desire to utilize the expertise of the auditor on additional projects outside the scope of this financial audit engagement are to be provided.
- C. The expected manner and terms of payment for the proposed engagement are to be provided.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 15, 2017

Topic:

Adopt, on First Reading, Ordinance No. 2017-09, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include All of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball All of the Territory within Such Limits and Boundaries; Approving a Service Plan for All of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause [A Tract Containing 11.130 Acres or 484,852 Square Feet of Land, Situated in the Elizabeth Smith Survey, Abstract No. 70, Harris County, Texas. Being out of a Called 16.4724-Acre Tract Conveyed to 11311 Holderrieth Limited, L.P. as recorded under Harris County Clerk's File (H.C.C.F.) No. W840420, Tomball, Texas; Located within the Extraterritorial Jurisdiction of the City of Tomball, Harris County, Texas, Located at 11311 Holderrieth Road] (Mustang Cat)

Background:

Request for annexation was made by Brad Tucker, representing 11311 Holderrieth Limited, L.P. for annexation of approximately 11.130 acres of land, known as Tract 3A, Abstract 70, E. Smith Survey, Located at 11311 Holderrieth Road, Harris County, Tomball, Texas.

Access to sewer is on the south side of Holderrieth Road and water and gas utility access is on the north side of Holderrieth Road.

The required public hearings were held on April 17 and April 24; the second reading of Ordinance No. 2017-09 will be at the May 22, 2017 Special Council Meeting.

Origination:

Mustang Cat, 11311 Holderrieth Limited, L.P.

Recommendation:

Adopt Ordinance No. 2017-09 on First Reading

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

City Secretary

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

ATTACHMENTS:

Ordinance No. 2017-09

ORDINANCE NO. 2017-09

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, EXTENDING THE CITY LIMITS OF SAID CITY TO INCLUDE ALL OF THE TERRITORY WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF TOMBALL ALL OF THE TERRITORY WITHIN SUCH LIMITS AND BOUNDARIES; APPROVING A SERVICE PLAN FOR ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE [A TRACT CONTAINING 11.130 ACRES OR 484,852 SQUARE FEET OF LAND, SITUATED IN THE ELIZABETH SMITH SURVEY, ABSTRACT NO. 70, HARRIS COUNTY, TEXAS. BEING OUT OF A CALLED 16.4724 ACRE TRACT CONVEYED TO 11311 HOLDERREITH LIMITED, L.P. AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. W840420, TOMBALL, TEXAS; LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, LOCATED AT 11311 HOLDERRIETH ROAD]

* * * * *

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

Section 1. The boundaries and limits of the City of Tomball, Texas, are hereby extended to embrace and include all of the territory described in **Exhibit "A"** attached hereto and made a part hereof and such territory hereby annexed to and made a part of the city.

Section 2. The plan for extension of municipal services into the territory annexed to the City of Tomball by the provisions of this ordinance is set forth in the "Municipal Service Plan" attached hereto as **Exhibit "B"** and made a part hereof for all purposes. Such Municipal Service Plan is hereby approved.

Section 3. If any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no

wise affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect; and should this Ordinance for any reason be ineffective as to any part of the territory hereby annexed to the City of Tomball, such ineffectiveness of this Ordinance as to any such part or parts of any such territory shall not affect the effectiveness of this ordinance as to all of the remainder of such territory or area, and the City Council hereby declares it to be its purpose to annex to the City of Tomball every part of the territory described in Section 1 of this ordinance, regardless of whether any other part of such described territory is hereby effectively annexed to the City. Provided, further, that if there is included in the general description of territory set out in Section 1 of this Ordinance to be hereby annexed to the City of Tomball any territory which is already a part of and included within the general limits of the City of Tomball, or which is presently part of and included in the limits or extraterritorial jurisdiction of any other city, town, or village, or which is not within the City of Tomball's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted territory were especially and specifically described herein.

Section 4. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas declares that it would have passed each and every

part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 15TH DAY OF MAY 2017.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

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 22ND DAY OF MAY 2017.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

GRETCHEN FAGAN, Mayor

ATTEST:

DORIS SPEER, City Secretary

EXHIBIT "A" – Page 1



DESCRIPTION OF 11.130 ACRES OR 484,852 SQ. FT.

A TRACT OR PARCEL CONTAINING 11.130 ACRES OR 484,852 SQUARE FEET OF LAND, SITUATED IN THE ELIZABETH SMITH SURVEY, ABSTRACT NO. 70, HARRIS COUNTY, TEXAS, BEING OUT OF A CALLED 16.4724 ACRE TRACT CONVEYED TO 11311 HOLDERREITH LIMITED, L.P. AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. W840420, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW, WITH ALL BEARINGS BEING BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83:

COMMENCING AT A 1 INCH IRON PIPE FOUND ON THE SOUTHERLY RIGHT-OF-WAY LINE OF HOLDERREITH ROAD (WIDTH VARIES) RECORDED UNDER FILM CODE (F.C.) NO. 594151, HARRIS COUNTY MAP RECORDS (H.C.M.R.), MARKING THE NORTHEAST CORNER OF A CALLED 18.778 ACRE TRACT CONVEYED TO BERNHARD AND ALVINA HOLDERREITH AS RECORDED UNDER H.C.C.F. NO. P225191;

THENCE NORTH 81 DEG. 09 MIN. 40 SEC. EAST, ALONG AND WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID HOLDERREITH ROAD, A DISTANCE OF 409.45 FEET TO A POINT MARKING THE NORTHWEST CORNER OF A CALLED 1.2504 ACRE TRACT CONVEYED TO THE COUNTY OF HARRIS AS RECORDED UNDER H.C.C.F. NO. 2016466901 AND SAID 16.4724 ACRE TRACT AND THE NORTHEAST CORNER OF SAID 18.778 ACRE TRACT, FROM WHICH A CORNER BEARS FOR REFERENCE, NORTH 81 DEG. 09 MIN. 40 SEC. EAST, 244.50 FEET TO THE NORTHEAST CORNER OF SAID 1.2504 ACRE TRACT AT THE INTERSECTION OF THE SOUTHERLY R.O.W. LINE OF SAID HOLDERREITH ROAD AND THE WESTERLY R.O.W. LINE OF HUFFSMITH-KOHRVILLE ROAD, FROM WHICH A FOUND 3/4 INCH IRON ROD BEARS FOR REFERENCE, NORTH 00 DEG. 33 MIN. 11 SEC. EAST, 0.32 FEET;

THENCE, SOUTH 01 DEG. 30 MIN. 23 SEC. EAST, LEAVING SAID R.O.W. LINE, A DISTANCE OF 20.25 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE COMMON LINE OF SAID 18.778 ACRE TRACT AND SAID 16.4724 ACRE TRACT, MARKING A WESTERLY CORNER OF SAID 1.2504 ACRE TRACT AND THE NORTHWEST CORNER AND **POINT OF BEGINNING** OF THE HEREIN DESCRIBED TRACT;

THENCE, THROUGH AND ACROSS SAID 16.4724 ACRE TRACT AND ALONG THE SOUTH AND WEST LINES OF SAID 1.2504 ACRE TRACT, THE FOLLOWING CCURSES:

NORTH 81 DEG. 09 MIN. 42 SEC. EAST, 203.13 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET FOR AN ANGLE POINT;

SOUTH 49 DEG. 19 MIN. 45 SEC. EAST, 26.30 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET FOR AN ANGLE POINT;

SOUTH 00 DEG. 10 MIN. 48 SEC. WEST, 317.41 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE BEGINNING OF A CURVE TO THE LEFT;

ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2050.00 FEET, A CENTRAL ANGLE OF 07 DEG. 42 MIN. 23 SEC., AN ARC LENGTH OF 275.73 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 03 DEG. 40 MIN. 24 SEC. EAST, 275.52 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING A POINT OF TANGENCY;

SHEET 1 OF 2

713.458.2281 | 3100 WILCREST, STE 325, HOUSTON, TX 77042

EXHIBIT "A" – Page 2

SOUTH 07 DEG. 31 MIN. 35 SEC. EAST, 430.17 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE BEGINNING OF A CURVE TO THE RIGHT;

ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 4450.00 FEET, A CENTRAL ANGLE OF 03 DEG. 18 MIN. 53 SEC., AN ARC LENGTH OF 257.44 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 05 DEG. 52 MIN. 09 SEC. EAST, 257.40 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING AN EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 85 DEG. 47 MIN. 18 SEC. WEST, 12.00 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT AND THE BEGINNING OF A CURVE TO THE RIGHT;

ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 4438.00 FEET, A CENTRAL ANGLE OF 07 DEG. 40 MIN. 46 SEC., AN ARC LENGTH OF 594.83 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 00 DEG. 22 MIN. 20 SEC. EAST, 594.38 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE WESTERLY R.O.W. LINE OF SAID HUFFSMITH-KOHRVILLE ROAD, MARKING THE SOUTH CORNER OF SAID 1.2504 ACRE TRACT AND AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE WESTERLY R.O.W. LINE OF SAID HUFFSMITH-KOHRVILLE ROAD, SOUTH 44 DEG. 53 MIN. 35 SEC. WEST, A DISTANCE OF 105.45 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE NORTHEAST CORNER OF A CALLED 3.989 ACRE TRACT CONVEYED TO THE CITY OF TOMBALL AS RECORDED UNDER H.C.C.F. NO. X787363 AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A FOUND 1/2 INCH IRON ROD BEARS FOR REFERENCE, NORTH 00 DEG. 43 MIN. 29 SEC. WEST, 0.54 FEET;

THENCE, DEPARTING SAID R.O.W. SOUTH 88 DEG. 29 MIN. 37 SEC. WEST, A DISTANCE OF 186.62 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE EAST LINE OF A CALLED 26.0841 ACRE TRACT CONVEYED TO THE CITY OF TOMBALL AS RECORDED UNDER H.C.C.F. NO. X346741 AND MARKING THE NORTHWEST CORNER OF SAID 3.989 ACRE TRACT AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 01 DEG. 30 MIN 23 SEC. WEST, A DISTANCE OF 1936.33 FEET TO THE PLACE OF BEGINNING AND CONTAINING 11.1307 ACRES OR 484,852 SQUARE FEET OF LAND AS SHOWN ON THE SURVEY, JOB NO. 53491 FILED IN THE OFFICES OF WINDROSE LANDSERVICES, INC.


PAUL A. JURICA JR
R.P.L.S. NO. 4264
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800



02/23/2017
DATE

SHEET 2 OF 2

713.458.2281 | 3200 WILCREST, STE 325, HOUSTON, TX 77042

EXHIBIT "A" – Page 3

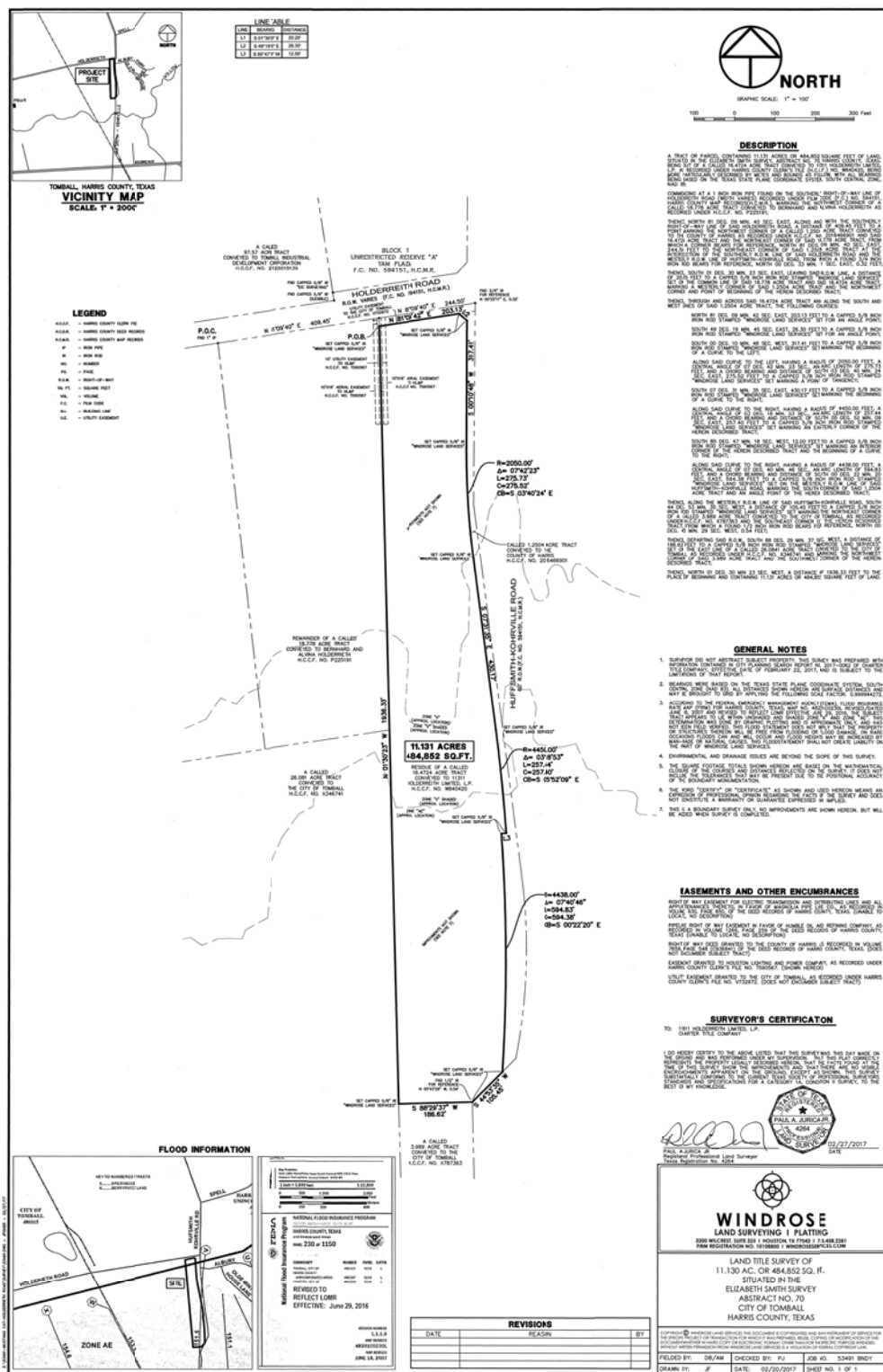


EXHIBIT "B"

CITY OF TOMBALL, TEXAS

MUNICIPAL SERVICE PLAN

I. INTRODUCTION

This Municipal Service Plan (the "Plan") is made by the City of Tomball, Texas (the "City"), pursuant to Chapter 43 of the Texas Local Government Code. This Plan relates to the annexation by the City of the tract of land ("Tract") described by metes and bounds in "Exhibit A," which is attached to this Plan and to the annexation ordinance of which this Plan is a part.

II. EFFECTIVE TERM

This Plan shall be in effect for a period of ten (10) years commencing on the effective date of the annexation of the Tract, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council, which refers to this Plan and specifically renews this Plan for a stated period of time.

III. INTENT

It is the intent of the City that services under this Plan shall equal the number of services and the level of services in existence within the Tract prior to annexation and which are available in other parts of the City with land uses and population densities similar to those reasonably contemplated or projected within the Tract. However, it is not the intent of this Plan to require that a uniform level of service be provided to all areas of the City, including the Tract, where differing characteristics of topography, land utilization, and population density are considered as a sufficient basis for providing differing service levels.

The City reserves the right, granted to it by Section 43.056(k), Texas Local Government Code, to amend this Plan, if the City Council determines that changed conditions or subsequent occurrences or any other legally sufficient circumstances exist under the Texas Local Government Code, or other Texas laws to make this Plan unworkable, obsolete, or unlawful.

IV. SERVICE PROGRAMS

A. In General.

1. This Plan includes the following service programs: A 60-Day Program and a Capital Improvement Program.
2. As used in this Plan, "providing services" shall include having services provided by any method or means by which the City may extend

municipal services to any other area of the City. The City shall provide the area, or cause the area to be provided, with services in accordance with the Plan. This may include, but is not limited to, causing or allowing private utilities, governmental entities, and other public service organizations to provide such services, in whole or in part.

As used in this Plan, the phrase "standard policies and procedures" shall mean those policies and procedures of the City applicable to a particular service, which are in effect either at the time that the service is requested or at the time the service is made available or provided. Such policies and procedures may require a specific type of request be made, such as an application or a petition, may require that fees or charges be paid, and may include eligibility requirements or other similar provisions.

B. 60-Day Program. The following services will be provided within the Tract within the period required by State law. State law requires the City to provide the following services within sixty (60) days after the effective date of the annexation: police protection, fire protection, solid waste collection, operation and maintenance of water, wastewater, and gas facilities, operation and maintenance of roads and streets, including lighting, operation and maintenance of parks, playgrounds, and swimming pools, and maintenance of any other publicly owned facility, building or service. The 60-Day Program plan is as follows:

1. Police Protection. The Police Department of the City will provide protection and law enforcement within the Tract. These activities will include routine patrols and responses, handling of complaints and incident reports, and, as appropriate, support by special units. In order to provide the above services, the Police Department will operate from a City facility.
2. Fire Protection. The Fire Department of the City currently provides fire protection to the Tract. Fire protection will be provided from either the southside or central fire stations. Fire protection will remain at the current level of service.
3. Solid Waste Collection. All eligible residences and businesses will be provided solid waste collection service, either by City personnel or by contract.
4. Maintenance of Water, Wastewater, and Gas Facilities. There are no City water, wastewater, or gas facilities currently located within the Tract. If any such facilities are constructed or acquired by the City within the Tract, the City's Department of Public Works will operate and maintain such facilities at levels of service and maintenance comparable to those available for other such facilities in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.

5. Operation and Maintenance of Roads and Streets (including lighting). The City's Department of Public Works will provide for the maintenance of roads and streets over which the City will have jurisdiction. Such Department will also provide services relating to traffic control devices and will provide street lighting for such roads and streets through an electric utility company or by other means. The operation and maintenance of roads and streets, including street lighting and traffic control devices, shall be provided at levels of service and maintenance comparable to those available for other roads and streets in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.
6. Operation and Maintenance of Parks, Playground and Swimming Pools. There are no public parks, playgrounds, or swimming pools currently located within the Tract. If, as a result of acquisition of park land, any such facilities are constructed by the City within the Tract, the City's Department of Parks and Recreation will operate and maintain such facilities at levels of service and maintenance comparable to those available for other such facilities in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.
7. Operation and Maintenance of Any Other Publicly-Owned Facility, Building, or Service. Those drainage facilities associated with City-maintained public streets will be maintained by the City's Department of Public Works, as needed. Any other facility, building, or service existing or which may be constructed or located by the City within the Tract, will be operated and maintained by an appropriate City department at levels of service and maintenance comparable to those available to other such facilities in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.

- C. Capital Improvement Program. It is the intent of the City to provide full City services within the Tract not less than four and one-half (4-1/2) years after the effective date of annexation of the Tract, in accordance with the Texas Local Government Code, § 43.056(e).

The City will initiate the acquisition and construction of the capital improvements necessary to provide municipal services adequate to serve the Tract. Any necessary construction or acquisition is indicated below, and any such construction or acquisition shall begin within two (2) years of the effective date of this Plan and shall be substantially completed within 4-1/2 years, except as otherwise indicated:

1. Police Protection. No capital improvements are necessary at this time to provide police protection services within the Tract. The Tract will be

included with other City territory in connection with planning for new, revised, or expanded police facilities.

2. Fire Protection. No capital improvements are necessary at this time to provide fire protection services within the Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded fire facilities.
3. Solid Waste Collection. No capital improvements are necessary at this time to provide solid waste collection services within the Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded solid waste facilities and/or services.
4. Wastewater Facilities. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public wastewater facilities. Wastewater services will be provided according to the standard policies and procedures of the City's Department of Public Works. A summary of the City's policies with regard to the extension of wastewater services is attached to and made a part of this Plan.
5. Water Distribution. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public water facilities. Water services will be provided according to the standard policies and procedures of the City's Department of Public Works. A summary of the City's policies with regard to the extension of water services is attached to and made a part of this Plan.
6. Gas Distribution. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public gas facilities. Gas services will be provided according to the standard policies and procedures of the City's Department of Public Works. A summary of the City's policies with regard to the extension of gas services is attached to and made a part of this Plan.
7. Roads and Streets (including lighting). The City will acquire jurisdiction in and over all public roads and streets within the Tract upon annexation, pursuant to Section 311.001 of the Texas Transportation Code and other similar provisions, except for public roads and streets subject to the jurisdiction of other governmental entities. Additional roads, streets, or related facilities are not necessary at this time to service the Tract. Future extensions of roads or streets and future installation of related facilities, such as traffic control devices or street lights, within the Tract will be governed by standard policies and procedures of the City. The Tract will be included with other City territory in connection with planning for new, improved, revised, widened, or enlarged roads, streets, or related facilities.
8. Parks, Playgrounds, and Swimming Pools. No capital improvements are necessary at this time to provide park and recreational services to the

Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded parks, playgrounds, and/or swimming pools.

9. Other Publicly-Owned Facilities, Buildings or Services: Additional Services. In general, other City functions and services can be provided to the Tract by using existing capital improvements. At this time, additional capital improvements are not necessary to provide City services. However, the Tract will be included with other City territory in connection with planning for new, revised, or expanded facilities, functions, and services.

V. AMENDMENT: GOVERNING LAW

This Plan may not be amended or repealed, except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes at any time. This Plan is subject to, and shall be interpreted in accordance with, the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and any orders, rules, or regulations of any other governmental body having jurisdiction.

VI. FORCE MAJEURE

In the event the City is rendered unable, wholly or in part, by force majeure to carry out its obligations under this Plan, notice shall be given with full particulars of such force majeure, in writing, as soon as reasonably possible after the occurrence of the cause relied on, and the City's obligations, so far as effected by such force majeure, shall be suspended during the continuance of such inability so caused but for no longer period, and such cause shall, so far as possible, be remedied with all reasonable dispatch; provided, however, City shall not be required to settle a strike or dispute with workmen when such settlement is against the will of the City. The term "force majeure" shall mean acts of God, strikes, acts of the public enemy, wars, blockades, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, arrests and restraints of rulers and people, explosions, breakage or accident to machinery or lines of pipe, droughts, hurricanes and tornadoes, and any other inability of either party, whether similar to those enumerated or otherwise, not within the control of the City, which, by the exercise of reasonable diligence, the City shall not have been able to avoid.

VIII. ENTIRE PLAN

This document contains the entire and integrated Plan relating to the Tract and supersedes all other negotiations, representations, plans, and agreements, whether written or oral.

If one or more provisions of this Plan is held to be invalid, unenforceable, or illegal in any respect, the remainder the Plan shall remain valid and in full force and effect.

SUMMARY OF EXTENSION POLICY FOR WATER, WASTEWATER, AND GAS SERVICE

The following information is a summary of the City of Tomball's ("City") policies respecting water, wastewater and gas service extensions. This summary is made in compliance with the Texas Local Government Code, which requires that each annexation plan include a summary of the service extension policy. Nothing herein shall repeal any provision of the Code of Ordinances of the City of Tomball, as amended, or any of the uncodified ordinances that contain the City's policies and procedures.

The City extends water, wastewater, and gas services to existing unserved development as follows:

Construction of such service lines is based on a priority schedule that considers potential health hazards, population density, the number of existing buildings, the reasonable cost of providing service, and the desires of the residents of the unserved areas.

Extensions built by the City at its cost are included in its Capital Improvements Plan, which is updated annually. Placement of an extension or enlargement of any water and/or wastewater lines into the Capital Improvement Plan is based primarily on the following requirements: (1) to provide service to unserved areas, (2) and to provide adequate capacity for projected service requirements.

Persons or entities desiring to develop land within unserved areas must construct water, wastewater, and gas service lines and extensions to connect to City trunk lines to serve the new development.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 15, 2017

Topic:

Consideration to approve **Zoning Case P17-0037**: Request by Jerry M. Young, on behalf of Mustang Cat, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 11.130 acres of land, legally described as a tract or parcel containing 11.130 acres or 484,852 square feet of land, situated in the Elizabeth Smith Survey, Abstract No. 70, Harris County, Texas, being out of a called 16.4724 acre tract conveyed to 11311 Holderrieth Limited, L.P. as recorded under Harris County Clerk's file (H.C.C.F.) No. w840420, generally located at the southwest corner of Holderrieth and Hufsmith-Kohrville Road to the Light Industrial District.

- Conduct Public Hearing on **Zoning Case P17-0037**
- Adopt, on First Reading, Ordinance No. 2017-16, 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 11.130 Acres of Land, Legally Described as a Tract or Parcel Containing 11.130 Acres or 484,852 Square Feet of Land, Situated in the Elizabeth Smith Survey, Abstract No. 70, Harris County, Texas, Being out of a Called 16.4724 Acre Tract Conveyed to 11311 Holderrieth Limited, L.P. as Recorded under Harris County Clerk's File (H.C.C.F.) No. W840420, within the City of Tomball, Harris County, Texas, to the Light Industrial District; Said Property being generally located at the Southwest Corner of Holderrieth Road and Hufsmith-Kohrville Road; 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:

Origination:

Jerry M. Young, Mustang CAT

Recommendation:

Approval

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

Craig T. Meyers, Community Development Director

ACTION TAKEN

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

Notice of Public Hearing
Ordinance No. 2017-16
P17-0037 Staff Report

Property Owner Notification

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
CITY COUNCIL
MAY 15, 2017**



Notice is Hereby Given that a Public Hearing will be held by the City Council of the City of Tomball on **Monday, May 15, 2017, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P17-0037: Request by Jerry M. Young, on behalf of Mustang Cat, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 11.130 acres of land, legally described as a tract or parcel containing 11.130 acres or 484,852 square feet of land, situated in the Elizabeth Smith Survey, Abstract No. 70, Harris County, Texas, being out of a called 16.4724 acre tract conveyed to 11311 Holderrieth Limited, L.P. as recorded under Harris County Clerk's file (H.C.C.F.) No. w840420, generally located at the southwest corner of Holderrieth and Hufsmith-Kohrville Road to the Light Industrial District.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

C E R T I F I C A T I O N

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 **8th** day of **May 2017** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kim Chandler

Kim Chandler
Secretary of the Board

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.tomballtx.gov.

ORDINANCE NO. 2017-16

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 11.130 ACRES OF LAND, LEGALLY DESCRIBED AS A TRACT OR PARCEL CONTAINING 11.130 ACRES OR 484,852 SQUARE FEET OF LAND, SITUATED IN THE ELIZABETH SMITH SURVEY, ABSTRACT NO. 70, HARRIS COUNTY, TEXAS, BEING OUT OF A CALLED 16.4724 ACRE TRACT CONVEYED TO 11311 HOLDERRIETH LIMITED, L.P. AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. W840420, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, TO THE LIGHT INDUSTRIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HOLDERRIETH ROAD AND HUFSMITH-KOHRVILLE ROAD; 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, Jerry M. Young, on behalf of Mustang Cat, has requested that approximately 11.130 acres of land, legally described as A tract or parcel containing 11.130 acres or 484,852 square feet of land, situated in the Elizabeth Smith Survey, Abstract No. 70, Harris County, Texas, being out of a called 16.4724 acre tract conveyed to 11311 Holderrieth Limited, L.P. as recorded under Harris County Clerk's file (H.C.C.F.) No. w840420, City of Tomball, Harris County, Texas, generally located at the southwest corner of Holderrieth Road and Hufsmith-Kohrville Road, 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 of Office; 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 to the Light Industrial 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 Light Industrial 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 Light Industrial 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 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 15TH DAY OF MAY 2017.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

SECOND READING:

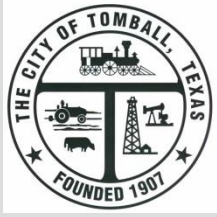
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE
CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5TH DAY OF JUNE 2017.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: May 11, 2017

City Council Public Hearing Date: May 15, 2017

Rezoning Case: P17-0037

Property Owner(s): 11311 Holderrieth Limited, L.P.

Applicant(s): Jerry M. Young

Legal Description: A tract or parcel containing 11.130 acres or 484,852 square feet of land, situated in the Elizabeth Smith Survey, Abstract No. 70, Harris County, Texas, being out of a called 16.4724 acre tract conveyed to 11311 Holderrieth Limited, L.P. as recorded under Harris County Clerk's file (H.C.C.F.) No. w840420

Location: Southwest corner of Holderrieth Road and Hufsmith-Kohrville Road (Exhibit "A")

Area: 11.130 acres

Comp Plan Designation: Business / Industrial (Exhibit "B")

Present Zoning and Use: Outside City Limits (Exhibit "C") / Mustang Cat (Exhibit "D")

Request: Zone to the Light Industrial District

Adjacent Zoning & Land Uses:

- North:** General Retail and Light Industrial / Convenience store, Business and Industrial Park
- South:** Outside City Limits / Undeveloped property
- West:** Outside City Limits and Agricultural / Undeveloped property
- East:** Outside City Limits / Residential neighborhood and undeveloped property

BACKGROUND

The City is in the process of annexing the property into the City Limits. Chapter 50 (Zoning) allows zoning to be established simultaneously with annexation. The applicant has requested the property be given the Light Industrial Zoning District classification.

ANALYSIS

The property is located at the City's southeastern boundary and is primarily surrounded by properties outside of the City Limits. To the north, properties are zoned General Retail and Light Industrial and have established business on them including a convenience store with lease spaces and the Tomball Business and Technology Park. To the east, outside of the City Limits, there is a residential subdivision. To the west and south, property is undeveloped.

The Future Land Use Map designates the property as Business / Industrial. Properties to the north are also designated as Business / Industrial. Properties to the west are Business / Industrial and Open Space toward the southern portion of the property. Property to the south and east are outside of the City's Extra Territorial Jurisdiction, therefore, they are not in the City Comprehensive Plan.

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.**

The uses permitted in the Light Industrial District would be appropriate in the immediate area. The west side of Hufsmith-Kohrville has many light industrial and commercial land uses established.

- 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.**

There are City utilities available for the subject 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 is vacant land in the City currently zoned Light Industrial, however, this zoning request is unique in that a business is already established on it. There does not appear to be any special circumstances which may make a substantial part of any vacant land unavailable for 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 consistent commercial development city-wide in the Light Industrial District.

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

It does not appear that other areas designated for similar development will be affected for the proposed amendment. As mentioned, there is already a business established on this property.

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

Generally, the proposed rezoning does not appear to negatively affect the public health, safety, morals, or general welfare.

G. Whether the request is consistent with the Comprehensive Plan.

The Future Land Use plan designates the property Business / Industrial. The request is consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on April 21, 2017. The Notice of Public Hearing was published in the paper and a sign was placed on the property on April 26, 2017. No public comment forms have been received as of the date of this report.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P17-0037 for the following reasons:

1. The request is consistent with the City's Comprehensive Plan;
2. The request is compatible with the existing land uses in the area;
3. There is already an established business on the property.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photos
- E. Application

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

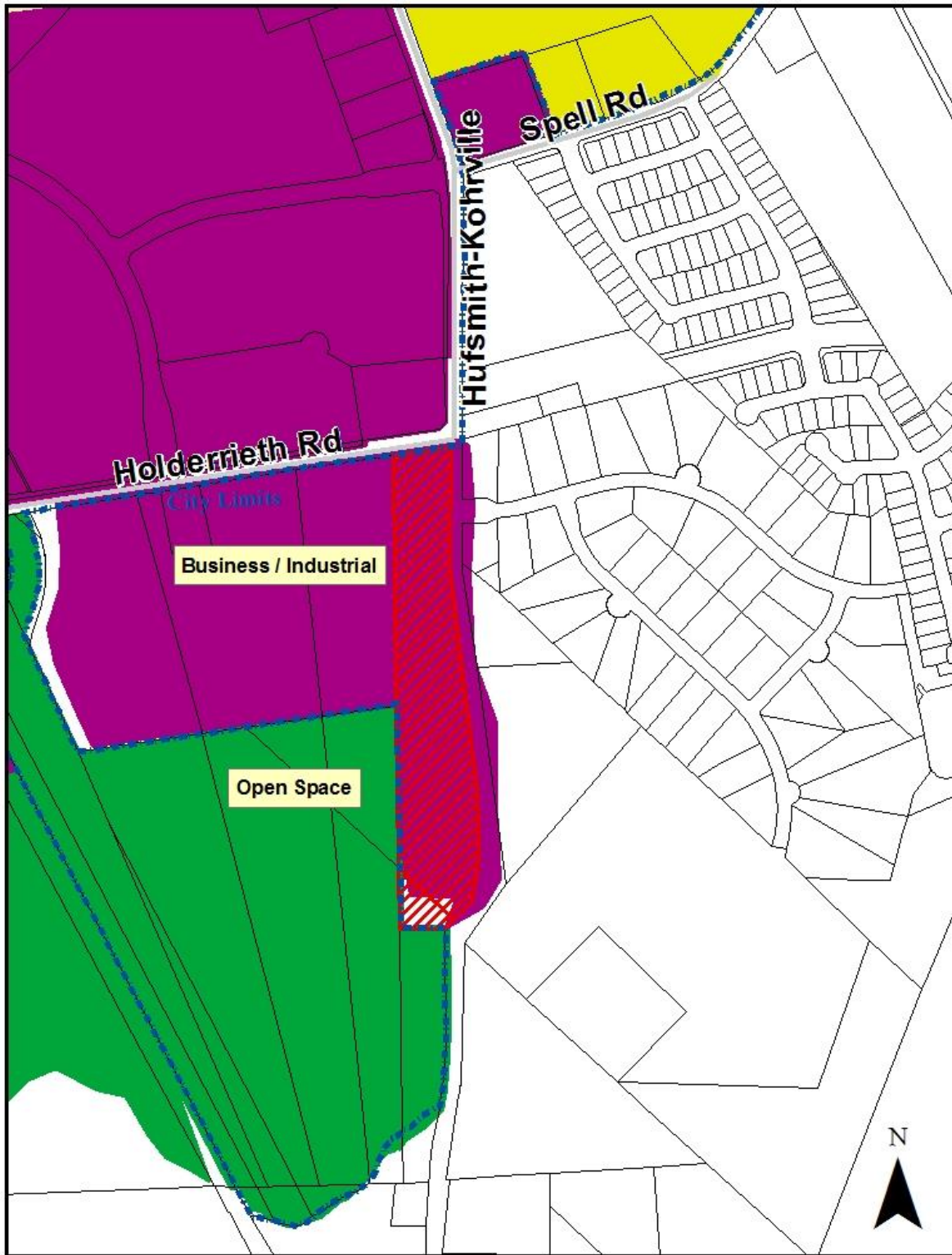


Exhibit "C"
Zoning Map

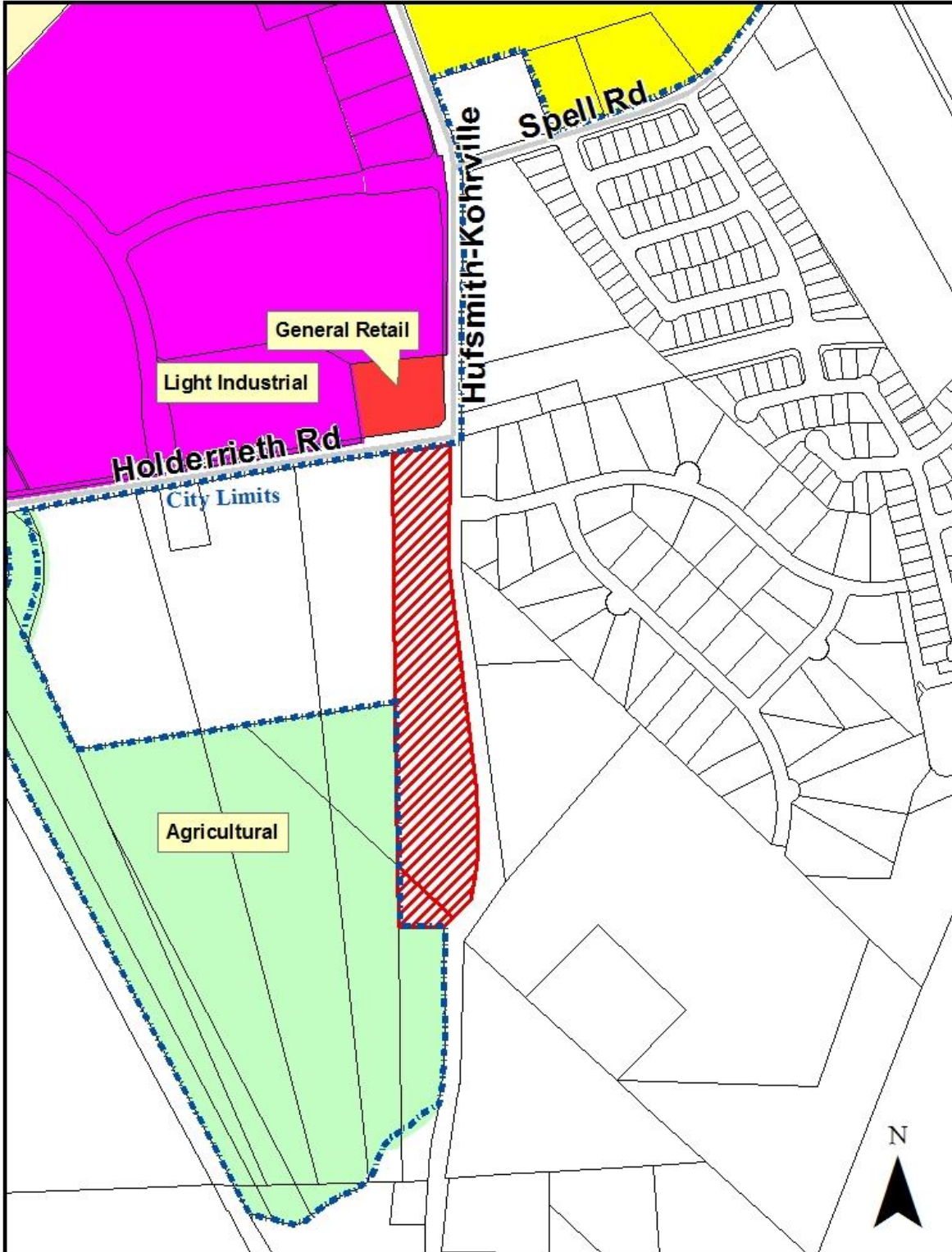


**Exhibit “D”
Site Photos**



Exhibit "E"
Application

Revised 5/19/15



APPLICATION FOR REZONING

Community Development Department
Planning Division

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: Jerry M. Young Title: VP/General Counsel
Mailing Address: 12800 Northwest Freeway City: Houston State: TX
Zip: 77040
Phone: (713) 452-7775 Fax: (713) 460-8473 Email: jyoung@mustangcat.com

Owner

Name: 11311 Holderrietz Limited, L.P. Title: _____
Mailing Address: 11311 Holderrietz City: Tomball State: TX
Zip: 77375
Phone: (713) 460-2000 Fax: (713) 460-8473 Email: jyoung@mustangcat.com

Engineer/Surveyor (if applicable)

Name: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () _____ Fax: () _____ Email: _____

Description of Proposed Project: Annexation

Physical Location of Property: Corner of Holderrietz and Helfsmith Kohsville
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: _____
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: N/A

Current Use of Property: Light Industrial

Proposed Zoning District: Light Industrial

Proposed Use of Property: Light Industrial

HCAD Identification Number 041026602001, Acreage: 11.130

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  General Counsel 3-24-17
Signature of Applicant Date

X  3-24-17
Signature of Owner Date

CITY OF TOMBALL
281-351-5484

REC#: 00975061 3/27/2017 10:03 AM
OPER: RP TERM: 005
REF#: M 22001

TRAN: 130.0000 PLANNING AND ZONING
MUSTANG CAT
11311 HOLDERREITH
100-5441
REZONING APPLICATIO 511.30CR

TENDERED: 511.30 CHECK
APPLIED: 511.30-

CHANGE: 0.00

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.tomballtx.gov



12800 Northwest Freeway • Houston, Texas
(713) 460-2000 main • (713) 690-2287 fax
www.mustangcat.com

Jerry M. Young
Vice President
General Counsel

March 24, 2017

City of Tomball
501 James Street
Tomball, Texas
77375

Re: Annexation of Property belonging to 11311 Holderrieth Limited, L.P.

Attached you will find the Application for Rezoning regarding 11311 Holderrieth Limited, L.P.'s property and as it is related to annexation into the City of Tomball. This application is being made per the desired annexation and I am certain that such will benefit the City of Tomball and be consistent with its goals and strategies.

The Application for Rezoning has been executed by Brad Tucker, Manager, on behalf of 11311 Holderrieth Management, LLC, the General Partner of 11311 Holderrieth Limited, L.P.

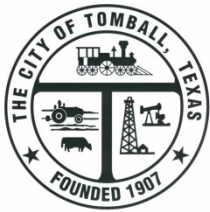
Sincerely,

A handwritten signature in blue ink, appearing to read "Jerry M. Young".

Jerry M. Young
Vice President/General Counsel

Cc: John Kenneth Shutts, via email
Brad Tucker, via email

HOUSTON • BEAUMONT • BRYAN • CONROE • EL CAMPO • LA MARQUE • LUFKIN



Notice of Public Hearing

YOU ARE INVITED TO ATTEND the Public Hearing before the **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P17-0037

APPLICANT/OWNER: Request by Jerry M. Young, on behalf of Mustang Cat

LOCATION: Generally located at the southwest corner of Holderrieth and Hufsmith-Kohrville Road

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 11.130 acres of land, legally described as a tract or parcel containing 11.130 acres or 484,852 square feet of land, situated in the Elizabeth Smith Survey, Abstract No. 70, Harris County, Texas, being out of a called 16.4724 acre tract conveyed to 11311 Holderrieth Limited, L.P. as recorded under Harris County Clerk's file (H.C.C.F.) No. w840420, to the Light Industrial District.

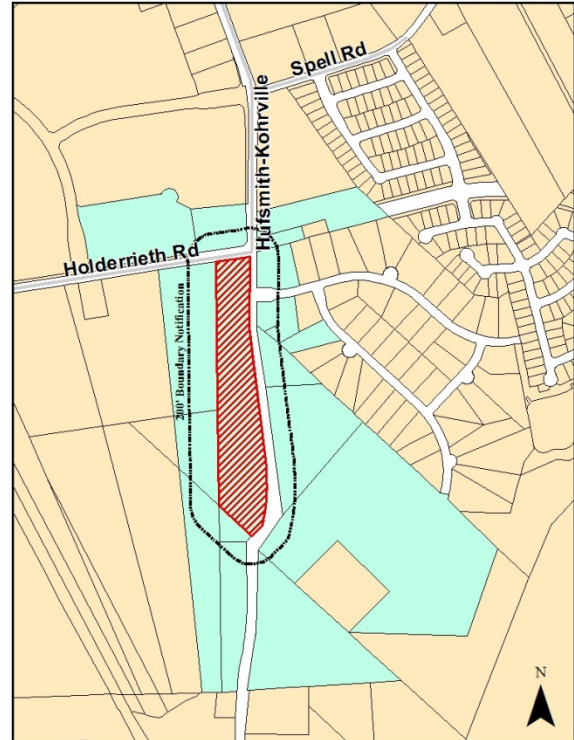
CONTACT: Amelia Lindley, Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

Interested parties may contact the City of Tomball between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The application is available for public review Monday through Friday, except holidays, between the hours of 8:00 a.m. and 5:00 p.m. in the Community Development Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.



**City Council Public Hearing:
Monday, May 15, 2017, 6:00 PM**

**The Public Hearings will be held in the
City Council Chambers, City Hall
401 Market Street, Tomball, Texas**

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 15, 2017

Topic:

Consideration to approve Zoning Case P17-0036: Request by DJ and Kelly Ray, on behalf of Lefty's Auto Crafters, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.17 acres of land, legally described as Lot 9 Block 1 Main Street – Tomball, generally located on the east side of Holderrieth Boulevard, between Main Street and Arnold Street, from the Single-family 6 District to the Commercial District.

- Conduct Public Hearing on Zoning Case P17-0036
- Adopt, on First Reading, Ordinance No. 2017-17, 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 0.17 Acres of Land, Legally Described as Lot 9 Block 1 Main Street – Tomball, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Commercial District; Said Property being generally located on the East Side of Holderrieth Boulevard, between Main Street and Arnold Street; 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:

Origination:

DJ and Kelly Ray, on behalf of Lefty's Auto Crafters

Recommendation:

Approval

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

Craig T. Meyers, Community Development Director

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

ATTACHMENTS:

Notice of Public Hearing

Ordinance No. 2017-17

P17-0036 Staff Report

Property Owner Notification

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MAY 11, 2017
&
CITY COUNCIL
MAY 15, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Thursday, May 11, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, May 15, 2017, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P17-0036: Request by DJ and Kelly Ray, on behalf of Lefty's Auto Crafters, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.17 acres of land, legally described as Lot 9 Block 1 Main Street – Tomball, generally located on the east side of Holderrieth Boulevard, between Main Street and Arnold Street, from the Single-family 6 District to the Commercial District.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

C E R T I F I C A T I O N

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 **8th** day of **May 2017** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kim Chandler

Kim Chandler
Secretary of the Board

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.tomballtx.gov.

ORDINANCE NO. 2017-17

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 0.17 ACRES OF LAND, LEGALLY DESCRIBED LOT 9 BLOCK 1 MAIN STREET – TOMBALL, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE SINGLE-FAMILY 6 DISTRICT TO THE COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF HOLDERRIETH BOULEVARD, BETWEEN MAIN STREET AND ARNOLD STREET; 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, DJ and Kelly Ray, on behalf of Lefty's Auto Crafters, has requested that approximately 0.17 acres of land, legally described as Lot 9 Block 1 Main Street – Tomball, City of Tomball, Harris County, Texas, generally located on the east side of Holderrieth Boulevard, between Main Street and Arnold Street, 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 of Commercial; 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 Single-Family 6 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 15TH DAY OF MAY 2017.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

SECOND READING:

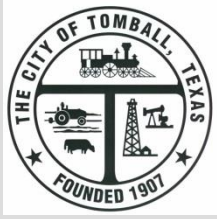
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5TH DAY OF JUNE 2017.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: May 11, 2017

City Council Public Hearing Date: May 15, 2017

Rezoning Case: P17-0036

Property Owner(s): Louis Webb

Applicant(s): DJ and Kelly Ray – Lefty’s Auto Crafters

Legal Description: Lot 9 Block 1 Main Street – Tomball

Location: East side of Holderrieth Boulevard, between Main Street and Arnold Street (Exhibit “A”)

Area: 0.17 acres

Comp Plan Designation: Mixed Use (Exhibit “B”)

Present Zoning and Use: Single-Family 6 District (Exhibit “C”) / Undeveloped land (Exhibit “D”)

Request: Rezone from Single-Family 6 to Commercial

Adjacent Zoning & Land Uses:

- North:** Single-Family 6 / CVS Pharmacy
- South:** Single-Family 6 / Single-family residence
- West:** Commercial / Skelton Business Equipment
- East:** Commercial / Lefty’s Auto Crafters

BACKGROUND

City Staff met with the applicant in April 2016 to discuss the proposed operations of an auto repair (minor) facility at 112 Vernon Street. The applicant was interested in two lots with frontage on Holderrieth Boulevard and Vernon Street. Staff explained to the applicant that the lot fronting on Vernon Street was zoned Commercial, and therefore an auto repair (minor) facility was permitted, however, the adjacent property on Holderrieth is zoned Single-Family 6 and cannot be used as part of the business.

On March 24, 2017 the applicant submitted a rezoning application.

ANALYSIS

There are a few different land uses in the area. To the north of the subject site is CVS Pharmacy; to the west, Skelton Business Equipment. The applicant owns the property to the east and has established Lefty’s Auto Crafters on it. The site will allow the applicant to utilize both properties as the business. The property to the south has a single-family residence.

The zoning districts in the area include Commercial and Single-Family 6. The properties to the east and west are zoned Commercial, while the property to the south is zoned Single-Family 6. The property to the north is also zoned Single-Family 6, however, it is used by CVS Pharmacy as a parking lot.

The Future Land Use Map designates the property and all surrounding properties as Mixed Use. According to the City's Comprehensive Plan, the Mixed Use designation includes "a mix of offices, retail/commercial, and high density residential uses in a master planned, integrated manner". The proposed use would continue the mixed use setting of the area.

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.

The uses that are permitted in the Commercial Zoning District appear to be appropriate with the immediate area. The established land uses in the area include CVS Pharmacy, Lefty's Auto Crafters, and Skelton Business Equipment.

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.

Utilities are available to serve this property and the existing streets can accommodate traffic generated by a Commercial District use.

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 is vacant property zoned Commercial in the City. There does not appear to be any special circumstances which may make a substantial part of any vacant land unavailable for 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 in the Commercial Zoning District.

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

City Staff does not anticipate any adverse impacts on other areas designated for similar development.

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

Generally, the proposed rezoning does not appear to negatively affect the public health, safety, morals, or general welfare. There are regulations in place that will protect the adjacent residential property owners.

G. Whether the request is consistent with the Comprehensive Plan.

The Future Land Use plan designates the property Mixed Use. The request is consistent with the goals of the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on April 21, 2017. The Notice of Public Hearing was published in the paper and a sign was placed on the property on April 26, 2017. One public comment form has been received in opposition as of the date of this report.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends APPROVAL of Zoning Case P17-0036 for the following reasons:

1. The request is generally appropriate with the surrounding land uses;
2. The request is in conformance with the City's Comprehensive Plan;
3. The request is generally appropriate with the surrounding zoning districts and the applicant will be required to install screening and buffering between its commercial use and the single-family residence to the south.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Application

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

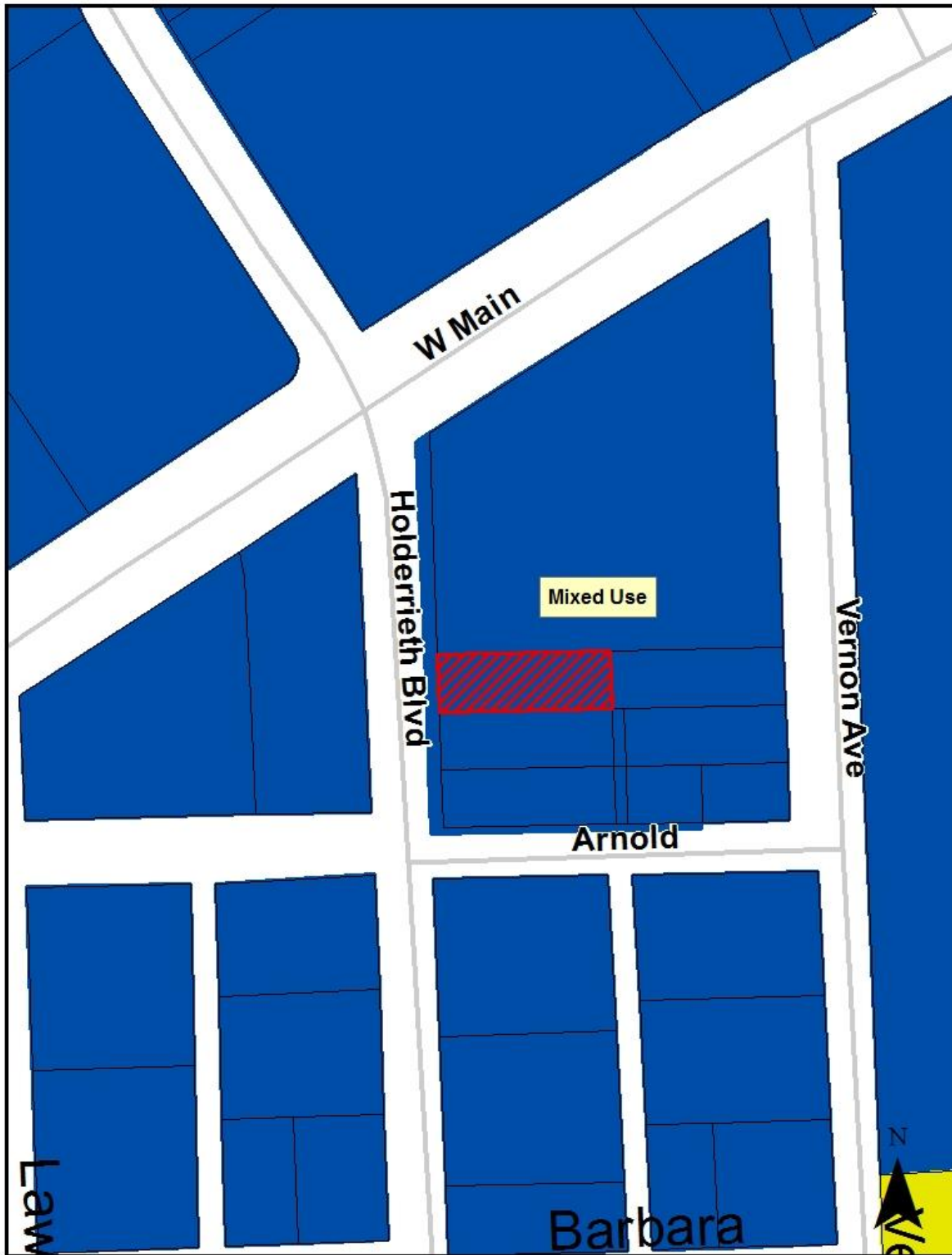


Exhibit “C” Zoning Map

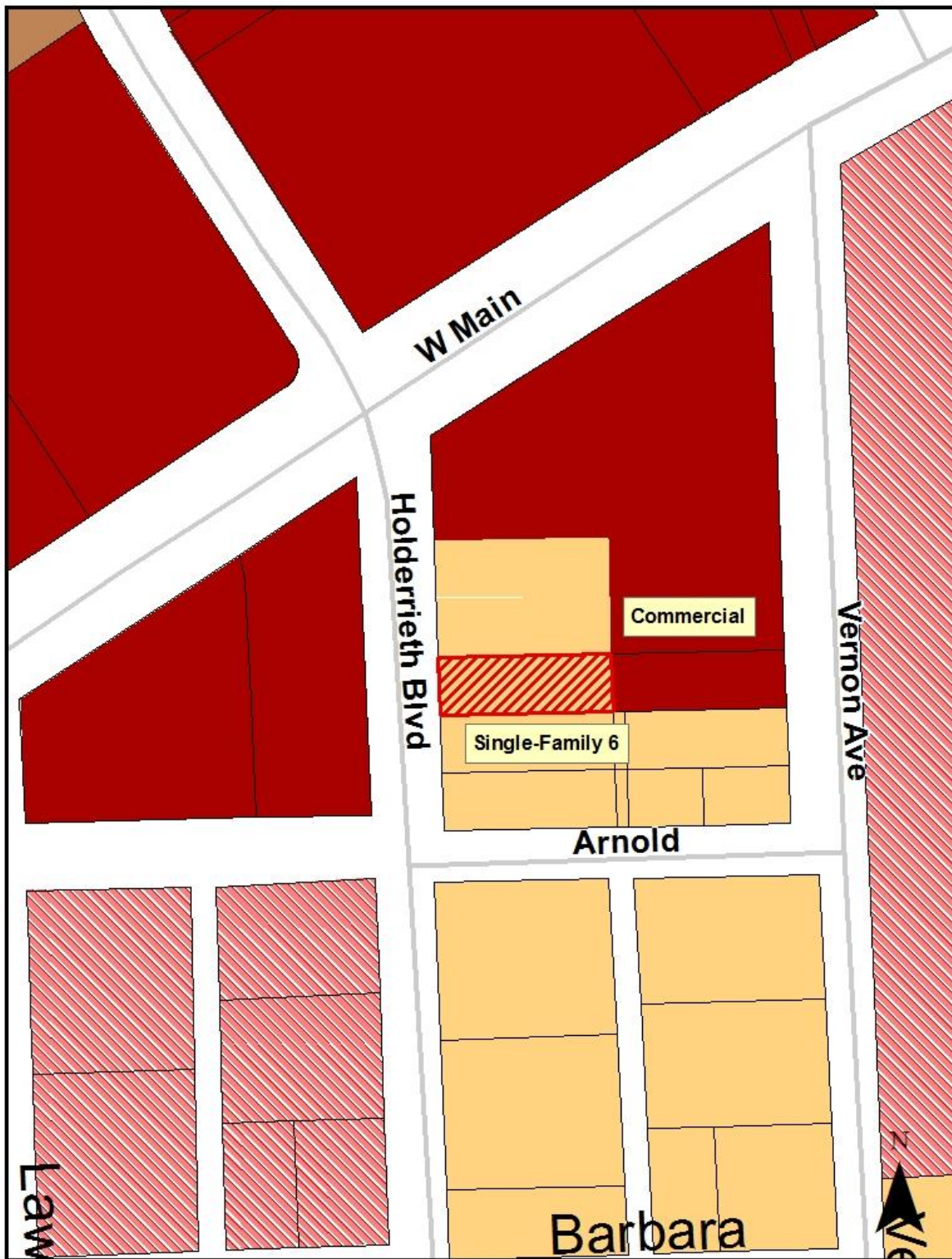


**Exhibit “D”
Site Photo**



Exhibit "E" Application

Revised 5/19/15



P17-0036
APPLICATION FOR REZONING
Community Development Department
Planning Division



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: DJ AND KELLY RAY - LEFTY'S AUTO CRAFTERS Title: OWNERS
Mailing Address: 112 S VERNON ST City: TOMBALL State: TX
Zip: 77375-4563
Phone: (832) 494-6136 Fax: () Email: LEFTY@LEFTYSAUTCRAFTERS.COM

Owner

Name: LOUIS WEBB Title: PROPERTY OWNER
Mailing Address: 11623 FM 1774 City: PLANTERSVILLE State: TX
Zip: 77363-7916
Phone: (281) 923-8252 Fax: () Email:

Engineer/Surveyor (if applicable)

Name: Title:
Mailing Address: City: State:
Zip:
Phone: () Fax: () Email:

Description of Proposed Project:

Physical Location of Property: HOLDEREITH AND MAIN - LOT DIRECTLY BEHIND CVS
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: LOT 9 BLK MAIN STREET - TOMBALL
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: RESIDENTIAL

Current Use of Property: VACANT LAND - NO CURRENT USE

Proposed Zoning District: COMMERCIAL

Proposed Use of Property: AUTO BODY / COLLISION REPAIR

HCAD Identification Number: 0670990010009 Acreage: 7500 SF

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.

☒ <u>[Signature]</u>	<u>3-24-17</u>
Signature of Applicant	Date
☒ <u>[Signature]</u>	<u>7-1-16</u>
Signature of Owner	Date

CITY OF TOMBALL
281-351-5484

REC#: 00974850 3/24/2017 10:16 AM
OPER: RS TERM: 002
REF#: W1131

TRAN: 130.0000 PLANNING AND ZONING
HOLDERRIETH/MAIN
RAY/LEFTY'S AUTO CRAFTERS
100-5441
REZONING APPLICATIO 400.00CR

TENDERED: 400.00 CHECK
APPLIED: 400.00-
CHANGE: 0.00

Lefty's Auto Crafters

112 S. Vernon St, Tomball, TX 77375 | 832.494.6136 | lefty@leftysautocrafters.com

March 24, 2017

Amelia Lindley
City Planner
City of Tomball
501 James St
Tomball, TX 77375

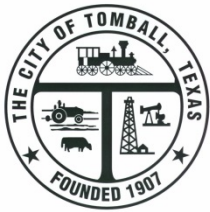
Dear Amelia Lindley:

This letter is in regard to the rezoning application that was filed with the City of Tomball on Friday, March 24th. We currently operate the commercially zoned property located at 112 S Vernon St. Our lease encompasses both the commercial address and the property located directly behind the business extending to Holderrieth St. This back piece of the property is zoned residential at this current time and the land is not useable for business use.

We are asking the City of Tomball Zoning Commission to change the zoning of the residential lot to a commercially zoned lot so that we will have the opportunity to continue to expand our business in Tomball. At this time, we do not have any specific plans for expansion of the building. However, the extra space would provide us the opportunity to make our business look more presentable and provide us with valuable workspace that we are currently paying for but are unable to use.

Thank you for your time and consideration. Please feel free to reach out to us via email or phone with any questions or concerns.

Sincerely,
DJ and Kelly Ray
Owners



Notice of Public Hearing

YOU ARE INVITED TO ATTEND Public Hearings before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P17-0036

APPLICANT/OWNER: Request by DJ and Kelly Ray, on behalf of Lefty's Auto Crafters

LOCATION: Generally located on the east side of Holderrieth Boulevard, between Main Street and Arnold Street

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.17 acres of land, legally described as Lot 9 Block 1 Main Street – Tomball from the Single-family 6 District to the Commercial District.

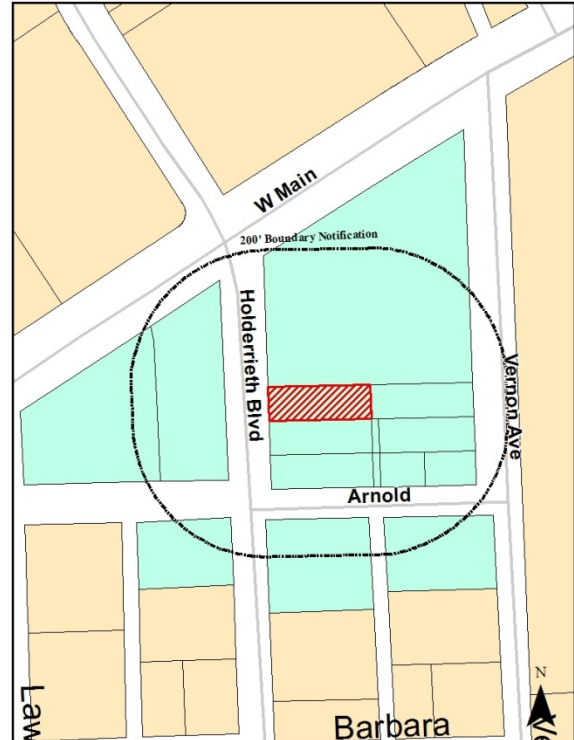
CONTACT: Amelia Lindley, Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

Interested parties may contact the City of Tomball between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The application is available for public review Monday through Friday, except holidays, between the hours of 8:00 a.m. and 5:00 p.m. in the Community Development Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.



**Planning & Zoning Commission
Public Hearing:
Thursday, May 11, 2017, 6:00 PM**

**City Council Public Hearing:
*Monday, May 15, 2017, 6:00 PM**

**The Public Hearings will be held in the
City Council Chambers, City Hall
401 Market Street, Tomball, Texas**

*Should the Planning & Zoning Commission vote to table the recommendation on the case, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a recommendation is forwarded to the City Council by the Planning & Zoning Commission.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 15, 2017

Topic:

Award Contract for Project No. 2012-12 - Traffic Signal at Hufsmith-Kohrville Road and Spell Road to Third Coast Services, LLC, in the Amount of \$106,847.77.

Background:

A traffic study was completed in February of 2013 that noted a northbound left-turn land traffic signal was warranted due to heavy traffic on Hufsmith-Kohrville, that create delays in peak traffic periods both in the morning and afternoon. The City of Tomball is proposing to install a temporary traffic signal with the Economic Development Corporation funding the construction and engineering services. After construction the maintenance will be transferred to Harris County which will then replace the temporary signal with a permanent signal with the expansion of Hufsmith-Kohrville in the future. In an effort to obtain the most favorable pricing, sealed bids were solicited and a total of four bids were submitted. The consultant's recommendation is attached and recommendation is to award the contract to Third Coast Services, LLC for a total amount of \$106,847.77.

Origination:

Public Works Department

Recommendation:

Staff recommends awarding the contract to Third Coast Services, LLC in the amount of \$106,847.77

Funding:

Yes

Account Number:460-460-6409

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

Meagan Mageo, Project Coordinator

ACTION TAKEN

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

Engineer's Recommendation

Bid Tabulation



GUNDA CORPORATION

Engineers, Planners & Managers

April 25, 2017

City of Tomball
Public Works Building
501 James Street
Tomball, TX 77375

Attn: David Esquivel, P.E., Director of Public Works

Re: Recommendation of Award for
Traffic Signal at Hufsmith Kohrville Rd. and Spell Rd
Project Bid No. 2017-12, E&P Project No. 2017-10004

Dear Mr. Esquivel:

We have reviewed the bid tabulation for bids received on the above referenced project. Our analysis shows that Third Coast Services, LLC is the responsive low bidder. The bid submitted by Third Coast Services, LLC shows a small math error (On Item 20; The total should have been \$675 instead of \$300) but no significant cause for concern and their Bid Bond, Statement of Residency, and Affidavit of Ownership or Control appear to be in conformance with the bidding requirement. Therefore, **we pose no objection to the City awarding the construction contract for Traffic Signal at Hufsmith Kohrville Rd. and Spell Rd (Project Bid No. 2017-12, E&P Project No. 2017-10004) to Third Coast Services, LLC as the low bidder.**

Below is a summary of our full review of the bids received for the project.

On April 25, 2017, a total of 4 bids were received and opened for the proposed project in accordance with the Notice to Bidders, as revised. Total Bid was utilized to establish the order of the bids and identification of apparent low bidder.

The four bidders and their Total Bids were:

Contractor	Bid Submitted
1) Third Coast Services, LLC	\$ 106,847.77
2) Creacom, Inc.	\$ 116,583.05
3) Statewide Traffic Signal Company	\$ 117,844.25
4) Traf-Tex, Inc	\$ 136,774.00

If you have any questions please do not hesitate to call.

Sincerely,

Lokesh Vijayagopal, P.E., PTOE
Project Manager

Enclosure: Project Bid Tabulation

Bid Tabulation For Traffic Signal at Hufsmith Kohrville Rd. and Spell Rd - Project # 2017-10004

					Creacom, Inc		Third Coast Services, LLC		Statewide Traffic Signal Company		Traf-Tex, Inc		AVERAGE OF ALL BIDS		ENGINEER'S ESTIMATE	
					21333 Hufsmith Kohrville Rd., Tomball, Tx 77375. Ph: 281-351-4500		36530 Coleman Rd., Magnolia, Tx-77355. Ph: 832-934-0240		1509 West 34th St., Houston, Tx-77018. Ph: 713-680-2875		8420 Hansen Rd., Houston, Tx-77075. Ph: 713-643-5522					
Item No.	Harris County Spec Item No.	Item Description	Unit Measure	Unit Quantity	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures	Unit Price	Total in Figures
B. BASE UNIT PRICE																
1	01502	MOBILIZATION	LS	1	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00
2	01555	TRAFFIC CONTROL AND REGULATION	LS	1	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 2,200.00	\$ 2,200.00	\$ 1,600.00	\$ 1,600.00	\$ 1,000.00	\$ 1,000.00
3	500	REMOVE EXISTING SIGN	EA	1	\$ 94.70	\$ 94.70	\$ 166.44	\$ 166.44	\$ 75.00	\$ 75.00	\$ 100.00	\$ 100.00	\$ 97.35	\$ 97.35	\$ 200.00	\$ 200.00
4	660	FURNISH AND INSTALL 24" SOLID WHITE - REFLECTORIZED PAVEMENT MARKINGS	LF	160	\$ 5.88	\$ 940.80	\$ 4.56	\$ 729.60	\$ 4.15	\$ 664.00	\$ 4.40	\$ 704.00	\$ 5.14	\$ 822.40	\$ 8.00	\$ 1,280.00
5	660	FURNISH AND INSTALL 24" SOLID YELLOW - REFLECTORIZED PAVEMENT MARKINGS	LF	35	\$ 5.88	\$ 205.80	\$ 4.56	\$ 159.60	\$ 4.15	\$ 145.25	\$ 4.40	\$ 154.00	\$ 5.14	\$ 179.90	\$ 8.00	\$ 280.00
6	660	FURNISH AND INSTALL 8" SOLID WHITE - REFLECTORIZED PAVEMENT MARKINGS	LF	170	\$ 1.15	\$ 195.50	\$ 0.89	\$ 151.30	\$ 0.80	\$ 136.00	\$ 0.90	\$ 153.00	\$ 1.03	\$ 174.25	\$ 1.50	\$ 255.00
7	660	FURNISH AND INSTALL 4" GUIDE WHITE - REFLECTORIZED PAVEMENT MARKINGS	LF	55	\$ 1.84	\$ 101.20	\$ 1.43	\$ 78.65	\$ 1.30	\$ 71.50	\$ 1.40	\$ 77.00	\$ 1.62	\$ 89.10	\$ 2.00	\$ 110.00
8	660	FURNISH AND INSTALL 4" SOLID WHITE - REFLECTORIZED PAVEMENT MARKINGS	LF	120	\$ 0.81	\$ 97.20	\$ 0.63	\$ 75.60	\$ 0.60	\$ 72.00	\$ 0.65	\$ 78.00	\$ 0.73	\$ 87.60	\$ 1.00	\$ 120.00
9	660	FURNISH AND INSTALL 4" SOLID YELLOW - REFLECTORIZED PAVEMENT MARKINGS	LF	260	\$ 0.81	\$ 210.60	\$ 0.63	\$ 163.80	\$ 0.60	\$ 156.00	\$ 0.65	\$ 169.00	\$ 0.73	\$ 189.80	\$ 1.00	\$ 260.00
10	660	FURNISH AND INSTALL "ARROW" SYMBOL - REFLECTORIZED PAVEMENT MARKINGS	EA	4	\$ 161.56	\$ 646.24	\$ 125.40	\$ 501.60	\$ 115.00	\$ 460.00	\$ 120.00	\$ 480.00	\$ 140.78	\$ 563.12	\$ 200.00	\$ 800.00
11	660	FURNISH AND INSTALL "ONLY" WORD - REFLECTORIZED PAVEMENT MARKINGS	EA	3	\$ 183.59	\$ 550.77	\$ 142.50	\$ 427.50	\$ 130.00	\$ 390.00	\$ 140.00	\$ 420.00	\$ 161.80	\$ 485.39	\$ 200.00	\$ 600.00
12	674	REMOVE EXISTING 4" PAVEMENT MARKINGS	LF	260	\$ 0.51	\$ 132.60	\$ 0.40	\$ 104.00	\$ 0.36	\$ 93.60	\$ 0.40	\$ 104.00	\$ 0.46	\$ 118.30	\$ 0.31	\$ 80.60
13	674	REMOVE EXISTING 8" PAVEMENT MARKINGS	LF	170	\$ 0.81	\$ 137.70	\$ 0.63	\$ 107.10	\$ 0.57	\$ 96.90	\$ 0.60	\$ 102.00	\$ 0.71	\$ 119.85	\$ 0.64	\$ 108.80
14	674	REMOVE EXISTING 24" PAVEMENT MARKINGS	LF	160	\$ 2.42	\$ 387.20	\$ 1.89	\$ 302.40	\$ 1.70	\$ 272.00	\$ 1.85	\$ 296.00	\$ 2.14	\$ 341.60	\$ 1.34	\$ 214.40
15	1000, 681	FURNISH AND INSTALL 40' CLASS II WOOD POLE, INCLUDING TWO 8' X 10" SCREW ANCHORS, DOWN GUYS, DOWN GUY COVERS AND HARDWARE	EA	4	\$ 2,028.63	\$ 8,114.52	\$ 2,225.28	\$ 8,901.12	\$ 3,700.00	\$ 14,800.00	\$ 2,850.00	\$ 11,400.00	\$ 2,439.32	\$ 9,757.26	\$ 2,800.00	\$ 11,200.00
16	1000	FURNISH AND INSTALL METER POLE, SERVIC E LOOP DISCONNECT [TYPE D (120/240) 70 (NS) SS (E) SP (O)]	EA	1	\$ 5,791.32	\$ 5,791.32	\$ 3,920.52	\$ 3,920.52	\$ 4,500.00	\$ 4,500.00	\$ 3,980.00	\$ 3,980.00	\$ 4,885.66	\$ 4,885.66	\$ 3,500.00	\$ 3,500.00
17	624, 649	FURNISH AND INSTALL SPAN WIRE MOUNTED "Spell RD" STREET SIGN, DIAMOND GRADE, (D3-1; 42" X18")	EA	2	\$ 165.85	\$ 331.70	\$ 365.37	\$ 730.74	\$ 300.00	\$ 600.00	\$ 950.00	\$ 1,900.00	\$ 557.93	\$ 1,115.85	\$ 600.00	\$ 1,200.00
18	624, 649	FURNISH AND INSTALL SPAN WIRE MOUNTED "Hufsmith Kohrville RD" STREET SIGN, DIAMOND GRADE, (D3-1; 120" X 18")	EA	2	\$ 165.85	\$ 331.70	\$ 577.41	\$ 1,154.82	\$ 500.00	\$ 1,000.00	\$ 950.00	\$ 1,900.00	\$ 557.93	\$ 1,115.85	\$ 600.00	\$ 1,200.00
19	1000	FURNISH AND INSTALL 2" SCHEDULE 40 PVC CONDUIT	LF	20	\$ 8.08	\$ 161.60	\$ 5.00	\$ 100.00	\$ 10.00	\$ 200.00	\$ 7.00	\$ 140.00	\$ 7.54	\$ 150.80	\$ 8.62	\$ 172.40
20	1000	FURNISH AND INSTALL 2" RIGID METAL CONDUIT	LF	45	\$ 21.29	\$ 958.05	\$ 15.00	\$ 675.00	\$ 23.00	\$ 1,035.00	\$ 14.00	\$ 630.00	\$ 17.65	\$ 794.03	\$ 22.00	\$ 990.00
21	1000	FURNISH AND INSTALL 3" SCHEDULE 40 PVC CONDUIT	LF	110	\$ 7.08	\$ 778.80	\$ 6.00	\$ 660.00	\$ 11.00	\$ 1,210.00	\$ 9.00	\$ 990.00	\$ 8.04	\$ 884.40	\$ 14.76	\$ 1,623.60
22	1000	FURNISH AND INSTALL 3" RIGID METAL CONDUIT	LF	45	\$ 27.28	\$ 1,227.60	\$ 21.00	\$ 945.00	\$ 28.00	\$ 1,260.00	\$ 25.00	\$ 1,125.00	\$ 26.14	\$ 1,176.30	\$ 33.00	\$ 1,485.00
23	1000	FURNISH AND INSTALL 4" SCHEDULE 40 PVC CONDUIT	LF	60	\$ 10.36	\$ 621.60	\$ 7.00	\$ 420.00	\$ 12.00	\$ 720.00	\$ 12.00	\$ 720.00	\$ 11.18	\$ 670.80	\$ 18.41	\$ 1,104.60
24	1000	FURNISH AND INSTALL #4 AWG, XHHW (STRANDED) WIRE	LF	180	\$ 1.93	\$ 347.40	\$ 1.63	\$ 293.40	\$ 1.80	\$ 324.00	\$ 1.65	\$ 297.00	\$ 1.79	\$ 322.20	\$ 2.50	\$ 450.00
25	1000	FURNISH AND INSTALL #8 AWG, BARE COPPER (SOLID) WIRE WITH GROUNDING HARDWARE	LF	300	\$ 0.82	\$ 246.00	\$ 1.15	\$ 345.00	\$ 1.00	\$ 300.00	\$ 1.15	\$ 345.00	\$ 0.99	\$ 295.50	\$ 1.41	\$ 423.00
26	1000	FURNISH AND INSTALL 2/C #14 AWG (IMSA 20-1) (STRANDED) CABLE	LF	1,750	\$ 0.96	\$ 1,680.00	\$ 1.17	\$ 2,047.50	\$ 1.00	\$ 1,750.00	\$ 1.00	\$ 1,750.00	\$ 0.98	\$ 1,715.00	\$ 1.20	\$ 2,100.00
27	1000	FURNISH AND INSTALL 7/C #14 AWG (IMSA 20-1) (STRANDED) CABLE	LF	2,400	\$ 1.58	\$ 3,792.00	\$ 1.58	\$ 3,792.00	\$ 2.00	\$ 4,800.00	\$ 1.75	\$ 4,200.00	\$ 1.67	\$ 3,996.00	\$ 2.00	\$ 4,800.00
28	680	FURNISH AND INSTALL 15' LUMINAIRE ARM	EA	2	\$ 704.13	\$ 1,408.26	\$ 759.24	\$ 1,518.48	\$ 1,200.00	\$ 2,400.00	\$ 1,300.00	\$ 2,600.00	\$ 1,002.07	\$ 2,004.13	\$ 1,000.00	\$ 2,000.00
29	680	FURNISH AND INSTALL LED LUMINAIRE FIXTURE WITH SHORTING CAP	EA	2	\$ 740.85	\$ 1,481.70	\$ 596.22	\$ 1,192.44	\$ 660.00	\$ 1,320.00	\$ 960.00	\$ 1,920.00	\$ 850.43	\$ 1,700.85	\$ 550.00	\$ 1,100.00
30	686	FURNISH AND INSTALL LED LUMINAIRE	EA	2	\$ 1,085.99	\$ 2,171.98	\$ 596.22	\$ 1,192.44	\$ 660.00	\$ 1,320.00	\$ 1,050.00	\$ 2,100.00	\$ 1,068.00	\$ 2,135.99	\$ 200.00	\$ 400.00
31	689, 690	FURNISH AND INSTALL 12", ONE WAY, 3 SECTION LED HORIZONTAL SPAN WIRE ASSEMBLY, ALL HARDWARE	EA	7	\$ 680.94	\$ 4,766.58	\$ 489.92	\$ 3,429.44	\$ 600.00	\$ 4,200.00	\$ 675.00	\$ 4,725.00	\$ 677.97	\$ 4,745.79	\$ 600.00	\$ 4,200.00
32	689, 690	FURNISH AND INSTALL 12", ONE WAY, 4 SECTION LED HORIZONTAL SPAN WIRE ASSEMBLYL ASSEMBLY, ALL HARDWARE	EA	4	\$ 833.29	\$ 3,333.16	\$ 613.32	\$ 2,453.28	\$ 750.00	\$ 3,000.00	\$ 850.00	\$ 3,400.00	\$ 841.65	\$ 3,366.58	\$ 650.00	\$ 2,600.00
33	689, 690	FURNISH AND INSTALL 12", ONE WAY, 5 SECTION LED HORIZONTAL SPAN WIRE ASSEMBLYL ASSEMBLY, ALL HARDWARE	EA	1	\$ 986.17	\$ 986.17	\$ 748.13	\$ 748.13	\$ 900.00	\$ 900.00	\$ 970.00	\$ 970.00	\$ 978.09	\$ 978.09	\$ 750.00	\$ 750.00
34	694	FURNISH AND INSTALL 48", 40W, LED SIGN LIGHT ASSEMBLY WITH "LEFT TURN SIGNAL" SIGN (48" X 12")	EA	4	\$ 466.24	\$ 1,864.96	\$ 328.61	\$ 1,314.44	\$ 280.00	\$ 1,120.00	\$ 615.00	\$ 2,460.00	\$ 540.62	\$ 2,162.48	\$ 400.00	\$ 1,600.00
35	1000	FURNISH AND INSTALL POLYMER CONCRETE GROUND BOX WITH LID	EA	1	\$ 557.32	\$ 557.32	\$ 1,256.57	\$ 1,256.57	\$ 2,000.00	\$ 2,000.00	\$ 2,100.00	\$ 2,100.00	\$ 1,328.66	\$ 1,328.66	\$ 2,000.00	\$ 2,000.00
36	1210 HC APPROVED	FURNISH AND INSTALL GROUND MOUNT ITS CONTROLLER CABINET ASSEMBLY (HC) (HOUSING 3) w/BATTERY BACKUP SYSTEM (BBS)	EA	1	\$ 22,679.29	\$ 22,679.29	\$ 24,838.32	\$ 24,838.32	\$ 25,000.00	\$ 25,000.00	\$ 31,500.00	\$ 31,500.00	\$ 27,089.65	\$ 27,089.65	\$ 23,000.00	\$ 23,000.00
37	1000	FURNISH AND INSTALL A REINFORCED CONCRETE FOUNDATION FOR ITS CONTROLLER CABINET (HOUSING 3)	EA	1	\$ 1,711.64	\$ 1,711.64	\$ 2,468.10	\$ 2,468.10	\$ 4,100.00	\$ 4,100.00	\$ 1,650.00	\$ 1,650.00	\$ 1,680.82	\$ 1,680.82	\$ 3,600.00	\$ 3,600.00
38	2070	FURNISH AND INSTALL 2070 LCS CONTROLLER UNIT WITH 2070-1C CPU COMPLIANT TO THE AASHTO/ITE NEXT GENERATION ATC STANDARD (5.2B)	EA	1	\$ 5,188.89	\$ 5,188.89	\$ 2,657.34	\$ 2,657.34	\$ 2,400.00	\$ 2,400.00	\$ 3,980.00	\$ 3,980.00	\$ 4,584.45	\$ 4,584.45	\$ 2,210.00	\$ 2,210.00
39	1000	FURNISH AND INSTALL 4/C #18 AWG (IMSA 50-2) RADAR DETECTION SYSTEM CABLE	LF	900	\$ 1.46	\$ 1,314.00	\$ 1.06	\$ 954.00	\$ 0.92	\$ 828.00	\$ 3.50	\$ 3,150.00	\$ 2.48	\$ 2,232.00	\$ 2.00	\$ 1,800.00
40	1000 HC APPROVED	FURNISH AND INSTALL ACCUSCAN 600 RADAR DETECTION SYSTEM w/4 RADARS	EA	1	\$ 27,411.50	\$ 27,411.50	\$ 22,247.10	\$ 22,247.10	\$ 20,500.00	\$ 20,500.00	\$ 29,180.00	\$ 29,180.00	\$ 28,295.75	\$ 28,295.75	\$ 18,000.00	\$ 18,000.00
TOTAL B - BASE UNIT PRICES					\$	111,958.05	\$	102,222.77	\$	113,219.25	\$	132,149.00	\$	122,053.53	\$	106,817.40
C. EXTRA WORK ITEMS																
41		Extra Work Items - Hand Excavation	CY	25	25	\$ 625.00	\$ 25.00	\$ 625.00	\$ 25.00	\$ 625.00	\$ 25.00	\$ 625.00	\$ 25.00	\$ 625.00	\$ 25.00	\$ 625.00
TOTAL C - EXTRA WORK UNIT PRICES					\$	625.00	\$	625.00	\$	625.00	\$	625.00	\$	625.00	\$	625.00
D. CASH ALLOWANCE ITEMS																
42		HC PERMIT FEE	LS	1	1,000	\$ 1,000.00	1,000	\$ 1,000.00	1,000	\$ 1,000.00	1,000	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
43		HC SURETY BOND FEE	LS	1	3,000	\$ 3,000.00	3,000	\$ 3,000.00	3,000	\$ 3,000.00	3,000	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
TOTAL D - CASH ALLOWANCES					\$	4,000.00	\$	4,000.00	\$	4,000.00	\$	4,000.00	\$	4,000.00	\$	4,000.00
TOTAL BID PRICE AS CALCULATED					\$	116,583.05	\$	106,847.77	\$	117,844.25	\$	136,774.00	\$	126,678.53	\$	111,442.40

Math Error on Item 20; The total should have been \$675 instead of \$300

Typo on for Item 14; The Unit price should have been \$1.7 instead of \$170

BIDS TABULATED BY: LOKESH VIJAYAGOPAL, P.E., PTOE
GUNDA CORPORATION- Engineers, Planners & Managers

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 15, 2017

Topic:

Consideration and Possible Action to Approve Development Agreement with Pigs Unlimited International, Inc. for the City of Tomball to Temporarily Provide Out-of-City Utility Services

Background:

Pigs Unlimited International, Inc. is located at 15719 Treichel Road and is currently outside both the Tomball city limits and its extraterritorial jurisdiction (ETJ). Pigs Unlimited is currently under construction and working with the City of Houston to be released from its ETJ. Pigs Unlimited's desire is to become annexed into the City of Tomball but needs to be released from Houston's ETJ before they can apply to the City of Tomball for annexation. We anticipate the City of Houston to act on releasing the ETJ to Tomball in June.

The Development Agreement under consideration will allow Pigs Unlimited to receive utility services from the City of Tomball prior to annexation. If the annexation of the property fails to occur within nine months, the Development Agreement provides the City of Tomball the ability to disconnect their taps to the City's utilities. Pigs Unlimited will be extending the utility mains to their property, from FM 2920, at their expense.

Origination:

Pigs Unlimited International, Inc.

Recommendation:

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

Craig T. Meyers, Community Development Director

ACTION TAKEN

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

Agreement for Annexation and Temporary Utilities

STATE OF TEXAS

§

COUNTY OF HARRIS

§

§

**AGREEMENT FOR ANNEXATION
AND TEMPORARY UTILITIES**

This Agreement for Annexation and Temporary Utilities ("Agreement") is entered into by and between the City of Tomball, Texas, a home-rule municipal corporation existing and operating pursuant to the laws and constitution of the State of Texas ("Tomball") and Pigs Unlimited International, Inc. ("Pigs Unlimited").

WHEREAS, Pigs Unlimited owns 17.438 acres of land located at 15719 Treichel Road, more particularly described on the survey attached hereto as Exhibit "A" (the "Property") which is currently situated in the extraterritorial jurisdiction ("ETJ") of the City of Houston, Texas ("Houston");

WHEREAS, Pigs Unlimited has petitioned Houston to have the Property released from its ETJ to the ETJ of Tomball;

WHEREAS, upon release of the Property from Houston's ETJ and acceptance into Tomball's ETJ, Pigs Unlimited desires to petition Tomball to annex the Property into its corporate limits;

WHEREAS, the Parties to this Agreement desire to document Pigs Unlimited's desire to petition Tomball for annexation of the Property; and

WHEREAS, the Parties agree that Tomball will provide utilities to the Property on a temporary basis until such time as the Property is annexed into the corporate limits of Tomball in accordance with the terms and provisions of this Agreement.

NOW, THEREFORE, for and in consideration of the mutual agreements, covenants and conditions contained herein, and other good and valuable consideration the sufficiency of which is hereby acknowledged, Tomball and Pigs Unlimited hereby agree as follows:

1. Upon Houston's release of the Property from its ETJ, Pigs Unlimited agrees to petition Tomball for annexation of the Property into Tomball's corporate limits. Pigs Unlimited agrees to submit this petition to Tomball within thirty (30) days of the Property's release from Houston's ETJ.
2. Tomball agrees to make available water, sewer and gas utilities to the Property on a temporary basis pending Houston's release of the Property from its ETJ and the annexation of the Property into Tomball's corporate limits. Such utilities shall be provided to the Property at the same rates such utilities are provided to other in-city customers. Pigs Unlimited shall provide utility deposits as required by other in-city

customers. Pigs Unlimited shall be responsible for extending utility lines to its facilities pursuant to Tomball policies.

3. Upon annexation of the Property into Tomball's corporate limits, the utilities will continue to be provided in the same manner Tomball provides utility services to other properties in the City.
4. In the event that the Property is not annexed by Tomball within nine (9) months of the date of this Agreement, Tomball shall have the right to disconnect all utilities and return any utility deposits to Pigs Unlimited, subject to amounts due and owing on the utility accounts.

Agreed and entered into this the ____ day of May, 2017.

THE CITY OF TOMBALL, TEXAS

By: _____
George Shackelford
City Manager

ATTEST:

Doris Speer, City Secretary

**PIGS UNLIMITED INTERNATIONAL,
INC.**

By: _____
Name: _____
Title: _____