

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



MONDAY, JUNE 20, 2016

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, June 20, 2016 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- 1.0 Call to Order
- 2.0 Invocation
- 3.0 Pledges to U.S. and Texas Flags
- 4.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*
- 5.0 Presentations:
 - Presentation of Plaque by NWEMS to the Tomball Fire Department for the **2016 Mission: Lifeline[®] EMS Gold Level Recognition Award**
- 6.0 Reports and Announcements

- ***Tomball City Pool – 2016 Swim Season - Jerry Matheson Park Pool*** re-opened on June 4 and will operate will normal hours through August 21. From August 22 through September 4, the pool will be open on Saturday and Sunday only. The pool will be closed every Monday during swim season 2016, except Memorial Day (May 31), July 4th, and Labor Day (September 5). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- **TOMBALL KID'S CLUB – June 14, 17, 21, 24, 28 and July 1, 8, 12, 15, 19, and 22, 2016** - 11:00 a.m.-1:00 p.m., at the Community Center
- June 23, 2016 – **8th Annual Economic Outlook Luncheon**, sponsored by the **Tomball Economic Development Corporation** at Lone Star College-Tomball – 11:30 a.m.-1:30 p.m.
- July 4, 2016 – **July Fourth Celebration & Street Festival** – Business 249 at FM 2920
- July 9, 2016 – **2nd Saturday at the Depot**
- August 5, 2016 – **Tomball Night**
- August 13, 2016 – **2nd Saturday at the Depot**
- August 27, 2016 – **Texas Music Festival** – 12:00 Noon-6:00 p.m.
- September 10, 2016 – **2nd Saturday at the Depot**
- September 24, 2016 – **6th Annual Beetles, Brew & Barbeque 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:
 - Kelly Violette – The Tomball EDC was presented a Certificate of Achievement for Economic Excellence by the Texas Economic Development Council for the 3rd year in a row

7.0 Approve the Minutes of the May 16, 2016 Regular City Council Meeting

8.0 Old Business:

- 8.1 Adopt, on Second Reading, Ordinance No. 2016-06, 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 9.6 Acres Of Land, Legally Described As Tract 24, Abstract 50 J Miller Survey, Within The City Of Tomball, Harris County, Texas, From the Agricultural District To The **Office** District; Said Property Being Generally Located At The Northeast Corner Of Hufsmith Road And Zion Road At 1600 E. Hufsmith 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.

9.0 New Business:

- 9.1 Ratify Change in Public Hearing Dates for the Proposed Annexation of 4.847 Acres of Land, Being a Portion of FM 2920 Right-of-Way and a Portion of Telge Road Right-of-Way and 14.427 Acres of Land Located at 15945 FM 2920, 21706 Telge Road, and 21718 Telge Road, Tomball, Texas, Due to Cancellation of the June 6, 2016 Council Meeting
- 9.2 Conduct First Public Hearing to Consider the Annexation of the Following Tracts of Land: (4.847-Acre FM 2920 and Telge Road Right-of-Way and 14.427-Acre

Milner Tract):

TRACT ONE: FIELD NOTE DESCRIPTION of a 4.847 acre (211,117 square foot) tract of land located in the Chancey Goodrich Survey, Abstract Number 311, Harris County, Texas and said 4.847 acre tract of land being a portion of F.M. 2920 Right-Of-Way (R.O.W.), and a portion of Telge Road R.O.W., said 4.847 acre tract being more particularly described by metes and bounds as provided.

TRACT TWO: FIELD NOTE DESCRIPTION of a 14.427 acre (628,450 square foot) tract of land located in the Chancey Goodrich Survey, Abstract Number 311, Harris County, Texas and said 14.427 acre tract of land being out of and a part of a called 15.114 acre tract as described in the deed to James M. Milner, recorded under Harris County Clerk's File Number (H.C.C.F. No.) B295501, and all of a called 1.0000 acre tract as described in the deed recorded under H.C.C.F. No. F207872, and out of and a part of the tract described in the deed to James M. Milner, ET. UX. recorded under H.C.C.F. No. D909728, said 14.427 acre tract being more particularly described by metes and bounds as provided.

- 9.3 Approve Resolution No. 2016-12, a Resolution of the City Council of the City of Tomball, Texas, Designating the Official Newspaper for 2016 for Publication of Matters Pertaining to the City of Tomball
- 9.4 Appoint Representative to the Southeast Texas Housing Finance Corporation (SETH) Board of Directors
- 9.5 Appoint/Reappoint Member to the Planning and Zoning Commission for Term Expiring June 1, 2016
- 9.6 Appoint/Reappoint Members to the Board of Adjustments for Terms That Expired on March 2, 2016
- 9.7 Appoint/Reappoint Members to the Tomball Economic Development Corporation Board of Directors
- 9.8 Receive the Tomball Economic Development Corporation (TEDC) 2015-2016 Annual Report
- 9.9 Approve the Tomball Economic Development Corporation (TEDC) 2016-2017 Strategic Work Plan.
- 9.10 Approve Resolution No. 2016-13, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 44th Annual Tomball Night and Parade, to be held in Tomball on Friday, August 5, 2016
- 9.11 Adopt, on First Reading, Ordinance No. 2016-10, an Ordinance of the City of Tomball, Texas Amending Article VII, Donation Containers, of Chapter 22, Health and Sanitation, by Amending Sections 22-191, Location, 22-192, Container Design and Maintenance, and 22-194, Permit Required to Allow Donation Containers on Public and Private School Properties and Providing Certain Exemptions Thereto; Providing a Penalty Not to Exceed \$2,000.00 for any Violation Hereof with Each Day Constituting a Separate Offense; Providing for Severability and Providing Other Findings Related Hereto

- 9.12 Consideration to approve **Zoning Case P16-0072**: Request by Kenneth Lee to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.12 acres of land, legally described as Reserve A, Block 1 Kenneth Lee Subdivision, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of SH 249 and Holderrieth Road, at 26902 SH 249, from the Planned Development District (PD8) to the Commercial District.
- Conduct Public Hearing on **ZONING CASE P16-0072**
 - Adopt, on First Reading, Ordinance No. 2016-11, 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 1.12 Acres of Land, Legally Described as Reserve A, Block 1 Kenneth Lee Subdivision, within the City Of Tomball, Harris County, Texas, from the Planned Development – 8 (PD8) District to the Commercial District; Said Property Being Generally Located at the Northeast Corner of SH 249 and Holderrieth 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
- 9.13 Approve Interlocal Agreement between the City of Tomball and the Tomball Independent School District (TISD), affording the Tomball Police Department the Ability to Assign Four (4) Student Resource Officers (SROs) to TISD Campuses
- 9.14 Approve Interlocal Agreement between the City of Tomball and the Tomball Independent School District, Affording the Tomball Police Department the Ability to Provide Police Services on a Contractual Basis for Specialized Events Occurring Before, During and After the Normal Campus Hours
- 9.15 Provide Update to Council on Development of Broussard Park
- 9.16 Approve Tri-Party Memorandum of Understanding (MOU) between the City of Tomball, Lone Star College-Tomball, and Tomball Independent School District regarding Coordinated Usage of the City's Low-Power FM Radio Station
- 9.17 Renew the Interlocal Agreement between the City of Tomball Fire Department and Harris County Public Health and Environmental Services providing for the Tomball Fire Department to operate a "Closed POD" site for the distribution of medication and supplies.
- 9.18 Adopt, on First Reading, Ordinance No. 2016-08, an Ordinance of the City of Tomball, Texas, Changing the *Prima Facie* Speed Limit Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Brown-Hufsmith Road, from State Highway 249 Business to the Eastern City Limit Line and Zion Road, from Quinn Road to Ulrich Road, All within the Corporate Limits of the City of Tomball as Set out in This Ordinance; and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars (\$200.00) for the Violation of This Ordinance

- 9.19 Consideration to Reject Bids for Project No. 2016-16, Vactor and Valve Exercise Trailers, and Award Buy Board Contract to Vermeer for the Purchase of One (1) Vactor and Valve Exercise Trailer, in the Amount of \$77,863.00

10.0 Adjournment

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 16th day of June 2016 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer

Doris Speer
City Secretary, TRMC

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: June 20, 2016

Topic:

- Presentation of Plaque by NWEMS to the Tomball Fire Department for the **2016 Mission: Lifeline® EMS Gold Level Recognition Award**

Background:

Origination:

Brian Bayani, Chief, Northwest EMS

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: June 20, 2016

Topic:

- ***Tomball City Pool – 2016 Swim Season - Jerry Matheson Park Pool*** re-opened on June 4 and will operate will normal hours through August 21. From August 22 through September 4, the pool will be open on Saturday and Sunday only. The pool will be closed every Monday during swim season 2016, except Memorial Day (May 31), July 4th, and Labor Day (September 5). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
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- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Kelly Violette – The Tomball EDC was presented a Certificate of Achievement for Economic Excellence by the Texas Economic Development Council for the 3rd year in a row

Background:

Origination:

Various

Recommendation:

N/A

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

City Secretary

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

ATTACHMENTS:

8th Annual Economic Outlook Luncheon, sponsored by the Tomball Economic Development Corporation

July 4th Celebration and Street Festival

Tomball EDC - Certificate of Achievement for Economic Excellence



8TH ANNUAL

ECONOMIC OUTLOOK LUNCHEON

Lone Star College–Tomball • Beckendorf Conference Center

JUNE 23, 2016

11:30 A.M. – 1:30 P.M.

FEATURED SPEAKERS:

Patrick Duffy, MCR
*President–Houston,
Colliers International*

Glenn Hegar
*Texas Comptroller
of Public Accounts*

TOMBALL
ECONOMIC DEVELOPMENT CORPORATION

29201 Quinn Rd., Ste. B • Tomball, Texas 77375
281.401.4086 • tomballixedc.org

JULY FOURTH

CELEBRATION & STREET FESTIVAL

TOMBALL, TEXAS

PRESENTED BY ALLIED SIDING & WINDOWS

GIANT FIREWORKS SPECTACULAR

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

THE KROGER KIDS ZONE * FOOD AND BEVERAGES

FREE ADMISSION & PARKING * VISIT TOMBALLTX.GOV

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

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

CERTIFICATE *of* ACHIEVEMENT
for Economic Excellence

Presented to

**Tomball Economic Development
Corporation**

2015

Recognizing a commitment to Professional Economic
Development by City Administration, Elected and Appointed
Officials, and exemplary professional standards demonstrated
by the Economic Development Staff

Awarded by



A handwritten signature in black ink, appearing to read "Carlton Schwab", is written over a horizontal line.

Carlton Schwab, President/CEO



Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 20, 2016

Topic:

Approve the Minutes of the May 16, 2016 Regular City Council Meeting

Background:

Due to the cancellation of the June 6, 2016 meeting, the May 16, 2016 minutes are presented for Council consideration and approval. No minutes will be produced for the June 6, 2016 meeting.

Origination:

City Secretary

Recommendation:

N/A

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

City Secretary

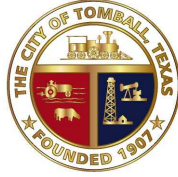
ACTION TAKEN

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

Draft Minutes of the May 16, 2016 Regular City Council Meeting

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



MONDAY, MAY 16, 2016

6:00 P.M.

1.0 Call to Order

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

Councilman Townsend
Councilman Klein Quinn
Councilman Hudgens
Councilman Degges
Councilman Stoll

Others present:

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
Community Events Coordinator – Denise Fiore
Finance Director – Glenn Windsor
Public Works Director – David Esquivel
Community Development Director – Craig Meyers
City Planner - Harold Ellis
Community Center Director – Rosalie Dillon
Community Events Coordinator – Denise Fiore
Chief-NWEMS – Brian Bayani
CSO Administrative Assistant – Tracy Garcia
Police Detective – Kenneth Yoho
Police Sergeant – Shon Davis

2.0 The invocation was led by Rick Brown, Sr. Pastor, ChristBridge Fellowship Church

3.0 The pledges to U. S. and Texas Flags were led by Navy Junior ROTC and Lt. Commander Greg Boucher

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

- 4.1 Resolution No. 2016-05, Canceling the Regular City Officer's Election Scheduled to be held on the 7th Day of May, 2016, 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 7, 2016, at the Regular Council Meeting. The following actions complete the canvass of the May 7, 2016 Election.

Resolución Nro. 2016-05, cancelando la Elección Regular de Funcionarios de la Ciudad programada para el 7 de mayo de 2016, 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 7 de marzo de 2016 en la asamblea ordinaria del Consejo. Las medidas indicadas a continuación completan el escrutinio de la Elección del 7 de mayo de 2016.

Nghị quyết số 2016-05, Hủy Bỏ Cuộc Bầu Cử Viên Chức Thành Phố Thường Lệ Dự Kiến sẽ được tổ chức vào ngày 7 tháng Năm, 2016 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 7 tháng Ba, 2016 tại Cuộc Họp Hội Đồng Thường Lệ. Các hành động sau đây hoàn tất việc kiểm phiếu ngày 7 tháng Năm, 2016.

決議案2016-05號，取消一般市府官員應於2016年5月7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2016年3月7日，在一般是政會議通過取消該選舉的詳情。下列行動完成2016年5月7日選舉遊說

No action necessary; Resolution No. 2016-05 was adopted on March 7, 2016.

Ninguna acción necesaria; la Resolución el No 2016-05 fue adoptada el 7 de marzo de 2016

Không có hành động cần thiết; Nghị quyết số 2016-05 đã được thông qua ngày 7 tháng 3 năm 2016.

不採取行動的必要；2016年3月7日通過了2016年-05號決議。

- 4.2 Administer Oath of Office to Elected Officials – Commissioner R. Jack Cagle, Precinct 4, Harris County

Administrar el juramento al cargo de los funcionarios electos – Comisionado R. Jack Cagle, Precinto 4, Condado de Harris

Làm lễ Tuyên Thệ Nhậm Chức cho các Viên Chức Được Bầu Chọn – Ủy Viên R. Jack Cagle, Phân Khu 4, Quận Harris

管理選舉官員宣誓就職 – 委員R. Jack Cagle，選區4，Harris郡

4.3 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 en conformidad con la Sección 6.08 de la Carta Orgánica de Gobierno Local de la Ciudad de Tomball.

Xem Xét Bầu Chọn Thị Trưởng đương nhiệm chiếu theo Mục 6.08 của Điều Lệ Hiến Chương về Nhà Ở.

考慮根據 Tomball市政府當地規章第6.08條選舉臨時市長

Motion was made by Councilman Stoll, second by Councilman Townsend, to Elect Councilman Degges as Mayor Pro-Tem, in Accordance with Section 6.08 of the City of Tomball Home Rule Charter.

El Concejal Stoll hizo la moción, secundada por el Concejal Townsend, a elegir el Concejal Degges como Alcalde Pro-Tem, de conformidad con la sección 6,08 de la ciudad de Tomball Carta autonómica.

Chuyển động đã được thực hiện bởi Ủy viên Hội đồng Stoll, thứ hai bởi Nghị Townsend, đề cử Ủy viên Hội đồng Degges như Thị trưởng Pro-Tem, phù hợp với mục 6.08 của thành phố Tomball Trang chủ Quy tắc Điều lệ.

參議會 Stoll，其次由參議會 Townsend 向運動選出議員克萊因奎因 Degges 作為市長 Pro-Tem 按照節 6.08 的該市的托姆伯爾家規則的憲章。

Motion carried unanimously.

Moción aceptada por unanimidad.

Kiến nghị được nhất trí thông qua.

動議無異議地通過。

Councilman Degges was elected Mayor Pro-Tem.

El Concejal Degges fue elegido Alcalde interino.

Nghị Viên Degges được chọn làm Thị Trưởng Tạm Thời.

委員 Degges 已當選為暫時市長。

5.0 No public comments were received.

6.0 Presentations: The Mayor presented the following proclamations:

- Certificate of Appreciation – P. Garland Davis, III, for his **Eagle Scout Project – U. S. Flag Drop Box**
- Proclamation – May 15-21, 2016 is “**National Public Works Week – Tomball, Texas**”
- Proclamation – May 15-21, 2016 is “**National Emergency Medical Services Week – “EMS STRONG” – Tomball, Texas**”
- Proclamation – May 15-21, 2016 is “**Tomball Firefighter Appreciation Week**”
- Proclamation – May 22-28, 2016 is “**National Hurricane Preparedness Week – Tomball, Texas**”

7.0 Reports and Announcements:

- May 15-21, 2016 – **“Tomball Police Week”** and May 17, 2016 – **“Peace Officers Memorial Day”**
- May 25, 2016 – **“Tomball Special Olympics Day – 2016”** at the Depot
- May 28, 2016 – Tomball **Chili Challenge 2016** at the Depot
- **Tomball City Pool – 2016 Swim Season - Jerry Matheson Park Pool** will open May 28 through May 30 for Memorial Day weekend, then close May 31 through June 3. The Pool will reopen on June 4 and will operate will normal hours through August 21. From August 22 through September 4, the pool will be open on Saturday and Sunday only. The pool will be closed every Monday during swim season 2016, except Memorial Day (May 31), July 4th, and Labor Day (September 5). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- June 4, 2016 – **Tomball Honky Tonk Music Festival** at the Depot
- June 11, 2016 – **2nd Saturday at the Depot**
- **TOMBALL KID'S CLUB – June 14, 17, 21, 24, 28 and July 1, 8, 12, 15, 19, and 22, 2016** - 11:00 a.m.-1:00 p.m., at the Community Center
- June 23, 2016 – **8th Annual Economic Outlook Luncheon**, sponsored by the **Tomball Economic Development Corporation** at Lone Star College-Tomball – 11:30 a.m.-1:30 p.m.
- July 4, 2016 – **July Fourth Celebration & Street Festival** – Business 249 at FM 2920
- July 9, 2016 – **2nd Saturday at the Depot**
- Reports by City staff and members of Council about items of community interest on which no action will be taken

8.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the Minutes of the May 2, 2016 Regular Council Meeting and the May 5, 2016 Special City Council Meeting.

Motion carried unanimously.

9.0 New Business:

- 9.1 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Resolution No. 2016-10, a Resolution Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Dates, Times, and Places for Two Public Hearings at Which All Interested Parties Shall Have an Opportunity to be Heard; Providing for Publication of Notices of Such Public Hearings; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (4.847 Acres of Land, Being a Portion of FM 2920 Right-of-Way and a Portion of Telge Road Right-of-Way, Tomball, Texas), designating June 6, 2016 and June 20, 2016 as the dates for the public hearings.

Motion carried unanimously.

- 9.2 Motion was made by Councilman Hudgens, second by Councilman Townsend, to approve Resolution No. 2016-11, a Resolution Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Dates, Times, and Places for Two Public Hearings at Which All Interested Parties Shall Have an Opportunity to be Heard; Providing for Publication of Notices of Such Public Hearings; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (**14.427** Acres of Land Located at 15945 FM 2920, 21706 Telge Road, and 21718 Telge Road, Tomball, Texas), designating June 6, 2016 and June 20, 2016 as the dates for the public hearings.

Motion carried unanimously.

- 9.3 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve Request from Woodlands Church Tomball Campus to Reserve the Railroad Depot Plaza on Saturday, June 18, 2016, from 9:00 a.m. to 12:00 p.m., for "**Launch**", a Free Event for all Tomball families.

Motion carried unanimously.

- 9.4 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve Proposed Amendment to Current Tomball Municipal Court Contract for Court Fees and Fines Collection Services.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Townsend, second by Councilman Hudgens, to award Contract for City of Tomball Project Bid Number 2016-12, Zion Road Sidewalk Project to Site Work Contractors, LLC in the Amount of \$295,917.75. Vote was as follows:

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

Motion carried unanimously.

- 9.6 Consideration to Approve **Zoning Case P16-0048**: Request by Brannon King, on behalf of DPIS Engineering, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 9.6 acres of land, legally described as Tract 24, Abstract 50 J Miller Survey, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of Hufsmith Road and Zion Road at 1600 E. Hufsmith Road, from the Agricultural District to the Commercial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P15-0048** at 6:42 p.m.

- Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:42 p.m.
- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2016-06 by caption only on first reading.

Motion was made by Councilman Degges, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2016-06, 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 9.6 Acres of Land, Legally Described as Tract 24, Abstract 50 J Miller Survey, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; said Property being Generally Located at the Northeast Corner of Hufsmith Road and Zion Road at 1600 E. Hufsmith 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.”.

Motion to AMEND was made by Councilman Degges, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2016-06, 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 9.6 Acres of Land, Legally Described as Tract 24, Abstract 50 J Miller Survey, within the City of Tomball, Harris County, Texas, from the Agricultural District to the **OFFICE** District; said Property being Generally Located at the Northeast Corner of Hufsmith Road and Zion Road at 1600 E. Hufsmith 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.”. 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, as AMENDED, carried unanimously.

- 9.7 Consideration to Approve **Zoning Case P16-0054**: Request by Christopher Wohrer, on behalf of Moffett Productions Inc., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land, legally described as Tract 14G Abstract 632 C N Pillot, within the City of Tomball, Harris County, Texas, generally located on the south side of Holderrieth Road west of the Tomball Business and Technology Park at 11835 Holderrieth Road, from the Agricultural District to the Commercial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P15-0054** at 6:55 p.m.
- Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:55 p.m.
- Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance No. 2016-07 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on First Reading, Ordinance No. 2016-07, 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 2 Acres of Land, Legally Described as Tract 14G Abstract 632 C N Pillot, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; said Property being Generally Located on the South Side of Holderrieth Road West of the Tomball Business and Technology Park at 11835 Holderrieth 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. 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.

- 9.8 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt 2016-2021 City of Tomball Strategic Plan.

Motion carried unanimously.

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

Motion carried unanimously. Meeting adjourned.

PASSED AND APPROVED this the _____ day of _____ 2016.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 20, 2016

Topic:

Adopt, on Second Reading, Ordinance No. 2016-06, 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 9.6 Acres Of Land, Legally Described As Tract 24, Abstract 50 J Miller Survey, Within The City Of Tomball, Harris County, Texas, From the Agricultural District To The **Office** District; Said Property Being Generally Located At The Northeast Corner Of Hufsmith Road And Zion Road At 1600 E. Hufsmith 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:

On Monday, May 9, 2016, after conducting a public hearing, the Planning and Zoning Commission voted 2-2 recommending denial of the requested zone change (Commercial). Further discussion resulted in a second motion to approve the rezoning to a less intense zone. After evaluating both the General Retail District and Office District, a motion was made to approve a rezoning to the Office District which passed unanimously.

Origination:

Recommendation:

Approval

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

Community Development Department

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2016-06 - Revised to Office
P16-0048 Staff Report
Notice of Public Hearing
Property Owner Notification Letter

ORDINANCE NO. 2016-06

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 9.6 ACRES OF LAND, LEGALLY DESCRIBED AS TRACT 24, ABSTRACT 50 J MILLER SURVEY, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE OFFICE DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED AT THE NORTHEAST CORNER OF HUFSMITH ROAD AND ZION ROAD AT 1600 E. HUFSMITH 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, Brannon King, applicant, has requested that approximately 9.6 acres of land, legally described as Tract 24, Abstract 50 J Miller Survey, generally located at the northeast corner of Hufsmith Road and Zion Road at 1600 E. Hufsmith 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 deny the requested rezoning of Commercial and approve the less intense Zoning District 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 from the Agricultural District to the Office 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 Office 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 Office 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 16th DAY OF MAY 2016.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN QUINN	<u>AYE</u>

SECOND READING:

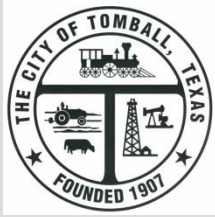
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE
CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF JUNE 2016.

COUNCILMAN HUDGENS	_____
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 9, 2016
City Council Public Hearing Date: May 16, 2016

Rezoning Case: P16 -0048
Property Owner(s): Dale Phillips
Applicant(s): Brannon King
Legal Description: Tract 24, Abstract 50 J Miller Survey
Location: Northeast corner of Hufsmith Road and Zion Road at 1600 E. Hufsmith Road (Exhibit "A")
Area: 9.6 acres
Comp Plan Designation: Medium Density Residential (Exhibit "B")
Present Zoning and Use: Agricultural (Exhibit "C") / Engineering Office (Exhibit "D")
Request: Rezone from Agricultural to Commercial
Adjacent Zoning & Land Uses:
North: ETJ / Petroleum terminal and storage
South: Agricultural / Broussard Community Park
West: ETJ / Auto repair shop and vacant land
East: ETJ / Auto marine repair shop and County Park

BACKGROUND

City staff met with the property owner and other representatives from DPIS Engineering in February 2016 to discuss the possibility of rezoning their property from the Agricultural District to the Commercial District in order to match the zoning with the property's current use. In March, City Staff received a rezoning application for the property.

ANALYSIS

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

There are several nonresidential land uses in the vicinity of the subject site. Properties located to the north, east and west are not within the City Limits. The uses on these properties include a petroleum terminal and storage yard to the north, an auto repair shop and vacant land to the west, and an auto marine repair shop and Samuel Matthews Park to the east. In December 2014, Broussard Community Park was established on the property to the south.

The Comprehensive Plan designates the property as Medium Density Residential. Surrounding properties are designated Medium Density Residential to the north, south and west, and Mixed Use to the east.

ZONING CONSIDERATIONS

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

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

There are commercial uses in the immediate area including an auto repair shop, an auto marine repair shop, a petroleum terminal and storage facility, and two public parks. It appears rezoning to Commercial would be an appropriate fit for the area. Approval of this zone change will bring the site into legal compliance.

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

The proposed rezoning is not anticipated to negatively impact any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

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

There are vacant properties in the vicinity and elsewhere in the City zoned Commercial District, however, the property in question has had a commercial use on it before zoning was adopted. DPIS Engineering building has been on this site since before zoning was adopted in 2008.

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

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

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

If the proposed rezoning is approved, few, if any effects on other areas designated for similar developments are anticipated. As previously discussed, the site has been in operation for over 10 years with no known complaints.

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

The proposed rezoning does not appear to negatively affect the public health, safety, morals, or general welfare. As previously mentioned, the proposed development will blend well with other existing developments in the immediate area. The comprehensive plan is not meant to be a parcel specific, but rather a general guide for development, particularly when extenuating circumstances exist. In this case, the extenuating circumstances are that the site is currently in operation and the zone change will bring it into zoning compliance with no known adverse impacts on adjacent or surrounding properties.

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

The Future Land Use plan designates the property Medium Density Residential; however, the nearby properties include two auto repair shops, a city park and a county park. The Comprehensive Plan also designates adjacent properties as Mixed Use.

PUBLIC COMMENT

Notice of Public Hearing was published in the paper and a sign was placed on the property on April 25, 2016. Property owners that are within the city limits and within 200 feet of the project site were mailed notification of this proposal on April 27, 2016. As of May 5, 2016, no public comment forms have been received.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P16-0048.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

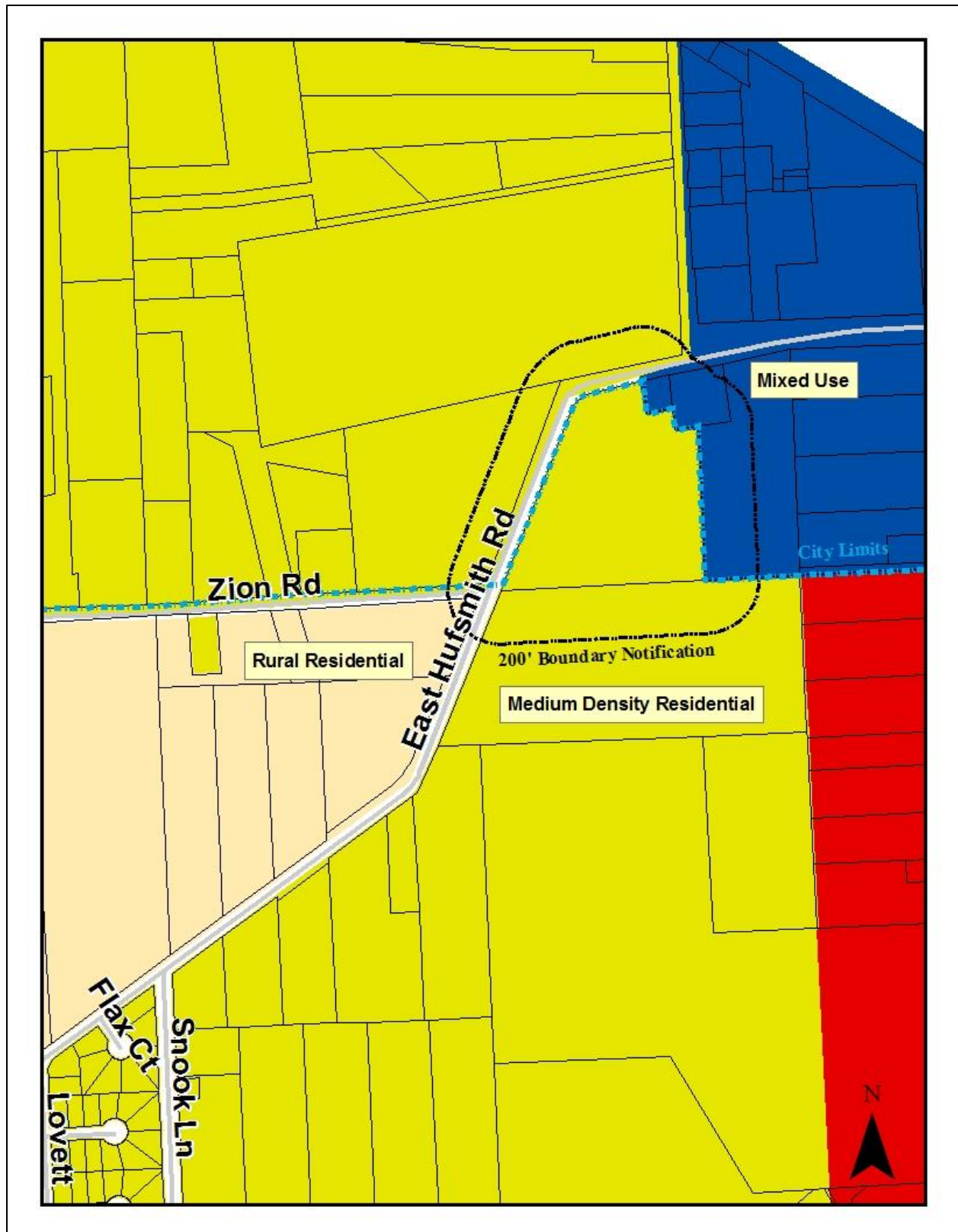
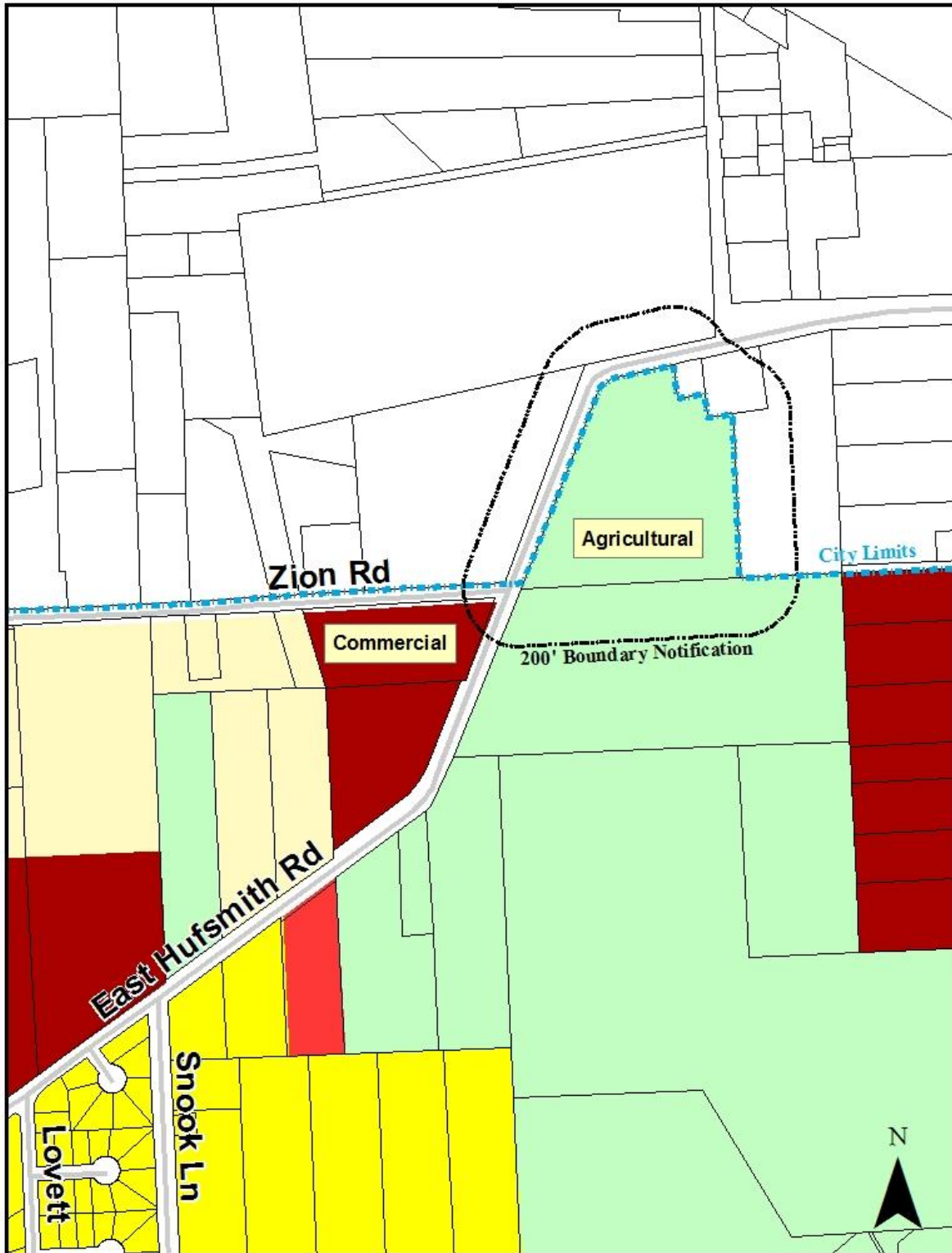


Exhibit "C"
Zoning Map

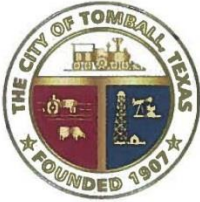


**Exhibit “D”
Site Photo**



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: BRANNON KING Title: TREASURER
Mailing Address: 1600 E. HUFSMITH City: TOMBALL State: TX
Zip: 77375
Phone: (281) 378-5045 Fax: (281) 351-0145 Email: BRANNON.KING@DPIS.COM

Owner

Name: DALE PHILLIPS Title: PRESIDENT
Mailing Address: 1600 E. HUFSMITH City: TOMBALL State: TX
Zip: 77375
Phone: (281) 351-0048 Fax: (281) 351-0148 Email: DALE@DPIS.COM

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: _____

Physical Location of Property: 1600 E. HUFSMITH TOMBALL TX 77375
[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: AGRICULTURAL

Current Use of Property: BUSINESS

Proposed Zoning District: BUSINESS

Proposed Use of Property: BUSINESS

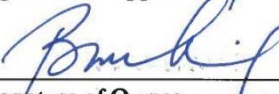
HCAD Identification Number: 041-006-003-0193 Acreage: 9.6

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

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

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

X  2-24-2016
Signature of Applicant Date

X  2-24-2016
Signature of Owner Date

CITY OF TOMBALL
281-351-5484

REC#: 00919423 3/31/2016 3:04 PM
OPER: CK TERM: 005
REF#: W 383

TRAN: 130.0000 PLANNING AND ZONING
1600 E HUFSMITH
100-5441
REZONING APPLICATIO 500.00CR

TENDERED: 500.00 CHECK
APPLIED: 500.00-

CHANGE: 0.00

City of Tomball

March 10, 2016

501 James Street

Tomball, TX 77375

Re: Restructure Zoning Classification – 1600 E. Hufsmith Tomball, TX 77375

The property located at 1600 E. Hufsmith, Tomball, Texas 77375 is requesting to be zoned to match the actual operation of the land. DPIS Engineering is a business located on this property and has been for over 10+ years. This property should be zoned as a Business class zoning.

Thank You,

A handwritten signature in black ink, appearing to read "Barry", is positioned above the typed name.

VP Sales

DPIS Engineering, LLC

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MAY 9, 2016
&
CITY COUNCIL
MAY 16, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, May 9, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, May 16, 2016, 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 P16-0048: Request by Brannon King, on behalf of DPIS Engineering, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 9.6 acres of land, legally described as Tract 24, Abstract 50 J Miller Survey, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of Hufsmith Road and Zion Road at 1600 E. Hufsmith Road, from the Agricultural District to the Commercial District.

Zoning Case P16-0054: Request by Christopher Wohrer, on behalf of Moffett Productions Inc., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land, legally described as Tract 14G Abstract 632 C N Pillot, within the City of Tomball, Harris County, Texas, generally located on the south side of Holderrieth Road west of the Tomball Business and Technology Park at 11835 Holderrieth Road, from the Agricultural 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 Assistant City 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 **5th** day of **May 2016** 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.



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: P16-0048

APPLICANT/OWNER: Brannon King, on behalf of DPIS Engineering

LOCATION: 1600 E. Hufsmith Road, located at the northeast corner of Hufsmith Road and Zion Road.

PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 9.6 acres of land, legally described as Tract 24, Abstract 50 J Miller Survey, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District.

CONTACT: Amelia Lindley

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:
Monday, May 9, 2016, 6:00 PM**

**City Council Public Hearing:
*Monday, May 16, 2016, 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: June 20, 2016

Topic:

Ratify Change in Public Hearing Dates for the Proposed Annexation of 4.847 Acres of Land, Being a Portion of FM 2920 Right-of-Way and a Portion of Telge Road Right-of-Way and 14.427 Acres of Land Located at 15945 FM 2920, 21706 Telge Road, and 21718 Telge Road, Tomball, Texas, Due to Cancellation of the June 6, 2016 Council Meeting

Background:

Due to the unexpected cancellation of the June 6, 2016 Council meeting, staff recommends that the first public hearing be held on June 20, 2016, immediately following this item, the second public hearing will be held on July 5 (Tuesday), 2016 and the special meeting for the first reading of the annexation ordinance has been moved from July 11, 2016 at 5 p.m. to July 26, a **TUESDAY**, at 5 p.m., in order to meet the 21-day requirement.

Notice of a public hearing on June 20, 2016 was posted and published within the required timeframe. Notice for the July 5, 2016 public hearing will be posted and published on June 22, within the required timeframe as well.

The second reading of the annexation ordinance will be held on August 1, 2016.

Origination:

Doris Speer, City Secretary

Recommendation:

Ratify the change in public hearing dates for the proposed annexations.

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

City Secretary

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

ATTACHMENTS:

Annexation Calendar - FM 2920 and Telge Road ROW

Annexation Calendar - Milner Annexation

PROPOSED ANNEXATION – 4.847 ACRES OF LAND (PORTIONS OF FM 2920 ROW AND TELGE ROAD ROW) – **REVISED 6-9-16**

Council approves annexation request by adopting Resolution, setting **6/6 (Monday, 6 p.m.) and 6/20 (Monday, 6 p.m.); on 6/20, ratifies **7/5 (Monday, 6 p.m.)** for public hearings. Send to paper on **5/17 to run on 5/23 (14 days' notice)** and again on 6/6 (14 days' notice for 6/20) and 6/13 to run in paper on 6/20 (15 days' notice for 7/5 meeting) – **one Special Council meeting** required on **July 26 (5:30 p.m.)**, in order to meet Local Government Code deadlines.**

Publish Dates & Public Hearing Dates – Complete Annexation on 8/1/2016	Publish Date	First Public Hearing at REGULAR Meeting	Publish Date	Second Public Hearing at REGULAR Meeting	First Reading of Ordinance at SPECIAL Meeting	Second Reading of Ordinance at REGULAR Meeting
Council approves annexation on 5/16 and sets Public Hearings as 6/6 and 6/20; 7/5 added		REGULAR Mtg		Regular Mtg	SPECIAL, TUESDAY 5:00 p.m.	
1 st public hearing to 1 st reading is 35 36 days total; 63 69 days to complete annexation from approval of resolution	6/6/2016 5/23/2016	6/20/2016 6/6/2016	RUN IN POTPOURRI 6/22/2016 6/6/2016	7/5/2016 6/20/2016	7/26/2016 7/11/2016	8/1/2016 7/18/2016
	14 days' notice		14 13 days' notice			
	To paper 5/17 to run on 5/23 and 6/6		Reminder to paper 5/30 to run 6/6			
(49 63 days total from ORIGINAL first publication notice to first reading)	(-49 days)	(36 days) to 1 st reading		21 days to 1 st reading of ordinance	(Day 0)	(+ 6 days)

Publication date – more than 10 days' notice, less than 20 days' notice for public hearings [LGC, Sec. 43.063(c)] – **13 & 14 days' notice for P.H.s**

Public hearings – more than 20 days, less than 40 days between first public hearing and first reading of ordinance per LGC, Sec. 43.063(a)

NOTE: MUST have a minimum of **21 days** between the **second public hearing and the first reading of the ordinance**. – **21 days, 7/5 to 7/26**

MUST have NO MORE than **40 days** between the first public hearing and the first reading of the ordinance.— **36 days, 6/20 to 7/26**

(We will set public hearing dates between 21 and 39 days)

Annexation must be completed within 90 days, beginning to end (LGC, Sec. 43.064) – from 5/16/16 request to second reading of ordinance – **69 days**

City must give notice regarding intention to annex area 30 days before first public hearing to public and private entities – county, fire department, emergency services districts, utility companies [LGC, Sec. 43.062(b)] – **This requirement does not apply if we are annexing by petition.**

Resolutions No. 2016-09 and 2016-10 on the 5/16/2016 agenda for Council approval and set public hearings and special Council meeting date.

Council approves annexation request by adopting Resolution, setting ~~6/6 (Monday, 6 p.m.) and 6/20~~ (Monday, 6 p.m.); on 6/20, ratifies ~~7/5 (Monday, 6 p.m.)~~ for public hearings. Send to paper on ~~5/17 to run on 5/23 (14 days' notice)~~ and again on 6/6 (14 days' notice for 6/20) and 6/13 to run in paper on 6/20 (15 days' notice for 7/5 meeting) – one Special Council meeting required on **July 26 (5:30 p.m.), in order to meet Local Government Code deadlines.**

Publish Dates & Public Hearing Dates – Complete Annexation on 8/1/2016	Publish Date	First Public Hearing at REGULAR Meeting	Publish Date	Second Public Hearing at REGULAR Meeting	First Reading of Ordinance at SPECIAL Meeting	Second Reading of Ordinance at REGULAR Meeting
Council approves annexation on 5/16 and sets Public Hearings as 6/6 and 6/20; 7/5 added 1 st public hearing to 1 st reading is 35 36 days total; 63 69 days to complete annexation from approval of resolution	6/6/2016 5/23/2016	REGULAR Mtg 6/20/2016 6/6/2016	RUN IN POTPOURRI 6/22/2016 6/6/2016	Regular Mtg 7/5/2016 6/20/2016	SPECIAL, TUESDAY 5:00 p.m. 7/26/2016 7/11/2016	8/1/2016 7/18/2016
	14 days' notice		14 13 days' notice			
	To paper 5/17 to run on 5/23 and 6/6		Reminder to paper 5/30 to run 6/6			
(49 63 days total from ORIGINAL first publication notice to first reading)	(-49 days)	(36 days) to 1 st reading		21 days to 1 st reading of ordinance	(Day 0)	(+ 6 days)

Publication date – more than 10 days' notice, less than 20 days' notice for public hearings [LGC, Sec. 43.063(c)] – **13 & 14 days' notice for P.H.s**

Public hearings – more than 20 days, less than 40 days between first public hearing and first reading of ordinance per LGC, Sec. 43.063(a)

NOTE: MUST have a minimum of **21 days** between the **second public hearing and the first reading of the ordinance**. – **21 days, 7/5 to 7/26**

MUST have NO MORE than **40 days** between the first public hearing and the first reading of the ordinance.— **36 days, 6/20 to 7/26**

(We will set public hearing dates between 21 and 39 days)

Annexation must be completed within 90 days, beginning to end (LGC, Sec. 43.064) – from 5/16/16 request to second reading of ordinance – **69 days**

City must give notice regarding intention to annex area 30 days before first public hearing to public and private entities – county, fire department, emergency services districts, utility companies [LGC, Sec. 43.062(b)] – **This requirement does not apply if we are annexing by petition.**

Resolutions No. 2016-09 and 2016-10 on the 5/16/2016 agenda for Council approval and set public hearings and special Council meeting date.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 20, 2016

Topic:

Conduct First Public Hearing to Consider the Annexation of the Following Tracts of Land: (4.847-Acre FM 2920 and Telge Road Right-of-Way and 14.427-Acre Milner Tract):

TRACT ONE: FIELD NOTE DESCRIPTION of a 4.847 acre (211,117 square foot) tract of land located in the Chancey Goodrich Survey, Abstract Number 311, Harris County, Texas and said 4.847 acre tract of land being a portion of F.M. 2920 Right-Of-Way (R.O.W.), and a portion of Telge Road R.O.W., said 4.847 acre tract being more particularly described by metes and bounds as provided.

TRACT TWO: FIELD NOTE DESCRIPTION of a 14.427 acre (628,450 square foot) tract of land located in the Chancey Goodrich Survey, Abstract Number 311, Harris County, Texas and said 14.427 acre tract of land being out of and a part of a called 15.114 acre tract as described in the deed to James M. Milner, recorded under Harris County Clerk's File Number (H.C.C.F. No.) B295501, and all of a called 1.0000 acre tract as described in the deed recorded under H.C.C.F. No. F207872 , and out of and a part of the tract described in the deed to James M. Milner, ET. UX. recorded under H.C.C.F. No. D909728, said 14.427 acre tract being more particularly described by metes and bounds as provided.

Background:

This public hearing is the first of two public hearings required by the Local Government Code, Section 43.063. Hearings must be conducted on or after the 40th day but before the 20th day before the date of the first reading of the ordinance (21-39 day timeframe). Because of publication time constraints and our meeting schedule, Council set the hearing dates for the regular Council meeting on June 6, 2016 (35 days) at 6:00 p.m. and a regular Council Meeting on June 20, 2016 (21 days) at 6:00 p.m.

Due to the cancellation of the June 6, 2016 Council meeting, the dates of the public hearings must be changed; staff's recommendation was to change the dates to June 20 and July 5 (Tuesday), both regular Council meeting dates.

Water, sanitary sewer and gas utilities are located on the north side of FM 2920 and sanitary sewer is also available on the south side of FM 2920.

The first reading of the ordinance to annex will be held at a special Council meeting on Tuesday, July 26, 2016 at 5:00 p.m. and the second reading will be held at the regular Council meeting on August 1, 2016, completing the annexation within the state-mandated timeline.

Origination:

James and Patsy Milner, City Staff

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:

Notice of Public Hearings, 6/6/2016 and 6/20/2016 - Road ROW and Milner Tract

Notice of Public Hearing - 7/5/2016 - Road ROW and Milner Tract

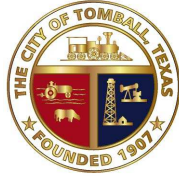
Application Packet - James and Patsy Milner

REVISED Annexation Calendar - FM 2920 and Telge Road ROW

REVISED Annexation Calendar - Milner Tract

Map - Available Utilities

**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL, TEXAS**



MONDAY, JUNE 6, 2016

6:00 P.M.

AND

MONDAY, JUNE 20, 2016

6:00 P.M

Notice is hereby given that **PUBLIC HEARINGS** will be held by the Tomball City Council, as the Governing Body of the City of Tomball, at Regular Council Meetings on Monday, June 6, 2016 at 6:00 p.m., and Monday, June 20, 2016 at 6:00 p.m., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following Annexations:

TRACT ONE: FIELD NOTE DESCRIPTION of a 4.847 acre (211,117 square foot) tract of land located in the Chancey Goodrich Survey, Abstract Number 311, Harris County, Texas and said 4.847 acre tract of land being a portion of F.M. 2920 Right-Of-Way (R.O.W.), and a portion of Telge Road R.O.W., said 4.847 acre tract being more particularly described by metes and bounds as follows: (The bearings described herein are oriented to Texas Coordinate System, South Central Zone NAD 1983.)

BEGINNING at the intersection of the northwesterly R.O.W. line of F.M. 2920 (based on a width of 120 feet) and the westerly R.O.W. line of Tomball Cemetery Road (based on a width of 60 feet) and the southeast corner of a called 21.001 acre tract, as described in the deed to Fritz Strayer and Jack Dicke recorded under Harris County Clerk's File Number (H.C.C.F. No.) U682638, in the west line of the city limits of Tomball according to Ordinance No. 2002-30 recorded under H.C.C.F. No. W304507 and being the northeast corner of the herein described tract;

THENCE, South 03 degrees 22 minutes 21 seconds East, departing the northwesterly R.O.W. line of said F.M. 2920, over and across said F.M. 2920 along the said westerly city limits line of Tomball, a distance of 148.08 feet, to the intersection of the southeasterly R.O.W. line of said F.M. 2920 and the westerly R.O.W. line of Triechel Road (based on a width of 60 feet), and being the northeast corner of a called 1.665 acre tract as described in the deed to Anna Bugardi recorded under H.C.C.F. No. 20140383986, from which a 5/8-inch iron rod found bears, South 19 degrees 18 minutes West, 0.61 feet;

THENCE, South 50 degrees 45 minutes 39 seconds West, departing the westerly R.O.W. line of said Triechel Road and the west city limits line of Tomball and along the southeasterly R.O.W. line of said F.M. 2920, a distance of 1,173.61 feet, to a 5/8-inch iron rod with cap stamped "West Belt Surveying Inc" found marking the beginning of a curve to the right and an angle in the southerly line of the herein described tract;

Notice of Public Hearings - City of Tomball City Council

June 6, 2016 and June 20, 2016

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THENCE, in a southwesterly direction, along the southeasterly R.O.W. line of said F.M. 2920 and said curve to the right, having a radius of 1,492.40 feet, a central angle of 16 degrees 34 minutes 57 seconds (chord bears, South 59 degrees 03 minutes 08 seconds West, 430.43 feet) and an arc distance of 431.93 feet, to a 5/8- inch iron rod with cap stamped "West Belt Surveying Inc" found marking the northerly end of the cut-back line of the intersection of the southeasterly R.O.W. line of said F.M. 2920 and the easterly R.O.W. line of Telge Road (based on a width of 60 feet) and an interior corner of the herein described tract;

THENCE, South 14 degrees 00 minutes 53 seconds West, departing the southeasterly R.O.W. line of said F.M. 2920 and along said cut-back line, a distance of 84.81 feet, to a 4-inch by 4-inch concrete monument found marking the southerly end of the said cut-back line and an exterior corner of the herein described tract;

THENCE, South 84 degrees 29 minutes 02 seconds West, departing the easterly R.O.W. line of said Telge Road, over and across said Telge Road, a distance of 75.93 feet, to a 5/8-inch iron rod with cap stamped "Thomas 5736" found marking the southerly end of a cut-back line of the intersection of the westerly R.O.W. line of said Telge Road as shown on the plat of Reserve "A", Jack in the Box #3980 recorded under Film Code Number 568095 Harris County Map Records, and the southerly R.O.W. line of aforesaid F.M. 2920 and the southwest corner of the herein described tract;

THENCE, North 01 degree 26 minutes 11 seconds West, over and across the R.O.W. of said F.M. 2920, a distance of 179.03 feet, to the northerly R.O.W. line of said F.M. 2920 and the beginning of a non-tangent curve to the left and the northwest corner of the herein described tract;

THENCE, in a northeasterly direction, along said northerly R.O.W. line of said F.M. 2920 and said curve to the left, having a radius of 1,372.40 feet, a central angle of 19 degrees 01 minutes 19 seconds (chord bears, North 60 degrees 16 minutes 19 seconds East, 453.54 feet) and an arc distance of 455.63 feet to the point of tangency;

THENCE, North 50 degrees 45 minutes 39 seconds East, continuing along the northwesterly R.O.W. line of said F.M. 2920, a distance of 1,260.37 feet, to the **POINT OF BEGINNING** and containing a computed area of 4.847 acre (211,117 square feet) of land.

TRACT TWO: FIELD NOTE DESCRIPTION of a 14.427 acre (628,450 square foot) tract of land located in the Chancey Goodrich Survey, Abstract Number 311, Harris County, Texas and said 14.427 acre tract of land being out of and a part of a called 15.114 acre tract as described in the deed to James M. Milner, recorded under Harris County Clerk's File Number (H.C.C.F. No.) B295501, and all of a called 1.0000 acre tract as described in the deed recorded under H.C.C.F. No. F207872, and out of and a part of the tract described in the deed to James M. Milner, ET. UX. recorded under H.C.C.F. No. D909728, said 14.427 acre tract being more particularly described by metes and bounds as follows: (The bearings described herein are oriented to Texas Coordinate System, South Central Zone NAD 1983.)

BEGINNING at a concrete TX DOT monument found marking the southerly end of a cut-back line of the intersection of the easterly Right-Of-Way (R.O.W.) line of Telge Road (based on a width of 60 feet) as described in the deed recorded under Volume (Vol.) 78, Page (Pg.) 262 Harris County Deed

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Records (H.C.D.R.) and the southerly R.O.W. line of F.M. 2920 (A.K.A. Waller-Tomball Road) (based on a width of 120 feet) and marking the most westerly northwest corner of the herein described tract;

THENCE, North 14 degrees 00 minutes 53 seconds East, along the said cut-back line, a distance of 84.81 feet to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" set marking the northerly end of said cut-back line and the most northerly northwest corner of the herein described tract and the beginning of a non-tangent curve to the left;

THENCE, in a northeasterly direction, departing the easterly R.O.W. line of said Telge Road and along the southeasterly R.O.W. line of said F.M. 2920 and along the said curve to the left, having a radius of 1,492.40 feet, a central angle of 16 degrees 34 minutes 57 seconds (chord bears North 59 degrees 03 minutes 08 seconds East, 430.43 feet) and an arc distance of 431.93 feet to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" set marking the point of tangency in southeasterly line of said F.M. 2920 and the northwesterly line of the herein described tract;

THENCE, North 50 degrees 45 minutes 39 seconds East, continuing along the southeasterly R.O.W. line of said F.M. 2920 and the northwesterly line of the herein described tract, a distance of 508.73 feet, to the most westerly northeast corner of the herein described tract in the southerly R.O.W. line of Unimproved Treichel Road (based on a width of 40 feet) from which bears, South 87 degrees 52 minutes East, 3.39 feet, a concrete TX DOT monument found next to a fence corner;

THENCE, South 88 degrees 01 minutes 19 seconds East, departing the southeasterly R.O.W. line of aforesaid F.M. 2920 along the southerly R.O.W. line of said Treichel Road and a 4-foot barbed wire fence, a distance of 70.89 feet, to a 1-inch iron pipe found in the east line of the called 50 acre tract (parent tract to said 15.114 acre tract) as described in the deed to Alfred Weindorff, ET. UX. recorded under Vol. 2915, Pg. 396 H.C.D.R. and the west line of a called 30.4 acre tract (parent tract to the called 6.995 acre tract as described in the deed to Colleen G. Garrett recorded under H.C.C.F. No. Y234222) as described in the deed to Frank Weindorff recorded under Vol. 3880, Pg. 390 H.C.D.R. marking the northwest corner of said 6.995 acre tract and the most easterly northeast corner of the herein described tract;

THENCE, South 02 degrees 05 minutes 00 seconds East, departing the southerly R.O.W. line of said Treichel Road along the east line of the said called 50 acre tract common with the west line of the said called 30.4 acre tract, a distance of 1,056.84 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" set marking the southeast corner of the aforesaid James M. Milner, ET. UX. tract and the herein described tract;

THENCE, South 83 degrees 55 minutes 44 seconds West, departing the said common line along the south line of the said James M. Milner, ET. UX. tract passing at a distance of 4.25 feet a 1/2-inch iron rod found bent marking the north east corner of Reserve A, Telge Park, Section 2, a subdivision recorded under Film Code Number 635119 of the Harris County Map Records, continuing along the south line of the said James M. Milner, ET. UX. tract common with the north line of said Reserve A, a total distance of 457.39 feet, to a point on the said common line marking an interior corner of the herein described tract;

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THENCE, departing the said common line, over and across said James M. Milner, ET. UX. tract and the aforesaid called 15.114 acre tract the following four (4) courses and distances:

North 02 degrees 18 minutes 18 seconds West, a distance of 345.13 feet, to an interior corner of the herein described tract;

South 65 degrees 23 minutes 05 seconds West, a distance of 322.58 feet, to an interior corner of the herein described tract;

South 02 degrees 18 minutes 18 seconds East, a distance of 192.31 feet, to an interior corner of the herein described tract;

South 83 degrees 55 minutes 44 seconds West, a distance of 120.26 feet, to the west line of the herein described tract common with the aforesaid east R.O.W. line of Telge Road marking the southwest corner of the herein described tract;

THENCE, North 02 degrees 18 minutes 18 seconds West, along the said common line a distance of 476.30 feet, to the **POINT OF BEGINNING** and containing a computed area of 14.427 acre (628,450 square feet) of land.

Persons interested in the above-proposed Annexation will be given an opportunity to be heard. Legal descriptions and maps of said property are available for inspection at the office of the City Secretary, 401 Market Street, Tomball, Texas.

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

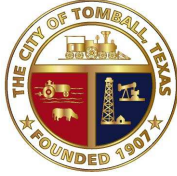
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 17th day of May 2016 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer

Doris Speer
City Secretary, TRMC

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

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL, TEXAS**



**MONDAY, JULY 5, 2016
6:00 P.M.**

Notice is hereby given that **PUBLIC HEARING will be held by the Tomball City Council, as the Governing Body of the City of Tomball, at Regular Council Meetings on Monday, July 5, 2016 at 6:00 p.m., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following Annexations:**

TRACT ONE: FIELD NOTE DESCRIPTION of a 4.847 acre (211,117 square foot) tract of land located in the Chancey Goodrich Survey, Abstract Number 311, Harris County, Texas and said 4.847 acre tract of land being a portion of F.M. 2920 Right-Of-Way (R.O.W.), and a portion of Telge Road R.O.W., said 4.847 acre tract being more particularly described by metes and bounds as follows: (The bearings described herein are oriented to Texas Coordinate System, South Central Zone NAD 1983.)

BEGINNING at the intersection of the northwesterly R.O.W. line of F.M. 2920 (based on a width of 120 feet) and the westerly R.O.W. line of Tomball Cemetery Road (based on a width of 60 feet) and the southeast corner of a called 21.001 acre tract, as described in the deed to Fritz Strayer and Jack Dicke recorded under Harris County Clerk's File Number (H.C.C.F. No.) U682638, in the west line of the city limits of Tomball according to Ordinance No. 2002-30 recorded under H.C.C.F. No. W304507 and being the northeast corner of the herein described tract;

THENCE, South 03 degrees 22 minutes 21 seconds East, departing the northwesterly R.O.W. line of said F.M. 2920, over and across said F.M. 2920 along the said westerly city limits line of Tomball, a distance of 148.08 feet, to the intersection of the southeasterly R.O.W. line of said F.M. 2920 and the westerly R.O.W. line of Triechel Road (based on a width of 60 feet), and being the northeast corner of a called 1.665 acre tract as described in the deed to Anna Bugardi recorded under H.C.C.F. No. 20140383986, from which a 5/8-inch iron rod found bears, South 19 degrees 18 minutes West, 0.61 feet;

THENCE, South 50 degrees 45 minutes 39 seconds West, departing the westerly R.O.W. line of said Triechel Road and the west city limits line of Tomball and along the southeasterly R.O.W. line of said F.M. 2920, a distance of 1,173.61 feet, to a 5/8- inch iron rod with cap stamped "West Belt Surveying Inc" found marking the beginning of a curve to the right and an angle in the southerly line of the herein described tract;

THENCE, in a southwesterly direction, along the southeasterly R.O.W. line of said F.M. 2920 and said curve to the right, having a radius of 1,492.40 feet, a central angle of 16 degrees 34 minutes 57 seconds (chord bears, South 59 degrees 03 minutes 08 seconds West, 430.43 feet) and an arc distance of 431.93 feet, to a 5/8- inch iron rod with cap stamped "West Belt Surveying Inc" found marking the northerly

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end of the cut-back line of the intersection of the southeasterly R.O.W. line of said F.M. 2920 and the easterly R.O.W. line of Telge Road (based on a width of 60 feet) and an interior corner of the herein described tract;

THENCE, South 14 degrees 00 minutes 53 seconds West, departing the southeasterly R.O.W. line of said F.M. 2920 and along said cut-back line, a distance of 84.81 feet, to a 4-inch by 4-inch concrete monument found marking the southerly end of the said cut-back line and an exterior corner of the herein described tract;

THENCE, South 84 degrees 29 minutes 02 seconds West, departing the easterly R.O.W. line of said Telge Road, over and across said Telge Road, a distance of 75.93 feet, to a 5/8-inch iron rod with cap stamped "Thomas 5736" found marking the southerly end of a cut-back line of the intersection of the westerly R.O.W. line of said Telge Road as shown on the plat of Reserve "A", Jack in the Box #3980 recorded under Film Code Number 568095 Harris County Map Records, and the southerly R.O.W. line of aforesaid F.M. 2920 and the southwest corner of the herein described tract;

THENCE, North 01 degree 26 minutes 11 seconds West, over and across the R.O.W. of said F.M. 2920, a distance of 179.03 feet, to the northerly R.O.W. line of said F.M. 2920 and the beginning of a non-tangent curve to the left and the northwest corner of the herein described tract;

THENCE, in a northeasterly direction, along said northerly R.O.W. line of said F.M. 2920 and said curve to the left, having a radius of 1,372.40 feet, a central angle of 19 degrees 01 minutes 19 seconds (chord bears, North 60 degrees 16 minutes 19 seconds East, 453.54 feet) and an arc distance of 455.63 feet to the point of tangency;

THENCE, North 50 degrees 45 minutes 39 seconds East, continuing along the northwesterly R.O.W. line of said F.M. 2920, a distance of 1,260.37 feet, to the **POINT OF BEGINNING** and containing a computed area of 4.847 acre (211,117 square feet) of land.

TRACT TWO: FIELD NOTE DESCRIPTION of a 14.427 acre (628,450 square foot) tract of land located in the Chancey Goodrich Survey, Abstract Number 311, Harris County, Texas and said 14.427 acre tract of land being out of and a part of a called 15.114 acre tract as described in the deed to James M. Milner, recorded under Harris County Clerk's File Number (H.C.C.F. No.) B295501, and all of a called 1.0000 acre tract as described in the deed recorded under H.C.C.F. No. F207872, and out of and a part of the tract described in the deed to James M. Milner, ET. UX. recorded under H.C.C.F. No. D909728, said 14.427 acre tract being more particularly described by metes and bounds as follows: (The bearings described herein are oriented to Texas Coordinate System, South Central Zone NAD 1983.)

BEGINNING at a concrete TX DOT monument found marking the southerly end of a cut-back line of the intersection of the easterly Right-Of-Way (R.O.W.) line of Telge Road (based on a width of 60 feet) as described in the deed recorded under Volume (Vol.) 78, Page (Pg.) 262 Harris County Deed Records (H.C.D.R.) and the southerly R.O.W. line of F.M. 2920 (A.K.A. Waller-Tomball Road) (based on a width of 120 feet) and marking the most westerly northwest corner of the herein described tract;

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THENCE, North 14 degrees 00 minutes 53 seconds East, along the said cut-back line, a distance of 84.81 feet to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" set marking the northerly end of said cut-back line and the most northerly northwest corner of the herein described tract and the beginning of a non-tangent curve to the left;

THENCE, in a northeasterly direction, departing the easterly R.O.W. line of said Telge Road and along the southeasterly R.O.W. line of said F.M. 2920 and along the said curve to the left, having a radius of 1,492.40 feet, a central angle of 16 degrees 34 minutes 57 seconds (chord bears North 59 degrees 03 minutes 08 seconds East, 430.43 feet) and an arc distance of 431.93 feet to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" set marking the point of tangency in southeasterly line of said F.M. 2920 and the northwesterly line of the herein described tract;

THENCE, North 50 degrees 45 minutes 39 seconds East, continuing along the southeasterly R.O.W. line of said F.M. 2920 and the northwesterly line of the herein described tract, a distance of 508.73 feet, to the most westerly northeast corner of the herein described tract in the southerly R.O.W. line of Unimproved Treichel Road (based on a width of 40 feet) from which bears, South 87 degrees 52 minutes East, 3.39 feet, a concrete TX DOT monument found next to a fence corner;

THENCE, South 88 degrees 01 minutes 19 seconds East, departing the southeasterly R.O.W. line of aforesaid F.M. 2920 along the southerly R.O.W. line of said Treichel Road and a 4-foot barbed wire fence, a distance of 70.89 feet, to a 1-inch iron pipe found in the east line of the called 50 acre tract (parent tract to said 15.114 acre tract) as described in the deed to Alfred Weindorff, ET. UX. recorded under Vol. 2915, Pg. 396 H.C.D.R. and the west line of a called 30.4 acre tract (parent tract to the called 6.995 acre tract as described in the deed to Colleen G. Garrett recorded under H.C.C.F. No. Y234222) as described in the deed to Frank Weindorff recorded under Vol. 3880, Pg. 390 H.C.D.R. marking the northwest corner of said 6.995 acre tract and the most easterly northeast corner of the herein described tract;

THENCE, South 02 degrees 05 minutes 00 seconds East, departing the southerly R.O.W. line of said Treichel Road along the east line of the said called 50 acre tract common with the west line of the said called 30.4 acre tract, a distance of 1,056.84 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" set marking the southeast corner of the aforesaid James M. Milner, ET. UX. tract and the herein described tract;

THENCE, South 83 degrees 55 minutes 44 seconds West, departing the said common line along the south line of the said James M. Milner, ET. UX. tract passing at a distance of 4.25 feet a 1/2-inch iron rod found bent marking the north east corner of Reserve A, Telge Park, Section 2, a subdivision recorded under Film Code Number 635119 of the Harris County Map Records, continuing along the south line of the said James M. Milner, ET. UX. tract common with the north line of said Reserve A, a total distance of 457.39 feet, to a point on the said common line marking an interior corner of the herein described tract;

THENCE, departing the said common line, over and across said James M. Milner, ET. UX. tract and the aforesaid called 15.114 acre tract the following four (4) courses and distances:

North 02 degrees 18 minutes 18 seconds West, a distance of 345.13 feet, to an interior corner of

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the herein described tract;

South 65 degrees 23 minutes 05 seconds West, a distance of 322.58 feet, to an interior corner of the herein described tract;

South 02 degrees 18 minutes 18 seconds East, a distance of 192.31 feet, to an interior corner of the herein described tract;

South 83 degrees 55 minutes 44 seconds West, a distance of 120.26 feet, to the west line of the herein described tract common with the aforesaid east R.O.W. line of Telge Road marking the southwest corner of the herein described tract;

THENCE, North 02 degrees 18 minutes 18 seconds West, along the said common line a distance of 476.30 feet, to the **POINT OF BEGINNING** and containing a computed area of 14.427 acre (628,450 square feet) of land.

Persons interested in the above-proposed Annexation will be given an opportunity to be heard. Legal descriptions and maps of said property are available for inspection at the office of the City Secretary, 401 Market Street, Tomball, Texas.

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 22nd day of June 2016 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer

Doris Speer
City Secretary, TRMC

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

Annexation Request



The City of Tomball requires annexation as a condition of extending municipal water, wastewater and/or other utility services to property located outside of the City's full-purpose jurisdiction. Following annexation, available utility services will be provided to the annexed property under the same terms and conditions as for other property located within the City of Tomball.

The undersigned property owner requests full-purpose annexation of the subject tract into the City of Tomball's full purpose jurisdiction in accordance with Chapter 43 of the Texas Local Government Code.

Requesting annexation does not change the City's obligation to provide municipal services in accordance with Chapter 43 of the Texas Local Government Code.

For information regarding the City's annexation process, please contact the City Secretary at 281-290-1002 or the Community Development Department at 281-290-1405.

Annexation must be completed prior to extension of water, wastewater, and/or other utilities.

I/We, the undersigned, am/are the current owner(s) of the tract described above and I/we request annexation into the City of Tomball for full-purposes in accordance with Chapter 43 of the Texas Local Government Code.

James & Patsy Milner

Name of Owner(s) (Type or Print)

J. M. Milner Patsy A. Milner

Owner's Signature

Date

4/13/16

Received by City Secretary

Date

Received by Community Development Department Date

CITY OF TOMBALL
ANNEXATION REQUEST APPLICATION
Part A: Statement of Request

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375

Mayor and Council:

1. I (we) the undersigned being the owner(s) of the property legally described as:

14.570 ACRES
634,659 SQUARE FEET
CHANCEY GOODRICH SURVEY
ABSTRACT NO. 311
HARRIS COUNTY, TEXAS

FIELD NOTE DESCRIPTION of a 14.570 acre (634,659 square foot) tract of land located in the Chancey Goodrich Survey, Abstract Number 311, Harris County, Texas and said 14.570 acre tract of land being all of a called 15.114 acre tract as described in the deed to James M. Milner, recorded under Harris County Clerk's File Number (H.C.C.F. No.) B295501, and all of a called 1.0000 acre tract as described in the deed recorded under H.C.C.F. No. F207872, and all of the tract described in the deed to James M. Milner, ET. UX. recorded under H.C.C.F. No. D909728, said 14.570 acre tract being more particularly described by metes and bounds as follows: (The bearings described herein are oriented to Texas Coordinate System, South Central Zone NAD 1983.)

BEGINNING at a concrete TX DOT monument found marking the southerly end of a cut-back line of the intersection of the easterly Right-Of-Way (R.O.W.) line of Telge Road (based on a width of 60 feet) as described in the deed recorded under Volume (Vol.) 78, Page (Pg.) 262 Harris County Deed Records (H.C.D.R.) and the southerly R.O.W. line of F.M. 2920 (A.K.A. Waller-Tomball Road) (based on a width of 120 feet) and marking the most westerly northwest corner of the herein described tract;

THENCE, North 14 degrees 00 minutes 53 seconds East, along the said cut-back line, a distance of 84.81 feet to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" set marking the northerly end of said cut-back line and the most northerly northwest corner of the herein described tract and the beginning of a non-tangent curve to the left;

THENCE, in a northeasterly direction, departing the easterly R.O.W. line of said Telge Road and along the southeasterly R.O.W. line of said F.M. 2920 and along the said curve to the left, having a radius of 1,492.40 feet, a central angle of 16 degrees 34 minutes 57 seconds (chord bears North 59 degrees 03 minutes 08 seconds East, 430.43 feet) and an arc distance of 431.93 feet to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" set marking the point of tangency in southeasterly line of said F.M. 2920 and the northwesterly line of the herein described tract;

THENCE, North 50 degrees 45 minutes 39 seconds East, continuing along the southeasterly R.O.W. line of said F.M. 2920 and the northwesterly line of the herein described tract, a distance of 508.73 feet, to the most westerly northeast corner of the herein described tract in the southerly R.O.W. line of Unimproved Treichel Road (based on a width of 40 feet) from which bears, South 87 degrees 52 minutes East, 3.39 feet, a concrete TX DOT monument found next to a fence corner;

THENCE, South 88 degrees 01 minutes 19 seconds East, departing the southeasterly R.O.W. line of aforesaid F.M. 2920 along the southerly R.O.W. line of said Treichel Road and a 4-foot barbed wire fence, a distance of 70.89 feet, to a 1-inch iron pipe found in the east line of the called 50 acre tract (parent tract to said 15.114 acre tract) as described in the deed to Alfred Weindorff, ET. UX. recorded under Vol. 2915, Pg. 396 H.C.D.R. and the west line of a called 30.4 acre tract (parent tract to the called 6.995 acre tract as described in the deed to Colleen G. Garrett recorded under H.C.C.F. No. Y234222) as described in the deed to Frank Weindorff recorded under Vol. 3880, Pg. 390 H.C.D.R. marking the northwest corner of said 6.995 acre tract and the most easterly northeast corner of the herein described tract,

THENCE, South 02 degrees 05 minutes 00 seconds East, departing the southerly R.O.W. line of said Treichel Road along the east line of the said called 50 acre tract common with the west line of the said called 30.4 acre tract, a distance of 1,056.84 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" set marking the southeast corner of the aforesaid James M. Milner, ET. UX. tract and the herein described tract,

THENCE, South 83 degrees 55 minutes 44 seconds West, departing the said common line along the south line of the said James M. Milner, ET. UX. tract passing at a distance of 4.25 feet a 1/2-inch iron rod found bent marking the north east corner of Reserve A, Telge Park, Section 2, a subdivision recorded under Film Code Number 635119 of the Harris County Map Records, continuing along the south line of the said James M. Milner, ET. UX. tract common with the north line of said Reserve A, a total distance of 475.43 feet, to a point on the said common line marking an interior corner of the herein described tract;

THENCE, departing the said common line, over and across said James M. Milner, ET. UX. tract and the aforesaid called 15.114 acre tract the following three (3) courses and distances:

North 02 degrees 18 minutes 18 seconds West, a distance of 338.92 feet, to an interior corner of the herein described tract;

South 65 degrees 23 minutes 05 seconds West, a distance of 330.13 feet, to an interior corner of the herein described tract;

South 02 degrees 18 minutes 18 seconds West, a distance of 233.70 feet, to the aforesaid south line of the said James M. Milner, ET. UX. common with the north line of aforesaid Reserve A, marking an interior corner of the herein described tract;

THENCE, South 83 degrees 55 minutes 44 seconds West, along said common line, a distance of 95.21 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" set in the east line of the herein described tract common with the west R.O.W. line of aforesaid Telge Road marking the southwest corner of the herein described tract, from which a 1/2"-inch iron rod (bent) bears South 83 degrees 56 minutes West, 0.60 feet;

THENCE, North 02 degrees 18 minutes 18 seconds West, along the said common line a distance of 526.30 feet, to the POINT OF BEGINNING and containing a computed area of 14.570 acre (634,659 square feet) of land.

hereby request the annexation of described property into the City of Tomball. Included with this request for annexation are all pertinent property Harris County Appraisal District Account Numbers:

042-181-000-0183, 042-181-000-0140, 042-181-000-0078, 042-181-000-0079, 042-181-000-0072

(Obtainable through the County Clerk's Office)

2. The described property is contiguous to the City of Tomball's corporate city limits - X Yes ___ No.

3. Attached is proof of ownership of the property by the undersigned - X Yes ___ No.

J.M. Milner
Full Legal Signature

JAMES MAXWELL MILNER
Name (print)

Company Name (if applicable)

21706 TELGE Rd.
Mailing Address (print)

TOMBALL, TX. 77377
City, State, Zip

281-351-4344
Phone Number

Pmilner@aol.com
E-mail Address (print)

4-17-2016
Date

Patsy A. Milner
Full Legal Signature

PATSY A. MILNER
Name (print)

Company Name (if applicable)

21706 TELGE Rd.
Mailing Address (print)

TOMBALL, TX 77377
City, State, Zip

281-351-4344
Phone Number

pmilner@aol.com
E-mail Address (print)

4-17-2016
Date

Part B: Annexation Property Evaluation & Anticipated Development Information

(Please print or type.)

1. Agent's Contact Information:

Please list any agents acting on behalf of the annexation property owner that should be notified of information pertaining to this annexation request.

Name: JOHN D. LINTON

Company Name: MORRIS AND ASSOCIATES

Mailing Address: 12715 TELGE RD, CYPRESS, TX 77429
City/State/Zip

Phone Number: 832-334-5004

E-mail Address: JOHN@MORRISASSOC.COM

2. Property Addresses:

Please list all property addresses associated with the proposed annexation property.
(Attach a list of additional property addresses, if necessary.)

- a. 15945 FM 2920, TOMBALL, TX
- b. 21706 TELGE RD, TOMBALL, TX
- c. 21718 TELGE RD, TOMBALL, TX
- d. _____
- e. _____
- f. _____
- g. _____
- h. _____
- i. _____
- j. _____
- k. _____

3. Nature of Existing Property:

Property Location: SOUTHEAST CORNER OF FM2920 AND TELGE

Number of Acres: 14.570

Existing Zoning: NA

Is development in conformance with existing zoning districts?

Yes ___ No X Don't know

Current Assessed Valuation of Land: 807,210

Improvements: 215,818

Total: 1,023,028

_____ Check if this property does not currently contain any structures, then proceed to #4.

a.) **Residential (existing)**

☒ Check here if there are no residential structures on the property.

No. of Units _____

No. of Lots _____ **or Acres** _____

Single-Family ☒

Duplexes _____

Four-Plex _____

Patio Homes _____

Townhouses _____

Apartments _____

b.) **Office and Commercial (existing)**

☐ Check here if there are no office or commercial structures on the property.

Size (Sq. Ft.) _____

Structure _____

Exterior Site Improvements _____

Total Site Coverage _____

c.) **Institutional (existing)**

☐ Check here if there are no institutional structures on the property.

Size (Sq. Ft.) _____

Structure _____

Exterior Site Improvements _____

Total Site Coverage _____

d.) **Industrial (existing)**

☐ Check here if there are no industrial structures on the property.

Size (Sq. Ft.) _____

Structure _____

Exterior Site Improvements _____

Total Site Coverage _____

4. **Anticipated Development**

a.) **Platting Status** *(Please check the applicable box below)*

☐ A plat pertaining to this property has been submitted to the Community Development Department for review

☒ A plat pertaining to this property will be submitted to the Community Development Department in the near future

☐ A plat will not be submitted within the next 6 months

b.) **Zoning Status** - Please note that properties are annexed as Agricultural "AG", unless zoning reclassification is requested by the property owner in conjunction with annexation.

☐ If a zoning reclassification is desired in conjunction with the annexation process, please check this box and contact the Community Development Department.

Will zoning changes be required and requested in the future to accommodate anticipated development?

☐ Yes If yes, please describe: _____ acres of _____
☒ No

c.) Residential (anticipated)

☒ Check here if no residential structures are anticipated on the proposed property.

No. of Units _____ **Value of Units** _____
No. of Lots or Acres _____ **Total Estimated Value** _____

Single-Family _____
Duplexes _____
Four-Plex _____
Patio Homes _____
Townhouses _____
Apartments _____
Total _____

d.) Office and Commercial (anticipated)

☐ Check here if no office and/or commercial structures are anticipated on the proposed property.

Size (Sq. Ft.) 6,350
Unit Value (\$/Sq. Ft.) 380
Total Estimated Value 2.5MIL
Structure C-Store, car fuel canopy and truck fuel canopy
Exterior Site Improvements new C-store, 7 multi-product fuel dispenser and a separate diesel fueling area.
Total Site Coverage 14.570

e.) Institutional (anticipated)

☒ Check here if no institutional structures are anticipated on the proposed property.

Size (Sq. Ft.) _____
Unit Value (\$/Sq. Ft.) _____
Total Estimated Value _____
Structure _____
Exterior Site Improvements _____
Total Site Coverage _____

f.) Industrial (anticipated)

☒ Check here if no industrial structures are anticipated on the proposed property.

Size (Sq. Ft.) _____
Unit Value (\$/Sq. Ft.) _____
Total Estimated Value _____
Structure _____
Exterior Site Improvements _____
Total Site Coverage _____
Estimated Number of Employees _____

g.) Staging of Anticipated Development (In %)

	Current							
	Yr	Yr2	Yr3	Yr4	Yr5	Yr10	Yr20	
Residential	_____	_____	_____	_____	_____	_____	_____	_____
Office / Commercial	_____	_____Y	_____	_____	_____	_____	_____	_____
Institutional	_____	_____	_____	_____	_____	_____	_____	_____
Industrial	_____	_____	_____	_____	_____	_____	_____	_____

PROPOSED ANNEXATION – 4.847 ACRES OF LAND (PORTIONS OF FM 2920 ROW AND TELGE ROAD ROW) - REVISED

Council approves annexation request by adopting Resolution, setting ~~6/6 (Monday, 6 p.m.)~~ and 6/20 (Monday, 6 p.m.); on 6/20, ratifies 7/5 (Monday, 6 p.m.) for public hearings. Send to paper on 5/17 to run on 5/23 (14 days' notice) and again on 6/6 (14 days' notice for 6/20) and 6/13 to run in paper on 6/20 (15 days' notice for 7/5 meeting) – one Special Council meeting required on **July 26 (5:30 p.m.), in order to meet Local Government Code deadlines.**

Publish Dates & Public Hearing Dates – Complete Annexation on 8/1/2016	Publish Date	First Public Hearing at REGULAR Meeting	Publish Date	Second Public Hearing at REGULAR Meeting	First Reading of Ordinance at SPECIAL Meeting	Second Reading of Ordinance at REGULAR Meeting
Council approves annexation on 5/16 and sets Public Hearings as 6/6 and 6/20; 7/5 added 1 st public hearing to 1 st reading is 35 36 days total; 63 69 days to complete annexation from approval of resolution	6/6/2016 5/23/2016 14 days' notice	REGULAR Mtg 6/20/2016 6/6/2016	RUN IN POTPOURRI 6/22/2016 6/6/2016 14 13 days' notice	Regular Mtg 7/5/2016 6/20/2016	SPECIAL, TUESDAY 5:00 p.m. 7/26/2016 7/11/2016	 8/1/2016 7/18/2016
	To paper 5/17 to run on 5/23 and 6/6		Reminder to paper 5/30 to run 6/6			
(49 63 days total from ORIGINAL first publication notice to first reading)	(-49 days)	(36 days) to 1 st reading		21 days to 1 st reading of ordinance	(Day 0)	(+ 6 days)

Publication date – more than 10 days' notice, less than 20 days' notice for public hearings [LGC, Sec. 43.063(c)] – **13 & 14 days' notice for P.H.s**

Public hearings – more than 20 days, less than 40 days between first public hearing and first reading of ordinance per LGC, Sec. 43.063(a)

NOTE: MUST have a minimum of **21 days** between the **second public hearing and the first reading of the ordinance**. – **21 days, 7/5 to 7/26**

MUST have NO MORE than **40 days** between the first public hearing and the first reading of the ordinance. — **36 days, 6/20 to 7/26**

(We will set public hearing dates between 21 and 39 days)

Annexation must be completed within 90 days, beginning to end (LGC, Sec. 43.064) – from 5/16/16 request to second reading of ordinance – **69 days**
City must give notice regarding intention to annex area 30 days before first public hearing to public and private entities – county, fire department, emergency services districts, utility companies [LGC, Sec. 43.062(b)] – **This requirement does not apply if we are annexing by petition.**

Resolutions No. 2016-09 and 2016-10 on the 5/16/2016 agenda for Council approval and set public hearings and special Council meeting date.

Council approves annexation request by adopting Resolution, setting **6/6 (Monday, 6 p.m.) and 6/20 (Monday, 6 p.m.)**; on 6/20, ratifies **7/5 (Monday, 6 p.m.)** for public hearings. Send to paper on ~~5/17 to run on 5/23 (14 days' notice)~~ and again on 6/6 (14 days' notice for 6/20) and 6/13 to run in paper on 6/20 (15 days' notice for 7/5 meeting) – one Special Council meeting required on **July 26 (5:30 p.m.)**, in order to meet Local Government Code deadlines.

Publish Dates & Public Hearing Dates – Complete Annexation on 8/1/2016	Publish Date	First Public Hearing at REGULAR Meeting	Publish Date	Second Public Hearing at REGULAR Meeting	First Reading of Ordinance at SPECIAL Meeting	Second Reading of Ordinance at REGULAR Meeting
Council approves annexation on 5/16 and sets Public Hearings as 6/6 and 6/20; 7/5 added		REGULAR Mtg		Regular Mtg	SPECIAL, TUESDAY 5:00 p.m.	
1 st public hearing to 1 st reading is 35 36 days total; 63 69 days to complete annexation from approval of resolution	6/6/2016 5/23/2016	6/20/2016 6/6/2016	RUN IN POTPOURRI 6/22/2016 6/6/2016	7/5/2016 6/20/2016	7/26/2016 7/11/2016	8/1/2016 7/18/2016
	14 days' notice		14 13 days' notice			
	To paper 5/17 to run on 5/23 and 6/6		Reminder to paper 5/30 to run 6/6			
(49 63 days total from ORIGINAL first publication notice to first reading)	(-49 days)	(36 days) to 1 st reading		21 days to 1 st reading of ordinance	(Day 0)	(+ 6 days)

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NOTE: MUST have a minimum of **21 days** between the **second public hearing and the first reading of the ordinance**. – **21 days, 7/5 to 7/26**

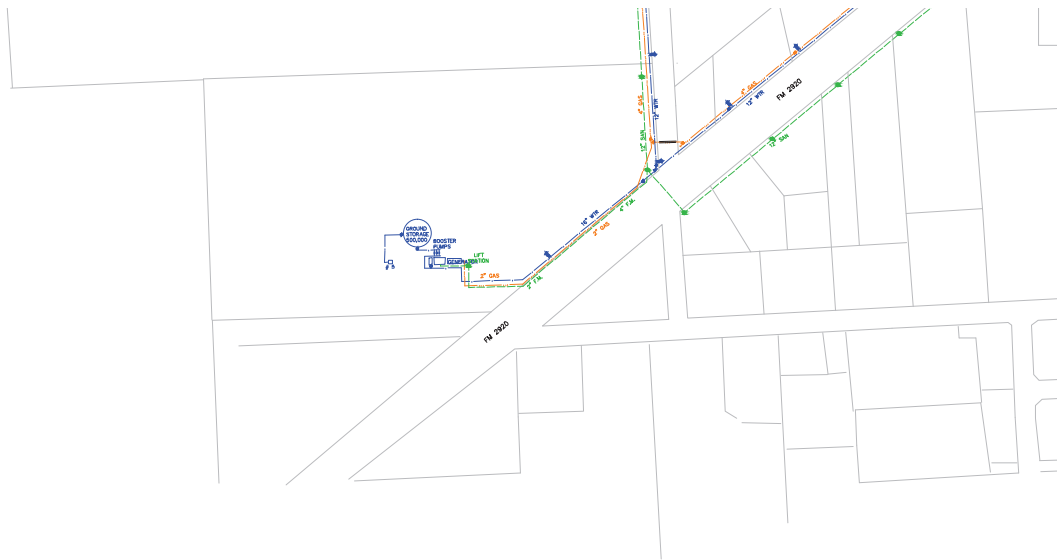
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(We will set public hearing dates between 21 and 39 days)

Annexation must be completed within 90 days, beginning to end (LGC, Sec. 43.064) – from 5/16/16 request to second reading of ordinance – **69 days**

City must give notice regarding intention to annex area 30 days before first public hearing to public and private entities – county, fire department, emergency services districts, utility companies [LGC, Sec. 43.062(b)] – **This requirement does not apply if we are annexing by petition.**

Resolutions No. 2016-09 and 2016-10 on the 5/16/2016 agenda for Council approval and set public hearings and special Council meeting date.



Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 20, 2016

Topic:

Approve Resolution No. 2016-12, a Resolution of the City Council of the City of Tomball, Texas, Designating the Official Newspaper for 2016 for Publication of Matters Pertaining to the City of Tomball

Background:

On February 15, 2016, Council designated the Tomball Tribune as the official newspaper for 2016. Unfortunately, the Tribune is no longer operating, necessitating the designation of a new official newspaper for the remainder of 2016.

Tomball Home Rule Charter, Section 3.06, and Texas Government Code, Section 2051.044, require the City Council to annually designate a public newspaper of general circulation in the City as the official newspaper for all legal notices—ordinances, public hearing notices, election notices, and other matters required to be published by the Charter, Tomball ordinances, the Constitution or state or federal laws.

The Potpourri has confirmed that they will honor the prices proposed in their original February presentation (attached). The Potpourri is the only local paper to meet all of the requirements of the City's Charter and state law.

The major portion of the City's official advertising involves legal notices, some of which are quarter-page ads that state or federal law require be published as display ads in the main body of the newspaper.

The Potpourri has an Internet site and we have enjoyed an excellent relationship with The Potpourri over the years. The Potpourri states a circulation number of 17,200 home-delivery customers in zip codes 77375 and 77377 and provides locations where papers can be picked up. The Potpourri's publication date is on Wednesday.

Staff recommends designation of The Potpourri as the official newspaper for 2016.

Origination:

Home Rule Charter/City Secretary

Recommendation:

Designation of The Potpourri as the official city newspaper for 2016.

Funding:

Yes

Account Number:Responsible Departments, Acct. 6335

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

City Secretary

ACTION TAKEN		
Approval	Readings Passed	Other

☐ Yes ☐ No

☐ 1st ☐ 2nd

ATTACHMENTS:

Resolution No. 2016-12

Potpourri Proposal and Sample Ads

RESOLUTION NO. 2016-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF TOMBALL, TEXAS, DESIGNATING THE OFFICIAL
CITY NEWSPAPER FOR 2016 FOR PUBLICATION OF
MATTERS PERTAINING TO THE CITY OF TOMBALL.**

* * * * *

WHEREAS, the Home Rule Charter of the City of Tomball, Section 3.06 – Official Newspaper, states:

“The Council shall have power to contract with, and by ordinance or resolution, annually designate a public newspaper of general circulation in the City as the official newspaper thereof and to continue as such until another is designated, and shall cause to be published therein all ordinances, notices and other matters required to be published by this Charter, by the ordinances of the City or by the Constitution or laws of the State of Texas.”

NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body hereby designates the Tomball Potpourri, a division of Houston Community Newspapers, to be named the official newspaper for 2016 for the City of Tomball, Texas, for the publication of ordinances, notices, and other matters required by law or ordinance to be published, and that this resolution shall take effect upon its passage.

PASSED AND APPROVED BY A VOTE OF ___ TO ___ AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 20TH DAY OF JUNE 2016:

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

GRETCHEN FAGAN, Mayor

ATTEST:

Doris Speer, City Secretary

Doris Speer

From: Susan Curr <scurr@hcnonline.com>
Sent: Friday, January 22, 2016 2:56 PM
To: Doris Speer
Cc: Elizabeth James; David Lee
Subject: RE: Designation of Official Newspaper for 2016
Attachments: 2016 City of Tomball proposal.pdf

Doris
Thank you again for this opportunity. HCN is hoping this year with our significant discounted pricing for you, we will be awarded and honored to be your newspaper of record for 2016.
Our Tomball Potpourri is a Wednesday pub and final deadline is 4pm Friday. It is a home delivered, residential newspaper. The Tomball Potpourri distributes to zip codes 77375 and 77377. Both with 8,600 circulation totaling 17,200. Location of local office is; 21901 Tomball Parkway, Suite 500, Houston TX 77070. Attached you will find the Tomball Potpourri Newspaper requirements, mechanics and pricing.

This is special pricing for you, and is based on a year contract with the Tomball Potpourri being your newspaper of record.

Sincerely
Susan Curr

Thank you for your interest in Houston Community Newspapers & Media Group

Susan Curr
Legals Account Specialist
281-378-1025 Office
1-855-441-6397 Fax (Toll Free)
scurr@hcnonline.com



From: Doris Speer [<mailto:DSpeer@tomballtx.gov>]
Sent: Friday, January 15, 2016 4:07 PM
Subject: Designation of Official Newspaper for 2016

Good afternoon –

I am requesting information to provide to Council for its designation of the official newspaper for 2016.

Please provide the following information regarding your newspaper:

1. Date published each week and deadline for submittals for publication;
2. Method of delivery to various customers (commercial, residential, etc.);
3. Distribution numbers and area(s);
4. Physical location of local office.

I have attached samples of possible notices that the City may send for publication during the year. Please provide:

1. the finished size of each notice, both in columns and inches;
2. the cost of each notice.

As information, under Tex. Gov't Code § 2051.042, the provision requires that the newspaper must:

- (1) devote not less than 25 percent of its total column lineage to general interest items;
 - (2) be published at least once each week;
 - (3) be entered as second-class postal matter in the county where published;
- and
- (4) have been published regularly and continuously for at least 12 months before the governmental entity or representative publishes notice. Tex. Gov't Code § 2051.044

Please provide this information no later than Monday, February 8, 2016, as I plan to submit the designation of the official newspaper to Council at the February 15, 2016 meeting.

Please contact me if you have any questions.

Doris Speer
City Secretary/RMO, TRMC, CMC
401 Market Street
Tomball, Texas
Pop: 10,753 (2010 Census)
(ofc) 281-290-1002
(fax) 281-351-6256
(email) dspeer@tomballtx.gov
(email) dspeer@ci.tomball.tx.us <mailto:dspeer@ci.tomball.tx.us>

This message, as well as any files or documents attached to it, contains information which may be privileged, confidential and exempt from disclosure under applicable law. It is intended only for the use of the person or entity to which it is addressed. Unless you are the addressee (or authorized to receive for the addressee), you are hereby notified that the copying, distribution or other use of this message is strictly prohibited. You may not use, copy or disclose to anyone the message or any information contained in the message. If you have received this message in error, please advise the sender immediately by reply e-mail, telephone or fax and destroy all forms of this message

Nothing in this message is intended to constitute an Electronic signature for purposes of the Uniform Electronic Transactions Act (UETA) or the Electronic Signatures in Global and National Commerce Act ("E-Sign") unless a specific statement to the contrary is included in this message.

Tomball Potpourri

NEWSPAPER REQUIREMENTS

General Circulation:

Please give circulation area (subdivisions, street boundaries, etc.). This is necessary to determine if the newspaper is circulated within the entity the publication is for.

Tomball Texas
Zip Codes: 77375, 77377

The newspaper must:

devote at least 25% of space to general interest items, Yes ☒ No ☐

be published at least once a week, Yes ☒ No ☐

have been published for at least the last 12 month, Yes ☒ No ☐

be entered as second-class postal matter in the county of publication. Yes ☒ No ☐

Postal Permit # 386-1805
(Please attach copy)

Person completing this form Susan Curr

Date 1/25/16 Title Legal Advertising Consultant

Classifieds

MECHANICS		
Columns	Inches	picas
1	1.638	9.83
2	3.388	20.33
3	5.138	30.83
4	6.888	41.33
5	8.638	51.83
6	10.388	62.33
Length	20.5"	

ROP Modular Sizes

Modular Size	Column Size	Actual Size
Full Page	6 column x 20.5"	10.388" x 20.5"
3/4 Page	5 column x 17"	8.638" x 17"
1/2 Page (H)	6 column x 10"	10.388" x 10"
1/2 Page (V)	3 column x 20"	5.138" x 20"
1/3 Page	4 column x 10"	6.888" x 10"
1/4 Page (H)	6 column x 5"	10.388" x 5"
1/4 Page (V)	3 column x 10"	5.138" x 10"
1/8 Page (H)	3 column x 5"	5.138" x 5"
1/8 Page (V)	2 column x 7.5"	3.388" x 7.5"
1/16 Page (H)	4 column x 2"	6.888" x 2"
1/16 Page (V)	2 column x 4"	3.388" x 4"

NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Tomball, Texas (the "City"), will meet at City Hall, 401 Market Street, Tomball, Texas, at 6:00 p.m. on the 5th day of December, 2011, which is the time and place tentatively set for the passage of an ordinance and such other action as may be deemed necessary to authorize the issuance of the City's certificates of obligation, in the maximum aggregate principal amount of \$14,500,000, payable from ad valorem taxes and from a limited pledge of a subordinate lien on the net revenues of the City's water and sewer system, bearing interest at any rate or rates not to exceed the maximum interest rate now or hereafter authorized by law, as shall be determined within the discretion of the City Council of the City at the time of issuance of the certificates of obligation, and maturing over a period not to exceed forty (40) years from the date of issuance, for the purpose of evidencing the indebtedness of the City for all or any part of the costs associated with the construction of streets, sidewalks and related drainage improvements, including right-of-way acquisition for the Medical Center Drive project, the construction of drainage improvements, including right-of-way acquisition for the M121 West Drainage project, and the cost of professional services incurred in connection therewith.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY, this 20th day of October, 2011.

(SEAL)

/s/ Doris Speer
City Secretary
City of Tomball, Texas

Classifieds Legal Notices
8pt font

2col (3.388") x 3.35"

29 lines

\$ 16.00 per

107.20 total net cost

NOTICE OF AVAILABILITY FOR REVIEW
OF THE
CITY OF TOMBALL
COMPREHENSIVE ANNUAL FINANCIAL REPORT
FOR FISCAL YEAR ENDING SEPTEMBER 30, 2013

Notice is hereby given, as required under Section 8.24 of the City of Tomball Home Rule Charter, that the Comprehensive Annual Financial Report (Annual Audit) for Fiscal Year ending September 30, 2013 of the City of Tomball, Texas will be on file and available for public inspection and review during normal business hours, beginning on March 24, 2014 at:

Tomball City Hall
401 Market Street
Tomball, Texas 77375.

Individuals interested in reviewing the Comprehensive Annual Financial Report (Annual Audit) for Fiscal Year ending September 30, 2013 should contact the office of the City Secretary, 401 Market Street, Tomball, Texas.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 18th day of March 2014

Doris Speer
Doris Speer, City Secretary, TRMC, CMC

Classifieds Legal Notices

8 pt font

2 col (3.388") x 3.55"

31 lines

\$16.00 per

\$ 113.60* Total net cost

* add \$24.00 if you want to include city seal

**PUBLIC NOTICE OF TEST OF AUTOMATIC
TABULATING EQUIPMENT**

Notice is hereby given that the automatic tabulating equipment that will be used in the Special City Election to be held on November 4, 2014, will be tested on Tuesday, October 14, 2014, at 9:00 a.m., at City Hall, 401 Market Street, to ascertain that it will accurately count the votes cast for all offices and on all measures.

(signed) Doris Speer
Signature of Officer

**AVISO PÚBLICO DE PRUEBA DEL EQUIPO DE
TABULACIÓN AUTOMÁTICA**

Se notifica por el presente que el equipo de tabulación automática que se usará en la Elección Especial de la Ciudad a celebrarse el 4 de noviembre de 2014, será sometido a prueba el día martes 14 de octubre de 2014 a las 9:00 a.m. en City Hall, 401 Market Street; para asegurar que contará con exactitud los votos emitidos para todos los cargos y medidas.

(firmada) Doris Speer
Firma del funcionario

**THÔNG BÁO CÔNG KHAI VỀ VIỆC KIỂM TRA
MÁY KIỂM PHIẾU TỰ ĐỘNG**

Thông báo bằng văn bản này là cho rằng thiết bị tự động tabulat cuộc bầu cử đặc biệt thành phố được tổ chức vào ngày 4 tháng 1 tra ngày thứ ba 14 tháng 10, năm 2014, lúc 9:00 giờ sáng, tại Cít để xác định rằng nó sẽ chính xác đếm phiếu bầu cho tất cả các và biện pháp.

(ký tên)
Chữ ký c

Classified Legal Notices
2 pt Font
3 col (5.138") x 8.75"
16.00 p/ci
420.00 Total net cost

**自動
製表機測試公開通知**

特此通知是既然自動製表設備，將在特別市選舉中用來舉行 2014 年 11 月 4 日，將星期二 2014 年 10 月 14 日，在 9:00 上午，在市政廳，401 市場街，以確定它會準確地計算票數的情況下為所有辦事處和所有措施時考驗。

(簽名) Doris Speer
官員簽名

NOTICE OF SPECIAL ELECTION
(AVISO DE ELECCIÓN ESPECIAL)
(THÔNG BÁO CUỘC BẦU CỬ ĐẶC BIỆT)
(特別選舉通知)

To the Registered Voters of the City of Tomball, Texas: (Para los votantes registrados de la Ciudad de Tomball, Texas.)
(Gửi Các Cử Tri Ghi Danh của Thành Phố Tomball, Texas) (致Tomball市, Texas已註冊選民:)

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m. on November 4, 2014, for voting in a special election the purpose of the electorate deciding the following issue: "For/Against the Sale of All Alcoholic Beverages Including Mixed Beverages" in the City of Tomball, Texas.

(Se notifica por el presente que los lugares de votación indicados abajo estarán abiertos de 7:00 a.m. a 7:00 p.m. el día 4 de noviembre de 2014 para votar en una elección especial con el fin de que los votantes decidan sobre el siguiente asunto: "A favor/En contra de la venta de todas las bebidas alcohólicas, incluidas las bebidas mezcladas" en la Ciudad de Tomball, Texas.)

(Thông báo theo đây được đưa ra rằng các địa điểm bỏ phiếu được liệt kê dưới đây sẽ mở cửa từ 7 giờ sáng đến 7 giờ tối vào ngày 4 tháng Mười Một, 2014 để toàn bộ cử tri quyết định vấn đề sau: "Thuận/Chống việc Bán Tái Cả Các Loại Đồ Uống Có Cồn Bao Gồm Cả Đồ Uống Hỗn Hợp" trong Thành Phố Tomball, Texas.)

(就此通知下列投票所將在2014年11月4日, 上午7:00至下午7:00開放, 在一特別選舉中投票為全體選民決定以下問題: "贊成/反對酒精飲料的銷售包括混合飲料"於Tomball市, Texas. "贊成/反對酒精飲料的銷售包括混合飲料"於Tomball市, Texas.)

LOCATION OF POLLING PLACE: (LOCALIDAD DEL LUGAR DE VOTACIÓN) (ĐỊA ĐIỂM BỎ PHIẾU) (投票所地點):

401 Market Street, Tomball, Texas 77375.

Early voting by personal appearance will be conducted each weekday at: 401 Market Street, Tomball, Texas 77375, between the hours of 7:45 a.m. and 5:00 p.m., Monday, Wednesday, and Thursday, between the hours of 7:45 a.m. and 7:45 p.m. on Tuesday, and between the hours of 7:45 a.m. and 4:00 p.m. on Friday, beginning on October 20, 2014 and ending on October 31, 2014.

(La votación anticipada en persona se llevará a cabo cada día hábil en: 401 Market Street, Tomball, Texas 77375, en el horario de 7:45 a.m. a 5:00 p.m., los lunes, miércoles y jueves, en el horario de 7:45 a.m. a 7:45 p.m. los martes, y en el horario de 7:45 a.m. a 4:00 p.m. los viernes, a partir del 20 de octubre de 2014 y hasta el 31 de octubre de 2014, inclusive.)

(Thủ tục đích thân tới bỏ phiếu sớm sẽ được tiến hành hàng tuần tại: 401 Market Street, Tomball, Texas 77375, từ 7 giờ 45 sáng đến 5 giờ chiều, Thứ Hai, Thứ Tư, và Thứ Năm, từ 7 giờ 45 sáng và 7 giờ 45 sáng vào Thứ Ba, và từ 7 giờ 45 sáng đến 4 giờ chiều Thứ Sáu vào ngày 20 tháng Mười, 2014 và kết thúc vào ngày 31 tháng Mười, 2014.)

(親自出席提前投票將於每個工作日舉行於: 401 Market Street, Tomball, Texas 77375, 星期一, 星期三和星期四上午 7:45至下午5:00之間, 星期二上午7:45至下午7:45之間, 星期五上午7:45至下午4:00之間, 開始於2014年10月20日, 結束於2014年10月31日。)

Applications for ballot by mail shall be mailed to: (Las solicitudes de boletas de votación para votar por correo deben ser enviadas por correo a:) (Các đơn xin lá phiếu bầu qua thư phải được gửi về:) (申請郵寄選票應該寄至下列地址:)

Doris Speer

(Name of Early Voting Clerk) (Nombre del Oficial de Votación Anticipada)

(Tên Thư Ký phụ trách Bỏ Phiếu Sớm) (提前投票書記員)

401 Market Street

(Address) (Dirección) (Địa chỉ) (地址)

Tomball, TX 77375

(City) (Ciudad) (Thành phố) (城市)

(Zip Code) (Código Postal) (Mã Vùng) (郵編)

Applications for ballot by mail presented in person must be received no later than the (Las solicitudes de boletas de votación por correo entregadas en persona deben ser recibidas antes del horario de oficina del 7 de octubre de 2014.) (Đơn xin lá phiếu gửi qua thư gửi trực tiếp phải được nhận trước giờ làm việc vào ngày 7 tháng Mười, 2014.) (親自郵寄選票申請必須在2014年10月7日以前)

Issued this the 25th day of August 2014. (Emitido es el día 25 de agosto de 2014.) (Được ban hành ngày 25 tháng 8 năm 2014) (在2014年8月25日)

(signed) Gretchen Fagan

Signature of Mayor (Firma del Alcalde) (Chữ Ký của Thị Trưởng) (市長簽名) Page 11 of 20
Page 74 of 210

Classified Legal Notices
8 pt font
3 col (5.138") x 7.5"
16.00 per
\$ 360.00 total net
cost

Tuesday, October 7, 2014
Start Time 5:30 P.M.

Sol de Luna
(Cisco's Banquet Room)
207 Commerce

Mayor's Coffee

Stop by to get in
touch



Regular section of paper

ROP pricing \$8.00

1/8 page H

3col (5.138") x 5"

Modular Size

\$120.

36. plus 30" for full
processed color
\$156.00 total not cost

HOWDY PARTNER!

It's hard to find in Tomball that the trail riders are heading our way. Meet them on a warm day, and enjoy gently, live music and more for some old style Western tunes. They'll be there to make you feel at home.

Trailride reception on February 21 at the historic 201 South Elm Street from high-noon-til-4pm. It only happens once a year, so don't miss it... Call...

Regular section of paper
ROP pricing \$800 per
1/2 page +
3 col (5.138") x 5"
Modular Size
\$120.
\$ 36. plus 30" for full
processed color
\$156 + 1 + 1

Notice of Tax Revenue Increase

The **CITY OF TOMBALL, TEXAS** conducted public hearings on October 3, 2011 and October 10, 2011 on a proposal to increase the total tax revenues of the **CITY OF TOMBALL, TEXAS** from properties on the tax roll in the preceding year by 32.25 percent.

The total tax revenue raised last year at last year's tax rate of \$0.251455 for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this year, was \$2,841,514.

The total tax revenue proposed to be raised this year at the proposed tax rate of \$0.341455 for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this year, is \$3,744,913.

The total tax revenue proposed to be raised this year at the proposed tax rate of \$0.341455 for each \$100 of taxable value, including tax revenue to be raised from new property added to the tax roll this year, is \$3,793,305.

The **CITY OF TOMBALL** is scheduled to vote on the tax rate that will result in that tax increase at public meetings to be held on **October 17, 2011** at 6:00 p.m. and on **October 24, 2011** at 5:30 p.m. at **Tomball City Hall, 401 Market Street, Tomball, Texas.**

**The tax information above is published as a requirement of State Law.
Your individual taxes will not increase unless Harris County Appraisal
District has appraised your property at a higher value.**

*Regular section - ROP pricing \$8.00 per
of paper*

24pt Headline

1/4 page V 3col (5.138") X 10"

Modular Size

\$240. Total net cost

Notice of Vote on Tax Rate

The CITY OF TOMBALL, TEXAS

is scheduled to vote on the tax rate at
public meetings to be held
on **September 20, 2010** at 7:00 p.m.
and on **October 4, 2010** at 7:00 p.m.
at **TOMBALL CITY HALL**

401 Market Street, Tomball, Texas

The tax information above is published as a courtesy. Your individual taxes will not increase unless Harris County Appraisal District has appraised your property at a higher value. The tax rate for the City of Tomball remains the same for the fifth year.

Regular Section - ROP pricing \$8.00 per
of paper

1/16" page 4 (6.888") x 2"

modular size

\$64.00 total net cost

NOTICE OF PUBLIC HEARING
at the
TOMBALL CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS

MONDAY, AUGUST 18, 2014

6:00 P.M.

Notice is hereby given that a PUBLIC HEARING will be held by the Tomball City Council, as the Governing Body of the City of Tomball, at a Regular Council Meeting on Monday August 18, 2014 at 6:00 p.m., at City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following:

Public Hearing for the Purpose of Council Consideration, Approval and Submission of a Grant Application to the Texas Parks and Wildlife Outdoor Recreation Grant Program for the Proposed Development of a New City Park, said Park being located at 1414 Huffsmith, Tomball, Texas, described below:

A 16.6372 acre (724,718.60 square foot) tract of land being all of a called 16.637 acre tract of land described in a deed from Rivera Assisted Living, LLC, to BD Brussard Real Estate Partnership, LLC, as recorded under Harris County Clerk's File Number W130528, in the John S. Smith Survey, Abstract Number 730, City of Tomball, Harris County, Texas, said 16.6372 acre tract being more particularly described as follows (bearings based on the Texas State Plane Coordinate System, South Central Zone, NAD83):

BEGINNING at a 5/8-inch iron rod found in the north line of the John S. Smith Survey, Abstract Number 730, common with the south line of the Joseph Miller Survey, Abstract Number 50, in the west line of a called 3.563 acre tract of land described in a deed recorded in Volume 5295, Page 424, of the Harris County Deed Records, for the southeast corner of a called 6.000 acre tract of land described in a deed from John C. Foley, et ux, to Harris County, as recorded under Harris County Clerk's File Number G917446, and for the northeast corner hereof;

THENCE, South 02 degrees 29 minutes 42 seconds East, a distance of 602.37 feet, with the west line of said called 3.563 acre tract and the west line of a called 8.6232 acre tract of land described in a deed from TXI Operations, LP, to Cemex Construction Materials South, LLC, as recorded under Harris County Clerk's File Number 20110321048, to a 5/8-inch iron rod found in the west line of said called 8.6232 acre tract, for the northeast corner of a called 6.383 acre tract of land described in a deed from John C. Foley, et al, to Dewey Adkison, Jr., as recorded under Harris County Clerk's File Number V581316, and for the southeast corner hereof;

THENCE, North 89 degrees 18 minutes 11 seconds West, a distance of 390.29 feet to a 5/8-inch iron rod found for the northwest corner of said called 6.383 acre tract and the northeast corner of a called 43.52 acre tract of land described in a deed from FB Holdings, LLC, to RMDMG, LTD, as recorded under Harris County Clerk's File Number 20100169651, and being an angle point in the south line hereof;

THENCE, South 87 degrees 58 minutes 59 second West, a distance of 985.71 feet, with the north line of said called 43.52 acre tract and the north line of a called 5 3/4 acre tract of land described in a deed from Jerry Allen Stokley, et ux, to Melvin Lee Stokley, as recorded under Harris county Clerk's File Number P058582, to a 5/8-inch iron rod found in the easterly right-of-way line of Huffsmith Road (width varies), for the northwest corner of said called 5 3/4 acre tract, and the southwest corner hereof;

THENCE, with the easterly right-of-way line of said Huffsmith Road, North 21 degrees 28 minutes 55 seconds East, a distance of 624.16 feet to a 5/8-inch iron rod with "CLR" cap set for the southwest corner of a called 9.663 acre tract of land described in a deed from John C. Foley, et ux, to Lone Oaks Holdings, LLC, as recorded under Harris County Clerk's File Number W039500, and for the northwest corner hereof;

THENCE, North 87 degrees 23 minutes 50 second East, a distance of 1121.71 feet, with the south line of said called 9.663 acre tract and the south line of the aforementioned called 6.000 acre tract, to the **POINT OF BEGINNING** and containing a computed area of 16.6372 acres (724,718.60 square feet) of land.

A copy of the Proposed Grant Application as filed in the City Secretary's office, will be available for public inspection at the office of the City Secretary, 401 Market Street, Tomball, Texas, Monday through Thursday, 7:45 a.m. to 5:00 p.m., and Friday, 7:45 a.m. to 4:00 p.m., beginning on July 28, 2014.

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 23rd day of July 2014 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.

Classifieds Legal Notices

8pt font

2 col (3.388") X 12.35"

110 lines

\$16.00 per

\$395.20* total net cost

* Add \$24.00 if you want to include city seal

**NOTICE OF PUBLIC HEARING
at the
TOMBALL CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS**

MONDAY, AUGUST 18, 2014

6:00 P.M.

Notice is hereby given that a PUBLIC HEARING will be held by the Tomball City Council, as the Governing Body of the City of Tomball, at a Regular Council Meeting on Monday August 18, 2014 at 6:00 p.m., at City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following:

**Public Hearing for the Purpose of Adopting
the City of Tomball's Budget for
Fiscal Year 2014-2015.**

A copy of the Proposed Budget, as submitted to City Council and filed in the City Secretary's office, will be available for public inspection at the office of the City Secretary, 401 Market Street, Tomball, Texas, Monday through Thursday, 7:45 a.m. to 5:00 p.m., and Friday, 7:45 a.m. to 4:00 p.m., beginning on July 28, 2014.

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Doris Speer

Doris Speer, City Secretary, TRMC

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*Classifieds Legal Notices
8pt font*

2col (3.388") x 5"

44 lines

\$ 16.00 per

\$ 160.00 total net cost*

*Add \$ 24.00 if you want to include
city seal*

NOTICE TO BIDDERS

The City of Tomball shall accept sealed bids to purchase, or to exchange other land for, the following land and improvements owned by the City and located at 101 South Walnut Street in the City:

A0.1148-acre tract of land called Lots 11 and 12, Block 3, out of the Tomball Townsite, Harris County, Texas.

A minimum total purchase bid of **\$150,000** is required; or alternatively, a bid for the exchange of other land with a minimum appraised value of **\$150,000**. Additionally, the City of Tomball will only consider a bid for the exchange of land if such land is located within the Old Tomball Townsite.

Sealed bids shall be addressed to the City Secretary, City of Tomball, 401 Market Street, Tomball, Texas, 77375, and shall be labeled "Project Number 2011-04, **DO NOT OPEN**" and shall be marked with the Bidder's name and address. Any bid received after the time specified will be returned unopened. Any bid that does not conform in all material respects to the Notice to Bidders will be considered nonresponsive. Bids will be accepted until 9:00 A.M., Tuesday, May 3, 2011, at which time all bids shall be opened and read aloud.

Each bidder is required to submit a cashier's or certified check issued by a bank satisfactory to the City of Tomball in an amount of not less than (1%) of the total amount of the bid submitted for purchase, or (1%) of the appraised value of the other land for exchange, as a guarantee that the bidder will enter into a sales contract within 15 days after notice of award of the contract to him. A pro forma copy of the sales contract may be obtained from Doris Speer, City Secretary, City of Tomball, 401 Market Street, Tomball, Texas 77375. It shall be each bidder's sole responsibility to inspect the property and obtain information regarding the condition and all factors relative to the sale. All such information may be obtained from the City Secretary's office, at the address provided above.

Upon consideration of the bids, the City of Tomball reserves the right to accept or to reject any or all bids, to waive any informality or technicality, to make any investigation deemed necessary concerning the bidder's ability to complete the sale, and accept what, in the City's judgment, is the most advantageous bid.

Classifieds Legal Notices
8 pt font
2 col (3.388") x 4.75"
42 lines

\$16.00 per

\$152.00 Total net cost

ORDINANCE NO. 2014-39

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS ZONING ORDINANCE, BY APPROVING A PLANNED DEVELOPMENT DISTRICT OF APPROXIMATELY 27.16 ACRES OF LAND, LEGALLY DESCRIBED AS TRACTS 2M & 4N, ABSTRACT 632, C.V. PILLOT AND RESERVE A, BLOCK 1, KENNETH LEE; 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 - 8 (PD-8) DISTRICT; ADOPTING A CONCEPT PLAN AND REGULATIONS APPLICABLE TO PD-8 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. SECOND READING PASSED AND APPROVED DECEMBER 1, 2014.

Classified Legal Notices

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2col (3.388") x 2"

16 lines

\$16.00 per

\$64.00 Total net cost

2014 Property Tax Rates in City of Tomball

This notice concerns the 2014 property tax rates for City of Tomball. It presents information about three tax rates. Last year's tax rate is the actual tax rate the taxing unit used to determine property taxes last year. This year's *effective* tax rate would impose the same total taxes as last year if you compare properties taxed in both years. This year's *rollback* tax rate is the highest tax rate the taxing unit can set before taxpayers start rollback procedures. In each case these rates are found by dividing the total amount of taxes by the tax base (the total value of taxable property) with adjustments as required by state law. The rates are given per \$100 of property value.

Last year's tax rate:

Last year's operating taxes	\$1,662,244
Last year's debt taxes	\$3,430,229
Last year's total taxes	\$5,092,473
Last year's tax base	\$1,491,403,845
Last year's total tax rate	\$0.341455/\$100

This year's effective tax rate:

Last year's adjusted taxes (after subtracting taxes on lost property)	\$5,082,886
+ This year's adjusted tax base (after subtracting value of new property)	\$1,478,882,427
- This year's effective tax rate (Maximum rate unless unit publishes notices and holds hearings.)	\$0.343697/\$100

This year's rollback tax rate:

Last year's adjusted operating taxes (after subtracting taxes on lost property and adjusting for any transferred function, tax increment financing, state criminal justice mandate, and/or enhanced indigent healthcare expenditures)	\$5,064,955
+ This year's adjusted tax base	\$1,478,882,427
= This year's effective operating rate	\$0.342485/\$100
x 1.05 = this year's maximum operating rate	\$0.369883/\$100
+ This year's debt rate	\$0.230055/\$100
- This year's total rollback rate	\$0.599938/\$100
- Sales tax adjustment rate	\$0.225668/\$100
= Rollback tax rate	\$0.374270/\$100

Statement of Increase/Decrease

If City of Tomball adopts a 2014 tax rate equal to the effective tax rate of \$0.343697 per \$100 of value, taxes would increase compared to 2013 taxes by \$94,692.

Schedule A - Unencumbered Fund Balance

The following estimated balances will be left in the unit's property tax accounts at the end of the fiscal year. These balances are not encumbered by a corresponding debt obligation.

Type of Property Tax Fund	Balance
General Fund	12,281,443
Special Revenue Funds	929,881

Schedule B - 2014 Debt Service

The unit plans to pay the following amounts for long-term debts that are secured by property taxes. These amounts will be paid from property tax revenues (or additional sales tax revenues, if applicable).

Description of Debt	Principal or Contract Payment to be Paid from Property Taxes	Interest to be Paid from Property Taxes	Other Amounts to be Paid	Total Payment
Series 2010 Refunding Bonds	270,000	19,970	0	289,970
Series 2011 Refunding Bonds	513,000	113,085	0	626,085
2011 Lease - Fire Truck	535,464	20,615	0	556,079
2015 Lease - Fire Truck	68,104	27,200	0	95,304
Series 2012 Certificates of Obligation	585,000	459,819	0	1,044,819
Series 2013 Refunding Bonds	490,000	57,888	0	547,888
Series 2013 Certificates of Obligation	340,000	184,913	0	524,913

Total required for 2014 debt service	\$3,685,058
- Amount (if any) paid from Schedule A	\$213,000
- Amount (if any) paid from other resources	\$0
- Excess collections last year	\$0
= Total to be paid from taxes in 2014	\$3,472,058
+ Amount added in anticipation that the unit will collect only 100.00% of its taxes in 2014	\$0
= Total debt levy	\$3,472,058

Schedule C - Expected Revenue from Additional Sales Tax

In calculating its effective and rollback tax rates, the unit estimated that it will receive \$3,405,840 in additional sales and use tax revenues.

This notice contains a summary of actual effective and rollback tax rates' calculations. You can inspect a copy of the full calculations at 1001 Preston, Houston, TX 77002.

Name of person preparing this notice: Mike Sullivan

Title: Harris County Tax Assessor-Collector

Date Prepared: 08/28/2014

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of paper
ROP-pricing
\$ 8.00 pc
9pt font
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3col (5.138") x 20"

Modular Size

480. Total net cost

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 20, 2016

Topic:

Appoint Representative to the Southeast Texas Housing Finance Corporation (SETH) Board of Directors

Background:

H. G. "Hap" Harrington's term as a Director of the Southeast Texas Housing Finance Corporation (SETH) will expire on January 21, 2017; prior to his recent death, Mr. Harrington had requested that Council consider appointing someone to fill his unexpired term, due to health issues.

Through SETH, City of Tomball previously acquired a \$45,000 grant for the renovation of low-income senior citizen housing in 2006; the remaining funds from this grant were presented to the Tomball Rotary and Tomball High School Student Council on February 21, 2011 for the "Showers for Shane" project.

Sherrie Meicher, in Congressman McCaul's office, has expressed her desire to serve on the SETH Board of Directors and I would like to recommend her appointment as a Director.

Origination:

Mayor Fagan

Recommendation:

Appointment of Sherrie Meicher as a Director of the Southeast Texas Housing Finance Corporation (SETH)

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

City Secretary

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 20, 2016

Topic:

Appoint/Reappoint Member to the Planning and Zoning Commission for Term Expiring June 1, 2016

Background:

The Planning and Zoning Commission consists of five regular members with staggered three year terms. Richard Anderson's position (Position 4) expired on June 1, 2016 and he has requested reappointment.

City Council may make additional nominations from current applications on file as desired.

Origination:

Mayor Gretchen Fagan

Recommendation:

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

Community Development Department

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: June 20, 2016

Topic:

Appoint/Reappoint Members to the Board of Adjustments for Terms That Expired on March 2, 2016

Background:

The Board of Adjustments consists of five regular members and four alternates with staggered two-year terms. Both Michelle Beauvais' and John Ford's terms as regular/full members have expired and neither are seeking reappointment.

The terms of alternate members Tina Roquemore and April Gray have also expired and each is seeking appointment as a regular/full member.

Appointment of Tina Roquemore to Position 2 and reappointment of April Gray to Position 4 will provide five regular members.

Rocky Pilgrim and Robert Maxwell remain as alternate members and we are seeking to fill the two alternate member vacancies.

Origination:

Mayor Gretchen Fagan

Recommendation:

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

Community Development Department

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: June 20, 2016

Topic:

Appoint/Reappoint Members to the Tomball Economic Development Corporation Board of Directors

Background:

The Tomball Economic Development Corporation terms for Bill Sumner, Richard Bruce, and Vincent O'Donnell are due for appointment/reappointment. Bill Sumner and Richard Bruce have indicated their desire to continue serving on the TEDC.

I would like to recommend the reappointment of Bill Sumner and Richard Bruce in order to maintain the continuity of the Board. I would also like to recommend the appointment of Tom Crofoot to the vacancy left by Vincent O'Donnell; he has previously served the City well on the Planning and Zoning and Capital Improvements Plan Committees.

Nominations will also be accepted at the Council meeting.

Origination:

Mayor Fagan

Recommendation:

N/A

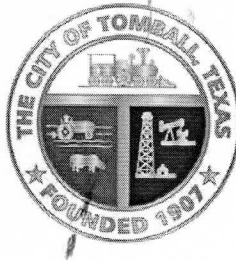
Party(ies) responsible for placing this item on agenda:

Doris Speer

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

ATTACHMENTS:

Application - Tom Crofoot



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

As an Applicant for a City Board, Commission, or Committee, your application will be available to the public. You will be contacted before any action is taken on your appointment to confirm your continued interest in serving. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. Applications will be kept on file for two years and will expire at the end of two years; for instance, an application dated in 2014 will expire in 2016.

Please Type or Print Clearly:

Name: TOM CROFOOT

Address: 1430 NEAL DR.

City/State/Zip TOMBALL, 77375

Email: tcrofoot@gmail.com

Date: 6/14/2016

Phone: 281-255-4855

Phone: 832-788-7872 (Home)

Cell: 832-788-7872 (Work)

I have lived in Tomball 19 years. in Oct.

I am ☒ am not ☐ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: LICENSED REALTOR; OWNER OF TOMBALL PARKWAY
SELF STORAGE AT 30530 TOMBALL PKWY, TOMBALL, 77375.
OWNER OF INVESTMENT PROPERTIES; AND PART TIME FARMER
ON 26 ACRES IN TOMBALL.

Professional and/or Community Activities: MEMBER OF THE GREATER TOMBALL AREA
CHAMBER OF COMMERCE; MEMBER OF THE EPISCOPAL CHURCH OF THE
GOOD SHEPHERD IN TOMBALL, AND ACTIVELY SERVE IN MANY MINIST
PREVIOUSLY SERVED 9 YEARS ON THE CITY OF TOMBALL P & Z
COMMISSION - 2 YEARS AS CHAIR.

Additional Pertinent Information/References: _____

Applications for the following Council-appointed Boards, Commissions, and Committees will be kept on file in the City Secretary's office (281-290-1002) for two years.

If you are interested in serving on more than one board, please indicate your preference by numbering in order of preference (i.e., 1, 2, 3, etc.)

Decision-Making Boards and Commissions

- () Planning & Zoning Commission
() Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.
To Be Announced; Evenings

Separate Legal Entities

- (☒) Tomball Economic Development Corporation

() Tomball Regional Health Foundation

Meeting Information

First Wednesday of January, April, July & October, 9 a.m. (special meetings may be called)
Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees

- () Downtown Tomball Advisory Committee
DTAC does not require Tomball residency

Meeting Information

As called

Non-profit Corporation Boards

- () Tomball Legacy Fund, Inc.
Position 7, Tomball Legacy Fund, does not require Tomball residency

Meeting Information

As called

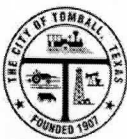
I AM INTERESTED IN SERVING ON THE ABOVE-INDICATED BOARDS, COMMISSIONS, AND COMMITTEES.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
404 Market Street
Tomball, TX 77375



Board Member Election on Disclosure

An appointed Board Member may choose whether or not to allow public access to the information in the custody of the City relating to the Board Member's home address, home telephone number, cellular and pager numbers (if not paid for by City), emergency contact information, personal email address, and information that reveals whether the person has family members.

Each Board Member shall state his/her choice in writing to the City Secretary's Office. If a Board Member elects not to allow public access to this information, the information is protected by Sections 552.024 and 552.117 of the Public Information Act and rulings of the Texas Attorney General. If a Board Member fails to report his/her choice, the information may be subject to public access.

If during the course of their term a Board Member wishes to close or open public access to the information, the individual may request in writing to the City Secretary's Office to close or open access as the case may be. A Board Member may request to close or open public access to the information by submitting a written request to the City Secretary's Office. Only the City Secretary's Office is allowed to disclose the information listed above.

(Please strike through any information that you do not wish to be made accessible to the public)

Please complete the information below and return
to the City Secretary's Office within fourteen days of receipt.

☒ I **DO** elect public access to my: (please indicate items you would like available, if any)

☒ home address

☐ home telephone number

☒ personal email address

☒ cell or pager numbers not paid for by the City

☒ emergency contact information

☒ information that reveals whether I have family members.

☐ I **DO NOT** elect public access to my home address, home telephone number, cell or pager numbers, emergency contact information, or any information that reveals whether I have family members.

Tom Crofoot
Board Member's Signature

6/14/2016
Date

TOM CROFOOT
Board Member's Printed Name

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 20, 2016

Topic:

Receive the Tomball Economic Development Corporation (TEDC) 2015-2016 Annual Report

Background:

The Bylaws of the Tomball Economic Development Corporation require that a status report outlining the activities of the Corporation in carrying out its Strategic Work Plan be submitted to City Council for review each year.

The TEDC is pleased to present the attached 2015-2016 Annual Report.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

As per the TEDC Bylaws, this annual report is for review by the City Council. No action is required.

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation

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

ATTACHMENTS:

2015-2016 TEDC Annual Report

ANNUAL REPORT

2015 • 2016

TOMBALL
ECONOMIC DEVELOPMENT CORPORATION

TOMBALL ECONOMIC DEVELOPMENT CORPORATION

The Tomball Economic Development Corporation (TEDC) is a non-profit Type B Corporation created pursuant to the Texas Development Corporation Act of 1979. The TEDC was formed in November 1994, after the citizens of Tomball voted to pass a one-half cent sales tax dedicated to economic development.

From left to right back row:

Chad Degges
Lori Klein-Quinn, *Vice President*
Vince O'Donnell
Steven Vaughan

From left to right front row:

William E. Sumner, *Secretary*
Gretchen Fagan, *President*
Richard Bruce, *Treasurer*



GOALS

- ◆ Promote Business Retention & Expansion
- ◆ Attract New Business & Industry
- ◆ Coordinate Economic Development Efforts in Tomball, the Region, & the State

OPERATING REVENUES

(FY 2015 Adopted)

Beginning Fund Balance	Interest Income
\$14,380,719	\$40,000
Sales Tax	Total Available Resources
\$3,450,000	\$18,876,219

EXPENDITURES

Administrative	Grants, Loans & Other Expenditures
\$385,313	\$2,785,750
Indirect Economic Development Expenses	Total Expenditures
\$783,269	\$5,040,492
City Debt Service	Ending Fund Balance
\$1,086,161	\$13,835,726

MISSION

To promote economic growth in the City of Tomball through the attraction of new business and industry and the retention of existing businesses by providing the resources that enable development and advance the general well-being of the community.

VISION

Tomball will be a sound economic competitor, providing opportunities for commercial and industrial development that enable business owners and residents to benefit from Tomball's dynamic economy, strong labor force, and unmatched living and working environment.

EXECUTIVE DIRECTOR'S MESSAGE

It is my pleasure to present to you, on behalf of the Board of Directors and staff of the Tomball Economic Development Corporation, our 2015-2016 Annual Report.

The City of Tomball looks very different today than it did just a decade ago. Our community has become a stronger economic engine, with implemented zoning, infrastructure projects and an established identity as a tourist destination and commercial hub.

Over the past year, we have seen three key projects drastically transform the Tomball community. The completion of Segments F-1, F-2, and G of the Grand Parkway (Houston's third outer loop) along with the extension of the Tomball Tollway (SH 249) from Spring Cypress to Tomball have vastly improved mobility in the north Houston region. Shorter travel times and less congestion on roadways represents economic opportunity for Tomball. Existing and prospective businesses now have greater access to service areas and workforce, as well as improved access to the George Bush Intercontinental Airport, Interstate 45 and Interstate 10.

Additionally, the Tomball Business & Technology Park is swiftly taking shape as a prominent business location for high-tech and international companies. Construction of the park's first building, a 50,000 square foot Research & Development facility, is underway for international oilfield services company, Packers Plus Energy Services. Following suit, General Electric is under contract to purchase 5.502 acres and plans to construct a 37,300 square foot laboratory and office facility for its Water & Process Technologies division. What was once a greenfield site at the southeastern edge of the city is quickly becoming a highly attractive business and technology park.

I am proud of the role the Tomball Economic Development Corporation has played in the evolution of the City from a suburb of Houston to a vibrant regional model for economic growth. Looking ahead, we will continue our mission of supporting businesses and economic development to improve the quality of life for our residents.

It is my great pleasure to serve you as the Executive Director and I look forward to working with you to continue to develop Tomball as a great place to do business!

Kelly Violette, AICP
Executive Director



• Kelly Violette, AICP
Executive Director



• Tiffani Wooten
Coordinator



PROMOTE **BUSINESS RETENTION & EXPANSION:**

Business retention and expansion continues to be a primary focus for the Tomball EDC. Statistics show that existing businesses create as much as 80 percent of all new jobs and capital investment in a community.

When established businesses stagnate, fail, downsize, or relocate elsewhere, communities suffer. Conversely, research shows that a thriving local economy makes a community attractive to new businesses considering relocation. In short, strong retention efforts complement and support attraction efforts.

The TEDC works to build and strengthen positive relationships with Tomball business owners in order to provide resources and support that will contribute to their continued success. By doing so, the TEDC engages in problem solving and partnership building that demonstrates an appreciation for their contribution to Tomball's economy.

In 2015, TEDC staff had face-to-face visits with 36 area businesses to discuss opportunities, challenges, and needs. These visits included discussions on expansion activities, workforce development, and the strengths and weaknesses of Tomball's business climate.

ATTRACT **NEW BUSINESS & INDUSTRY:**

Attracting new businesses to Tomball benefits the community by bringing in new investment, creating jobs, and providing a source of new money to the community through sales and services. The TEDC works to attract new businesses to Tomball by funding targeted infrastructure improvements, providing incentives for relocations, developing new industrial sites, and maintaining relationships with sources of new business referrals.

In 2015, TEDC staff conducted over 48 prospect meetings to discuss relocation opportunities, incentives, and development procedures. These efforts resulted in the approval of 5 new projects totaling \$17.9 million in private capital investment and up to 120 new jobs for the Tomball community.





COORDINATE **ECONOMIC DEVELOPMENT EFFORTS IN TOMBALL, THE REGION, & THE STATE:**

Successful economic development efforts are the result of many people working together to achieve common goals and desired outcomes. Tomball is fortunate to have a wide variety of economic development and workforce development partners, including government sponsored agencies, educational institutions, for-profit, and non-profit organizations. The TEDC works hand-in hand with the City of Tomball, Greater Tomball Area Chamber of Commerce (GTACC), Lone Star College–Tomball, business owners, real estate professionals, and regional and state partners to strengthen and enhance conditions for economic growth and employment generation.

These coordination efforts enable a more focused, results-oriented approach to economic development. Over the past year, the TEDC has continued to work with our economic development allies to support activities that enhance economic growth and job creation, and contribute to a higher quality of life for Tomball's residents.



Northwest Harris County Grand Parkway tour 12/9/2015



Marriott Residence Inn Groundbreaking 1/26/2016

TOMBALL BUSINESS AND TECHNOLOGY PARK

Construction is nearing completion on the Tomball Business and Technology Park

With infrastructure construction wrapping up and the first occupant already under construction, the Tomball Business and Technology Park is quickly becoming a preferred location for new and expanding businesses.

Despite the slump in the oil business, firms are continuing to show interest in the park. Packers Plus Energy Services, an international oilfield services company, purchased a 17.38-acre tract in the park in July 2015. Development plans include a three-building campus consisting of a 50,000 square-foot research and development center, a 237,000-square-foot manufacturing building, and a multi-story 40,000-square-foot corporate office. The company broke ground on the research and development facility on September 30, 2015, and the building is expected to be complete in the third quarter of 2016.

The announcement of the \$21 million Packers Plus project has sparked additional activity in the park. In February 2016, the TEDC Board of Directors approved a land contract for the sale of 5.502 acres to General Electric. The company plans to construct a 37,300 square foot laboratory and office facility for its Water & Process Technologies division. When complete, the facility will accommodate approximately 70 employees, including management personnel, engineers, scientists, and administrative staff.





TOMBALL
ECONOMIC DEVELOPMENT CORPORATION

Business & Technology Park

Sites For Sale

Colliers
INTERNATIONAL

Master Planned & Deed Restricted

www.colliers.com

ID# 36611

Tom Condon, Jr. **713 830 4007**



A photograph of a Marriott Residence Inn hotel building at dusk. The building is a multi-story structure with a mix of tan and white exterior panels. Numerous windows are illuminated from within, showing a warm glow. An American flag flies on a tall pole to the right of the building. In the foreground, there is a parking lot with a few cars, including a silver SUV. A large blue geometric graphic is overlaid on the left side of the image, containing text. The sky is a deep blue with some light clouds.

Residence Inn Marriott

MARRIOTT RESIDENCE INN

Hotel construction continues to boom in the north Houston region and Tomball's newest hotel, the Marriott Residence Inn extended-stay hotel, will serve the needs of business and family travelers and add to the city's range of hotel products.

The four-story 103 room hotel, located at the southwest corner of SH 249 and Medical Complex Drive, will include full kitchens in all rooms, a large workout room, meeting space, outdoor pool, and patio area with a fire pit and putting green.

On August 4, 2015, the TEDC approved a grant to assist with targeted infrastructure including water, sewer and gas extensions, drainage facilities, and related site improvements necessary to facilitate the project. The \$9 million project is scheduled for completion in early 2017.



Residence
Inn
Marriott

BRINGING NEW TECHNOLOGY TO TOMBALL



WHITE HORSE TECHNOLOGY LLC

White Horse Technology utilizes a patented thermal spray technology which serves as a wear mitigation solution to strengthen, improve and maximize the usefulness of oil field tubular. The company has been in business since 2011 and relocated its operations, with assistance from the TEDC, from Houston to Tomball in early 2016. White Horse Technology LLC occupies a 10,000 square foot space within the Devasco International facility located at 1626 South Cherry Street in Tomball.

The growing company employs 9 and plans to add 15 new employment positions within the first 2 years of operation.

The capital investment for the project is \$2.9 million



WEAR AND FRICTION DOWNHOLE Protection Technology

Proven Increases of ROP

The benefits of White Horse Technology on Drill Pipe, Workstrings and Directional Tools are proven increases of ROP (Rate of Penetration) while minimizing sliding, saving 2 days of drilling time per well in Bakken formation.



Reduced Torque and Drag

Field results show a reduction in torque and drag to lateral strings allowing for increased lateral wellbores per well. Optimizing the production and gained achievements per foot drilled in lateral section.

HH-1 in any Pattern

Ability to apply HH-1 in any pattern on tools or pipe for example the Helix pattern is used to help cool motors due to increased surface flow area.

MARKETING & BUSINESS IMPROVEMENT GRANTS

BUSINESS IMPROVEMENT GRANT PROGRAM

The Business Improvement Grant (BIG) Program is intended to enhance the economic development of the City of Tomball by offering matching grant funds for eligible façade, property, landscape, and sign improvements. This program is a tool intended to assist in the attraction of new companies and to support existing businesses with improvements to the exterior appearance of commercial properties. Grant funds allow businesses to stretch their improvement dollars and contribute to an improved image for the city's business community as a whole.

In the 2015-2016 fiscal year, the TEDC awarded over \$116,000 in improvement grants to area businesses resulting in over \$597,000 in project improvements.

Over the past five years, the TEDC has awarded over \$1.5 million in Business Improvement Grants to local businesses. That investment has generated over \$7.8 million in total project value within the City Limits of Tomball.

MARKETING

Reaching Target Industries

Positioning Tomball as a top destination for new investment opportunities has been the goal of the TEDC's marketing efforts. Targeting key sectors and audiences through online and print media with a strategic marketing campaign has elevated Tomball's presence among site selectors, commercial brokers, and business executives.



Print & Online Advertising

In 2015-2016, the TEDC initiated a new marketing campaign for its print and electronic media. The new theme, "Focus Tomball," spotlights the significance of the TEDC's Business and Technology Park, the Grand Parkway and SH 249, and Tomball's proximity to Houston.

WEBSITE

The TEDC website will soon have a new appearance. Staff has been working closely with technology firm, EDsuite, to update the TEDC website design and content. The website is one of the Corporation's most effective marketing tools and ensuring it is user friendly and current will keep the TEDC competitive in the recruitment of new jobs and capital investment.

STATS:

17,459 visitors from 97 countries • 40,918 pages viewed
Top International Visitors: Brazil, Russia, and United Kingdom
Top States by Visits: Texas, California, and Illinois
Top Metro Areas by Visits: Houston, Tomball, and The Woodlands



Tradeshow Efforts

TEDC staff attended the Texas Conference and Deal Making show sponsored by the International Council of Shopping Centers (ICSC) at the Dallas Convention Center in November 2015. Staff manned the Tomball EDC booth during the two-day event and showcased the city's growth and locational advantages to prospective retailers and developers.



COORDINATE ECONOMIC DEVELOPMENT EFFORTS IN TOMBALL, THE REGION, & THE STATE

Annual Economic Outlook Luncheon

One of the most successful outreach initiatives of the TEDC is the Annual Economic Outlook Luncheon. In June 2015, over 140 realtors, bankers, and developers came together to discuss trends in the Regional Economy and changes in the Energy Industry. This event has proven to be an ideal opportunity for promoting economic development in Tomball as well as providing a valuable networking opportunity for attendees.

1)

TEDC Earns Economic Excellence Recognition

For the second year in a row, the Texas Economic Development Council has recognized the Tomball Economic Development Corporation with the Economic Excellence Award. The award was presented at the state's Mid-Year Conference in Galveston on June 4, 2015. The TEDC was one of 36 economic development organizations that earned the distinction.

The Economic Excellence Recognition Program provides recognition to economic development agencies that meet a desired threshold of training and professionalism. The Texas EDC is the pre-eminent organization advocating professional economic development in Texas.

- 1) TEDC Coordinator Tiffani Wooten at the ICSC Texas Conference & Deal Making Show.
- 2) GHP Chairman Jamey Rootes at the Greater Houston Partnership's State of the County event.
- 3) Commissioner R. Jack Cagle and Mayor Gretchen Fagan.
- 4) Economic Development Week Proclamation presented by Mayor Gretchen Fagan to TEDC Board Members Lori Klein-Quinn, Chad Degges, and TEDC Staff Kelly Violette and Tiffani Wooten.
- 5) Executive Director Kelly Violette, and Bruce Hillegeist, President, Greater Tomball Area Chamber of Commerce.
- 6) Kelly Violette, Executive Director, and Tiffani Wooten, Coordinator, receives award for Economic Excellence.
- 7) Congressman Michael McCaul's staff Holli Davies (*Regional Director*), Chris Alsop (*Chief of Staff – D.C.*), and Austin Carson (*Legislative Director – D.C.*), attended the Houston NW Chamber luncheon where TEDC Executive Director Kelly Violette presented an update on Tomball's growth.





8)



12)



13)



10)



11)



Tomball Celebrates Economic Development Week (MAY 8-14, 2016)

Economic Development Week was created by the International Economic Development Council (IEDC) in commemoration of its 90-year anniversary as the largest professional membership organization for economic developers.

The IEDC provides leadership and excellence in economic development for communities, members, and partners through conferences, training courses, research and publications, public policy advocacy, and initiatives such as the Accredited Economic Development Organization program and the Certified Economic Developer designation.

The City of Tomball celebrated the International Economic Development Council's 90th anniversary by proclaiming May 8th-14th as Economic Development Week in Tomball at the May 2, 2016 City Council meeting. Mayor Fagan applauded IEDC's achievements and recognized the Tomball Economic Development Corporation for its accomplishments and contributions to the City of Tomball and as a member of the International Economic Development Council.



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Page 16 of 17

14)

- 8) North Houston Association's Membership Luncheon featuring presentations by Harris County Judge Ed Emmett and Montgomery County Judge Craig Doyal.
- 9) Precinct 4 Commissioner R. Jack Cagle at the 7th Annual Economic Outlook Luncheon.
- 10) Dr. Jim Gaines, Research Economist, Real Estate Center at Texas A&M delivered the keynote address at the TEDC's Economic Outlook Luncheon.
- 11) Lone Star College Chancellor Dr. Stephen C. Head at the FMC Technologies University training site ribbon cutting and grand opening ceremony at the Lone Star College Oil & Gas Training Center in Tomball.
- 12) Northwest Houston allies setting up at ICSC Texas Conference and Deal Making Show.
- 13) Baker Katz Founder Kenneth Katz, with Kelly Violette and Tiffani Wooten at the ICSC Texas Conference and Deal Making Show in November 2015.
- 14) TEDC Project WhiteWater Express Car Wash Ribbon Cutting in May 2016.

2015

BY THE NUMBERS

It's not just about the numbers. It's about bringing the right jobs and investment to the city; it's about expanding our base of business and acquiring strong for the future of our city.

6 PROJECTS...

The TEDC assisted with one expansion project and successfully recruited five new companies to the City of Tomball.

\$17.9 MILLION...

Investments made or announced by projects supported by the TEDC top \$17.9 million.

120 NEW JOBS...

Companies assisted by the TEDC will create 120 new jobs.

36 BRE VISITS...

The TEDC visited with 36 local companies through its Business Retention and Expansion Program (BRE).

48 PROSPECT VISITS...

The TEDC conducted 48 prospect meetings to discuss relocation opportunities, incentives, and development regulations.

\$597K IN IMPROVEMENTS...

The TEDC awarded over \$116,000 in Business Improvement Grants to area businesses resulting in over \$597,000 in project improvements.

17,459 WEBSITE VISITS...

tomballxedc.org was visited 17,459 times from 97 countries around the world.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 20, 2016

Topic:

Approve the Tomball Economic Development Corporation (TEDC) 2016-2017 Strategic Work Plan.

Background:

The TEDC Bylaws require that the Corporation prepare an annual work plan outlining the goals and objectives of the Corporation in carrying out its mission of business retention, promotion, and attraction and present the work plan to City Council for approval. The attached TEDC Strategic Work Plan incorporates items from Council's 2016-2021 Strategic Plan to ensure the Corporation's activities are in line with the city's priorities. The TEDC Board of Directors approved the Strategic Work Plan on May 17, 2016.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Approval of the 2016-2017 TEDC Strategic Work Plan

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation

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

ATTACHMENTS:

TEDC Strategic Work Plan



STRATEGIC WORK PLAN

2016 • 2017

2016-2017

STRATEGIC WORK PLAN

MISSION

The mission of the Tomball Economic Development Corporation is to promote economic growth in the City of Tomball through the attraction of new business and industry and the retention of existing businesses by providing the resources that enable development and advance the general well being of the community.

VISION

Tomball will be a sound economic competitor, providing opportunities for commercial and industrial development that enable business owners and residents to benefit from Tomball's dynamic economy, strong labor force, and unmatched living and working environment.

ECONOMIC DEVELOPMENT GOALS:

- Promote Business Retention & Expansion.
- Attract New Business & Industry.
- Coordinate Economic Development Efforts in Tomball, the Region, & the State.

2016-2017

STRATEGIC WORK PLAN

GOAL 1

PROMOTE BUSINESS RETENTION & EXPANSION

Activities

- A.** Maintain a structured business retention and expansion program:
 - 1)** Continue to develop and expand the Business Visitation Program to build relationships with existing businesses and industries to determine present and future needs.
 - 2)** Follow up and maintain ongoing contact with existing businesses and industries.
 - 3)** Facilitate coordination efforts with the City, County, and State to assist with expansion opportunities.
 - 4)** Develop resource material to distribute to area businesses.
- B.** Partner with post secondary institutions to identify and encourage workforce training opportunities.
- C.** Facilitate, where applicable, financial incentives to assist with expansion efforts.
- D.** Maintain and promote the Business Improvement Grant Program to assist businesses with building and/or site improvements and enhance the appearance of Tomball's commercial corridors.

BAKER HUGHES

GOAL
2

ATTRACT NEW
BUSINESS & INDUSTRY

Activities

- A. Work with public and private sectors to encourage the development of sites and buildings needed to accommodate new investment and employment opportunities.
 - 1) Continue to invest in infrastructure improvements that support the Tomball Business and Technology Park.
 - 2) Prioritize infrastructure projects based on which development areas and sites are most suitable for expanding businesses and prospective businesses.
- B. Monitor the local and regional business mix to identify gaps and/or opportunities.
 - 1) Conduct a Target Industry Analysis and focus attraction efforts accordingly.
- C. Assist with the preparation of an Annexation Plan for the City of Tomball.
 - 1) Consider priority areas that have potential for employment-generating land uses and/or provide access to strategic assets such as transportation corridors.
- D. Work with the City of Tomball to review and determine remedies for potential barriers to development: oil & gas issues, infrastructure needs, permitting and land use ordinances, and mobility issues.
- E. Maximize the economic benefits from Lone Star College and Tomball's Medical district:
 - 1) Support infrastructure development within these areas.
 - 2) Encourage the development of businesses that promote and support these assets.
- F. Continue utilizing a marketing plan to promote a positive and pro-business image of Tomball.
 - 1) Update website on regular and on-going basis.
 - 2) Advertise in business publications and journals of targeted industries/markets.
 - 3) Develop professional collateral materials for targeted market campaigns.

2016-2017

STRATEGIC WORK PLAN

GOAL 3

COORDINATE ECONOMIC DEVELOPMENT EFFORTS IN TOMBALL, THE REGION, & THE STATE

Activities

- A.** Maintain and promote coordination/liaison with TEDC allies.
- B.** Encourage and assist, where possible, the development of additional tourism opportunities in downtown, as well as other appropriate locations in Tomball.
- C.** Support efforts to develop local entrepreneurs and small businesses:
 - 1)** Refer start-up businesses to Small Business Development Center (SBDC) at Lone Star College System.
 - 2)** Follow-up and coordinate efforts with SBDC and Service Corps of Retired Executives (SCORE).
- D.** Partner with utility and other services providers to ensure high quality, sustainable service provision.
- E.** Administer incentive and infrastructure funding policies.
- F.** Work with the City of Tomball on implementation of its tax abatement policy, Comprehensive Plan, Strategic Work Plan, and Livable Centers Downtown Plan.



Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 20, 2016

Topic:

Approve Resolution No. 2016-13, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 44th Annual Tomball Night and Parade, to be held in Tomball on Friday, August 5, 2016

Background:

The Greater Tomball Area Chamber of Commerce requests the support and endorsement of the City of Tomball for the Chamber's 44th Annual Tomball Night and Parade, to be held on Friday, August 5, 2016.

The Chamber requests the assistance of the Tomball Fire, Police, and Public Works Department personnel; furnishing of electric service from the Tax office on Walnut Street, the Depot, at the 100 and 200 blocks of Market Street, the alley on the south side of Main between Cherry and Oak, and at 200 South Walnut, and closure of the following streets on Friday night only:

- from 2:00 p.m. until 11:00 p.m. – the 100, 200, and 300 blocks of Market Street and the 100 block of South Elm;
- from 3:00 p.m. until 11:00 p.m. – the 100 block of North Walnut, between Commerce and Main Streets, and the 100 block of Commerce Street; and
- from 5:00 p.m. until 11:00 p.m. – South Walnut, between Market and Main Streets, and Sycamore, from Main Street south.

Tomball Night will begin at 2:00 p.m. on Friday with a night parade, fireworks, and other festivities on Friday night and extended shopping sales events through Sunday. The Health and Wellness Fair continues this year, in the Tomball Community Center, from 4:00 p.m. to 8:00 p.m. on August 5.

The Chamber also requests permission from the City of Tomball to ignite fireworks out of season, under the insurance and guidance of Illumination Fireworks, LLC, and approval for the use, with waiver of fees, of the Tomball Community Center, both as a "cool zone" and for the Health and Wellness Fair.

The Chamber's request, a map of the requested street closures, and Illumination Fireworks' permit and insurance certificate are presented, along with Resolution No. 2016-13.

Fire Department expenses are minimal, approximately \$75 in fuel and support provided by volunteer firefighters. Public Works expenses to support Tomball Night include personnel time, refuse management, and fuel, approximately \$1,300. Waiver of the rental fee and personnel expenses for the use of the Community Center for the Health and Wellness Fair and as a "cool zone" after hours is approximately \$500-\$600, depending on the number of hours the Chambers uses the facility. Police Department expenses should also be minimal.

Origination:

Greater Tomball Area Chamber of Commerce

Recommendation:

Approval of Resolution No. 2016-13

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

City Secretary

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

ATTACHMENTS:

Resolution No. 2016-13
GTACC Request
Map
Illumination Fireworks' Permit
Illumination Fireworks' Certificate of Liability Insurance

RESOLUTION NO. 2016-13

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TOMBALL, TEXAS, SUPPORTING THE 44TH ANNUAL TOMBALL
NIGHT AND PARADE, TO BE HELD IN TOMBALL ON FRIDAY,
AUGUST 5, 2016.**

* * * * *

WHEREAS the Greater Tomball Area Chamber of Commerce will present the 44th *Annual Tomball Night* on Friday, August 5, 2016, beginning at 2:00 p.m., including a Health and Wellness Fair and “cool zone” in the Tomball Community Center, and ending with a night parade and fireworks display under the direction of Illumination Fireworks’ highly trained and licensed pyrotechnicians; and

WHEREAS *Tomball Night* is a unique way to showcase Tomball’s many attractions and an opportune time to encourage citizens to shop Tomball throughout the rest of the year; and

WHEREAS *Tomball Night* has become Tomball’s biggest shopping night, drawing shoppers from surrounding areas including Magnolia, Spring, Houston and The Woodlands to enjoy the sales, discounts, other great values and many planned activities sponsored by Tomball’s retail community; and

WHEREAS *Tomball Night* includes many cash and merchandise prizes from participating Tomball businesses for *Tomball Night* shoppers; and

WHEREAS the Greater Tomball Area Chamber of Commerce desires and requests the support and endorsement of the City of Tomball in this city-wide effort, through the assistance of the Tomball Fire, Tomball Police, and Tomball Public Works Department personnel; furnishing of electrical service from the Harris County Tax Assessor-Collector’s office on Walnut Street, by the Depot, at the 100 and 200 blocks of Market Street, the alley on the south side of Main between Cherry and Oak, and at 200 South Walnut; and the closure of the following streets on Friday night only:

- * from 2:00 p.m. until 11:00 p.m. – the 100, 200, and 300 blocks of Market Street and the 100 block of South Elm Street;
- * from 3:00 p.m. until 11:00 p.m. – adding the 100 block of North Walnut, between Commerce and Main Streets, and the 100 block of Commerce Street; and
- * from 5:00 p.m. until 11:00 p.m. – adding South Walnut, between

Market and Main Streets, and Sycamore Street, from Main Street south; and

WHEREAS the Chamber also requests permission from the City of Tomball to ignite fireworks out of season, under the insurance and guidance of Illumination Fireworks, and use of electricity on Walnut Street, by the Depot, the 100 and 200 blocks of Market Street, the alley on the south side of Main between Cherry and Oak, and at 200 South Walnut; and

WHEREAS the Chamber also requests the use of the Tomball Community Center, both as a “cool zone” to offset some of the heat-related issues of past years and for the new Health and Wellness Fair, to be held from 4 p.m. to 8 p.m., and requests waiver of the rental fee;

NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body endorses and supports the efforts of the Greater Tomball Area Chamber of Commerce in promoting and undertaking the *44th Annual Tomball Night* and pledges to encourage this effort to showcase Tomball;

PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 20TH DAY OF JUNE, 2016.

GRETCHEN FAGAN, Mayor

ATTEST:

Doris Speer, City Secretary



June 14, 2016

City of Tomball
401 Market Street
Tomball, Texas 77375

RE: Tomball Night Street Closures, Electricity and Community Center Usage

Dear George,

We are anticipating a fabulous 44th Annual **Tomball Night**, Friday, August 5, 2016 with help from our city, police and fire departments, as well as from numerous volunteers. The popular attraction of a night parade with a fireworks display ending the night's festivities has been met with overwhelming enthusiasm over the past several years. This year we are planning to add a Health and Wellness Fair to the festivities. We are looking forward again to the expertise of the Tomball Police Department for crowd control and as visual deterrents from any negative activity.

The Greater Tomball Area Chamber of Commerce is requesting permission from the City of Tomball to ignite fireworks out of season, under the insurance and guidance of Illumination Fireworks, a highly trained and licensed pyrotechnician.

To insure the safety of the many visitors that will be in Tomball on Friday, August 5, 2016 and the multiple number of vendors we are expecting, we are asking for street closures for the following streets on Friday night only from

2:00 p.m. until 11:00 p.m.

- Market St. – 100, 200 and 300 blocks
- S. Elm – 100 Block

From 3:00 p.m. until 11:00 p.m.

- 100 N. Walnut – between Commerce and Main St.
- 100 block Commerce St.

And from 5:00 p.m. until 11:00 p.m.

- S. Walnut – between Market and Main
- Sycamore from Main St. South

Enclosed is a map for your review. We are also requesting permission for the use of electricity on Walnut Street, by the Depot, 100 & 200 blocks of Market Street, the alley on south side of Main between Cherry and Oak and at 200 S. Walnut.

Finally, in the past we have used the Tomball Community Center to offset some of the heat related issues as a “cool zone.” This year we would like to add a Health and Wellness Fair to Tomball Night and hold it within the Tomball Community Center. The Health and Wellness Fair would take place on August 7 from 4pm to 8pm. The Chamber’s new committee, the Health and Wellness Alliance, will be working in conjunction with the Tomball Community Center staff, Chamber staff and the Tomball Night committee to coordinate both events. Any proceeds received from the Health & Wellness Fair will go to the Chamber to continue its mission.

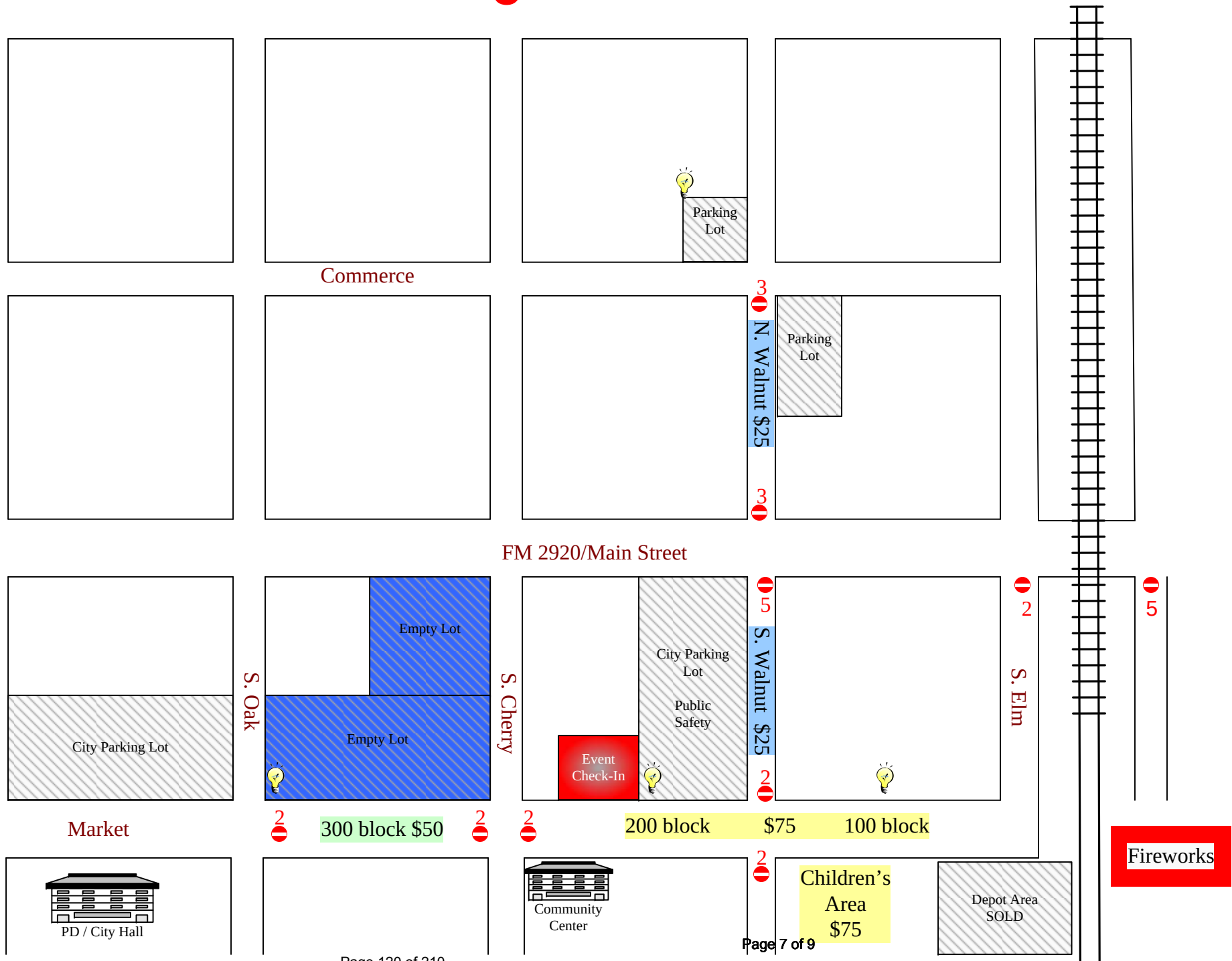
We appreciate the City of Tomball, its special partnership with the chamber and the assistance always offered for our events. Should you have any questions or concerns, please contact Brandy Beyer or myself at 281-351-7222.

Sincerely,



Bruce Hillegeist
President

Tomball Night Downtown



In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF ATF - Chief, FELC
Correspondence To 244 Needy Road
 Martinsburg, WV 25405-9431

License/Permit
Number

5-TX-121-51-6J-01711

Chief, Federal Explosives Licensing Center (FELC)

Expiration
Date

September 1, 2016

Name

ILLUMINATION FIREWORKS LLC

Premises Address (Changes? Notify the FELC at least 10 days before the move.)

1062 KINGSTON DRIVE
LEWISVILLE, TX 75067-

Type of License or Permit

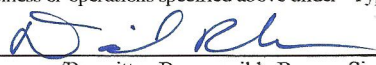
51-IMPORTER OF EXPLOSIVES

Purchasing Certification Statement

The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Mailing Address (Changes? Notify the FELC of any changes.)

ILLUMINATION FIREWORKS LLC
1062 KINGSTON DRIVE
LEWISVILLE, TX 75067-


Licensee/Permittee Responsible Person Signature

President
Position/Title

David Rosenbaum
Printed Name

8/20/13
Date

ATF Form 5400.14/5400.15 Part I
Revised October 2011

Previous Edition is Obsolete ILLUMINATION FIREWORKS LLC:1062 KINGSTON DRIVE:75067-5-TX-121-51-6J-01711:September 1, 2016:51-IMPORTER OF EXPLOSIVES

Federal Explosives License (FEL) Customer Service Information

Federal Explosives Licensing Center (FELC)
244 Needy Road
Martinsburg, WV 25405-9431

Toll-free Telephone Number: (877) 283-3352
Fax Number: (304) 616-4401
E-mail: FELC@atf.gov

ATF Homepage: www.atf.gov

Change of Address (27 CFR 555.54(a)(1)). Licensees or permittees may during the term of their current license or permit remove their business or operations to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. **(The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)**

Right of Succession (27 CFR 555.59). (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

(Continued on reverse side)

Cut Here ✂

Federal Explosives License/Permit (FEL) Information Card

License/Permit Name: ILLUMINATION FIREWORKS LLC

Business Name:

License/Permit Number: 5-TX-121-51-6J-01711

License/Permit Type: 51-IMPORTER OF EXPLOSIVES

Expiration: September 1, 2016

Please Note: Not Valid for the Sale or Other Disposition of Explosives.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
6/14/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 777 108th Ave NE, #200 Bellevue WA 98004		CONTACT NAME: Kristen Look PHONE (A/C, No, Ext): 425-586-1016 FAX (A/C, No): 425-451-3716 E-MAIL ADDRESS:	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A: T.H.E. Insurance Company	
		NAIC # 12866	
INSURED ILLUFIR-01 Illumination Fireworks, LLC 1605 Crescent Circle, Suite 200 Carrollton TX 75006		INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER: 1792444543

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:			CPP0104006-02	3/1/2016	3/1/2017	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$2,000,000 \$
A	☐ AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☒ SCHEDULED AUTOS ☒ HIRED AUTOS ☒ NON-OWNED AUTOS			CPP0104006-02	3/1/2016	3/1/2017	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☐ RETENTION \$			ELP0011564-02	3/1/2016	3/1/2017	EACH OCCURRENCE \$9,000,000 AGGREGATE \$9,000,000 \$
A	☐ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N	N / A	WCP0004675-002	10/5/2015	10/5/2016	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000
A	Hired Auto Physical Damage			CPP0104006-02	3/1/2016	3/1/2017	\$100 \$1,000 \$100,000 Comprehensive Ded Collision Ded Limit

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The City of Tomball, Texas is an additional insured for the fireworks display on August 5, 2016 at 201 S Elm, Tomball, TX 77375

CERTIFICATE HOLDER

CANCELLATION

Greater Tomball Area Chamber of Commerce 29201 Quinn Road Suite B Tomball TX 77377	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 20, 2016

Topic:

Adopt, on First Reading, Ordinance No. 2016-10, an Ordinance of the City of Tomball, Texas Amending Article VII, Donation Containers, of Chapter 22, Health and Sanitation, by Amending Sections 22-191, Location, 22-192, Container Design and Maintenance, and 22-194, Permit Required to Allow Donation Containers on Public and Private School Properties and Providing Certain Exemptions Thereto; Providing a Penalty Not to Exceed \$2,000.00 for any Violation Hereof with Each Day Constituting a Separate Offense; Providing for Severability and Providing Other Findings Related Hereto

Background:

On May 2, 2016, City Council directed the Community Development Department to propose revisions to Article VII-Donation Containers as it pertains to their location and design on public and private school properties.

Ordinance 2016-10 revises Section 22-191 by permitting donation containers on all public and private school properties in any zoning district, including planned development districts.

Also, Ordinance 2016-10 revises Section 22-192 by permitting donation containers in excess of 96 cubic feet and colors other than neutral or earth tone if not visible from any public right-of-way.

Origination:

Community Development Department

Recommendation:

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

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

ATTACHMENTS:

Ordinance No. 2016-10

ORDINANCE NO.2016-10

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS AMENDING ARTICLE VII, DONATION CONTAINERS, OF CHAPTER 22, HEALTH AND SANITATION, BY AMENDING SECTIONS 22-191, LOCATION, 22-192, CONTAINER DESIGN AND MAINTENANCE, AND 22-194, PERMIT REQUIRED TO ALLOW DONATION CONTAINERS ON PUBLIC AND PRIVATE SCHOOL PROPERTIES AND PROVIDING CERTAIN EXEMPTIONS THERETO; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION HEREOF WITH EACH DAY CONSTITUTING A SEPARATE OFFENSE; PROVIDING FOR SEVERABILITY AND PROVIDING OTHER FINDINGS RELATED HERETO.

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas finds it to be in the best interest of the health, safety and welfare of the citizens to allow donation containers on public and private school properties, subject to certain exemptions to the provisions of Article VII, Donation Containers, of Chapter 22, Health and Sanitation of the City's Code of Ordinances; now, therefore,

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

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

Section 2. The Code of Ordinances of the City of Tomball, Texas is hereby amended by adding to Section 22-191, Location, of Article VII, Donation Containers, of Chapter 22, Health and Sanitation, the language underscored below:

“Sec. 22-191. - Location.

- (a) Donation containers shall be limited to office, retail, and commercial zoning districts and on all public and private school properties and shall be subject to approval by a temporary permit with a maximum duration of one year.
- (b) Donation containers are allowed on all public and private school properties zoned planned development and in all other planned developments when expressly included in the listed uses and allowances.
- (c) Donation containers shall not be within 50 feet of property being used for residential purposes or a public-right-of-way.
- (d) Donation containers shall not be located within any established buffer areas, required landscaped area, sidewalks, access easements, and drainage

easements, drive aisles, utility easements, or fire lanes and shall not be located in such a manner that they block sight lines or impede vehicular or pedestrian traffic.

(e) Donation containers shall be located on a paved surface.

(f) A donation container shall not be located in any parking space required to meet the minimum parking requirements for a site.

(g) The number of donation containers allowed for each lot shall not exceed two and shall not be located less than 300 feet from any other donation container, except as required in subsection (h) of this section.

(h) On lots with more than one donation container, the donation containers on that lot shall be placed adjacent to each other with no more than two feet of separation between containers. These containers shall not be located less than 300 feet from containers on any other lot.”

Section 3. The Code of Ordinances is further amended by amending Section 22-192, Container design and maintenance, of Article VII, Donation Containers, of Chapter 22, Health and Sanitation, to add the language underscored below and delete the language struck through below:

“Sec. 22-192. - Container design and maintenance.

(a) Except when placed on public and private school properties, ~~The~~ donation containers shall not exceed 96 cubic feet and shall not be larger than four feet wide by four feet deep by six feet tall. The donation containers shall be fully enclosed.

(b) Except when placed on public and private school properties, ~~d~~Donation containers shall be painted or stained with a neutral or earth-tone color scheme. Bright primary, fluorescent, or contrasting colors are prohibited.

(c) Unless required by other provisions, no specific landscaping, screening fences, or walls are required around donation containers, but aesthetically pleasing site design considerations are encouraged.

(d) The donation container shall display a sign, not to exceed two square feet, containing only the following information:

(1) Permit holder's current contact information, including street address and telephone number.

(2) If permit holder is not the operator of the donation container, the operator's contact information including street address and telephone number must also be included.

(3) The city code enforcement division's street address and phone number.

(4) A note indicating allowable items.

(5) A note indicating hazardous materials and illegal dumping prohibited.

(6) The sign may contain the trademark or logo of the nonprofit organization benefitting from the container. The sign shall be in a neutral color with black lettering. No other signage is allowed.

(e) Donation containers shall be maintained in good condition and appearance with no structural damage, holes, or visible rust.

(f) Where donations containers located on public or private school properties do not meet the size provisions of Sec. 22-192(a) or color provisions of Sec. 22-192(b), they shall not be visible from any public right-of-way."

Section 4. The Code of Ordinances is further amended by amending Section 22-194, Permit required, of Article VII, Donation Containers, of Chapter 22, Health and Sanitation, by adding the language underscored below and deleting the language struck through below:

"Sec. 22-194. - Permit required.

(a) The owner of a donation container shall apply for a permit from the city and submit a fee for each donation container as currently established or as hereafter adopted from time to time by resolution of the city council.

(b) The permit applicant must have the written authorization from the ~~business~~ property owner on whose property the donation container will be placed.

(c) The permit holder shall employ a staff of full-time or paid drivers to collect the contents of the donation container.

(d) The donation container must be owned or operated on behalf of an organization registered and operating in the state as a nonprofit (501(c)(3) corporation.

(e) The permit holder must maintain general liability insurance for each donation container, at a minimum level of \$1,000,000.00, holding the city and ~~business~~ property owner harmless.

(f) Provided that the conditions in subsections (a) thru (e) of this section are met, each permit shall be valid for a period of 12 months, from the date first issued.

(g) Each application must include a diagram of the proposed location, including any screening or landscaping proposed.

(h) The location and specific site design features of the donation container placement must be approved by the city manager or his/her designee.

(i) The permit holder and the property owner shall be jointly and severally liable for any violations of this article.

(j) More than three complaints, in a one-year period, regarding a specific donation container, shall result in the permit being revoked. The complaints must be validated as being legitimate by the city code enforcement officer.

(k) Unless otherwise said within, approval of a permit for said operation shall not exempt the use or permit holder from all applicable city ordinances including, but not limited to nuisance, signage, lighting, etc.

(l) All existing donation containers must comply with this article within 60 days of the effective date of the ordinance from which this article is derived."

Section 5. 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 6. 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 7. 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 _____ DAY OF
_____ 2016.

COUNCILMAN HUDGENS	_____
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 ____ DAY OF
_____ 2016.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 20, 2016

Topic:

Consideration to approve **Zoning Case P16-0072**: Request by Kenneth Lee to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.12 acres of land, legally described as Reserve A, Block 1 Kenneth Lee Subdivision, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of SH 249 and Holderrieth Road, at 26902 SH 249, from the Planned Development District (PD8) to the Commercial District.

- Conduct Public Hearing on **ZONING CASE P16-0072**
- Adopt, on First Reading, Ordinance No. 2016-11, 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 1.12 Acres of Land, Legally Described as Reserve A, Block 1 Kenneth Lee Subdivision, within the City Of Tomball, Harris County, Texas, from the Planned Development – 8 (PD8) District to the Commercial District; Said Property Being Generally Located at the Northeast Corner of SH 249 and Holderrieth 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:

On Monday, June 13, 2016, after conducting a public hearing, the Planning and Zoning Commission unanimously voted to recommend denial of Zoning Case P16-0072.

Origination:

Recommendation:

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

Community Development Department

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

ATTACHMENTS:

Ordinance #2016-11
Public Hearing Announcement
Property Owner Notice
Staff Report

ORDINANCE NO. 2016-11

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 1.12 ACRES OF LAND, LEGALLY DESCRIBED AS RESERVE A, BLOCK 1 KENNETH LEE SUBDIVISION, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE PLANNED DEVELOPMENT – 8 (PD8) DISTRICT TO THE COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED AT THE NORTHEAST CORNER OF SH 249 AND HOLDERRIETH 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, Kenneth Lee, applicant, has requested that approximately 1.12 acres of land, legally described as Reserve A, Block 1 Kenneth Lee Subdivision, generally located at the northeast corner of SH 249 and Holderrieth 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 deny 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 Planned Development 8 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 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 20th DAY OF JUNE 2016.

COUNCILMAN HUDGENS	_____
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 JULY 2016.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JUNE 13, 2016
&
CITY COUNCIL
JUNE 20, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, June 13, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, June 20, 2016, 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 P16-0072: Request by Kenneth Lee to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.12 acres of land, legally described as Reserve A, Block 1 Kenneth Lee Subdivision, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of SH 249 and Holderrieth Road, at 26902 SH 249, from the Planned Development District (PD8) to the Commercial District.

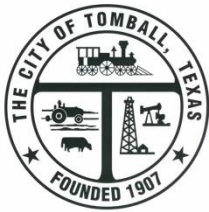
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City 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 **9th** day of **June 2016** 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.



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: P16-0072

APPLICANT/OWNER: Kenneth Lee

LOCATION: Northeast corner of SH 249 and Holderrieth Road, at 26902 SH 249.

PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.12 acres of land, legally described as Reserve A, Block 1 Kenneth Lee Subdivision, within the City of Tomball, Harris County, Texas, from the Planned Development District (PD8) to the Commercial District.

CONTACT: Elizabeth Jones

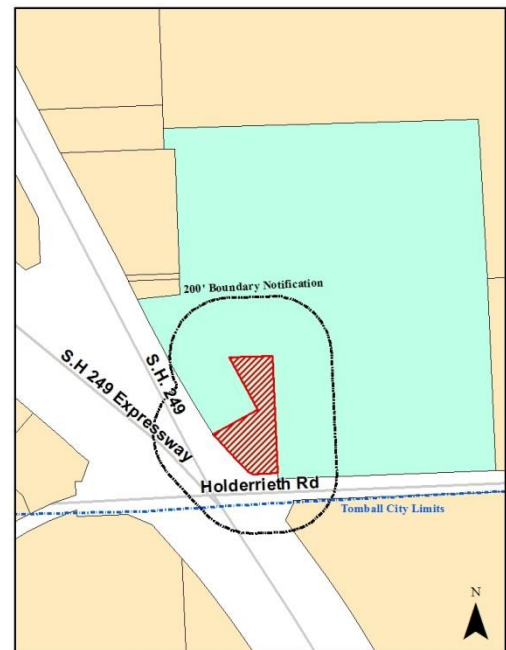
PHONE: (281) 290-1405

E-MAIL: ejones@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.

Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.

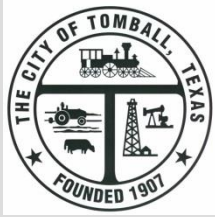


**Planning & Zoning Commission
Public Hearing:
Monday, June 13, 2016, 6:00 PM**

**City Council Public Hearing:
*Monday, June 20, 2016, 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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: June 13, 2016

City Council Public Hearing Date: June 20, 2016

Rezoning Case: P16 - 0072

Property Owner(s): Kenneth Lee

Applicant(s): Kenneth Lee

Legal Description: Reserve A, Block 1 Kenneth Lee Subdivision

Location: Northeast corner of SH 249 and Holderrieth Road, at 26902 SH 249 (Exhibit "A")

Area: 1.12 acres

Comp Plan Designation: Mixed Use (Exhibit "B")

Present Zoning and Use: Planned Development 8 (PD8) (Exhibit "C") / Auto accessories & General retail store (Exhibit "D")

Request: Rezone from Planned Development 8 District to Commercial District

Adjacent Zoning & Land Uses:

- North:** Planned Development / Vacant land
- South:** ETJ / Vacant Land
- West:** NA / Business 249
- East:** Planned Development 8 / Vacant Land

BACKGROUND

In September of 2014, City Staff received a rezoning application from Mark Kirkland with Kimley Horn & Associates, Inc. The request was to rezone two tracts of land, an approximately 26 acre tract owned by Maple Group Ltd. and approximately 1.12 acres owned by Kenneth Lee, from the Commercial District to the Planned Development District. The application included a concept plan showing a proposed mixed use development for the property. The request was approved by City Council in December 2014.

In May 2016, City Staff met with Kenneth Lee, the applicant and current property owner of the 1.12 acre tract referenced above, to discuss the possibility of a tattoo studio (*tattoo or body piercing studio*) occupying one of the buildings on his property. City Staff informed Mr. Lee that as his property was rezoned to Planned Development 8 District (PD8) in 2014, it is subject to the PD8 Ordinance (Exhibit F) and its regulations which do not permit a tattoo or body piercing studio.

The applicant is requesting the property be removed from the Planned Development and rezoned back to its original zoning classification of Commercial.

ANALYSIS

In the surrounding area there are a number of different uses. There is a gas station, a chiropractic office and a rock supply company to the north and a gas station to the west. There is also vacant land to the north, east and south.

The Comprehensive Plan designates the property as Mixed Use. Mixed Use “*includes a mix of office, retail/commercial, and high density residential uses in a master planned, integrated manner*”. Surrounding properties are designated as Mixed Use to the north and east and Employment/Office to the south. The concept plan associated with the PD8 Ordinance consists of a 27.16 acre mixed use development that includes a multi-family component, hotels, restaurants and general retail centers. Without any active development, the concept plan will expire in December 2016, however, the Planned Development Zoning District will remain until either a new concept plan is approved or the property is rezoned.

This site is located at the intersection of State Highway 249 and Holderrieth Road, which is a key entrance to the City and the newly developed Business and Technology Park. City Staff believes that as this parcel is located at a significant gateway, the property should be developed in a manner proposed by and established in PD8. The Commercial Zoning District contains uses that may be less desirable or too intense for a gateway to the City. Some of the uses include:

- auto wrecker service, auto repair (major),
- auto muffler shop,
- building material sales/lumber yard,
- check cashing service,
- concrete or asphalt mixing/batching plant (temporary),
- outdoor sales as a primary use,
- pawn shop,
- and tattoo or body piercing studio.

According to Section 50-80 (g)(7) (*Revisions to the approved concept plan*), minor modifications to a PD concept plan may be submitted on an amended concept plan, which shall substantially conform to the previously approved concept plan. The applicant has worked with the property owner of the remaining acreage from the original PD8 District and submitted a revised concept plan showing how the remaining acreage can be developed in accordance with the approved PD (Exhibit G).

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.**

While there are commercial uses in the immediate area, this site is located at a main gateway to the City and Business and Technology Park, therefore, City Staff believes the requested Commercial Zoning District may not be best suited for this site. While most properties with frontage on the east side of SH 249 and Business 249 are zoned Commercial, the circumstances described for this property appear to indicate a lesser zone may be most appropriate for this site.

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

The proposed rezoning is not anticipated to negatively impact any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

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

There are vacant properties elsewhere in the City zoned Commercial District.

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

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

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

The concept plan tied to PD8 is still valid. If the proposed zone change is approved, this property will no longer be developed with the approved concept plan which could affect the remaining development.

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

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

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

The request is not consistent with the Comprehensive Plan. The Future Land Use plan designates the property Mixed Use. Currently, there is an approved concept plan with a large mixed use development proposed for this site and the lot adjacent to it.

PUBLIC COMMENT

Notice of Public Hearing was published in the paper and a sign was placed on the property on June 2, 2016. Property owners that are within the city limits and within 200 feet of the project site were mailed notification of this proposal on June 1, 2016. No public comment forms have been received.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff is unable to recommend approval of Zoning Case P16-0072.

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photos
- E. Application
- F. Ordinance No. 2014-39
- G. Revised Concept Plan

Exhibit "A"
Aerial Photo

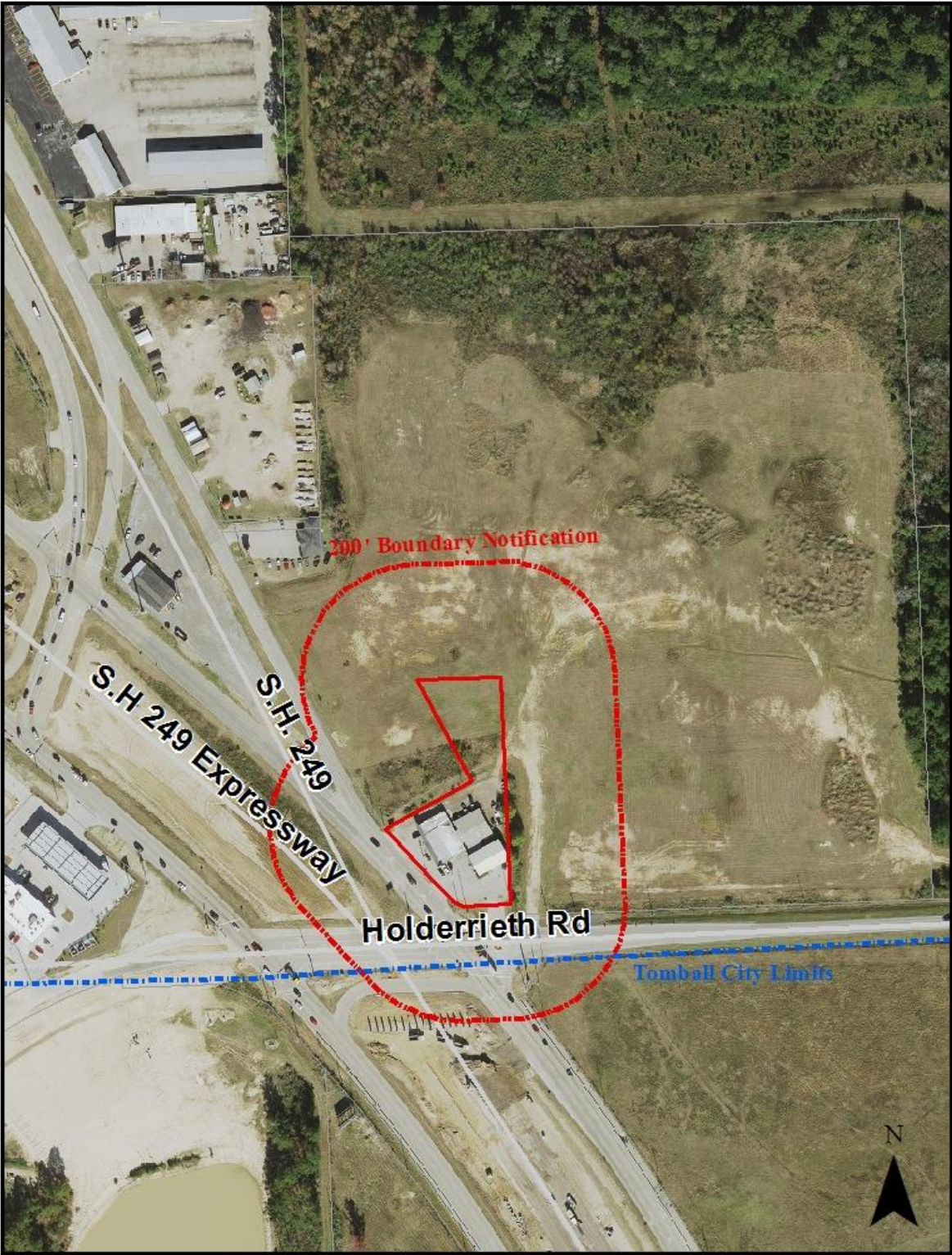


Exhibit "B"
Comprehensive Plan

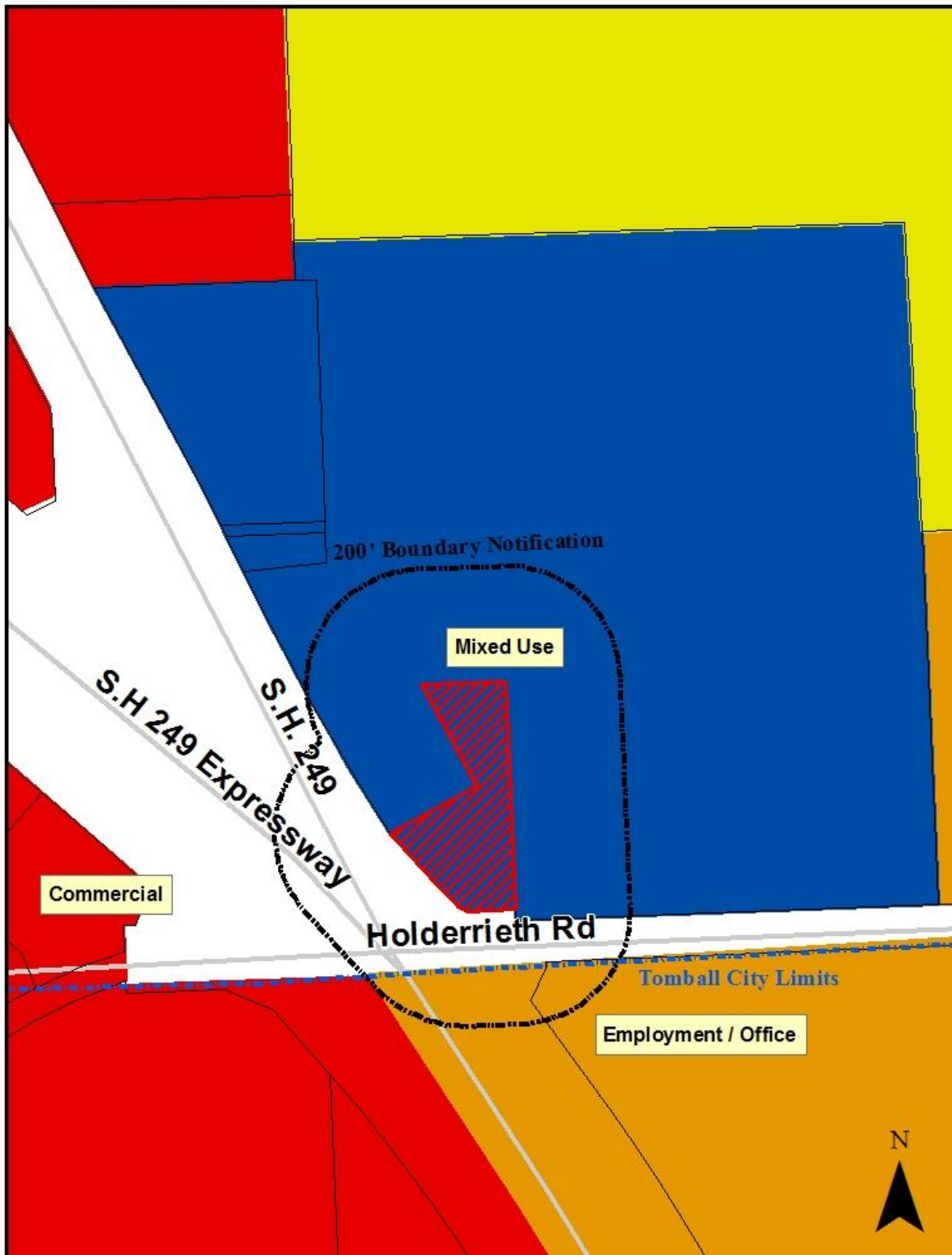
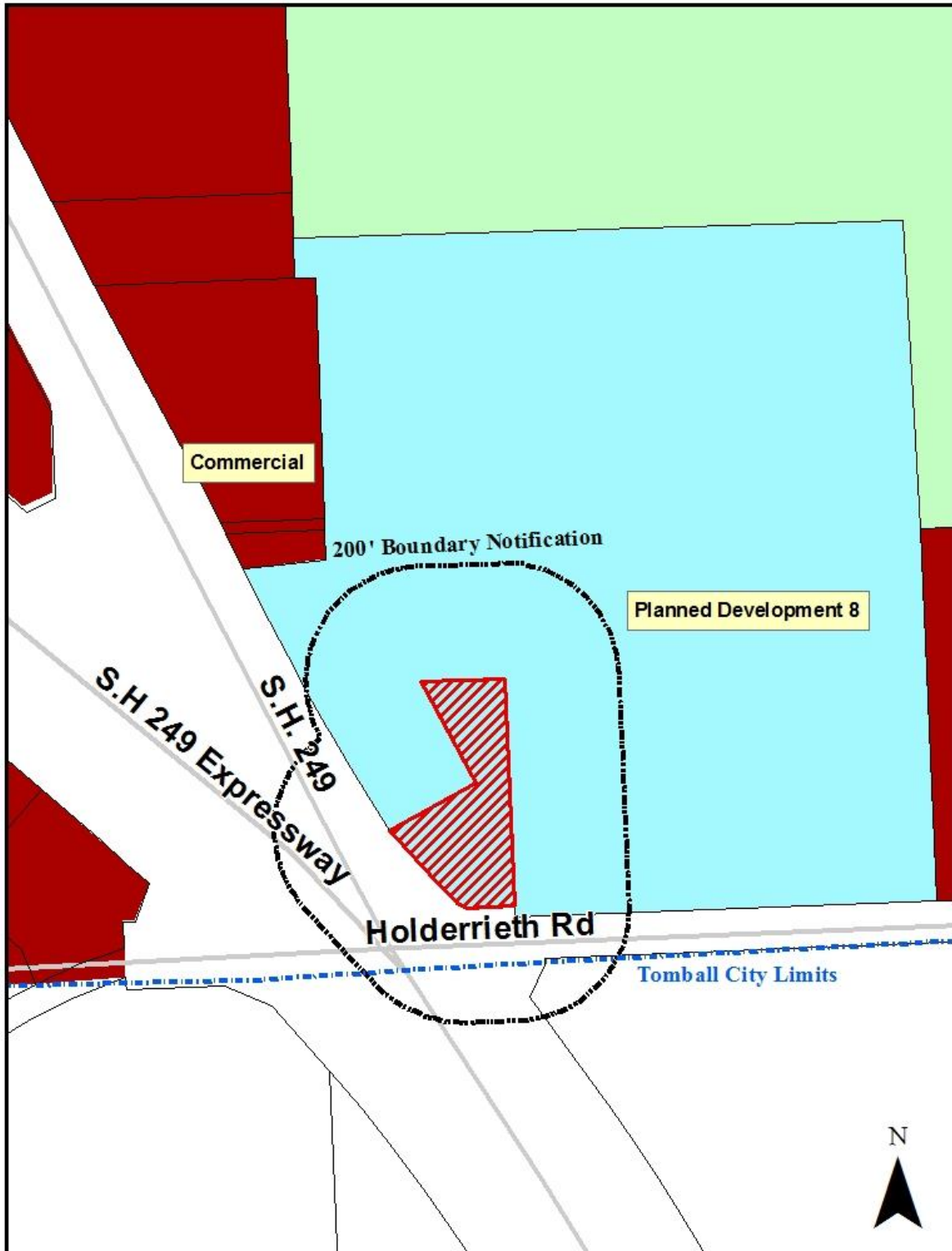


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**

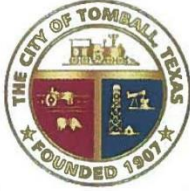


Subject Site: View across SH 249 Business



Subject Site: View from Holderrieth

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: KENNETH LEE Title: OWNER
Mailing Address: P.O. BOX 21 City: PINEHURST State: TX
Zip: 77362
Phone: (281) 787-1024 Fax: () Email: leeboy57@gmail.com

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

Engineer/Surveyor (if applicable)
Name: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () _____ Fax: () _____ Email: _____

Description of Proposed Project: 26902 SH 249, TOMALL TX
Physical Location of Property: CORNER OF HOLDRETH / STATE H. WAY 249
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: RES A BLK 1
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: PD-8

Current Use of Property: PD-8

Proposed Zoning District: COMMERCIAL

Proposed Use of Property: COMMERCIAL

HCAD Identification Number: #1229190010001 RES A BLK 1 Acreage: 1.12

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 Kenneth Lee 5-19-16
Signature of Applicant Date

X Kenneth Lee 5-19-16
Signature of Owner Date

CITY OF TOMBALL
281-351-5484

REC#: 00925927 5/19/2016 1:17 PM
OPER: RS TERM: 002
REF#: W1415

TRAN: 130.0000 PLANNING AND ZONING
26902 SH249
KENNETH LEE
100-5441
REZONING APPLICATIO 410.12CR

TENDERED: 410.12 CHECK
APPLIED: 410.12-

CHANGE: 0.00

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

www.tomballtx.gov

To THE City of Tomball

5-19-2016

Today I am asking that you will
REZONE my property back to commercial
as it has always been in the past.
Because of the flooding in this location,
leasing my property is not an easy task.
By rezoning back to commercial I may
have more interest from future tenants
as of the different types of businesses
that can occupy my property.

Thank you
Ken Lee

Exhibit "F"
Ordinance No. 2014-39

ORDINANCE NO. 2014-39

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS ZONING ORDINANCE, BY APPROVING A PLANNED DEVELOPMENT DISTRICT OF APPROXIMATELY 27.16 ACRES OF LAND, LEGALLY DESCRIBED AS TRACTS 2M & 4N, ABSTRACT 632, C.V. PILLOT AND RESERVE A, BLOCK 1, KENNETH LEE; 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 – 8 (PD-8) DISTRICT; ADOPTING A CONCEPT PLAN AND REGULATIONS APPLICABLE TO PD-8 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.

* * * * *

Whereas, the property owners have requested that approximately 27.16 acres of land, legally described as Tracts 2M & 4N, Abstract 632, C.V. Pillot and Reserve A, Block 1, Kenneth Lee, generally located north of Holderrieth Road, east of State Highway 249 Business, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

Whereas, the property owners have presented an application to the City for a Planned Development District to allow the construction of a mixed use development; and

Whereas, the Planned Development application consists of an application for Planned Development District (Exhibit "A"); request letter (Exhibit "B"); and concept plan (Exhibit "C") attached to and made a part of this Ordinance; and

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

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

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

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

Page 1 of 25

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 City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

Section 2. The zoning classification of the Property is hereby changed from the Commercial District to the PD-8 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-8 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 of the Property, to PD-8 District as described above.

Section 5. PD-8 shall be subject to the following additional limitations, restrictions, and covenants:

A. Compliance with Application and Concept Plan. The granting of the PD District shall be conditioned upon the proposed improvements and land uses being located, constructed, and conducted upon the Property in substantial compliance with the application for PD District (Exhibit "A"), request letter (Exhibit "B"), and concept plan (Exhibit "C") made a part hereof for all purposes.

B. Tracts A, B, C, & D:

1. Permitted Uses: Any use permitted by right in the General Retail District

2. Maximum Height:

i. Main Building: 3-stories, not to exceed 45-feet

ii. Accessory Building: 1-story, not to exceed 15-feet

3. Minimum Lot Size:

i. Area: 6,000 square feet

ii. Width: 60-feet

- iii. Depth: 100-feet
- 4. Minimum Building Setback:
 - i. Front: 25-feet; 35-feet when adjacent to arterial street
 - ii. Side:
 - 1. Main Building: 5-feet; 25-feet when adjacent to property zoned for single-family residential purposes; 15-feet when adjacent to non-arterial street; 25-feet when adjacent to arterial street
 - 2. Accessory Building: 5-feet; 15-feet when adjacent to non-arterial street; 25-feet when adjacent to arterial street
 - iii. Rear:
 - 1. Main Building: 5-feet; 60-feet when adjacent to single-family, Duplex (Two-Family), patio home, or single-family attached district
 - 2. Accessory Building: 5-feet; 30-feet when adjacent to single-family, Duplex (Two-Family), patio home, or single-family attached district
- 5. Maximum Lot Coverage: 50 percent
- 6. Maximum Impervious Coverage: 80 percent
- 7. Minimum Screening, Buffering, and Fencing:
 - i. All screening, buffering, and fencing shall adhere to Section 50-115 of Tomball Code of Ordinances.
 - ii. All refuse containers shall be screened on four sides.
- 8. Minimum Off-Street Parking and Loading:
 - i. All off-street parking and loading areas shall adhere to Section 50-112 of the Tomball Code of Ordinances.
 - ii. The minimum number of off-street parking stalls and loading areas shall be per Sections 50-82 and 50-112 of the Tomball Code of Ordinances.

9. Minimum Landscaping:

- i. Landscaping shall be provided per Section 50-113 of the Tomball Code of Ordinances.

10. Additional Requirements: Articles 1; 2; Sections 50-63, 50-64, 50-65, 50-66, and 50-67; and Article 4, Tomball Code of Ordinances.

C. Tract E (Multi-Family):

1. Permitted Uses: Multiple-family dwellings and accessory structures.

2. Maximum Height:

- i. Main Building: 3-stories, not to exceed 45-feet
- ii. Accessory Building: 1-story, not to exceed 15-feet
- iii. Clubhouse: 2-stories, not to exceed 27-feet

3. Maximum Dwelling Units Per Acre: 20; 26 when all parking spaces are constructed as covered or enclosed spaces

4. Minimum Lot Size:

- i. Area: 10 acres
- ii. Width: 120-feet
- iii. Depth: 200-feet

5. Minimum Building Setback:

- i. Front: 25-feet; 35-feet when adjacent to arterial street
- ii. Side:
 - 1. Main Building: 5-feet; 50-feet when adjacent to property zoned for single-family residential purposes; 15-feet when adjacent to non-arterial street; 25-feet when adjacent to arterial street
 - 2. Accessory Building: 5-feet; 15-feet when adjacent to non-arterial street; 25-feet when adjacent to arterial street

iii. Rear:

1. Main Building: 15-feet; 50-feet when adjacent to single-family, Duplex (Two-Family), patio home, or single-family attached district
2. Accessory Building: 5-feet; 30-feet when adjacent to single-family, Duplex (Two-Family), patio home, or single-family attached district

6. Minimum Building Separation:

- i. 1-Story Building: 15-feet for buildings without openings; 20-feet for buildings with openings
- ii. 2-Story Building: 20-feet for buildings without openings; 30-feet for buildings with openings
- iii. Over 2-Story Building: 30-feet
- iv. Between Main and Accessory Buildings: 10-feet

7. Minimum Floor Area Per Dwelling Unit:

- i. Efficiency: 500 square feet
- ii. 1-Bedroom: 670 square feet
- iii. 2 or More Bedroom: 800 square feet plus 125 square feet for every bedroom over two

8. Maximum Lot Coverage: 50 percent

9. Maximum Impervious Coverage: 50 percent

10. Minimum Percent of Lot Area Dedicated to Green Space and Recreational Area: 50 percent

11. Minimum Screening, Buffering, and Fencing:

- i. All screening, buffering, and fencing shall adhere to Section 50-115 of Tomball Code of Ordinances.
- ii. A minimum 6-foot tall solid fence, wall, or opaque screening device shall be constructed on the side/rear of any multi-family dwelling complex adjacent to a single-family zoned property

- iii. All refuse containers shall be screened on four sides.

12. Minimum Off-Street Parking and Loading:

- i. All off-street parking and loading areas shall adhere to Section 50-112 of the Tomball Code of Ordinances.
- ii. 1 off-street parking stall shall be provided per bedroom

13. Minimum Landscaping:

- i. Landscaping shall be provided per Section 50-113 of the Tomball Code of Ordinances.

14. Additional Requirements:

- i. Articles 1; 2; Sections 50-63, 50-64, 50-65, 50-66, and 50-67; and Article 4, Tomball Code of Ordinances.
- ii. Walkways: A four-foot-wide paved walkway shall connect the front door of each ground floor unit to a parking area. The minimum width of any sidewalk adjacent to head-in parking spaces shall be six feet to accommodate a two-foot bumper overhang for vehicles. Sidewalks of concrete cement or other masonry construction shall be provided between the dwelling units and all community facilities provided for residents in accordance with applicable city standards and specifications. All walks shall be lighted at night with a minimum intensity of two footcandles' illumination.
- iii. Building length: Buildings shall not exceed 200 feet in length.
- iv. Oversized parking areas: Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided and approved by the City. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.
- v. Signage: Address numbers. All buildings containing residential units shall provide signage which clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.

- vi. Lighting: All parking areas shall have appropriate lighting and shall be positioned such that lights are shielded and do not adversely impact adjacent residential areas.
- vii. Gated/secured entrances: Gated/secured entrances shall be in accordance with the design standards for gated/secured entrances on private streets as adopted.
- viii. Streets or driveways: Each multifamily dwelling complex shall have driveways constructed of concrete cement or hot mixed asphalt, shall be curbed and guttered in accordance with existing requirements of the city, and shall be at least 28 feet in width throughout. All driveways shall be lighted at night with a minimum intensity of two foot-candles' illumination.

Section 6. 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 7. 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.

Section 8. City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex.Gov't. Code ch. 551.

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 17TH DAY OF NOVEMBER 2014.

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

Page 7 of 25

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 1ST DAY OF DECEMBER 2014.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGS	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>NAY</u>
COUNCILMAN QUINN	<u>AYE</u>



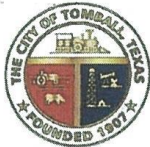
Gretchen Fagan, Mayor

ATTEST:



Doris Speer, City Secretary

Exhibit "A"
PD District Application



Application for
Planned Development
Engineering & Planning Department

Revised 1/20/09



PA-187

The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

No planned development shall be established and no building permit shall be issued for any use designated as a Planned Development within any zoning district until a Planned Development Permit is approved and issued in accordance with the provisions of the Zoning Ordinance and Concept Plan.

The minimum acreage for a planned development request shall be four (4) acres.

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: Mark Kirkland (Kimley Horn & Associates, Inc.) Title: Associate
Mailing Address: 12012 Wickchester Lane, Suite 500 City: Houston State: TX
Zip: 77079
Phone: (281) 597-9300 Fax: () Email: mark.kirkland@kimley-horn.com

Owner (See additional owner information on attached page)

Name: Jeff Stallones (Maple Group Ltd.) Title: _____
Mailing Address: 46 Palmer Crest City: The Woodlands State: TX
Zip: 77381
Phone: (713) 899-4710 Fax: (713) 481-0938 Email: jeffstallones@gmail.com

Engineer/Surveyor (if applicable)

Name: Mark Kirkland (Kimley Horn & Associates, Inc.) Title: Associate
Mailing Address: 12012 Wickchester Lane, Suite 500 City: Houston State: TX
Zip: 77079
Phone: (281) 597-9300 Fax: () Email: mark.kirkland@kimley-horn.com

Description of Proposed Project: Mixed Use

Physical Location of Property: NE Corner of TX-249N and Holderrieth Rd

[General Location – approximate distance to nearest existing street corner]

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.ci.tomball.tx.us

Legal Description of Property: Tracts 2M & 4N, Abstract 632 CV Pillot; Reserve A, Block 1 Kenneth Lee
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0440580000272; 1229190010001 Acreage: 27.159 acres

Current Use of Property: Undeveloped; Developed (commercial)

Proposed Use of Property: Mixed Use

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.

Additional Owner Information

Kenneth W Lee

PO BOX 1527

Magnolia, TX 77353-1527

Email: leeboy57@gmail.com

Phone: (281) 787-1024

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 Mah Kahl 8/29/14
Signature of Applicant Date

X [Signature] 8-27-14
Signature of Owner Date

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>X</u>	_____	_____
Signature of Applicant		Date
<u>X</u>	<u>[Signature]</u>	<u>9-2-2014</u>
Signature of Owner		Date

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

Exhibit "B"
PD District Request Letter

September 3, 2014

Craig Meyers, PE, CFM
Community Development Director
City of Tomball
501 James St.
Tomball, TX 77375

Re: Planned Development Application
NEC of Holderrieth Road and State Highway 249
Tomball, Texas

Dear Mr. Meyers,

Kimley-Horn & Associates, Inc., as applicant, requests acceptance of the attached Planned Development (PD) Application for the 27.159 acre property located at the northeast corner of Holderrieth Road and State Highway 249, more specifically described by the metes and bounds included in the attached application. Per the published City of Tomball Zoning Map, the subject property is zoned Commercial District, C. The application proposes the current zoning designation to be revised to a Planned Development District, consisting of multifamily and retail uses with specified regulations.

Please feel free to contact me with any questions regarding the attached application. Thank you for your review and consideration.

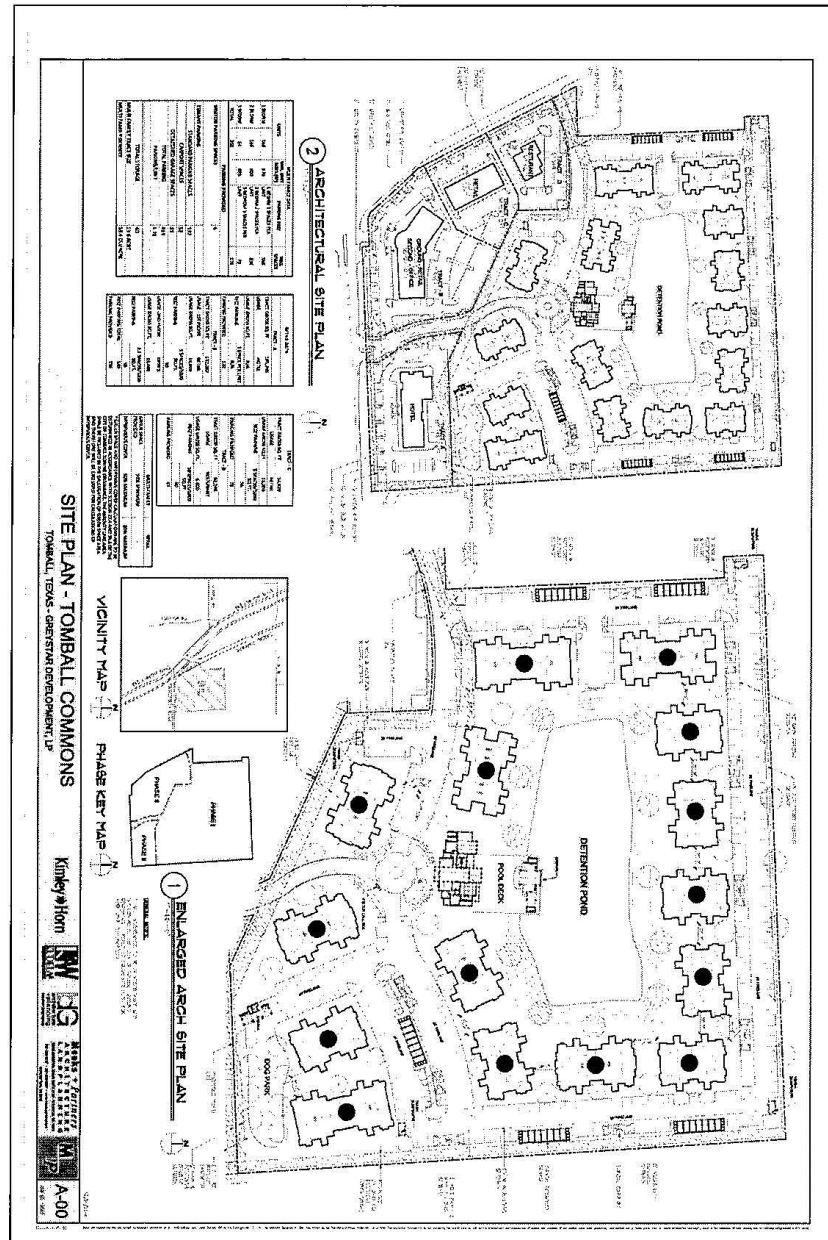
Kimley-Horn & Associates, Inc.

Mark Kirkland
Associate

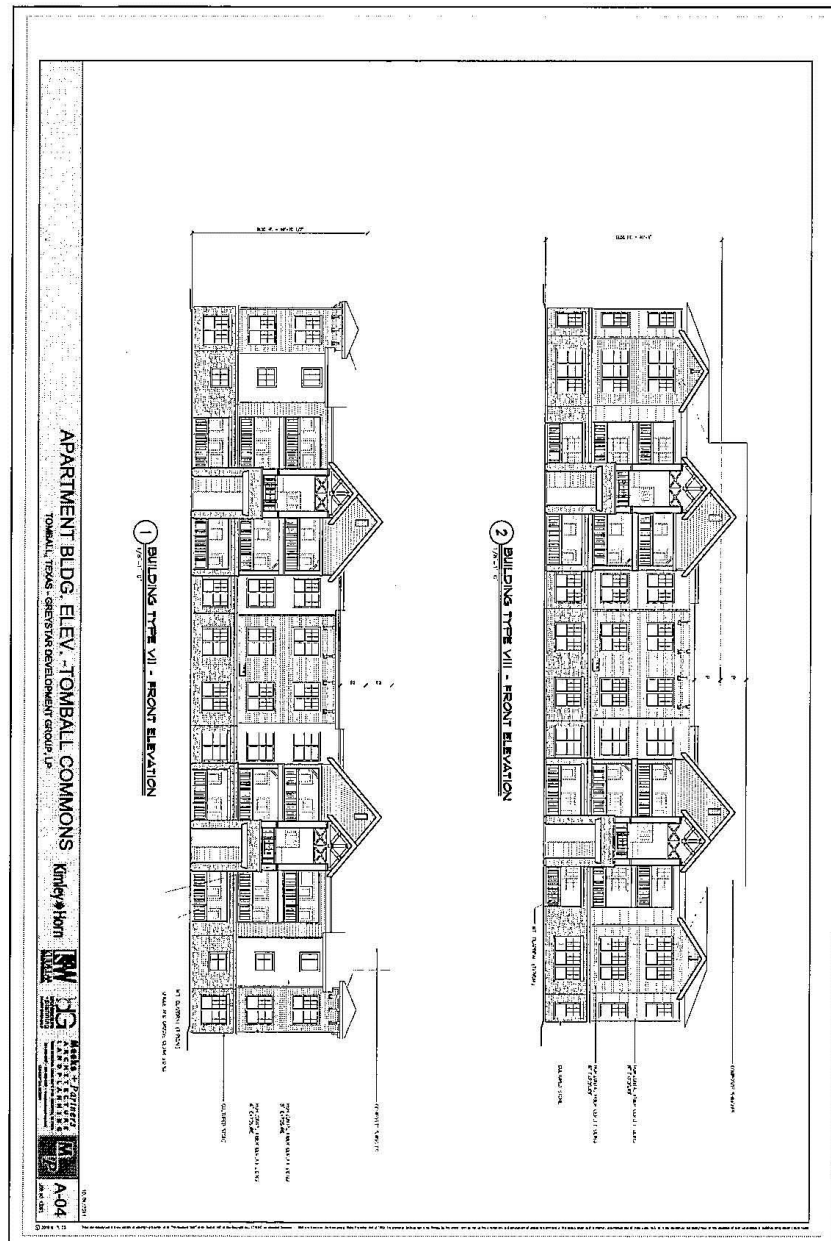


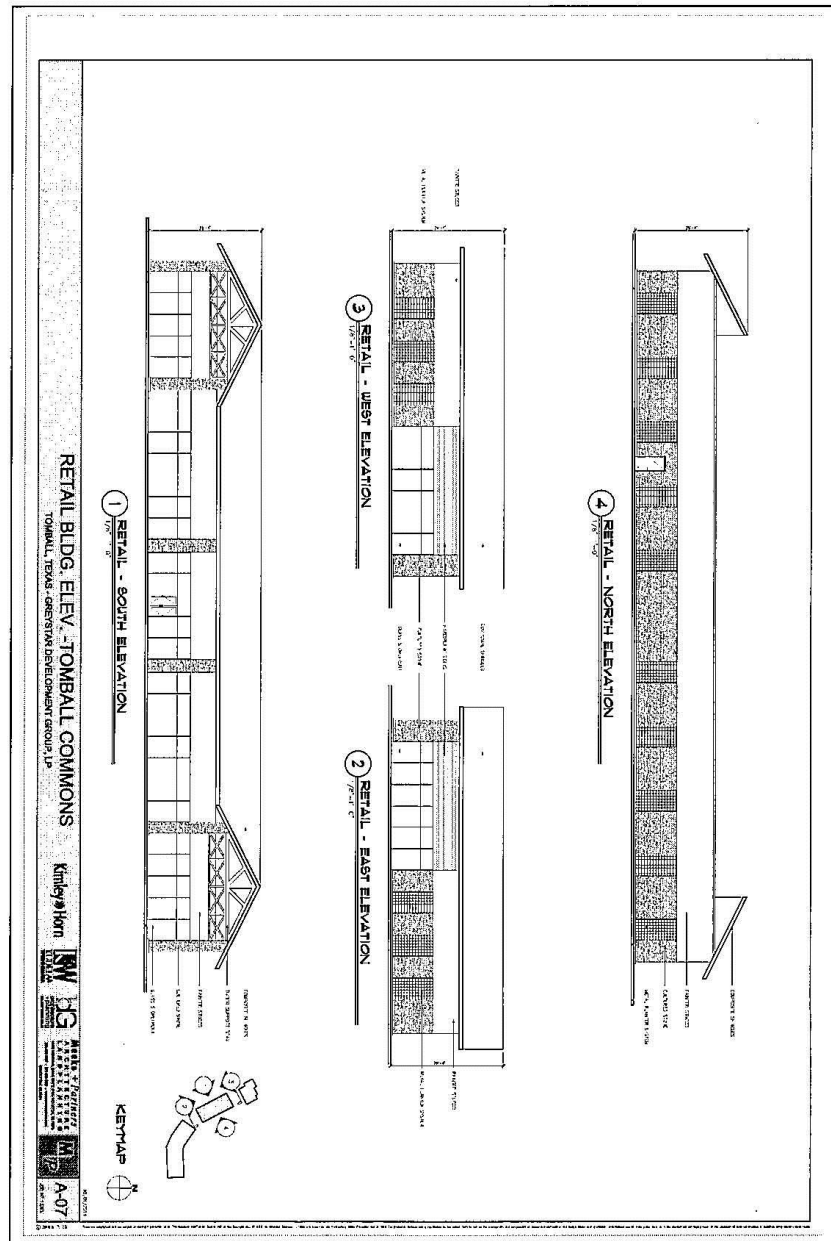
Page 14 of 25

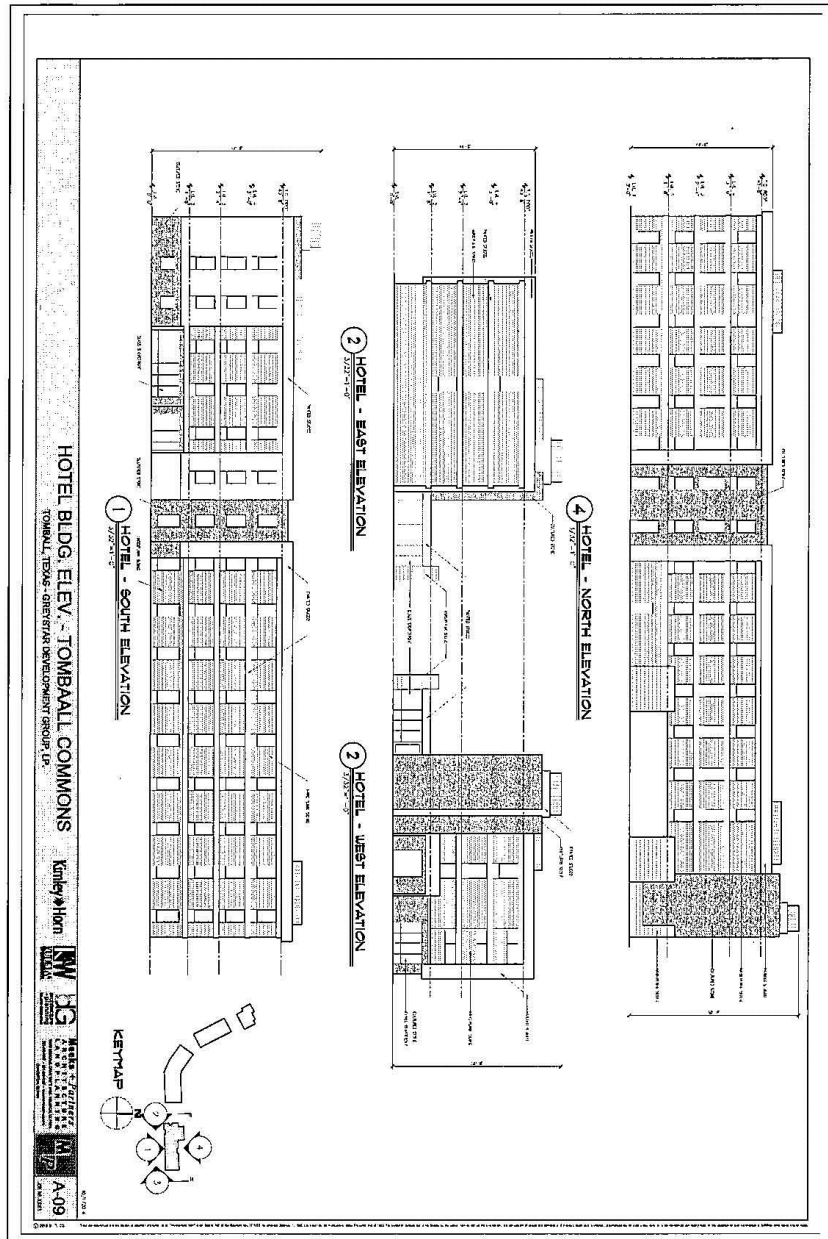
Exhibit "C" Concept Plan











Holderrieth Master Plan

Holderrieth Road
Tomball, Texas

Symetry Development

Exhibit to remove the Subject Tract, 1.12 Acre of the Kenneth Lee Block 1, Subdivision, Tract B as described by the PC8 Zoning Ordinance No. 2014-39

Scale: 1" = 60'-0"

North Arrow

Project Name	Holderrieth Master Plan
Client	Mogon Group
Design Team	Architect: [Blank] Engineer: [Blank] Landscape Architect: [Blank]
Date	7/27/2011 11:02 AM
Revised Date	7/27/2011 11:02 AM
Project File Path	[Blank]
Sheet Number	1 of 1
Scale	1" = 60'-0"

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 20, 2016

Topic:

Approve Interlocal Agreement between the City of Tomball and the Tomball Independent School District (TISD), affording the Tomball Police Department the Ability to Assign Four (4) Student Resource Officers (SROs) to TISD Campuses

Background:

This is an annual agreement between the City of Tomball and the Tomball Independent School District for the Tomball Police Department to provide four SRO officers to TISD. The school district pays approximately 70% of the cost of the officers and TPD pays approximately 30%.

Origination:

Tomball Police Department

Recommendation:**Funding:**

Yes

Account Number:100-121-6003

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

Billy Tidwell, Chief of Police

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

ATTACHMENTS:

Interlocal Agreement

INTERLOCAL AGREEMENT (Student Resource Officer)

1. PARTIES

1.1. The Parties to this Agreement are City of Tomball (“City”), a body corporate and politic under the laws of the State of Texas, and TOMBALL INDEPENDENT SCHOOL DISTRICT (“the Contractor”).

2. PURPOSE

2.1. The Contractor wants the Chief of Police of the City of Tomball, Texas, to authorize and direct four (4) law enforcement officers to each devote 187 days of their working time, “working time” being defined as eight (8) hours per day, to the Contractor. The law enforcement officer referenced above will be referred to collectively as “extra officers” whether one or more.

3. TERM OF THE AGREEMENT

3.1. The term of this Agreement begins on August, 1, 2016, and ends on July 31, 2017, unless terminated sooner in accordance with Section 7.

4. CITY’S RIGHTS AND OBLIGATIONS

4.1. City agrees to authorize the Chief of Police to appoint the extra officer effective at the beginning of the contract term, so as to enable (but not require) the Chief of Police to appoint the extra officer to devote 187 days of his/her working time to Tomball Independent School District facilities (“the area”). As used herein, the phrase “working time devoted to the area” means the usual or normal hours that extra officer is required to work in any calendar month and does not include any extra or overtime work. The time the extra officer is on duty within the area, the time the extra officer is in court in connection with cases arising out of events occurring within the area, the time the extra officer spends preparing reports and documents pertaining to events occurring in the area, the time the extra officer spends in making preparations to provide law enforcement in the area, the time the extra officer spends transporting persons arrested in the area to jail, the time the extra officer spends investigating crimes or possible crimes committed in the area, are deemed working time devoted to the area. The activities listed above are explanatory and the meaning of “working time devoted to the area” is not limited to those activities.

4.2. Contractor understands and agrees that if the Chief of Police appoints the extra officer to the area, the Chief of Police retains the control and supervision of the extra officer to the same extent as he does other officers.

4.3. The extra officer assigned in accordance with this Agreement shall perform the duties as assigned by the Contractor, subject to the control and supervision of the Chief of Police and the City of Tomball. The rules, regulations, procedures, and policies of the City shall govern the performance of duties rendered pursuant to this agreement.

4.4 The Contractor shall provide an office, a networked computer, and general office supplies needed for the extra officers to perform their Student Resource Officer duties. The Chief of Police shall supply all equipment necessary to perform police functions and services.

5. CONTRACTOR'S PAYMENT OBLIGATION

5.1. The Contractor agrees to pay the City of Tomball the sum of TWO HUNDRED SEVENTY NINE THOUSAND THREE HUNDRED SIXTY SIX DOLLARS (\$279,366.00) to contract police services, or to be used by the City of Tomball for the purpose of supplementing the cost to the City for supplying the law enforcement services, including salaries and any additional expenses the City may incur in providing the services for a period of 187 days beginning the 20th day of August, 2016. Contractor must make payments on the total sum in installments, which are due and payable, without demand, on or before the following dates in the amounts set forth:

Nine (9) payments of \$31,040.67, due on the 20th of each month, first payment due September 20, 2016.

5.2. If the term of this Agreement is terminated at any time other than at the end of a semester, payments under this Contract shall be prorated.

5.3. Contractor understands and agrees that if the City does not receive the payments within thirty (30) days of the date due, the City is authorized to terminate this Agreement without further notice. Further, City's failure to make demand for payments due is not a waiver of Contractor's obligation to make timely payments.

6. CITY'S PREROGATIVE TO APPOINT EXTRA OFFICERS

6.1. Contractor understands and agrees that this Agreement is not intended (nor shall it be construed) to obligate the Chief of Police in any manner whatsoever to assign the extra officer to devote any portion of his/her working time to the area. However, if for any reason the extra officer does not devote substantially 187 days of his/her full-time equivalent working time to the area during the term of this Agreement, then the Contractor is obligated to pay the City only a proportionate part of the total sum identified above. If the amount paid by the Contractor to City of Tomball exceeds the proportionate part, the Contractor is entitled to a refund from City of Tomball of the excess amount paid.

7. TERMINATION AND DEFAULT

7.1. Prior to the expiration of the term, either Party is authorized to terminate this Agreement without cause by giving to the other party at least thirty (30) days advance written notice of its intention to do so, specifying therein the effective date of such termination.

8. NOTICE

8.1. Any notice permitted or required to be given to City of Tomball hereunder may be given by registered or certified United States Mail, postage prepaid, return receipt requested, addressed to:

Tomball Police Department
Attn: Chief of Police
400 Fannin Street
Tomball, Texas 77375

Any notice permitted or required to be given to Contractor hereunder may be given by registered mail or certified United States Mail, postage prepaid, return receipt requested, addressed to:

Tomball Independent School District
Attn: Superintendent
310 South Cherry Street
Tomball, Texas 77375.

Notice shall be deemed given upon deposit of the notice in the United States Mail as aforesaid.

8.2. Either Party may designate a different address by giving at least ten (10) days written notice in the manner provided above.

9. MISCELLANEOUS

9.1. The terms and provisions of this Contract constitute the entire Agreement between the City and the Contractor, and no modification of this Contract is effective unless in writing and executed by both parties.

SIGNED in duplicate originals this _____ day of _____ 2016.

APPROVED AS TO FORM:

City of Tomball

ATTEST:

By:
Doris Speer
City Secretary

By:
Gretchen Fagan
Mayor

Tomball Independent School District

ATTEST:

By:
Chris Trotter
Assistant Superintendent

By:
Huey Kinchen
Superintendent

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 20, 2016

Topic:

Approve Interlocal Agreement between the City of Tomball and the Tomball Independent School District, Affording the Tomball Police Department the Ability to Provide Police Services on a Contractual Basis for Specialized Events Occurring Before, During and After the Normal Campus Hours

Background:

This is an annual agreement between the City of Tomball and TISD providing for off duty employment of TPD officers for school sponsored activities and sports events. It establishes the rates and processes by which off duty TPD officers are procured and paid by TISD.

Origination:

Tomball Police Department

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

Billy Tidwell, Chief of Police

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

ATTACHMENTS:

ILA - Specialized Events

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN
THE CITY OF TOMBALL AND
THE TOMBALL INDEPENDENT SCHOOL DISTRICT
FOR USE OF POLICE OFFICERS AND MANNED VEHICLES**

**THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §**

This Interlocal Cooperation Agreement (the “Agreement”) is made and entered into effective the 1st day of August 2016, by and between the City of Tomball, Texas (the “City”), and the Tomball Independent School District (the “School”), each acting through its duly authorized executive officer.

RECITATIONS

The City and the School are governmental units and political subdivisions authorized by the Interlocal Cooperation Act, Article 4413(32c), Texas Revised Civil Statutes, to enter into this Agreement for the purpose of performing governmental functions and services; and

The School desires to obtain the authorized services of City police officers and/or patrol vehicles, operated by City Police Officers and City Part-time Police Officers only, for School functions including, but not limited to, traffic direction at athletic events, traffic duty for the first day of school, and as escorts to out-of-town athletic events.

The School recognizes that the primary duty of the Police Chief and the City Police Department is to serve the City of Tomball and that the provision of the officers and/or manned vehicles shall be governed by the terms of this Agreement; **NOW THEREFORE,**

Section 1.0. The recitations stated above are true and correct.

Section 2.0. Consideration and Term. For and in consideration of the mutual promises, covenants, obligations, and benefits to the City and the School, the parties agree and contract is provided below in this Agreement. This Agreement shall remain in effect for the 2016-2017 school year, and it shall be renewed automatically, from school year to school year, unless terminated by either party in accordance with the provisions of Section 8.0, “Termination”, of this Agreement.

ARTICLE I

OBLIGATIONS OF CITY

Section 3.0. Police Officer and Patrol Vehicle Services. The City will provide and assign police officers and/or patrol vehicles, to be operated by Tomball Regular and Part-time Police Officers only (the “*Vehicle* or *Vehicles*”), to the School for the performance of reasonable police services including, by way of illustration and not limitation, the following:

- 3.1. Traffic direction for football games or other school-sponsored events;
- 3.2. Traffic duty for the first day of school;
- 3.3. Escorts to out-of-town athletic events; and
- 3.4. Assistance with crowd control at school-sponsored events.

This Agreement will not obligate the School to pay additional compensation to the City for the customary or routine services of the Police Department, as such services are customarily provided to citizens, businesses, and governmental units within the City’s jurisdiction, it being the intention of the parties to provide for situations in which additional services are requested and provided in accordance with the terms of this Agreement.

Section 4.0. Procedure. Prior to the need of officers and/or Vehicles by the School, the School shall contact the City of Tomball Chief of Police (the “*Chief*”) and outline to the Chief the particular needs, services, and scheduling required. The Chief, or the Chief’s designee if the Chief is absent, shall assign Officers and/or Vehicles to the School for such duties.

Section 5.0. As Assigned. When Available: Control. Assignments will be made solely as and when available, and at the sole discretion of the Chief of Police. The parties acknowledge that in making Officer and Vehicle assignments the Chief and the Police Officers have a first and primary duty to perform police functions and services for the citizens of the City of Tomball, including cooperative efforts with other jurisdictions, and in the event of the occurrence of any public disaster, major crime, riot, or such other paramount public need as may arise (as determined by the Chief of Police or the Chief’s designee), then the police will be obligated to first devote their efforts and equipment to those needs, rather than in connection with this Agreement with the School.

This Agreement is not intended, nor shall it be construed, to obligate the City of Tomball or its Police Department in any manner whatsoever; it is intended to set out the terms and conditions for the assignment of Officers and Vehicles operated by the City Police Officers in accordance with this Agreement.

The Officers and the Vehicles assigned in accordance with this Agreement shall perform the duties as assigned by the School subject to the control and supervision of the

Chief of Police and the City of Tomball. The rules, regulations, procedures, and policies of the City shall govern the performance of duties rendered pursuant to this Agreement.

Section 6.0. Vehicle charges: Payments for Officers' Services.

6.1. Vehicle Charges. The School will pay for actual mileage, computed from the time a Vehicle leaves the Police Department through its return to the Police Department. The rate shall be computed at the then current mileage rate allowed under IRS regulations. Actual mileage information shall be kept by the Police Officer(s) in written record form and submitted to the Chief of Police who shall approve it and then forward the information on the City's Chief Financial Officer.

6.2. Regular Police Officers. Time or hours worked by Regular Police Officers who perform services under this Agreement for the School as an extra job shall be submitted by the Police Officer(s) in written form to the Chief of Police. After approval, the Chief shall forward the charges to the School, and the School will pay for those services directly to the individual Officers who worked those extra jobs for the School.

It is the intent of this Agreement that Regular Police Officers contract directly with the School in connection with these extra jobs.

6.3. Part-time Police Officers. Part-time Police Officers who perform services under this Agreement are performing contract services for the School, through the City, at a rate of \$35.00 per hour with a four (4) hour minimum. Special Assignments/Events, such as "Opening Day of School/Traffic Control", of two (2) hours or less will be paid at a flat rate of \$60.00. If within the allotted time frame the officer(s) work additional assignments/locations, the rate of pay will remain at \$60.00 unless the assignment lasts longer than two (2) hours. The school will reimburse the City at the same rate. The Chief of Police will submit records of the work performed to the Chief Financial Officer for billing.

6.4. Regular/Full Time Police Officers. Regular/ Full-Time Police Officers who perform services under this Agreement are performing contract services for the School, at a rate of \$35.00 per hour with a four (4) hour minimum. Assignments/Events, such as "Opening Day of School/Traffic Control", of two (2) hours or less will be paid at a flat rate of \$60.00. If within the allotted time frame the officer(s) work additional assignments/locations, the rate of pay will remain at \$60.00 unless the assignment lasts longer than two (2) hours. The school will pay the officer directly.

6.5. Statement of Charges: Disputes. A statement of charges due for mileage and Part-time Officer work will be sent to the School District by the Chief Financial Officer. The statements may be prepared on a monthly or quarterly basis. All statements of charges will be delivered or sent by regular mail to the School and will be due upon receipt. Charges shall be paid no later than thirty (30) days from the date of the statement.

All questions or disputes regarding charges under this Contract may be resolved between the Chief Financial Officer of the City, the Chief of Police, and the Chief Financial Officer of the School, with a written report of the resolution to be made a part of the record. Upon request to the City's Chief Financial Officer, the School or its representatives may inspect and review the city's documentation supporting any statement at any time during the City's regular business hours.

Section 7.0. Insurance: Responsibility. It is expressly understood and agreed that the City and the School shall each provide insurance coverage for their respective personnel, agents, representatives, and equipment in connection with this Agreement. Further, each party shall be responsible for the actions of its respective personnel, agents, representatives, and equipment, in accordance with State and federal laws.

This provision is to delineate the continued, independent operations of the City and the School as separate political subdivisions, and it is not intended, nor shall it be construed, to create any right, benefit, entitlement, or third-party beneficiary relationship with any person or entity.

Section 8.0. Termination. This Agreement may be terminated at any time by either party by giving at least thirty (30) days advance written notice to the other party. The termination notice shall specify the effective date of the termination, which shall in no event be more than sixty (60) days after the date the termination notice is given. This Agreement may be terminated immediately if the School defaults in the payment of mileage charges; provided, however, such termination will not prejudice the City's right to payment of any outstanding charges or the obligation of the School to pay them.

Section 9.0. Notice. Any notice which is permitted or required to be given under this Agreement shall be given in writing, sent by registered or certified mail, addressed to the respective parties as follows:

Chief of Police
City of Tomball
400 Fannin Street
Tomball, Texas 77375

Assistant Superintendent for Administrative Services
Tomball Independent School District
310 South Cherry Street
Tomball, Texas 77375

Notice shall be deemed given to either party upon delivery or deposit of the notice in the U.S. mail.

Section 10.0. General.

10.1. This Agreement is the sole agreement between the parties. There are no other agreements between the parties, nor will any purported agreement, oral or in writing, be given effect. This Agreement may be amended by the authorized execution of an amending document executed in the same manner and with the same formalities as this Agreement.

10.2. This Agreement shall be construed and governed by the laws of the State of Texas, and enforced in Harris County, Texas.

10.3. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this Agreement or the application of the same shall for any reason be adjudged invalid or held unconstitutional by a court of competent Jurisdiction, it shall not affect, impair, or invalidate this Agreement as a whole or Any part or provision hereof other than the part declared to be invalid or unconstitutional.

10.4. This Agreement may not be assigned by either party.

Executed in multiple, original counterparts, each of which shall be considered an original Agreement for all purposes, effective the ____ day of _____ 2016.

APPROVED AS TO FORM:

ATTEST:

City of Tomball

Doris Speer
City Secretary

Gretchen Fagan
Mayor

ATTEST:

Tomball Independent School District

Chris Trotter,
Assistant Superintendent

Huey Kinchen,
Superintendent

Regular City Council
Agenda Item
Data Sheet

Meeting Date: June 20, 2016

Topic:

Provide Update to Council on Development of Broussard Park

Background:

Origination:

David Esquivel, Director of Public Works

Recommendation:

N/A

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

City Secretary

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

ATTACHMENTS:

Broussard Park Presentation



Broussard Community Park Update

June 20, 2016

Broussard Community Park



- **Description:** Proposed Community Park located on E. Hufsmith near the intersection of Zion Rd. The park will include soccer fields and interactive areas.
- **Progress:** A KaBOOM! playground was constructed on the property. A contract was executed with Consultants to survey and master plan the park in January 2015. The City applied for and received a Texas Parks and Wildlife grant (\$400,000).

Broussard Community Park

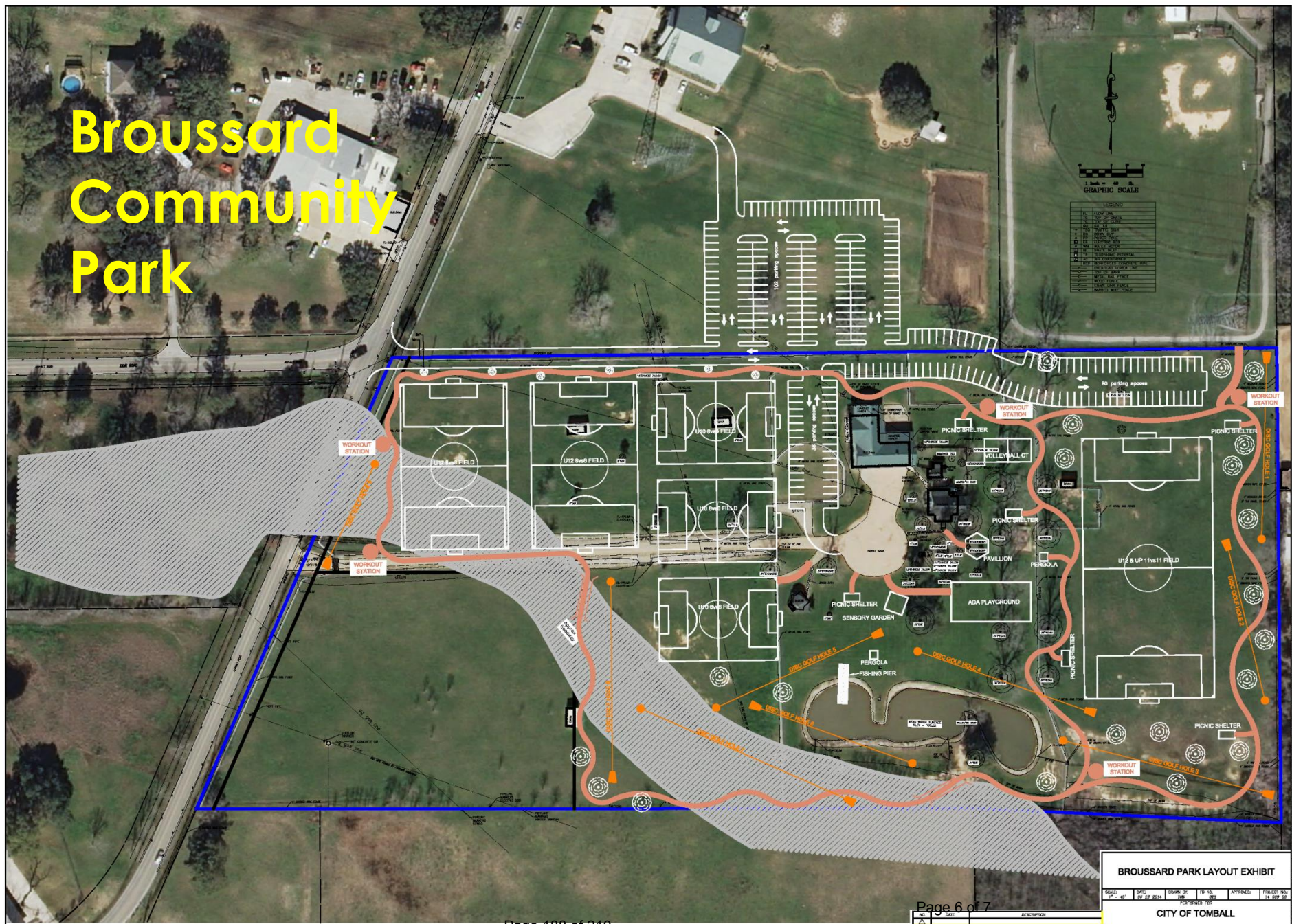
- **Met with various association groups and a training camp group wanting to partner with the city to operate and provide long term maintenance. These groups also want to assist in the development of the Park.**
- **Staff recommends advertising a RFP (request for proposals) to allow for a presentation of options by the various groups and also provides for a process to evaluate and select a group to partner.**
- **Harris County Commissioner Cagle has committed some funding opportunities—city is in process of specifically identifying those items for contract basis.**
- **In planning stage with DPIS regarding use of land for parking spaces.**

Funding available for park development

Capital Projects Funds available	\$243,594
Parks & Wildlife grant	\$400,000
Proposed 2017 budget	\$100,000
Possible Tomball Hospital Foundation	<u>\$225,000</u>
Total cash available	\$968,594

Staff is working on a plan in the upcoming budget to provide water for Hufsmith/Zion and Broussard Park

Broussard Community Park





Questions / Comments

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 20, 2016

Topic:

Approve Tri-Party Memorandum of Understanding (MOU) between the City of Tomball, Lone Star College-Tomball, and Tomball Independent School District regarding Coordinated Usage of the City's Low-Power FM Radio Station

Background:

The City has obtained a FCC license to operate a low power FM Radio Station. This operation was developed with a goal of not only being used as an additional emergency management tool, but also as an opportunity to involve the TISD high schools and the Lone Star College system in producing content for their respective campuses and systems. The staffs of TISD and LSC have embraced the concept and are anxious to explore the various possibilities that may exist.

Origination:

Fire/Emergency Management

Recommendation:

Staff recommends approval

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

Randy Parr

ACTION TAKEN

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

Interlocal Agreement for the Operation of a Low Power FM Radio Station

INTERLOCAL AGREEMENT FOR THE OPERATION OF A LOW POWER FM RADIO STATION

This **INTERLOCAL AGREEMENT FOR THE OPERATION OF A LOW POWER FM RADIO STATION** (herein “**Agreement**”) is entered into effective this the ____ day of _____, 2016 by and between the **City of Tomball (“Tomball”)**, **Tomball Independent School District (“TISD”)** and the **Lone Star College – Tomball (“LSC-T”)** for the mutual covenants and agreements herein contained, and other good and valuable consideration. Accordingly, Tomball, TISD and LSC-T agree to the following:

I.

PARTIES

Tomball is a home-rule municipality organized and operating under the laws and Constitution of the State of Texas. Tomball Independent School District is an independent school district organized and operating under the law of the State of Texas. Lone Star College – Tomball is part of a community college organized and operating under the laws of the State of Texas.

The purpose of this agreement is to facilitate the operation and use of a Low Power FM Radio (“LPFM”) Station licensed to the City of Tomball.

II.

PROPERTY

Tomball has applied for, paid appropriate fees and received a license from the Federal Communications Commission to operate a Low Power FM Radio Station. This license, Number BLL-20151127ADI, grants Tomball the use of frequency 95.3 for an unlimited number of hours on a daily basis. This license shall remain the property of Tomball.

Tomball has acquired certain equipment (Appendix A) necessary to broadcast on the acquired frequency. This equipment shall remain the property of Tomball. Any equipment acquired by any party to this Agreement shall remain the property of the respective party.

Tomball has created a space for a studio in the administrative side of Fire Station 1, 1200 Rudel, Tomball, TX 77375. While the station is a secure facility with electronic key access only, provision will be made for access by those wishing to work on content files, music files, emergency management activities, programing or other activities requiring access to the equipment contained in the studio.

The tower site is owned by Jim Davis and the use of the site will be provided for under a separate lease arrangement. Any equipment placed at the tower site will remain the property of the party placing the equipment.

III.

MUSIC LICENSES

Tomball has paid fees to BMI and ASCAP to secure non-exclusive licenses to present copyrighted music contained in the repertoire of the respective entities. These licenses will be paid annually and will be the responsibility of Tomball.

IV.

GOVERNANCE

The operation of the LPFM will be managed through a Governance Board comprised of representatives from the stakeholders listed below:

- City of Tomball
 - Marketing Department
 - Emergency Management Department
- Lone Star College
- Tomball Independent School District
- Tomball High School
- Tomball Memorial High School
- Jim Davis, Consultant
- Tom Conley, Consultant

Tomball, LSC and TISD may appoint or assign their representatives at their discretion.

V.

OPERATIONS

The LPFM will be operating in compliance with rules and regulations established by the Federal Communications Commission and the respective parties to this Agreement. Certain key operating positions have been identified in order to facilitate the operation of the LPFM. Responsibilities of these positions are identified below. All positions are contemplated to be filled with persons from the respective Parties and the consultants.

Station Manager (SM) - The station manager who is responsible for day-to-day operations. The Station Manager enforces the owner's standards while making sure the needs of all employees are being met. The Station Manager maintains

the budget, hires and fires, trains personnel and reviews employee performance. This position also ensures that operations comply with Federal Communications Commission regulations.

Operations Manager (OM) - The operations manager is second in command and focuses on coordinating, scheduling and promoting on-air programming. He works closely with disc jockeys, anchors and hosts to make sure they represent the station's branding correctly. When new programming options must be found the operations manager is usually in charge of doing the detective work. He answers to the station manager.

Program Director (PD) - Program directors create and plan the daily broadcast schedule. This means locating and providing the news, music, or entertainment that should be covered while monitoring on-air activity to ensure content is disseminated properly. There is usually a program director for each individual broadcast. Program directors generally work with the same staff every day and report to the operations manager.

Chief Engineer (CE) - The chief engineer manages a team that handles all technical matters. In addition to supervising, he must regularly inspect equipment, maintain and repair it when necessary, purchase new equipment when merited and abide by FCC regulations. The engineering staff is often directly involved with broadcasts by editing tracks, managing sound effects and monitoring the station's signal for strength, quality and overall clarity. The chief engineer reports to the operations manager.

Emergency Information Director (EID) – This position is responsible for preparing and injecting emergency incident information concerning events and incidents affecting the local community including emergency incidents, traffic accidents, weather related incidents and community events affecting traffic.

Planning Director (PD) – This position will be responsible for developing the relationships between the stakeholders to maximize the use and value of the LPFM. Such activities may include sports programming, educational programming, curriculum associated with formal educational opportunities in the field.

Operating costs associated with the station will be paid by Tomball, with the exception of certain costs regarding special programs and special events benefitting one party; such costs will be the responsibility of the benefitting party. Extra or special equipment to provide special event programming shall be paid by one or more of the parties. The LPFM is utilizing a tower owned and operated by a consultant. Use and cost of the tower will be provided for under a separate lease arrangement with the consultant and those costs will be paid by Tomball. Software licenses, annual updates and upgrades and equipment maintenance will be paid by Tomball. Costs to be incurred by the

Station Engineer will be approved prior to the expenditure being authorized and paid by Tomball, subject to any other arrangement being made between the Parties.

VI.

PROGRAMMING

The LPFM will provide various programming through the operation of the station. The typical daily programming will be music, time and temperature information news and weather reports. Information regarding issues of public safety will be provided when necessary to minimize an impact to residents of the area and the traveling public.

Programming will include special events and forums provided through TISD and LSC-T. These special events may include, among others, sporting events, interview panels, open forums and debates. Programming may also include live broadcasts from festivals and other Tomball sponsored events being held in the Tomball community.

Special programming content will be reviewed and approved by the parties prior to being broadcast.

VII.

SPECIAL PROJECTS

A goal of the Parties to this Agreement is to develop an interest in radio broadcasting by high school and college students. The operation of the LPFM is anticipated to provide opportunities for these students through local high school club participation and through the development of an Associates level curriculum at the LSC-T.

VIII.

TERM OF AGREEMENT

This Agreement shall have an initial term of five (5) years from the date of the execution of the Agreement. Thereafter, the Agreement shall have successive five year renewal periods. TISD and LSC-T may terminate their participation in the project at any time by providing 30 days written notice to the City of Tomball at 401 Market Street, Tomball, TX 77375.

This Interlocal Agreement is approved and executed by the Parties this _____ of _____, 2016.

City of Tomball

By: _____

Title: _____

Tomball Independent School District

By: _____

Title: _____

Lone Star College - Tomball

By: _____

Title: _____

APPENDIX A EQUIPMENT

City of Tomball

Mfg	Model	Quantity	Description
Arrakis	ARC-8-Blue	1	8 Channel Broadcast Console with Bluetooth & USB
Barix	Exstreamer 100	1	Remote exstreamer system (transmitter site)
Barix	Instreamer 100	1	Encoder box (studio)
Broadcast	Dynamic	2	Microphone and boom
Nautel	VS-300	1	FM Transmitter w/ Orban
Nautel	Torrid	1	Transformer kit
Digital Alert	DASDEC-II LC	1	Emergency Alert system
Nicom	DKG77	1	Antenna
Stellar Labs	555-1950	1	Dual CD player/DJ Console
Tascam	DR-05	1	Linear PCM portable recorder

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 20, 2016

Topic:

Renew the Interlocal Agreement between the City of Tomball Fire Department and Harris County Public Health and Environmental Services providing for the Tomball Fire Department to operate a "Closed POD" site for the distribution of medication and supplies.

Background:

The City of Tomball Fire Department and Harris County Public Health and Environmental Services have previously entered into an Interlocal Agreement to dispense medications and supplies to Tomball Fire Department employees, contractors and immediate family members during a pandemic incident. This arrangement was made in order to provide interventive measures to the Department and its members' families to provide protection from and to prevent the spread of disease to the community. This service is being provided in order to maintain the Department's ability to provide fire/rescue and medical assistance to the community.

Origination:

Fire/Emergency Management

Recommendation:

Staff recommends approval

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

Randall Parr

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

ATTACHMENTS:

Interlocal Agreement

AGREEMENT

This Agreement is made and entered by **Harris County** ("County"), a body corporate and politic under the laws of the State of Texas, and **Tomball Fire Dept.**

RECITALS:

Harris County, acting through Harris County Public Health and Environmental Services ("HCPHES"), participates in the Strategic National Stockpile ("SNS"), which includes medications and medical supplies.

Harris County desires to collaborate with **Tomball Fire Dept.** to enhance Harris County's ability to respond to a catastrophic incident or other communicable threat.

Harris County and **Tomball Fire Dept.** desire to enter into an agreement for a mass prophylaxis closed point of dispensing ("Closed Pod") to dispense medications and supplies to identified **Tomball Fire Dept.** employees, contractors and their immediate family members.

Harris County Commissioners Court finds that an agreement with **Tomball Fire Dept.** for a Closed Pod serves a public purpose of Harris County.

NOW, THEREFORE, Harris County and **Tomball Fire Dept.** in consideration of the mutual covenants and agreements herein contained do mutually agree as follows:

TERMS:

I. Purpose

To establish a cooperative agreement between Harris County, acting through Harris County Public Health and Environmental Services, and **Tomball Fire Dept.** and to provide employees, contractors, and their immediate families with prophylaxis, vaccinations, or other related medical supplies or services in the event of a public health emergency as defined by local, state or federal governments. Harris County, acting through Harris County Public Health and Environmental Services, and **Tomball Fire Dept.** agree to the following terms, conditions, and responsibilities expressed in this agreement.

II. Definitions

Public Health Emergency: refers to any event, natural or manmade, that requires immediate public health intervention as defined by local, state or federal governments.

Mass prophylaxis: refers to the administration of health interventions including antibiotics, vaccines, and/or antidotes to large numbers of persons to provide protection against disease and/or to prevent the spread of disease in the community.

Critical Infrastructure/Employee/Volunteer: refers to a person in the service of **Tomball Fire Dept.** either directly as an employee, volunteer, part of a government critical infrastructure **Tomball Fire Dept.** that provides emergency services or supports government continuity of operation.

Immediate Family: refers to a direct / immediate member of the family living within the same household as the employee.

III. Responsibilities of Tomball Fire Dept.

1. Mass dispense to Employees/Contractors and their immediate family members during a public health emergency at **Tomball Fire Dept.** site in Tomball, Texas.
2. Attend Harris County Public Health and Environmental Services planning meetings when requested at an agreed schedule and meeting place.
3. Attend Harris County Public Health and Environmental Services training meetings and cooperate in training **Tomball Fire Dept.** employees, when appropriate, to understand the contraindications, precautions, and administration of mass prophylaxis according to established Harris County Public Health and Environmental Services protocol.
4. Provide and maintain an agency Primary Contact to oversee operations of the organization or entities Pharmaceutical Dispensing Plan.
5. Provide and maintain a Plan Contact to coordinate the dispensing operations at the organization or entity site as well as coordinate additional trainings, if needed, at the Tomball, Texas site.
6. Provide and maintain a Medical Contact (on staff at the Tomball, Texas site and available 24/7) who will organize, coordinate, and oversee the dispensing of medications at the Tomball, Texas site.
7. Ensure that all employees involved in the administration of medication will first be provided the treatment themselves, if indicated. Furthermore, the decision as to who will subsequently receive the medication is to be solely decided by **Tomball Fire Dept.** The method, manner, and order of treatment will be solely decided by **Tomball Fire Dept.** Maintain documentation of any materials or supplies consumed in this effort. If applicable, during a federally declared disaster, reimbursement for the cost of those materials can be made according to federal guidelines.
8. Return all unused portions of the supplies, chemoprophylaxis, and / or vaccines to the Harris County, acting through Harris County Public Health and Environmental Services.
9. Provide to Harris County Public Health and Environmental Services a record of those who received the medications and / or vaccinations. When appropriate Harris County Public

Health and Environmental Services will provide the necessary forms for tracking this information.

IV. Duration of the Agreement

This Agreement shall remain in place for two years from the date of signing unless otherwise agreed in writing by both parties. This Agreement may be terminated at any time, with sixty (60) days advanced written notification by either party. This Agreement becomes effective when executed by **Tomball Fire Dept.** and Harris County. This Agreement shall be of no force or effect until approved in writing by the Executive Director of Harris County Public Health and Environmental Services and **Tomball Fire Dept.** management.

V. Amendments

This Agreement may be amended by written agreement of both parties.

VI. Points of Contact

For Harris County Public Health and Environmental Services:

Primary Contact: Mr. Mac McClendon, Chief
Office of Public Health Preparedness
Harris County Public Health and Environmental Services
2223 W. Loop South
Houston, Texas 77027-3588
Phone: 713-439-6020

For **Tomball Fire Dept.:**

Primary Contact: Randall F. Parr, Fire Chief
1200 Rudel
Tomball, Texas 77375
Phone: 281-351-7101

VII. Notice

All notices and communications under this Agreement must be mailed by certified mail, return-receipt requested, or delivered to the parties at the following addresses:

To the County: Harris County Public Health and Environmental Services
2223 W. Loop South
Houston, Texas 77027-3580
Attention: Umair A. Shah, M.D., M.P.H., Executive Director

To **Tomball Fire Dept.:** 1200 Rudel
Tomball, Texas 77375
Attention: Randall F. Parr, Fire Chief

These addresses may be changed upon giving prior written notice of the change.

VIII. Governing Law

This Agreement shall be interpreted under the laws of the State of Texas. Exclusive venue for any cause of action arising out of or in relation to this Agreement is in Harris County, Texas.

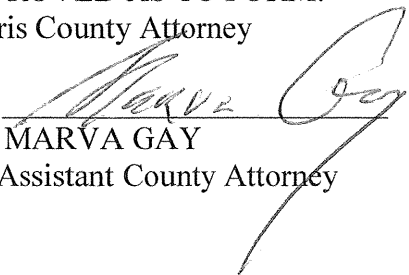
IX. No County Funds

Prior to execution of this Agreement, Harris County has advised **Tomball Fire Dept.** that Harris County has certified no funds under this Agreement, and **Tomball Fire Dept.** shall have no cause of action whatsoever for money against Harris County arising out of or in relation to this Agreement. Neither **Tomball Fire Dept.** nor Harris County assumes liability for any claims, demands, expenses, liabilities, or losses arising out of or in relation to this Agreement.

IN WITNESS WHEREOF, this instrument has been executed on behalf of Harris County by a duly authorized representative of Harris County, and on behalf of **Tomball Fire Dept.** by a duly authorized representative of **Tomball Fire Dept.**

APPROVED AS TO FORM:

Harris County Attorney

By: 

MARVA GAY

Assistant County Attorney

HARRIS COUNTY

By: _____

ED EMMETT

County Judge

Date Signed: _____

Approved:

By: _____

UМАIR A.SHAH, M.D., M.P.H.

Executive Director

Harris County Public Health

And Environmental Services

Date Signed: _____

APPROVED:

Tomball Fire Dept.

By: _____

Secretary

By: _____

Name: Randall F. Parr

Title: Fire Chief

Date Signed: _____

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 20, 2016

Topic:

Adopt, on First Reading, Ordinance No. 2016-08, an Ordinance of the City of Tomball, Texas, Changing the *Prima Facie* Speed Limit Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Brown-Hufsmith Road, from State Highway 249 Business to the Eastern City Limit Line and Zion Road, from Quinn Road to Ulrich Road, All within the Corporate Limits of the City of Tomball as Set out in This Ordinance; and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars (\$200.00) for the Violation of This Ordinance

Background:

The current speed limits along Brown Road in the section between State Hwy 249 Business and the north eastern city limit line vary from 30 mph and 40 mph. In an effort to better accommodate the motor traffic, a more uniform speed limit is recommended. The speed limit on Zion Road currently has two speed limits between Quinn Road and Ulrich, being different each way. The recommendation is to make the speed limit 35 mph each way.

A letter will be sent to Harris County Precinct 4 Commissioner Cagle requesting uniformity of speed limits on Hufsmith and Zion Road.

Origination:

Public Works

Recommendation:

Approval

Funding:

Yes

Account Number:NA

Funding:

Yes

Funds will be transferred from Account: NA to Account:

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

David Esquivel

ACTION TAKEN

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

Ordinance No. 2016-08
Speed limit map

ORDINANCE NO. 2016-08

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, CHANGING THE *PRIMA FACIE* SPEED LIMIT ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF §545.356, TEXAS TRANSPORTATION CODE, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION, UPON BROWN-HUFSMITH ROAD, FROM STATE HIGHWAY 249 BUSINESS TO THE EASTERN CITY LIMIT LINE AND ZION ROAD, FROM QUINN ROAD TO ULRICH ROAD, ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF TOMBALL AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE IN AN AMOUNT NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR THE VIOLATION OF THIS ORDINANCE.

* * * * *

WHEREAS, §545.356, Texas Transportation Code, provides that whenever the governing body of the City shall determine, upon the basis of an engineering and traffic investigation, that any *prima facie* speed therein set forth when a highway, or part of a highway, is under repair, construction or maintenance, said governing body may determine and declare a reasonable and safe *prima facie* speed limit thereat or thereon by the passage of an Ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway;

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

Section 1. Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of §545.356, Texas Transportation Code, the following *prima facie* speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, described as follows:

- (A) Along Brown-Hufsmith, from State Hwy 249 Business to the eastern city limit line following Hufsmith Road, the speed limit shall be “35 MPH.”
- (B) Along Zion Road, from Quinn Road to Ulrich Road, the speed limit shall be “35 MPH”

Section 2. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not more than Two Hundred Dollars (\$200.00).

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 20TH DAY OF JUNE 2016.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 5TH DAY OF JULY 2016.

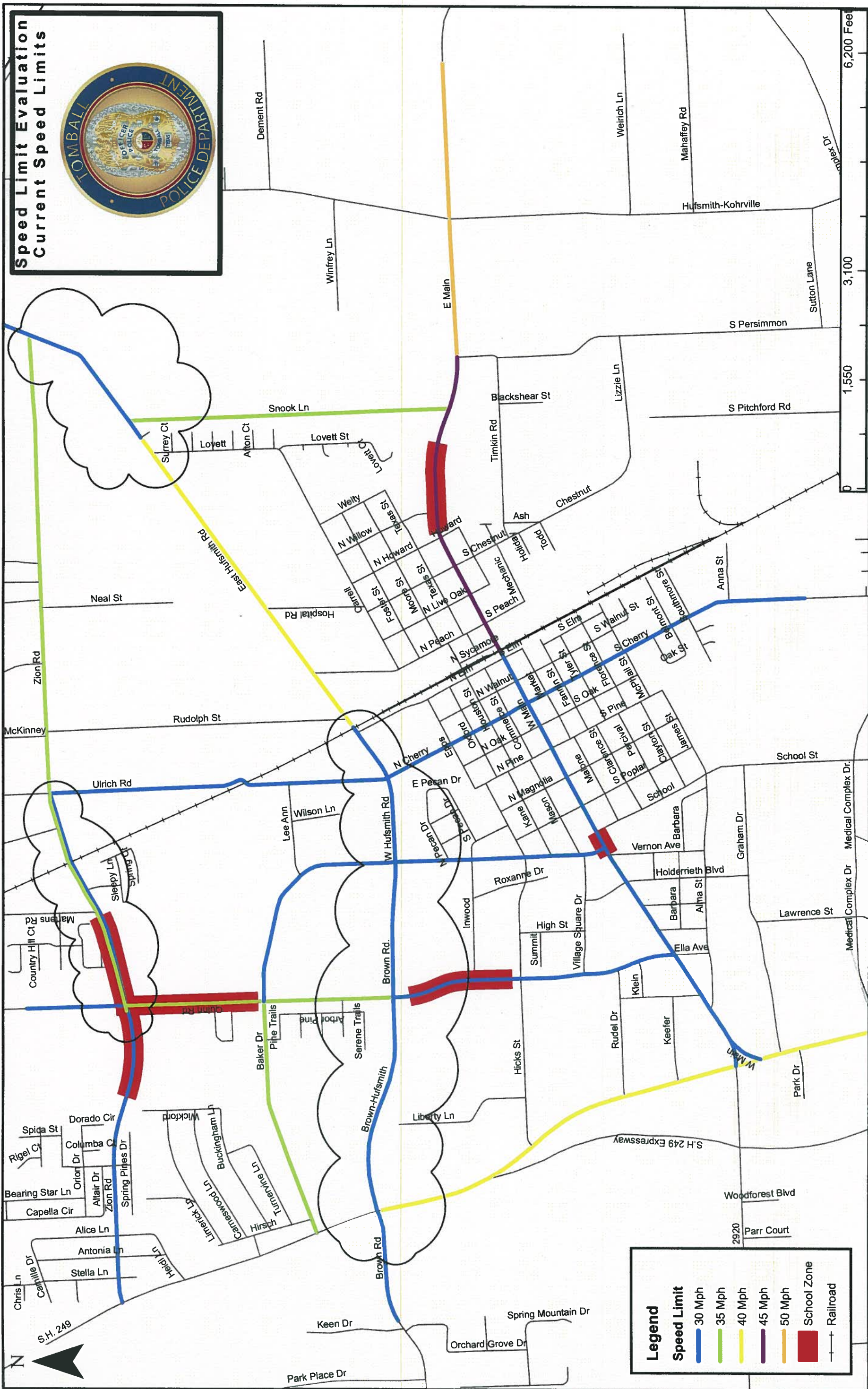
COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

**Speed Limit Evaluation
Current Speed Limits**



**Speed Limit Evaluation
Current Speed Limits**

Legend

Speed Limit

- 30 Mph
- 35 Mph
- 40 Mph
- 45 Mph
- 50 Mph
- School Zone
- Railroad

Document Path: \\h001\215\Tomball GIS\Projects\2014\EP Speed Maps\Current\1x17.mxd
Prepared By: biao

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 20, 2016

Topic:

Consideration to Reject Bids for Project No. 2016-16, Vactor and Valve Exercise Trailers, and Award Buy Board Contract to Vermeer for the Purchase of One (1) Vactor and Valve Exercise Trailer, in the Amount of \$77,863.00

Background:

In an effort to obtain the most favorable pricing, sealed bids were solicited for the purchase of one (1) Vactor & Valve Exercise Trailer for the City of Tomball Public Works Utilities Department. Bid packets were available at the Public Works Administration Building or could be electronically delivered by request. A total of three vendors requested the bid packages and one bid was received. To further verify the bid received and specifications advertised, staff invited all three vendors to provide demonstrations and additional information on the equipment, at which Vermeer and Kinloch provided demonstrations.

Based on the submitted bid and demonstrations, staff recommends rejection of the bids and award of contract thru buy board to Vermeer.

Origination:

Public Works Department

Recommendation:

Public Works staff recommends awarding a buy board contract to Vermeer for model number LP573SGT in the amount of \$77,863.00; staff has determined this to be the best value for the City as well a reputable company.

Funding:

Yes

Account Number:600-614-6403

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

ATTACHMENTS:

Buy Board Quote

Bid Tabulation

BUYBOARD #
Construction, Road, Bridge and Other Equipment 424-13
PRODUCT PRICING SUMMARY BASED ON CONTRACT
VENDOR: Vermeer

End User: City of Tomball Vendor Rep: David Reed
Contact: Meagan Mageo Phone/email: 281-363-3514 dreed@vermeertexas.com
Phone/email: 281-290-1411 Date: Thursday, June 09, 2016
Product Description: LP573SGT

A. Bid Series: 424-13 A. Base Price: \$ **90,902.00**

B. Published Options [Itemize each below]

Code	Options	Bid Price	Code	Options	Bid Price
1	37 hp Kohler Gas				
1	1,000 CFM Vacuum Pump			3" Emulifer Gun	
1	500 Gallon Debris Tank			3" LED Directional Board	
1	2000 psi @ 4 GPM HP water Water System			Hydr. Jack	
1	2 (100) Gallon Water Tanks				
1	Empty weight 7,635 lbs				
1	Reverse Pressure of load system				
1	30' of 3" Suction Hose				
1	Hydraulic open and locking debris door				
1	Valve Exerzier				
1	6 way Hydrualic Boom w/ Remote				

Total of B. Published Options: \$ **90,902.00**

C. Unpublished Options [Itemize each below, not to exceed 25%] \$= %

Options	Bid Price	Options	Bid Price

Total of C. Unpublished Options: \$

D. Pre-delivery Inspection: \$ **1,000.00**
E. Texas State Inspection: \$ -
F. Manufacturer Destination/Delivery: \$ **300.00**
G. Floor Plan Interest (for in-stock and/or equipped vehicles): \$ -
H. Lot Insurance (for in-stock and/or equipped vehicles): \$ -
I. Contract Price Adjustment: Buy Board Discount \$ **(14,339.00)**
J. Additional Delivery Charge: 0 miles \$ -
K. Subtotal:
L. Quantity Ordered 1 x K =
M. Equipment:
N. BUYBOARD Administrative Fee (\$400 per purchase order) \$ **77,863.00**
O. TOTAL PURCHASE PRICE INCLUDING BUYBOARD FEE \$ **77,863.00**

Bid Number 2016-16 - Vactor & Valve Exercise Trailer

Bid Tabulation

Company: Vermeer

Description: MC 579/873 SDT

Specs/Model Submitted	Price	Delivery & Associated Cost	Total Bid
Yes	\$97,993.00	\$1,500.00	\$99,493.00