

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



MONDAY, JUNE 6, 2016

6:00 P.M.

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

1.0 Call to Order

2.0 Invocation

- Led by Pastor Bryan Donahoo, Graceview Baptist Church

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.
- 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**
- August 5, 2016 – **Tomball Night**
- August 27, 2016 – **Texas Music Festival** – 12:00 Noon-6:00 p.m.
- 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:
 - Harold Ellis – The City has received a formal request to withdraw the rezoning case on Holderrieth Road, Ordinance No. 2016-07; this item was removed from the June 6, 2016 agenda.

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 Conduct First Public Hearing to Consider the Annexation of the Following Tracts of Land: (FM 2920 and Telge Road Right-of-Way and 14.427 Acres-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.

- 9.2 Appoint/Reappoint Member to the Planning and Zoning Commission for Term Expiring June 1, 2016
 - 9.3 Appoint Representative to the Southeast Texas Housing Finance Corporation (SETH) Board of Directors
 - 9.4 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
 - 9.5 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
 - 9.6 Approve a Temporary Wayfinding Sign, within the City of Tomball Right-of-Way, for The Reserve at Spring Lake Estates
 - 9.7 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
- 10.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 2nd 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 6, 2016

Topic:

- Led by Pastor Bryan Donahoo, Graceview Baptist Church

Background:

Origination:

Recommendation:

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

City Secretary

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: June 6, 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 6, 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.
- 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**
- August 5, 2016 – **Tomball Night**
- August 27, 2016 – **Texas Music Festival** – 12:00 Noon-6:00 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:
 - Harold Ellis – The City has received a formal request to withdraw the rezoning case on Holderrieth Road, Ordinance No. 2016-07; this item was removed from the June 6, 2016 agenda.

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



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

Dear City of Tomball,

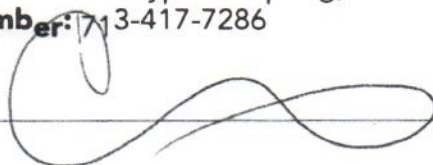
We would like to officially withdraw our application for rezoning for 11835 Holderreith Road: Tomball, Texas 77375.

We no longer wish to pursue rezoning of the property. We ask that the current application for rezoning be dismissed and the property remain zoned in the same manner as before the application was submitted.

Thank you.

Applicant Name: Christopher Wohrer
Address: 3411 Blue Cypress: Spring, Texas 77388
Phone Number: 713-417-7286

Signature:

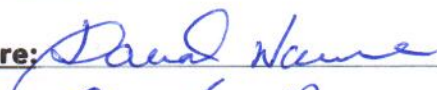


Date:

6-1-16

Owner : David and Angelica Navarro
Address: 11835 Holderrieth Rd, Tomball TX 77375
Phone Number: (281) 919-9594

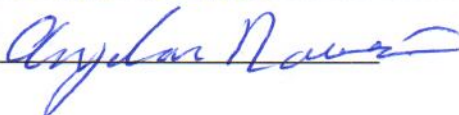
Signature:



Date:

6/1/2016

Signature:



6/1/2016

Regular City Council
Agenda Item
Data Sheet

Meeting Date: June 6, 2016

Topic:

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

Background:

Origination:

City Secretary

Recommendation:

N/A

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

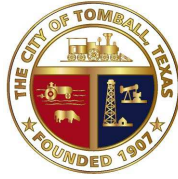
City Secretary

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

ATTACHMENTS:

Draft Minutes of the 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 6, 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:

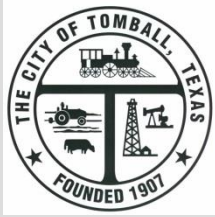
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE
CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF JUNE 2016.

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

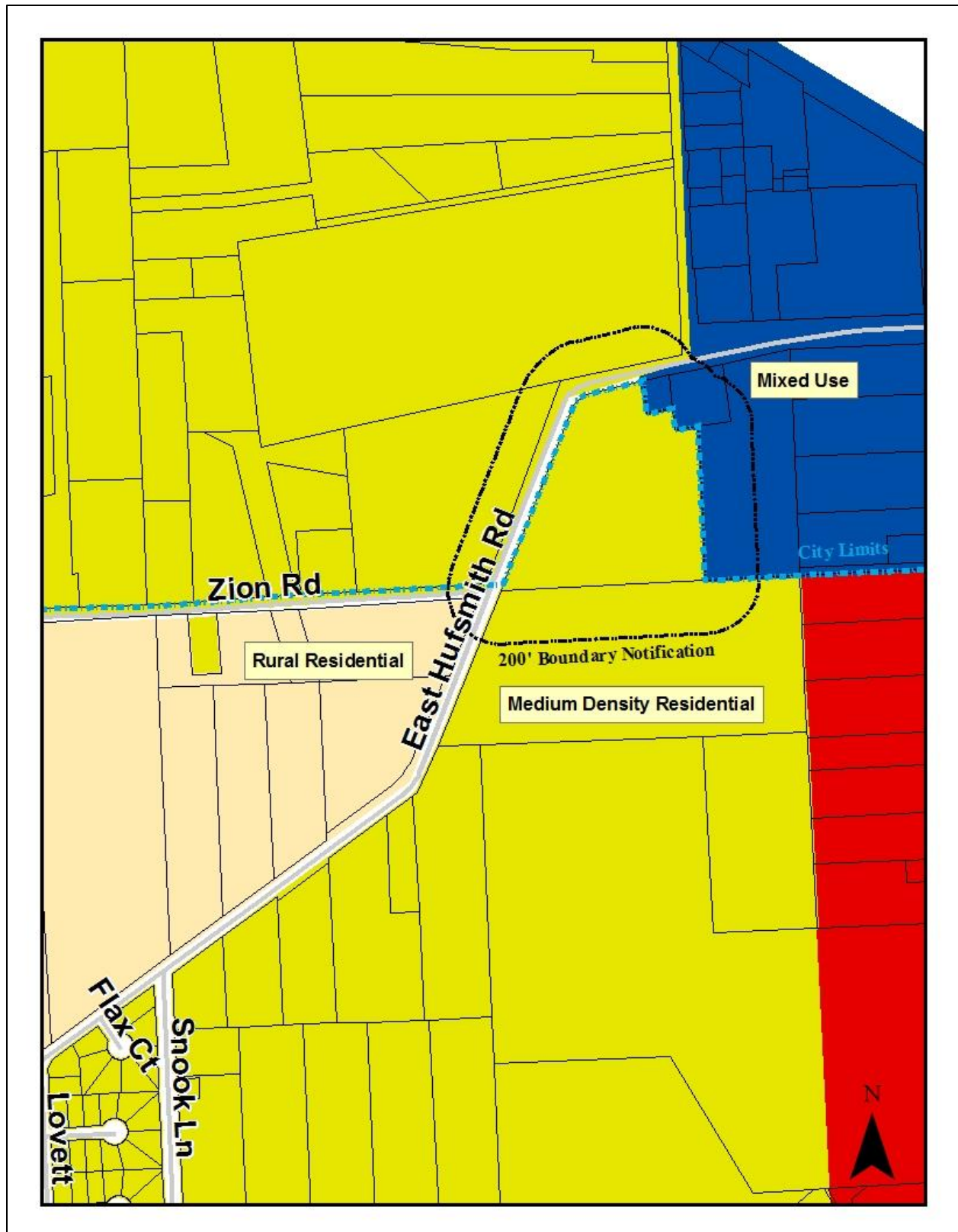
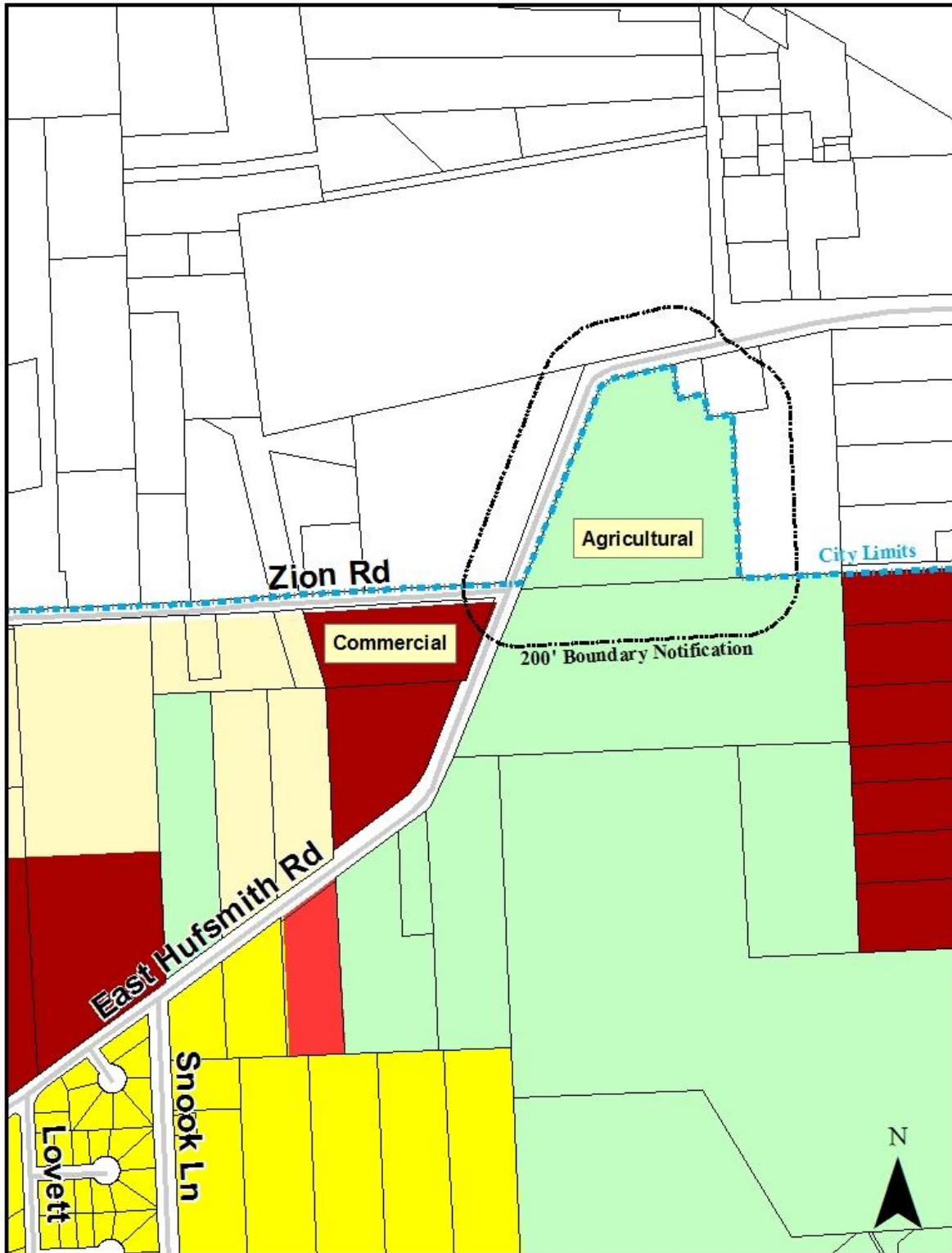


Exhibit "C"
Zoning Map

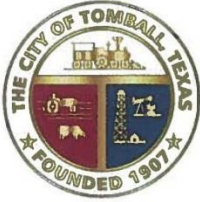


**Exhibit “D”
Site Photo**



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 Bm h 2-24-2016
Signature of Applicant Date

X Bm h 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".

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 6, 2016

Topic:

Conduct First Public Hearing to Consider the Annexation of the Following Tracts of Land: (FM 2920 and Telge Road Right-of-Way and 14.427 Acres-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.

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 July 11, 2016 at 5:00 p.m. and the second reading will be held at the regular Council meeting on July 18, 2016, completing the annexation within the state 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	Readings Passed	Other
☐ Yes ☐ No	☐ 1 st ☐ 2 nd	

ATTACHMENTS:

Notice of Public Hearings - Road ROW and Milner Tract

Application Packet - James and Patsy Milner

Resolution No. 2016-10 - Approved May 16, 2016

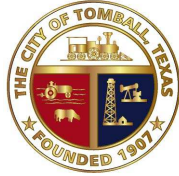
Resolution No. 2016-11 - Approved May 16, 2016

Annexation Calendar - FM 2920 and Telge Road ROW

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

Page 2 of 4

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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June 6, 2016 and June 20, 2016

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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.

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)

James 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	_____	_____	_____	_____	_____	_____	_____

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, BEING A PORTION OF FM 2920 RIGHT-OF-WAY AND A PORTION OF TELGE ROAD RIGHT-OF-WAY, TOMBALL, TEXAS)

* * * * *

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

Section 1. The City Council of the City of Tomball hereby declares its intention to institute proceedings to annex to the City the territory described in Exhibit "A" attached hereto and made a part hereof by the passage of an ordinance of annexation extending the general corporate limits of the City of Tomball for all purposes to include such territory.

Section 2. The City Council of the City of Tomball hereby calls two public hearings at which all interested persons shall have the right and opportunity to appear and be heard upon such proposal to annex the territory described above. No suitable location is available for a public hearing to be held on the property proposed for annexation. The first public hearing shall be held in the City Council Chambers, 401 Market Street, City of Tomball, Texas, during a Regular Council Meeting at 6:00 o'clock (6:00 p.m.), on June 6, 2016. The second public hearing shall be held in the City Council Chambers, 401 Market Street, City of Tomball, Texas, during a Regular Council Meeting at 6:00 o'clock (6:00 p.m.), on June 20, 2016. The annexation proceeding, of which notice of intention to annex is given by this Resolution, shall be instituted not less than twenty (20) days nor more than forty (40) days subsequent to such public hearings.

Section 3. The City Secretary of the City of Tomball is hereby directed to cause notices of such public hearings to be given by publication in a newspaper having general circulation within the City of Tomball and within the territory proposed to be annexed, the publication of notice of each public hearing to be made at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to the day of that public hearing.

Section 4. The City Engineer is hereby directed to cause to be prepared a service plan that provides for the extension of municipal services to the territory that is proposed to be annexed. The proposed service plan shall be made available for public inspection and shall be explained to the inhabitants of the territory at the public hearings called herein. Such service plan shall be prepared in accordance with the provisions of Chapter 43 of the TEXAS LOCAL GOVERNMENT CODE.

PASSED, APPROVED, AND RESOLVED this 16th day of May 2016.

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

Doris Speer, City Secretary
City of Tomball

EXHIBIT "A"

4.847 ACRES
211,117 SQUARE FEET
CHANCEY GOODRICH SURVEY
ABSTRACT NO. 311
HARRIS COUNTY, TEXAS

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 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;

EXHIBIT "A" – Page 2

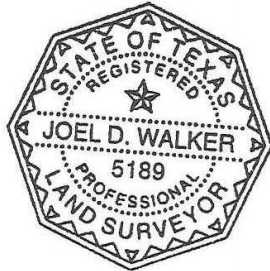
THENCE, South 84 degrees 29 minutes 02 seconds West, departing the easterly R.O.W. line of said Telge Road, over and across said Telge Road, a distance of 75.93 feet, to a 5/8-inch iron rod with cap stamped "Thomas 5736" found marking the southerly end of a cut-back line of the intersection of the westerly 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.

West Belt Surveying, Inc.
Certified Firm No. 10073800
21020 Park Row.
Katy, Texas 77449
(281) 599-8288



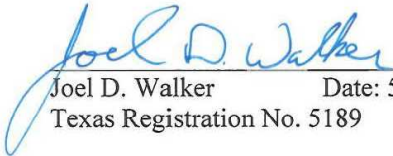
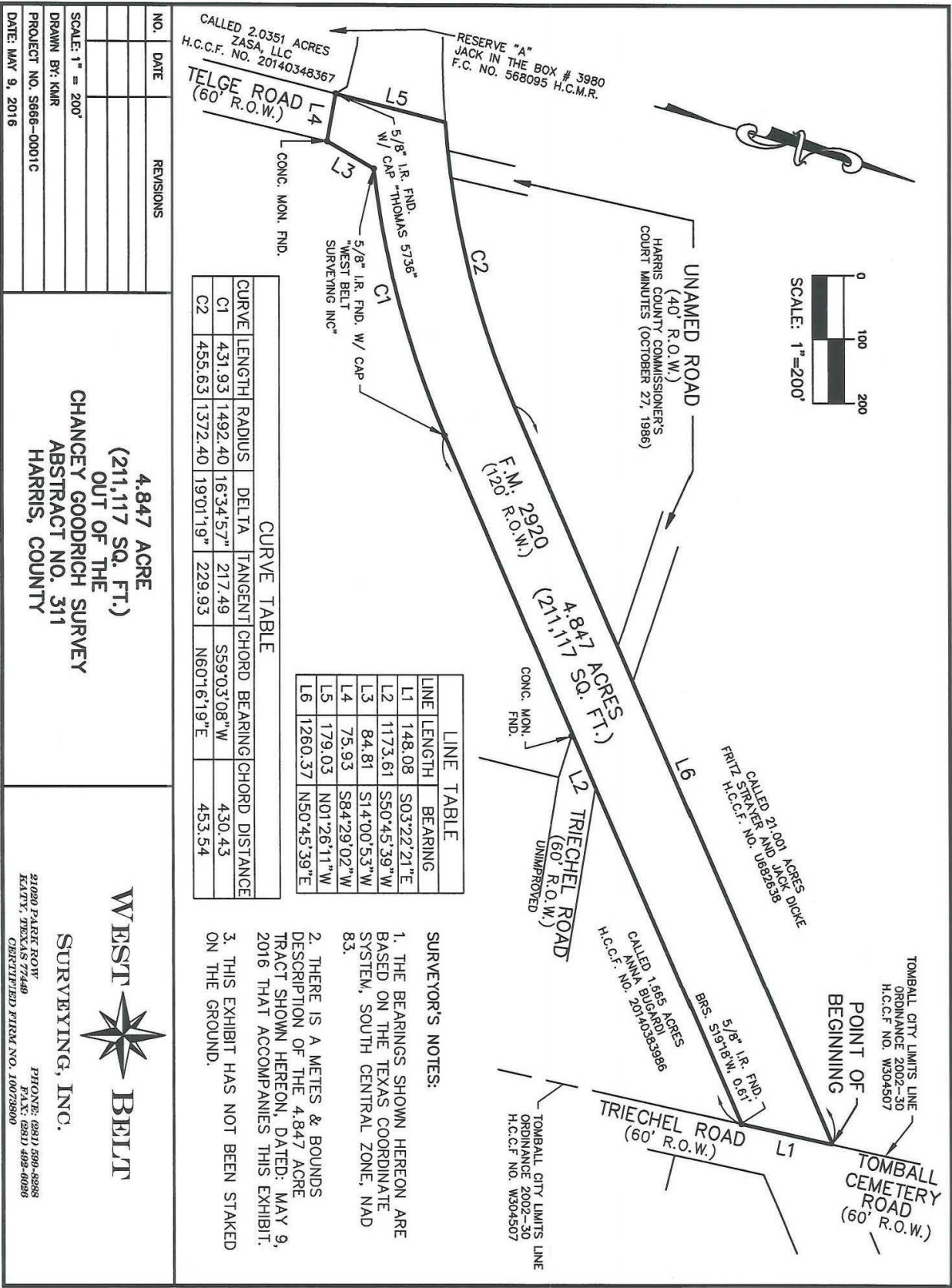

Joel D. Walker Date: 5/9/16
Texas Registration No. 5189

EXHIBIT "A" – Page 3



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)

* * * * *

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

Section 1. The City Council of the City of Tomball hereby declares its intention to institute proceedings to annex to the City the territory described in Exhibit "A" attached hereto and made a part hereof by the passage of an ordinance of annexation extending the general corporate limits of the City of Tomball for all purposes to include such territory.

Section 2. The City Council of the City of Tomball hereby calls two public hearings at which all interested persons shall have the right and opportunity to appear and be heard upon such proposal to annex the territory described above. No suitable location is available for a public hearing to be held on the property proposed for annexation. The first public hearing shall be held in the City Council Chambers, 401 Market Street, City of Tomball, Texas, during a Regular Council Meeting at 6:00 o'clock (6:00 p.m.), on June 6, 2016. The second public hearing shall be held in the City Council Chambers, 401 Market Street, City of Tomball, Texas, during a Special Council Meeting at 5:30 o'clock (5:30 p.m.), on June 13, 2016. The annexation proceeding, of which notice of intention to annex is given by this Resolution, shall be instituted not less than twenty (20) days nor more than forty (40) days subsequent to such public hearings.

Section 3. The City Secretary of the City of Tomball is hereby directed to cause notices of such public hearings to be given by publication in a newspaper having general circulation within the City of Tomball and within the territory proposed to be annexed, the publication of notice of each public hearing to be made at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to the day of that public hearing.

Section 4. The City Engineer is hereby directed to cause to be prepared a service plan that provides for the extension of municipal services to the territory that is proposed to be annexed. The proposed service plan shall be made available for public inspection and shall be explained to the inhabitants of the territory at the public hearings called herein. Such service plan shall be prepared in accordance with the provisions of Chapter 43 of the TEXAS LOCAL GOVERNMENT CODE.

PASSED, APPROVED, AND RESOLVED this 2nd day of May 2016.

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

Doris Speer, City Secretary
City of Tomball

EXHIBIT "A"

14.427 ACRES
628,450 SQUARE FEET
CHANCEY GOODRICH SURVEY
ABSTRACT NO. 311
HARRIS COUNTY, TEXAS

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;

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,

EXHIBIT "A" – Page 2

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 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;

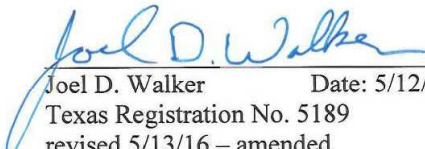
South 02 degrees 18 minutes 18 seconds East, a distance of 192.31 feet, to an interior corner of the herein described tract;

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.

West Belt Surveying, Inc.
Certified Firm No. 10073800
21020 Park Row.
Katy, Texas 77449
(281) 599-8288




Joel D. Walker Date: 5/12/16
Texas Registration No. 5189
revised 5/13/16 – amended
configuration and acreage

[illegible]

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

Council approves annexation request on 5/16/2016 by adopting Resolution and sets **6/6 (Monday, 6 p.m.) and 6/20 (Monday, 6 p.m.) as dates for public hearings. Send to paper on 5/17 to run in paper on 5/23 (14 days' notice for 6/6 meeting) and again on 6/6 (14 days' notice for 6/20 meeting) – one Special Council meeting required on **July 11 (5:30 p.m.)**, in order to meet Local Government Code deadlines.**

Publish Dates & Public Hearing Dates – Complete Annexation on 7/18/2016	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 dates for Public Hearings as 6/11 and 6/20	5/23/2016	REGULAR Mtg 6/6/2016	6/6/2016	Regular Mtg 6/20/2016	SPECIAL 5:00 p.m. 7/11/2016	7/18/2016
1 st public hearing to 1 st reading is 35 days total; 63 days to complete annexation from approval of resolution	14 days' notice To paper 5/17 to run on 5/23 and 6/6		14 days' notice Reminder to paper 5/30 to run 6/6			
(49 days total from first publication notice to first reading)	(-49 days)	(-35 days) to 1st reading		21 days to 1 st reading of ordinance	(Day 0)	(+14 days)

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

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, 6/20 to 7/11**

MUST have NO MORE than **40 days** between the first public hearing and the first reading of the ordinance.— **35 days, 6/6 to 7/11**

(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 – **63 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.

PROPOSED ANNEXATION – MILNER – 14.427 ACRES

Council approves annexation request on 5/16/2016 by adopting Resolution and sets **6/6 (Monday, 6 p.m.) and 6/20 (Monday, 6 p.m.) as dates for public hearings. Send to paper on 5/17 to run in paper on 5/23 (14 days' notice for 6/6 meeting) and again on 6/6 (14 days' notice for 6/20 meeting) – one Special Council meeting required on **July 11 (5:30 p.m.)**, in order to meet Local Government Code deadlines.**

Publish Dates & Public Hearing Dates – Complete Annexation on 7/18/2016	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 dates for Public Hearings as 6/11 and 6/20	5/23/2016	REGULAR Mtg 6/6/2016	6/6/2016	Regular Mtg 6/20/2016	SPECIAL 5:00 p.m. 7/11/2016	7/18/2016
1 st public hearing to 1 st reading is 35 days total; 63 days to complete annexation from approval of resolution	14 days' notice To paper 5/17 to run on 5/23 and 6/6		14 days' notice Reminder to paper 5/30 to run 6/6			
(49 days total from first publication notice to first reading)	(-49 days)	(-35 days) to 1st reading		21 days to 1 st reading of ordinance	(Day 0)	(+14 days)

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

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, 6/20 to 7/11**

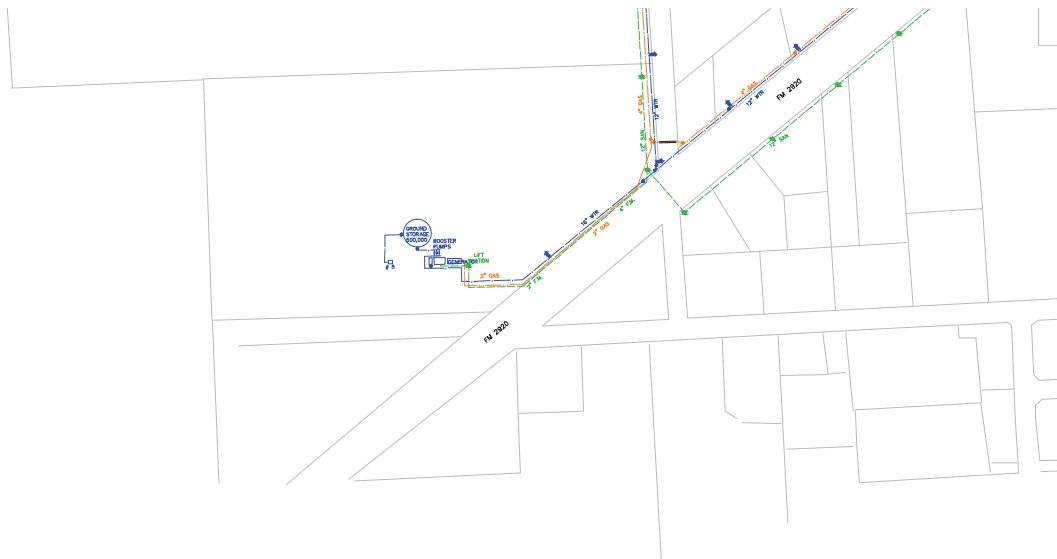
MUST have NO MORE than **40 days** between the first public hearing and the first reading of the ordinance.— **35 days, 6/6 to 7/11**

(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 – **63 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 6, 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 6, 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 6, 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 6, 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 6, 2016

Topic:

Approve a Temporary Wayfinding Sign, within the City of Tomball Right-of-Way, for The Reserve at Spring Lake Estates

Background:

Bob Allen, with The Reserve at Spring Lakes, is requesting to place a 128 square foot temporary sign within the median of Spring Lake Boulevard to direct customers to its new sales office. Section 34-7(c)(1) requires City Council approval for signs within the public right-of-way.

Origination:

Bob Allen, The Reserve at Spring Lakes

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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ATTACHMENTS:

Memo Request
Site

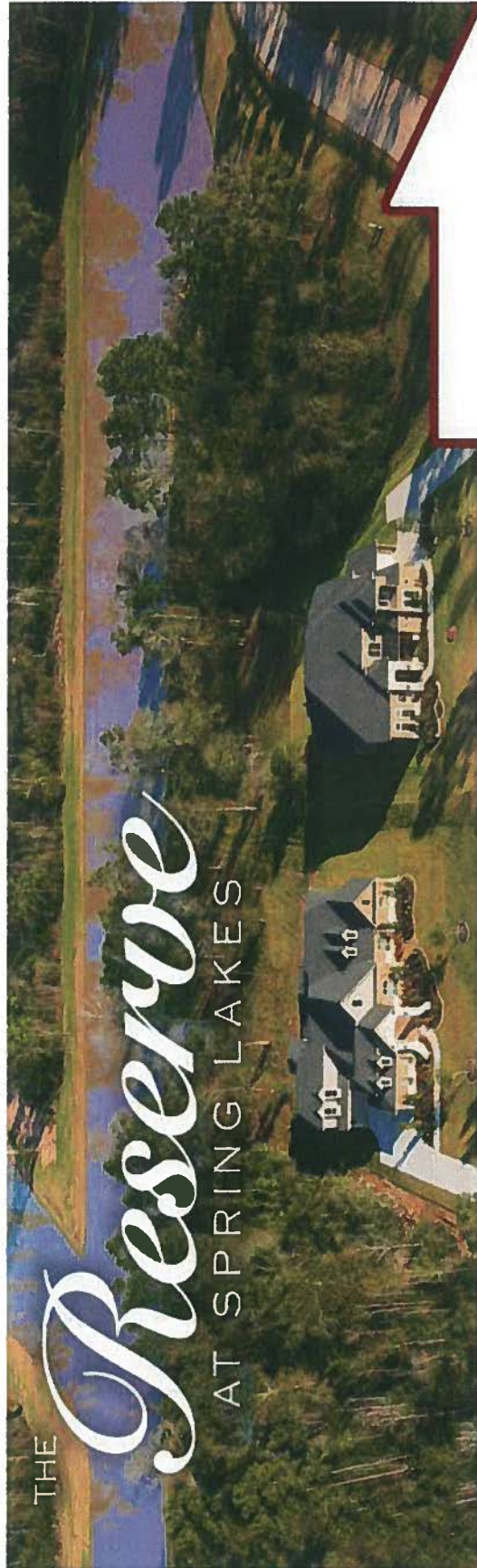


MEMO

To: Craig Myers
Fr: Bob Allen
Da: May 25, 2016
Re: Signage at Reserve at Spring Lake

Craig –

Attached is a scaled drawing of the sign we discussed for the June 6th City Council Meeting. We will meet the footing and structure requirements set forth by the City of Tomball and will execute the necessary encroachment documents if approved. Thanks for your help in this matter.



THE *Reserve*
AT SPRING LAKES

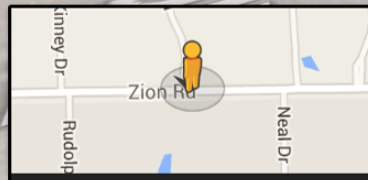
One + Acre Custom Homesites.

the *Reserve*toMall.com

Sales Office
Now Open!

Zion Rd
Tomball, Texas

Street View - Jun 2015



Back to Map

Google

Navigation controls including a compass, zoom in (+) and zoom out (-) buttons, a Street View pegman icon, and a "Back to Map" button.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: June 6, 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