

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



MONDAY, MARCH 21, 2016

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, March 21, 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 Brandon Guindon, Real Life Ministries Texas

3.0 Pledges to U.S. and Texas Flags

- Led by Members of the Tomball High School Student Council

4.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]*

5.0 Presentations:

Promotions and New Employees

- Recognition of Captain James Jones – Promotion to Gunnery Sergeant, U. S. Marines
- New Fire Department Captains:
 - Steven Foehner
 - James Jones
 - Joe Sykora
- New Fire Department Lieutenants:
 - Chris Caron
 - Matt Cappozelli
 - Chris Thornton
 - Matt Hughes
 - Steven McHenry
- New Fire Department Driver/Operators:
 - Lori Bradshaw
 - Nathan Doe
 - Dave Harrington
 - Andrew Heinson
 - Brandon Reade

6.0 Reports and Announcements

- March 31-April 3, 2016 – **Tomball German Heritage Festival** at the Depot. *Carnival Thursday evening; Friday, Bands 6:00 p.m.-10:00 p.m.; Saturday, 10:00 a.m.-10:00 p.m.; Sunday, 10:00 a.m.-6:00 p.m.*
- April 9, 2016 – **8th Annual 5K Bunny Run and 1 Mile Kids Walk** – 5K starts at 8:00 a.m.; 1 Mile starts at 9:00 a.m.
- April 9, 2016 – **2nd Saturday at the Depot** – 4:00 p.m.
- April 9, 2016 – **Lions Club Car Show** at Lone Star College-Tomball – 8:00 a.m.-3:00 p.m.
- April 11, 2016 – **“2016 Ride 2 Recovery Texas Challenge”** Welcome and Reception – 9:30 a.m.-11:00 a.m.
- April 16, 2016 – **Tomball Rotary Club Annual Fish Fry** at the Depot – 4:00 p.m.-8:00 p.m.
- April 18-23, 2016 – **Annual Spring Clean-Up and Chipping Week**
- April 20-21, 2016 – **Shattered Lives** Event – Tomball Memorial High School
- April 23, 2016 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- April 30-May 1, 2016 – **Rails & Tails Mudbug Festival** at the Depot, with *“Trackside Toss”* Washers Tournament
- May 28, 2016 – Tomball **Chili Challenge 2016** at the Depot
- July 4, 2016 – **July Fourth Celebration & Street Festival** – Business 249 at FM 2920
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Glenn Windsor – Finance Department has received the **Distinguished Budget Presentation Award for Fiscal Year 2015-2016** – 8th consecutive year

7.0 Approve the Minutes of the March 3, 2016 Special City Council Meeting and the March 7, 2016 Regular City Council Meeting

8.0 New Business:

- 8.1 Conduct a Public Hearing and Review of the City of Tomball's Juvenile Curfew Ordinance to Determine the Need to Re-adopt, Abolish, Continue or Modify the Ordinance
- 8.2 Adopt, on First Reading, Ordinance No. 2016-03, an Ordinance of the City of Tomball, Texas, Continuing the City's Juvenile Curfew Ordinance; and Making Other Findings and Provisions Related Thereto
- 8.3 Appoint/Reappoint Members to the Tourism Advisory Committee for Terms Expiring December 5, 2018
- 8.4 Consideration to approve **Zoning Case P15-0158**: Request by Maple Creek Bed & Breakfast, c/o Michael Clark, for a Conditional Use Permit to operate a Bed & Breakfast Inn. The property is located at 519 E. Hufsmith Road., east of Hospital Road on the north side of E. Hufsmith, is approximately 5.663 acres, and is zoned Single-Family 20 Estate District. The property is legally described as Tract 3, 5.663 acres of McGraw Tract II, a subdivision in the Ralph Hubbard Survey, Abstract 383, Harris County, Texas, according to the map or plat thereof recorded in Vol. 423, Page 107, Map Records, Harris County, Texas.
- Conduct Public Hearing on **ZONING CASE P15-0158**
 - Adopt, on First Reading, Ordinance No. 2016-04, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (Cup) to Maple Creek Bed & Breakfast to Operate a "Bed and Breakfast Inn;" Said Property Being Approximately 5.663 Acres, and Being Legally Described as Tract 3, 5.663 Acres of McGraw Tract II, a Subdivision in the Ralph Hubbard Survey, Abstract 383, according to the Map or Plat Thereof Recorded in Vol. 423, Page 107, Map Records, Harris County, Texas, Generally Located East of Hospital Road on the North Side of E. Hufsmith Road; Providing Requirements and Conditions for This Cup; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; and Providing for Severability
- 8.5 Consideration to approve **Zoning Case P16-0020**: Request by Matthew Gilbert, on behalf of Brandt Construction, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 13.1 acres of land, legally described as 5.001 acres H.C.C.F. No. X733739 Portion of Lots 487, 488, & 489 and 8.1479 acres H.C.C.F. No. U200671 Portion of Lots 487, 488 & 489 Tomball Townsite Volume 2, Page 65 M.R.H.C., within the City of Tomball, Harris County, Texas, generally located on the east side of Hufsmith-Kohrville, south of The Estates at Willow Creek subdivision, from the Agricultural District to the Commercial District.
- Conduct Public Hearing on **ZONING CASE P16-0020**
 - Adopt, on First Reading, Ordinance No. 2016-05, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of

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

- 8.6 Consideration and Possible Action to Authorize the City Manager to Execute Necessary Documents to Apply for a UASI Grant to Electronically Link Five Major Dispatch Centers in Harris County
- 8.7 Award Contract for Project Number 2016-15 for the Purchase of Four (4) Zero Turn Commercial Mowers, in the Amount of \$50,500, to D-S Lawn & Automotive

9.0 Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 17th day of March 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: March 21, 2016

Topic:

- Led by Pastor Brandon Guindon, Real Life Ministries Texas

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: March 21, 2016

Topic:

- Led by Members of the Tomball High School Student Council

Background:

Origination:

Recommendation:

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

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 21, 2016

Topic:

Promotions and New Employees

- Recognition of Captain James Jones – Promotion to Gunnery Sergeant, U. S. Marines
- New Fire Department Captains:
 - Steven Foehner
 - James Jones
 - Joe Sykora
- New Fire Department Lieutenants:
 - Chris Caron
 - Matt Cappozelli
 - Chris Thornton
 - Matt Hughes
 - Steven McHenry
- New Fire Department Driver/Operators:
 - Lori Bradshaw
 - Nathan Doe
 - Dave Harrington
 - Andrew Heinson
 - Brandon Reade

Background:

Origination:

Randy Parr, Fire Chief

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	

Regular City Council

Agenda Item

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- March 31-April 3, 2016 – **Tomball German Heritage Festival** at the Depot. *Carnival Thursday evening; Friday, Bands 6:00 p.m.-10:00 p.m.; Saturday, 10:00 a.m.-10:00 p.m.; Sunday, 10:00 a.m.-6:00 p.m.*
- April 9, 2016 – **8th Annual 5K Bunny Run and 1 Mile Kids Walk** – 5K starts at 8:00 a.m.; 1 Mile starts at 9:00 a.m.
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- July 4, 2016 – **July Fourth Celebration & Street Festival** – Business 249 at FM 2920
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Glenn Windsor – Finance Department has received the **Distinguished Budget Presentation Award for Fiscal Year 2015-2016** – 8th consecutive year

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:

Bunny Run

Annual Spring Clean-Up and Chipping Week

Rails and Tails Mudbug Festival

"Trackside Toss" Washers Tournament

Chili Challenge 2016

July 4th Celebration and Street Festival

Distinguished Budget Presentation Award for Fiscal Year 2015-2016

REGISTER NOW!

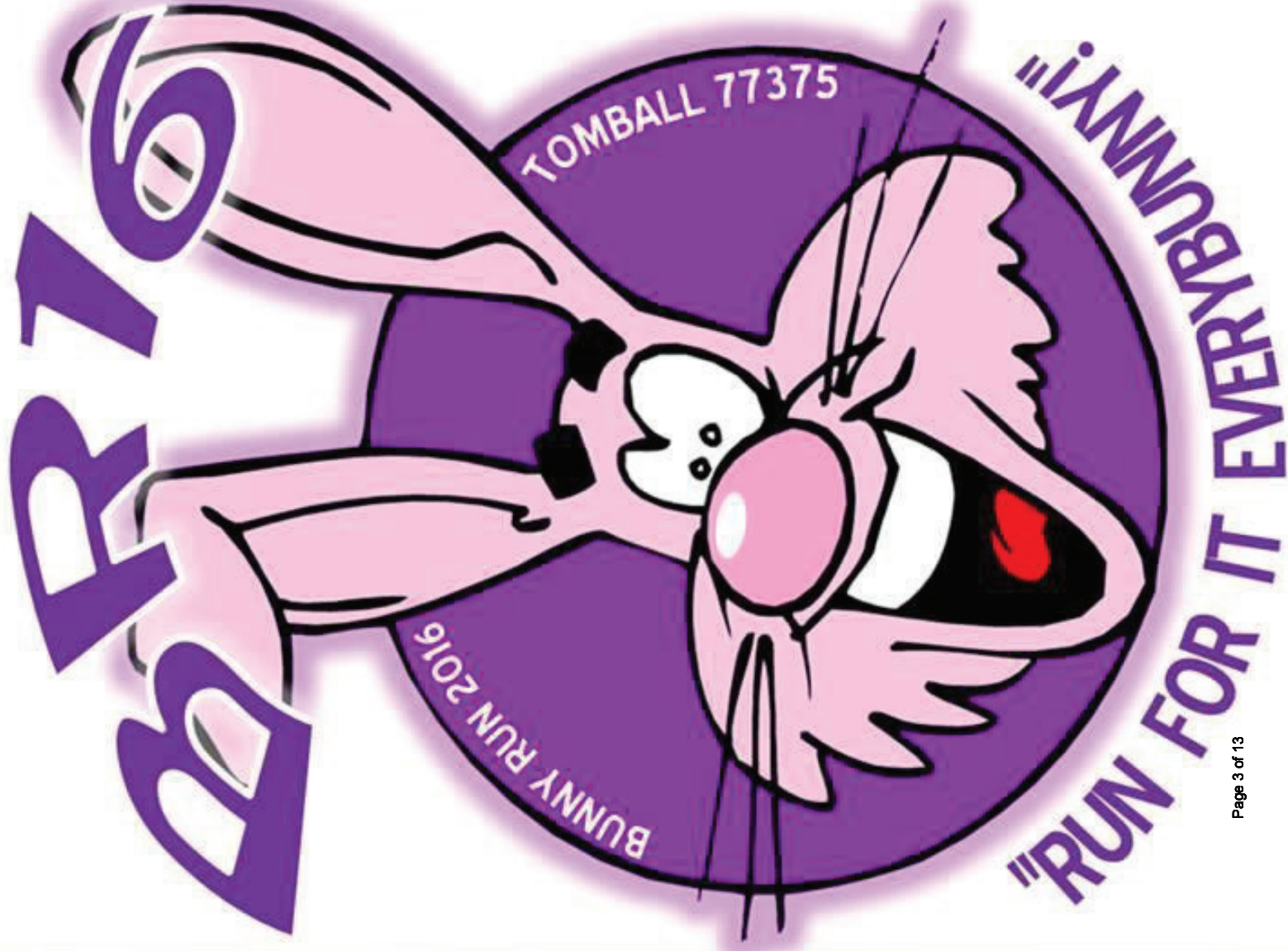
RACESONLINE.COM

BUNNY RUN 2016

SATURDAY, APRIL 9TH

- 5K RUN AND 1 MILE FAMILY WALK
- RUN BEGINS AT 8 A.M.
- WALK STARTS AT 9 A.M.
- T-SHIRTS AND OTHER GOODIES
- REGISTER AT RACESONLINE.COM OR AT THE TOMBALL CITY HALL
- BLINGED-OUT BUNNY EARS CONTEST
- MASCOT DEPOT DASH
- GROUP DISCOUNTS AVAILABLE

CALL DENISE AT 281-351-5484 Age 12 & up FOR DETAILS



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

Objective:

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

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

Acceptable Items:

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

Not Acceptable:

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

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

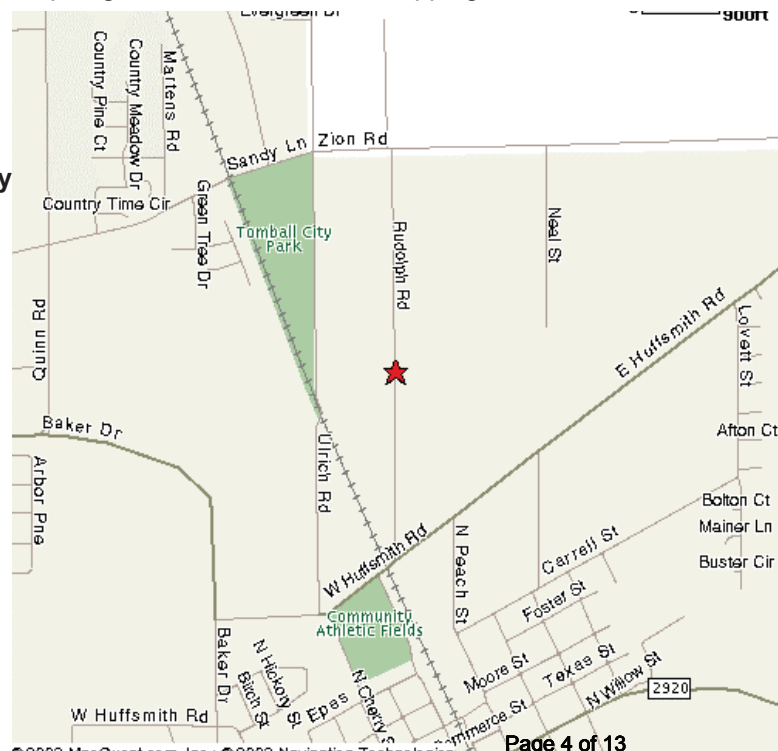
Acceptable items are anything that is inert and would not harm the environment before or after disposal into a landfill.

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

CHIPPING SPECIFICATIONS:

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

Map to Tomball landfill site →



Rails & Tails

Mudbug Festival



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

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

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

"TRACKSIDE TOSS" WASHERS TOURNAMENT

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

Page 15 of 115

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

A RAIRS & TAILS
MUDBUG FESTIVAL
EVENT

CHECK-IN AND REGISTER AT 1 PM
THREE-HOLE BOARD
SINGLE ELIMINATION
\$500 IN CASH PRIZE
SEIZURE

Page 6 of 13

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

CHILI CHALLENGE 2016

TOMBALL ★ TEXAS

MAY 28TH

PRESENTED BY



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

*BUSINESS CATEGORY

*KID COOKERS

*TROPHIES AWARDED IN
ALL CATEGORIES

*MARGARITA
POUR-OFF

THE POSSE BAND
ON-STAGE

STARTING AT NOON

FOOD & DRINKS

VENDORS

KIDS ZONE

CALL 281-351-5484

OR VISIT

TOMBALLTX.GOV



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

JULY FOURTH

CELEBRATION & STREET FESTIVAL

TOMBALL, TEXAS

PRESENTED BY ALLIED SIDING & WINDOWS

GIANT FIREWORKS SPECTACULAR

LIVE MUSIC ON THE **K-STAR 99.7 FM 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



Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

February 17, 2016

Glenn Windsor
Finance Director
City of Tomball
501 James Street
Tomball, TX 77375

Dear Mr. Windsor:

A Panel of independent reviewers has completed its examination of your budget document. We are pleased to inform you that the panel has voted to award your budget document the Distinguished Budget Presentation Award for the current fiscal period. This award is the highest form of recognition in governmental budgeting. Its attainment represents a significant achievement by your organization.

The Distinguished Budget Presentation Award is valid for one year. To continue your participation in the program, it will be necessary to submit your next annual budget document to GFOA within 90 days of the proposed budget's submission to the legislature or within 90 days of the budget's final adoption. Enclosed is an application form to facilitate a timely submission. This form should be submitted with four copies of your budget accompanied by the appropriate fee.

Each program participant is provided with confidential comments and suggestions for possible improvements to the budget document. Your comments are enclosed. We urge you to carefully consider the suggestions offered by our reviewers as you prepare your next budget.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget presentation is also presented to the individual or department designated as being primarily responsible for its having achieved the award. Enclosed is a Certificate of Recognition for Budget Preparation for:

Finance Department

Continuing participants will find a certificate and brass medallion enclosed with these results. First-time recipients will receive an award plaque that will be mailed separately and should arrive within eight to ten weeks. Enclosed is a camera-ready reproduction of the award for inclusion in your next budget. If you reproduce the camera-ready in your next budget, it should be accompanied by a statement indicating continued compliance with program criteria.

The following standardized text should be used:



Government Finance Officers Association

203 North LaSalle Street, Suite 2700

Chicago, Illinois 60601-1210

312.977.9700 fax: 312.977.4806

Glenn Windsor

February 17, 2016

Page 2

The Government Finance Officers Association of the United States and Canada (GFOA) presented a Distinguished Budget Presentation Award to **City of Tomball, Texas** for its annual budget for the fiscal year beginning **October 1, 2015**. In order to receive this award, a governmental unit must publish a budget document that meets program criteria as a policy document, as an operations guide, as a financial plan, and as a communications device.

This award is valid for a period of one year only. We believe our current budget continues to conform to program requirements, and we are submitting it to GFOA to determine its eligibility for another award.

A press release is enclosed.

The Government Finance Officers Association encourages you to make arrangements for a formal presentation of the award. If you would like the award presented by a member of your state or provincial finance officers association, we can provide the name of a contact person for that group.

We appreciate your participation in this program and we sincerely hope that your example will encourage others in their efforts to achieve and maintain excellence in governmental budgeting. The most current list of award recipients (with hyperlinks) can be found on GFOA's website at www.gfoa.org. If we can be of further assistance, please contact the Technical Services Center.

Sincerely,

Stephen J. Gauthier, Director
Technical Services Center

Enclosure



**The Government Finance Officers Association
of the United States and Canada**

presents this

CERTIFICATE OF RECOGNITION FOR BUDGET PREPARATION

to

**Finance Department
City of Tomball, Texas**

The Certificate of Recognition for Budget Preparation is presented by the Government Finance Officers Association to those individuals who have been instrumental in their government unit achieving a Distinguished Budget Presentation Award. The Distinguished Budget Presentation Award, which is the highest award in governmental budgeting, is presented to those government units whose budgets are judged to adhere to program standards.

Executive Director

Jeffrey R. Enen

Date

February 17, 2016





Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

February 17, 2016

PRESS RELEASE

For Further Information Contact
Stephen J. Gauthier (312) 977-9700

Chicago--The Government Finance Officers Association of the United States and Canada (GFOA) is pleased to announce that **City of Tomball, Texas** has received the GFOA's Distinguished Budget Presentation Award for its budget.

The award represents a significant achievement by the entity. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the entity had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as:

- a policy document
- a financial plan
- an operations guide
- a communications device

Budget documents must be rated "proficient" in all four categories, and the fourteen mandatory criteria within those categories, to receive the award.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual or department designated as being primarily responsible for its having achieved the award. This has been presented to **Finance Department**

For budgets beginning in 2014, 1,491 participants received the Award. Award recipients have pioneered efforts to improve the quality of budgeting and provide an excellent example for other governments throughout North America.

The Government Finance Officers Association is a major professional association servicing the needs of 18,300 appointed and elected local, state, and provincial-level government officials and other finance practitioners. It provides top quality publications, training programs, services, and products designed to enhance the skills and performance of those responsible for government finance policy and management. The association is headquartered in Chicago, Illinois, with offices in Washington D.C. The GFOA's Distinguished Budget Presentation Awards Program is the only national awards program in governmental budgeting.



GOVERNMENT FINANCE OFFICERS ASSOCIATION

*Distinguished
Budget Presentation
Award*

PRESENTED TO

**City of Tomball
Texas**

For the Fiscal Year Beginning

October 1, 2015

Executive Director

Regular City Council
Agenda Item
Data Sheet

Meeting Date: March 21, 2016

Topic:

Approve the Minutes of the March 3, 2016 Special City Council Meeting and the March 7, 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

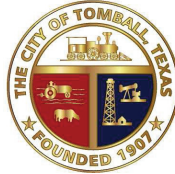
ATTACHMENTS:

Draft Minutes - March 3, 2016 Special City Council Meeting

Draft Minutes - March 7, 2016 Regular City Council Meeting

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

THURSDAY, MARCH 3, 2016



9:00 A.M.

1.0 Call to Order

The Council meeting was called to order by Mayor Fagan. Other members present:

Councilman Hudgens
Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
Public Works Director – David Esquivel
HR Director – Lisa Coe
IT Manager – Doug Tippey
Director of Community Development – Craig Meyers
City Planner – Harold Ellis
Assistant City Planner – Amelia Lindley
Executive Director-TEDC – Kelly Violette
Consultant – Ron Cox

2.0 New Business:

2.1 The Tomball City Council entered into a Strategic Planning Session with City Staff and Ron Cox, Consultant

3.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to

adjourn.

Motion carried unanimously.

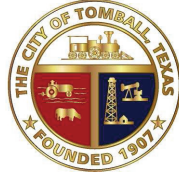
Meeting adjourned.

PASSED AND APPROVED this the 21st day of March 2016.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

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



MONDAY, MARCH 7, 2016

6:00 P.M.

1.0 Call to Order

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

Councilman Hudgens
Councilman Stoll
Councilman Townsend
Councilman Degges
Councilman Klein Quinn

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Police Chief – Billy Tidwell
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Public Works Director – David Esquivel
Director of Community Development – Craig Meyers
Community Center Manager – Rosalie Dillon
Fire Marshal – Lance Wilson
CSO Administrative Assistant – Tracy Garcia

2.0 The invocation was led by Pastor Scott Knight, The Pointe Fellowship Church

3.0 The pledges to U. S. and Texas Flags were led by Billy Tidwell

4.0 The following public comment was received:

Dewayne Godfrey 19023 Canyon Rose Drive, 77377	-	Requested support for the food drive being held on behalf of Tomball Emergency Assistance Ministries (TEAM) by “Men Who Set Trends” and Lone Star College-Tomball Campus
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5.0 Presentations:

- Promotions and New Employees
 - New Assistant Fire Marshal
 - Charlie Hazlegrove – Mayor Fagan administered the Oath of Office

6.0 Reports and Announcements:

- March 1, 2016 – Open House – New Fire Station – a New Date will be Announced
- March 12, 2016 – **2nd Saturday at the Depot**
- March 21, 2016 – Public Hearing and review of the City’s Juvenile Curfew Ordinance
- April 9, 2016 – **7th Annual 5K Bunny Run and 1 Mile Kids Walk**
- April 9, 2016 – **Lions Club Car Show** at Lone Star College-Tomball Campus
- April 9, 2016 – **2nd Saturday at the Depot**
- April 11, 2016 (Monday) – **“2016 Ride 2 Recovery Texas Challenge”** Welcome and Reception at the Depot – 10:30 a.m.
- April 16, 2016 – **Tomball Rotary Club Annual Fish Fry** at the Depot
- April 18-23, 2016 – Annual **Spring Clean-Up and Chipping Week**
- April 20-21, 2016 – **Shattered Lives** Event – **Tomball Memorial High School**
- April 23, 2016 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
- April 30-May 1, 2016 – **Rails & Tails Mudbug Festival** at the Depot
- Reports by City staff and members of Council about items of community interest on which no action will be taken

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

Motion carried unanimously.

8.0 New Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Degges, to approve Resolution No. 2016-05, a Resolution of the City of Tomball, Texas, 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

Fue presentada una moción por el Concejal Townsend, secundada por el Concejal Degges, para aprobar la Resolución Nro. 2016-05, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball Texas, Ordenando una Elección Regular de Funcionarios Municipales a Celebrarse el sábado 7 de mayo de 2016; Designando los Lugares de Votación y Nombrando a los Oficiales Electorales de tal Elección; Instruyendo que se Notifique Sobre esta Elección; Designando la Fecha de una Elección de Desempate de ser Necesaria; y Proporcionando Detalles Referentes a la Celebración de Tal Elección. Cuộc Vận Động được tiến hành bởi Ủy Viên Hội Đồng Townsend, tán thành bởi Ủy Viên Hội Đồng Degges, để chấp thuận Nghị Quyết số 2016-05, một Nghị Quyết và Sắc Lệnh của Hội Đồng Thành Phố Tomball, Texas, Yêu Cầu một Cuộc Bầu Cử Viên Chức Thường Lệ sẽ được tổ chức tại Thành Phố Tomball vào Thứ Bảy, ngày 7 tháng Năm, 2016; Chỉ định các Địa Điểm Bỏ Phiếu và Chỉ Định các Viên Chức Bầu Cử cho Cuộc Bầu Cử đó; Hướng Dẫn việc Đưa Ra Thông Báo của Cuộc Bầu Cử đó; Chỉ Định Ngày Bầu Cử Chung Cuộc nếu cần; và Đưa Ra các Chi Tiết có Liên Quan đến việc Tổ Chức Cuộc Bầu Cử đó. 提案是由市議員Townsend, 第二由市議員Degges, 批准決議案編號2016-05, 為一德克薩斯州, Tomball市市議會決議及指示, 特指示一市府官員普選, 其將於2016年5月7日, 星期六在Tomball市召開; 並已為此選舉指定投票所地點以及指派選舉官員; 指導發出本選舉之選舉通知; 如需要, 將指定決選日期; 以及提供所有與召開本選舉相關的細節。

Motion carried unanimously.

La moción fue aprobada por unanimidad.

Cuộc Vận Động được nhất trí tiến hành.

議案獲得一致通過。

- 8.2 Mayor Fagan opened the Public Hearing and Review of the City of Tomball's Juvenile Curfew Ordinance at 6:12 p.m. to Determine the Need to Re-adopt, Abolish, Continue or Modify the Ordinance.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:12 p.m.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to award Contract for Project Number 2016-11, Landscaping Service for City of Tomball Facilities, to B & C Constructors, LP.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Hudgens, second by Councilman Stoll, to approve Additional Services with GMS Home Inspection Service, LLC to Perform On-Call Residential and Commercial Plan Review and Inspection Services for an Amount Not to Exceed \$66,000.

Motion carried unanimously.

- 8.5 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Memorandum of Understanding between the City of Tomball, HCID 17, and Aqua Texas, Inc. regarding a Separate Interconnect Agreement to Purchase Water from Tomball during the Early Stages of Development in HCID 17, Until Such Time that HCID 17 Constructs a Stand-alone Water Plant to Serve Users in HCID 17, and Authorize the Mayor to Execute the Memorandum of Understanding on Behalf of the City of Tomball.

Motion carried unanimously.

- 8.6 Council recessed at 6:56 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose:

- Sec. 551.071 - Private Consultation with Attorney in Closed Meeting Regarding pending litigation, to wit: C.A. No. 4:14-CV-3572; David Kaufman v. City of Tomball; In the United States District Court for the Southern District of Texas, Houston Division

Upon reconvening in regular session at 7:13 p.m., the following action was taken:

- 8.7 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Settlement in C.A. No. 4:14-CV-3572; David Kauffman v. City of Tomball; in the United States District Court for the Southern District of Texas, Houston Division.

Motion carried unanimously.

- 9.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 21st day of March 2016.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 21, 2016

Topic:

Conduct a Public Hearing and Review of the City of Tomball's Juvenile Curfew Ordinance to Determine the Need to Re-adopt, Abolish, Continue or Modify the Ordinance

Background:

The curfew ordinance must be readopted every three (3) years. The City is required to hold public hearings before adopting a new ordinance [L.G.C., Section 370.002(2)]:

“§ 370.002. REVIEW OF JUVENILE CURFEW ORDER OR ORDINANCE.

- (a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year hereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:
 - (1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;
 - (2) conduct public hearings on the need to continue the ordinance or order; and
 - (3) abolish, continue, or modify the ordinance or order.
- (b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire."

The first public hearing was held on March 7; this is the second public hearing regarding the effectiveness and the need to continue the ordinance. Following the second public hearing, the ordinance will be presented to Council for consideration and adoption on first reading. The second reading will be held on April 4, 2016 in order to satisfy the state-required timeframe for re-adoption.

Origination:

[L.G.C., Section 370.002(2)]

Recommendation:

N/A

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

City Secretary

ACTION TAKEN

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

Notice of Public Hearings - March 7 and 21, 2016
Current Ordinance No. 2013-02

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

**MONDAY, MARCH 7, 2016
AND
MONDAY, MARCH 21, 2016**



6:00 P.M.

Notice is hereby given that the Governing body of the City of Tomball, Texas, will hold Public Hearings during the Regular City Council Meetings to be held on Monday, MARCH 7, 2016, and Monday, MARCH 21, 2016, at City Hall, 401 Market Street, Tomball, Texas 77375 at 6:00 p.m. to consider the following:

**CONDUCT A PUBLIC HEARING AND REVIEW OF THE
CITY OF TOMBALL'S JUVENILE CURFEW ORDINANCE
TO DETERMINE THE NEED TO RE-ADOPT, ABOLISH,
CONTINUE OR MODIFY THE ORDINANCE.**

Any member of the public has the right to appear at these Public Hearings and will be given an opportunity to be heard.

Written comments should be received no later than February 29, 2016 for the March 7, 2016 Public Hearing and no later than March 14, 2016 for the March 21, 2016 Public Hearing. Please submit comments to the City Secretary, 401 Market Street, Tomball, Texas 77375.

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 15th day of February 2016 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meetings.

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.

ORDINANCE NO. 2013-02

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, CONTINUING
THE CITY'S JUVENILE CURFEW ORDINANCE; AND MAKING
OTHER FINDINGS AND PROVISIONS RELATED THERETO.**

* * * * *

WHEREAS, the City of Tomball adopted a curfew ordinance that is codified as Article II of Chapter 50 of the Tomball Code of Ordinances; and

WHEREAS, the City reviewed and continued the juvenile curfew ordinance by Ordinance No. 2010-04 adopted on April 5, 2010; and

WHEREAS, Section 370.002 of the Texas Local Government Code requires that the City Council of a city that adopts a juvenile curfew ordinance at least every three years review the ordinance's effects on the community and on problems the ordinance was intended to remedy; and

WHEREAS, the City Council conducted public hearings on March 4, 2013 and March 18, 2013 on the ordinance's effects on the community and on the problems the ordinance was intended to remedy; and

WHEREAS, the City Council finds that as a direct result of implementing a juvenile curfew the incidents of juvenile crime and victimization has been reduced; and

WHEREAS, the City Council finds the continuance of the juvenile curfew ordinance is necessary to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile violence and criminal activity; and

WHEREAS, a curfew applicable to persons under the age of 17 years will be in the interest of public health, safety, and general welfare, and will diminish the undesirable impact of such conduct on the citizens of the City of Tomball; now therefore

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

Section 1. That in accordance with Section 370.002 of the Texas Local Government Code the City Council has reviewed the City's juvenile curfew ordinance, and its effects on the community and on the problems the ordinance was intended to remedy, and that the findings in the preamble of this ordinance are adopted and incorporated herein.

Section 2. The City's curfew ordinance, codified as Article II of Chapter 50 of the Tomball Code of Ordinances, is hereby continued and shall continue in full force and effect.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 18TH DAY OF MARCH 2013.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN BROWN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DODSON	<u>AYE</u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 1ST DAY OF APRIL 2013.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN BROWN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DODSON	<u>AYE</u>

Gretchen Fagan
GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

Doris Speer
DORIS SPEER, City Secretary
City of Tomball

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 21, 2016

Topic:

Adopt, on First Reading, Ordinance No. 2016-03, an Ordinance of the City of Tomball, Texas, Continuing the City's Juvenile Curfew Ordinance; and Making Other Findings and Provisions Related Thereto

Background:

The curfew ordinance must be readopted every three (3) years. The City is required to hold public hearings before adopting a new ordinance [L.G.C., Section 370.002(2)]:

“§ 370.002. REVIEW OF JUVENILE CURFEW ORDER OR ORDINANCE.

- (a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year hereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:
 - (1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;
 - (2) conduct public hearings on the need to continue the ordinance or order; and
 - (3) abolish, continue, or modify the ordinance or order.
- (b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire."

Public hearings were held on March 7 and March 21, 2016 regarding the effectiveness and the need to continue the ordinance. This will be the first reading of the ordinance.

Ordinance No. 2013-02 was adopted on April 1, 2013; the new ordinance must be adopted within the three-year timeframe. The adoptive date (second reading) of Ordinance No. 2016-03 will be considered on April 4, 2016.

Origination:

Billy Tidwell, Chief of Police

Recommendation:

Adopt Ordinance No. 2016-03 on First Reading

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

Doris Speer, City Secretary

ACTION TAKEN

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

Ordinance No. 2016-03

ORDINANCE NO. 2016-03

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, CONTINUING
THE CITY'S JUVENILE CURFEW ORDINANCE; AND MAKING
OTHER FINDINGS AND PROVISIONS RELATED THERETO.**

* * * * *

WHEREAS, the City of Tomball adopted a curfew ordinance that is codified as Article II of Chapter 30 of the Tomball Code of Ordinances; and

WHEREAS, the City has reviewed and continued the juvenile curfew ordinance by adopting a new ordinance every three years; and

WHEREAS, Section 370.002 of the Texas Local Government Code requires that the City Council of a city that adopts a juvenile curfew ordinance at least every three years review the ordinance's effects on the community and on problems the ordinance was intended to remedy; and

WHEREAS, the City Council conducted public hearings on March 7, 2016 and March 21, 2016 on the ordinance's effects on the community and on the problems the ordinance was intended to remedy; and

WHEREAS, the City Council finds that as a direct result of implementing a juvenile curfew the incidents of juvenile crime and victimization has been reduced; and

WHEREAS, the City Council finds the continuance of the juvenile curfew ordinance is necessary to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile violence and criminal activity; and

WHEREAS, a curfew applicable to persons under the age of 17 years will be in the interest of public health, safety, and general welfare, and will diminish the undesirable impact of such conduct on the citizens of the City of Tomball; now therefore

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

Section 1. That in accordance with Section 370.002 of the Texas Local Government Code the City Council has reviewed the City's juvenile curfew ordinance, and its effects on the community

and on the problems the ordinance was intended to remedy, and that the findings in the preamble of this ordinance are adopted and incorporated herein.

Section 2. The City's curfew ordinance, codified as Article II of Chapter 50 of the Tomball Code of Ordinances, is hereby continued and shall continue in full force and effect.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 21ST DAY OF MARCH 2016.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 4th DAY OF APRIL 2016.

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

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 21, 2016

Topic:

Appoint/Reappoint Members to the Tourism Advisory Committee for Terms Expiring December 5, 2018

Background:

The positions of Mary Harvey, Prakash Patel, and Laura Wilson have expired. Mrs. Harvey and Mr. Patel have expressed their interest in being reappointed and have served well.

Cindy Vincik, owner of the Whistle Stop, has applied for Position 5, as a Tomball business owner.

I recommend the reappointment of Mary Harvey and Prakash Patel and the appointment of Cindy Vincik; their new terms will expire December 5, 2018.

Origination:

City Secretary

Recommendation:

N/A

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

City Secretary

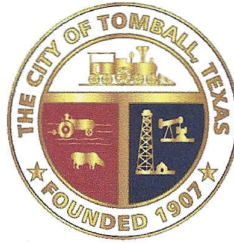
ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Application - Cindy Vincik

Application - Mary Harvey

Application - Prakash Patel



CITY OF TOMBALL
2013 APPLICATION
FOR THE
TOURISM ADVISORY COMMITTEE

As an Applicant for the **Tourism Advisory Committee**, your application will be available to the public. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. 2013 applications expire on December 31, 2015; a new application will be required in 2016.

Please Type or Print Clearly:

Date: 3-14-15

Name: CINDY VINCIK

Phone: 281-351-4972

Address: [REDACTED]

(Home)
Phone: 281-255-2455
(Work)

Email: WHISTLESTOP TOMBALL@gmail.com

I have lived in Tomball ___ years.

I am ☒ am not ___ a U.S. Citizen

I am applying as (please check all that apply):

- ☒ a Tomball Resident, residing within the city limits of Tomball
an Owner, Officer or Director of a business, other than a hotel or motel,
with offices within the city limits of Tomball
☐ an Employee or Officer of a hotel or motel located in the
city limits of Tomball

Occupation: OWNER AND OPERATOR OF THE WHISTLE
STOP TEA ROOM IN TOMBALL SINCE 8/2001.
IT WOULD BE A COMPLETE HONOR TO
SERVE ON THIS COMMITTEE. THE PAST +
PRESENT FESTIVALS + EVENTS HAVE
POSITIVELY IMPACTED MY BUSINESS.

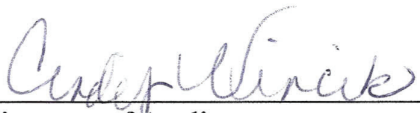
Professional and/or Community Activities:

VOLUNTEER AT SAWYER LUTHERAN CHURCH
TOMBALL, TX

Additional Pertinent Information/References: _____

Applications for the Tourism Advisory Committee will be kept on file in the City Secretary's office (281-290-1002) for two years.

I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.


Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
dspeer@ci.tomball.tx.us
fax: 281-351-6256



Board Member Election on Disclosure

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

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

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

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

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

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

___ home address

___ home telephone number

___ personal email address

___ cell or pager numbers not paid for by the City

___ emergency contact information

___ information that reveals whether I have family members.

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

Andri Vincik
Board Member's Signature

3-14-16
Date

Andri Vincik
Board Member's Printed Name

11/22/10 20



CITY OF TOMBALL

2010 APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

As an Applicant for the Tourism Advisory Committee, your application will be available to the public. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. 2010 applications expire on December 31, 2012; a new application will be required in 2013.

Please Type or Print Clearly:

Date: 11-9-10

Name: MARY HARVEY

Phone: [REDACTED]

Address: 201 MARKET

Phone: 281 351 8903
(Home)
(Work)

Email: GRANNYSKORNER.TOMBALL@HOTMAIL.COM

I have lived in Tomball 15 years. I am ☒ am not ☐ a U.S. Citizen

I am applying as (please check all that apply):

- ☒ a Tomball Resident, residing within the city limits of Tomball
- ☐ an Employee, Owner, Officer or Director of a business, other than a hotel or motel, with offices within the city limits of Tomball
- ☐ an Employee, Owner, or Officer of a hotel or motel located in the city limits of Tomball

Occupation: OWN Grannys Korner - Present Location - 11 yrs
@ 201 MARKET
prior location on Commerce @ N. WALNUT
4 yrs
I am the largest shop in the Town Square Area
have been very successful with my
marketing.

Professional and/or Community Activities:

President of Tomball Business Assoc. /
Greater Tomball Area Chamber, Rotary,
ESD Board, EMS Board, P+Z Board,
Chair Tomball Night, have chaired Chamber Holiday
Parade, was on City Council, Citizen of Year 2008

Additional Pertinent Information/References:

City Council Pos 4, Managed Holiday Inn for 1 yr.

Applications for the Tourism Advisory Committee will be kept on file in the City Secretary's office (281-290-1002) for two years.

I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.


Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
dspeer@ci.tomball.tx.us
fax: 281-351-6256

If Chosen for this, I will resign from
P+Z.
Thank you in Advance for your
Consideration



CITY OF TOMBALL

2010 APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

As an Applicant for the **Tourism Advisory Committee**, your application will be available to the public. All appointments are made by the Tomball City Council. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest or have been appointed to two (2) consecutive terms. A member who is absent for more than 25% of called meetings in any twelve consecutive months or absent from more than two consecutive meetings, for other than medical reasons, will be automatically removed from service. Applicant must be a citizen of the United States and must reside within the city limits of Tomball unless otherwise stated in the position announcement. 2010 applications expire on December 31, 2012; a new application will be required in 2013.

Please Type or Print Clearly:

Date: 11.8.2010.

Name: Prakash Patel

Phone: [REDACTED]

Address: 603. W. MAIN STREET TOMBALL, TX 77375

Phone: 281.797.5378 (Home)

Email: [REDACTED]

(Work)

I have lived in Tomball 30 years.

I am ☒ am not ☐ a U.S. Citizen

I am applying as (please check all that apply):

☒
☐
☐
☐

a Tomball Resident, residing within the city limits of Tomball
an Employee, Owner, Officer or Director of a business, other than
a hotel or motel, with offices within the city limits of Tomball
an Employee, Owner, or Officer of a hotel or motel located in the
city limits of Tomball

Occupation: RESTAURANT OWNER DENNY'S - TOMBALL.

Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

Applications for the Tourism Advisory Committee will be kept on file in the City Secretary's office (281-290-1002) for two years.

I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.



Signature of Applicant

Please return this application to:

City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375
dspeer@ci.tomball.tx.us
fax: 281-351-6256

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 21, 2016

Topic:

Consideration to approve **Zoning Case P15-0158**: Request by Maple Creek Bed & Breakfast, c/o Michael Clark, for a Conditional Use Permit to operate a Bed & Breakfast Inn. The property is located at 519 E. Hufsmith Road., east of Hospital Road on the north side of E. Hufsmith, is approximately 5.663 acres, and is zoned Single-Family 20 Estate District. The property is legally described as Tract 3, 5.663 acres of McGraw Tract II, a subdivision in the Ralph Hubbard Survey, Abstract 383, Harris County, Texas, according to the map or plat thereof recorded in Vol. 423, Page 107, Map Records, Harris County, Texas.

- Conduct Public Hearing on **ZONING CASE P15-0158**
- Adopt, on First Reading, Ordinance No. 2016-04, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (Cup) to Maple Creek Bed & Breakfast to Operate a “Bed and Breakfast Inn;” Said Property Being Approximately 5.663 Acres, and Being Legally Described as Tract 3, 5.663 Acres of McGraw Tract II, a Subdivision in the Ralph Hubbard Survey, Abstract 383, according to the Map or Plat Thereof Recorded in Vol. 423, Page 107, Map Records, Harris County, Texas, Generally Located East of Hospital Road on the North Side of E. Hufsmith Road; Providing Requirements and Conditions for This Cup; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; and Providing for Severability

Background:

The Planning and Zoning Commission is meeting at 4:30 p.m. on Monday, March 21, 2016, prior to the City Council meeting to deliberate on this item. Therefore, there is no P&Z recommendation in the packet of information. This item was initially scheduled for the March 14, 2016 Planning and Zoning Commission meeting, however the meeting was rescheduled due to a lack of quorum.

Origination:

Community Development

Recommendation:

N/A

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:

ORDINANCE NO. 2016-04 - P15-0158

PUBLIC HEARING ANNOUNCEMENT
PROPERTY OWNER NOTICE
STAFF REPORT

ORDINANCE NO. 2016-04

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY GRANTING A CONDITIONAL USE PERMIT (CUP) TO MAPLE CREEK BED & BREAKFAST TO OPERATE A “BED AND BREAKFAST INN;” SAID PROPERTY BEING APPROXIMATELY 5.663 ACRES, AND BEING LEGALLY DESCRIBED AS TRACT 3, 5.663 ACRES OF MCGRAW TRACT II, A SUBDIVISION IN THE RALPH HUBBARD SURVEY, ABSTRACT 383, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOL. 423, PAGE 107, MAP RECORDS, HARRIS COUNTY, TEXAS, GENERALLY LOCATED EAST OF HOSPITAL ROAD ON THE NORTH SIDE OF E. HUFSMITH ROAD; PROVIDING REQUIREMENTS AND CONDITIONS FOR THIS CUP; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATIONS HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

Whereas, Maple Creek Bed & Breakfast c/o Michael L. Clark, applicant, has requested a CUP to operate a “Bed and Breakfast Inn;” on approximately 5.663 acres of land, legally described as Tract 3, 5.663 acres of McGraw Tract II, a subdivision in the Ralph Hubbard Survey, Abstract 383, according to the map or plat thereof recorded in Vol. 423, Page 107, map records, Harris County, Texas, generally located east of Hospital Road on the North side of E. Hufsmith Road, in the City of Tomball, Harris County, Texas, (the "Property"), 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 CUP; 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 CUP; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested CUP; 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 CUP, the City Council held the public hearing for the requested CUP 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 CUP.

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. A CUP to operate a “Bed and Breakfast Inn” at the Property, in accordance with the concept plan, attached hereto as Exhibit “A,” and subject to the terms and conditions set forth below, is hereby granted to Maple Creek Bed & Breakfast.

Section 3. The Official Zoning District Map of the City shall be revised and amended to show the CUP authorized for the Property, with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of the CUP authorized.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting of the CUP as herein provided.

Section 5. The CUP granted hereby shall be null and void after the expiration of two (2) years from the date of adoption hereof unless the Property is being used in accordance with the CUP herein authorized within said two-year period, or unless an extension of time is approved by City Council.

Section 6. The CUP authorized hereby shall be, and is, subject to the following additional limitations, restrictions, and conditions:

- 1) The site shall be developed and operated in substantial compliance with Exhibit “A.”

Section 7. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 8. 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.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 21ST DAY OF MARCH 2016.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF APRIL 2016.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "A"
Concept Plan

Maple Creek Bed & Breakfast - Proposed Parking Plan

519 E Hufsmith Road; Tomball, Texas 77375

The City of Tomball Ordinances provide that with the approval of a Conditional Use Permit (CUP), the property at 519 E Hufsmith, which is currently zoned as SF 20, can be operated as a Bed & Breakfast with accommodations for up to five sets of guests.

The current configuration of the house gives it the ability to host four sets of guests. As per the City of Tomball Zoning Ordinance, a property being operated as a Bed & Breakfast shall provide each set of guests one parking spot along with two parking spots for the owner/operator of the property.

The parking plan diagramed below provides a total of seven (7) parking spaces, which exceeds the zoning requirements by one until such time as the house is modified to provide a fifth guest accommodation.



The proposed new parking area (spaces #6-7 in the above diagram) will consist of a 20-foot by 20-foot area of Type D HMA pavement top upon a 10-inch base of compacted cement-stabilized base material.

The existing parking spaces depicted in the diagram (spaces #1-5) which be striped as applicable per relevant city and state code. Stall #3 will be designated and marked as a handicap accessible parking space.

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 21, 2016
&
CITY COUNCIL
MARCH 21, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 21, 2016, at 4:30 P.M.**, and by the City Council of the City of Tomball on **Monday, March 21, 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 P15-0158: Request by Maple Creek Bed & Breakfast, c/o Michael Clark, for a Conditional Use Permit to operate a Bed & Breakfast Inn. The property is located at 519 E. Hufsmith Road., east of Hospital Road on the north side of E. Hufsmith, is approximately 5.663 acres, and is zoned Single-Family 20 Estate District. The property is legally described as Tract 3, 5.663 acres of McGraw Tract II, a subdivision in the Ralph Hubbard Survey, Abstract 383, Harris County, Texas, according to the map or plat thereof recorded in Vol. 423, Page 107, Map Records, Harris County, Texas.

Zoning Case P16-0020: Request by Matthew Gilbert, on behalf of Brandt Construction to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 13.1 acres of land, legally described as 5.001 acres H.C.C.F. No. X733739 Portion of Lots 487, 488, & 489 and 8.1479 acres H.C.C.F. No. U200671 Portion of Lots 487, 488 & 489 Tomball Townsite Volume 2, Page 65 M.R.H.C. , within the City of Tomball, Harris County, Texas, generally located on the east side of Hufsmith-Kohrville, south of The Estates at Willow Creek subdivision, 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.

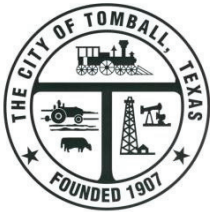
CERTIFICATION

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 **15th** day of **March, 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: P15-0158

APPLICANT/OWNER: Maple Creek Bed & Breakfast, c/o Michael Clark

LOCATION: 519 E. Hufsmith Road, East of Hospital Road on the North side of E. Hufsmith Road.

PROPOSAL: Request for a Conditional Use Permit to operate a Bed & Breakfast on approximately 5.663 acres. The property is zoned Single-Family 20 Estate District and is legally described as Tract 3, 5.663 acres of McGraw Tract II, a subdivision in the Ralph Hubbard Survey, Abstract 383, Harris County, Texas, according to the map or plat thereof recorded in Vol. 423, Page 107, Map Records, Harris County, Texas.

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:**

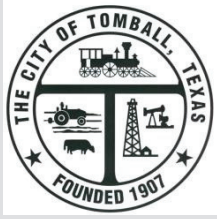
Monday, March 14, 2016, 6:00 PM

City Council Public Hearing:

***Monday, March 21, 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.



Conditional Use Permit (CUP) Staff Report

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

Rezoning Case: P15-0158
Property Owner(s): Adam Ruiz, Jr.
Applicant(s): Maple Creek Bed & Breakfast, c/o Michael L. Clark
Legal Description: Tract 3, 5.663 acres of McGraw Tract II, a subdivision in the Ralph Hubbard Survey, Abstract 383
Location: 519 E. Hufsmith (Exhibit "A")
Area: 5.663 acres
Comp Plan Designation: Rural Residential (Exhibit "B")
Present Zoning and Use: Single-Family 20 Estate (Exhibit "C") / Single-Family home (Exhibit "D")
Proposed Use(s): Bed and Breakfast Inn
Request: CUP to allow a Bed and Breakfast Inn
Adjacent Zoning & Land Uses:
 North: Single-Family 20 Estate District / Single-Family home
 South: Single-Family 9 District / Wood shop and tax office
 West: Single-Family 20 Estate District / Single-family home
 East: Single-Family 20 Estate District / Single-family home

BACKGROUND

In December 2015, City staff met with Michael and Rebecca Clark and Samuel Whisler to discuss the possibility of converting an existing residence they are interested in purchasing into a Bed and Breakfast. City staff informed the applicant of the following:

- The proposed use is classified as a "Bed and Breakfast Inn" per Section 50-82 (b) (*Use Charts*) of the Zoning Ordinance;
- The property is zoned Single-Family 20 Estate District; and
- The "Bed and Breakfast Inn" use is only permitted in the Single-Family 20 Estate District with a Conditional Use Permit (CUP).

On December 29, 2015, City Staff received a CUP application (Exhibit "E") and concept plan (Exhibit "F") requesting a CUP for Maple Creek Bed & Breakfast.

The case was initially placed on the February 8, 2016 Planning and Zoning Commission meeting, however, the applicant requested that the case be placed on a future agenda to allow for further research on their part.

ANALYSIS

According to Section 50-81 (f) of the Zoning Ordinance, when considering applications for a CUP, the City shall, on the basis of the concept plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Specific considerations shall include the extent to which:

1. The proposed use at the specified location is consistent with the goals, objectives, and policies contained in the adopted Comprehensive Plan;

The Comprehensive Plan identifies the subject site as Rural Residential which is typically for “single family detached residential development on minimum 1 acre lots”. The proposed use appears to be consistent with the Comprehensive Plan for the following reasons:

- Although Bed and Breakfast Inn is not specifically mentioned in the Rural Residential section of the Comprehensive Plan as an envisioned use, this request is a use permitted by CUP in the SF-20E District which is the district most compatible with the Rural Residential classification.
- The scale of operation, location of the structures, hours of operation, landscaping, and screening/buffering mechanisms proposed on the concept plan appear to minimize potential impact of the use on adjacent properties.

2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;

According to the Zoning Ordinance, “a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions.”

The external effect of the proposed use on the existing and planned uses of adjoining property and neighborhood appear to be mitigated through the scale of operation, location of the structures, hours of operation, landscaping, and screening/buffering mechanisms proposed on the concept plan as discussed above.

3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in the Zoning Ordinance;

Should the CUP application be approved by City Council, the applicant will be required to submit a site plan application, and supporting documents, to the City for review and approval. Specific details of site modifications will be shown at the time of site plan

review, however, the proposed concept plan appears to be generally consistent with the Zoning Ordinance.

4. **The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts;**

The proposed use appears to be compatible with and preserves the character and integrity of the adjacent development and neighborhood. While the site is currently a single-family home and is surrounded predominantly by single-family homes, they are large lot homes which are significantly setback from property lines. Furthermore, it is not anticipated that the conversion from residential to the proposed bed and breakfast will negatively impact adjacent properties as the size of the home will not permit a large operation. Additionally, as a CUP is required to have a concept plan, future expansions to this site or structure will require further approvals by City Council.

5. **The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.**

The proposed uses and concept plan do not appear to be materially detrimental to the public health, safety, convenience and welfare, or result in material damage or prejudice to other property in the vicinity.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on March 2, 2016. A sign was placed on the property and Notice of Public Hearing was published in the paper on February 29, 2016. As of March 10, 2016, no public comment forms have been received.

When the case was originally scheduled to be placed on the February 8, 2016 P&Z agenda, notification was mailed to property owners on January 27, 2016. Four responses were received. Three were in opposition of the case and one with concerns about the case.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P15-0158, subject to the following condition of approval:

- 1) The site shall be developed and operated in substantial compliance with Exhibit "F."

EXHIBITS

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. CUP Application
- F. Concept Plan
- G. Supplemental Information

Exhibit "A"
Aerial Photo

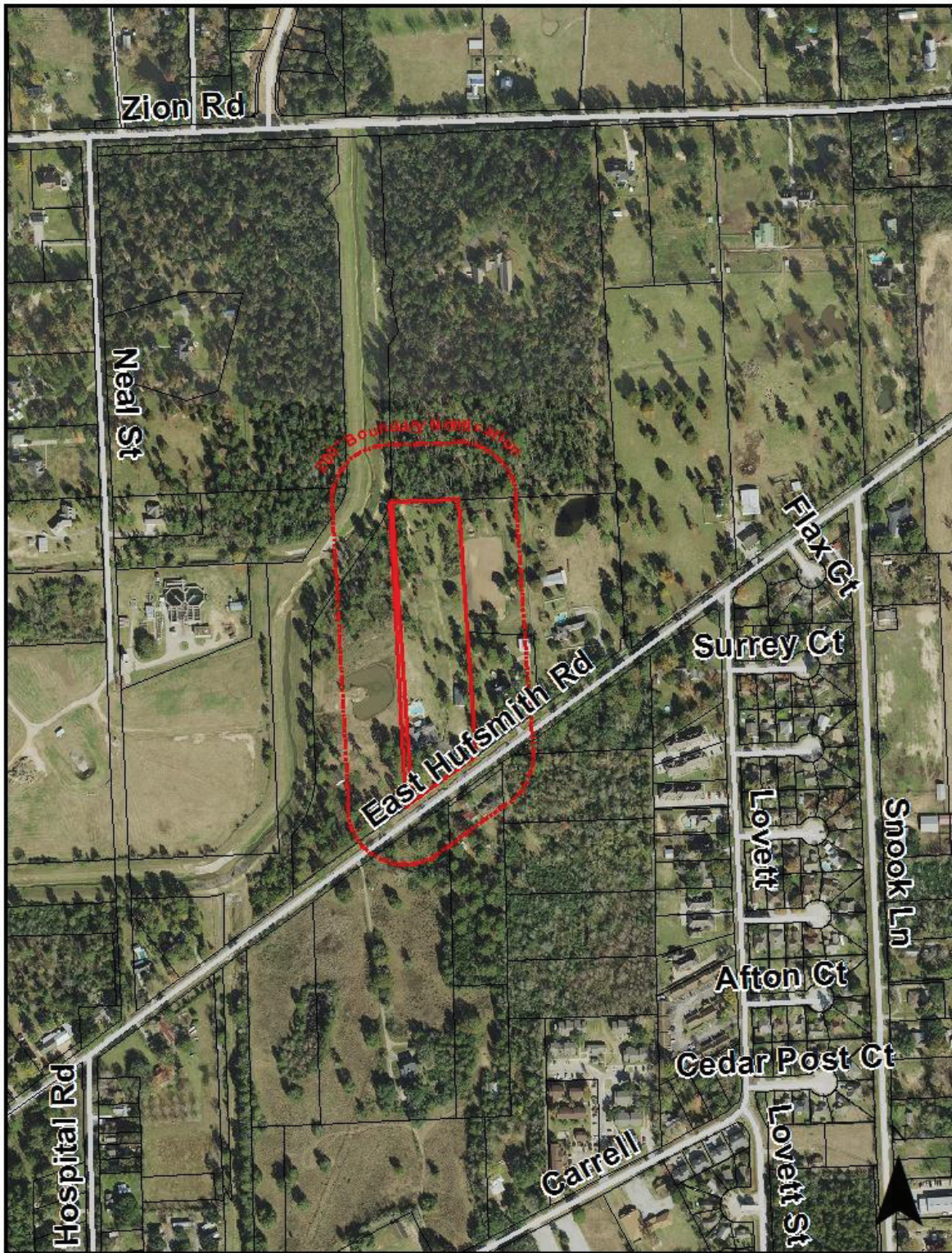


Exhibit "B"
Comprehensive Plan

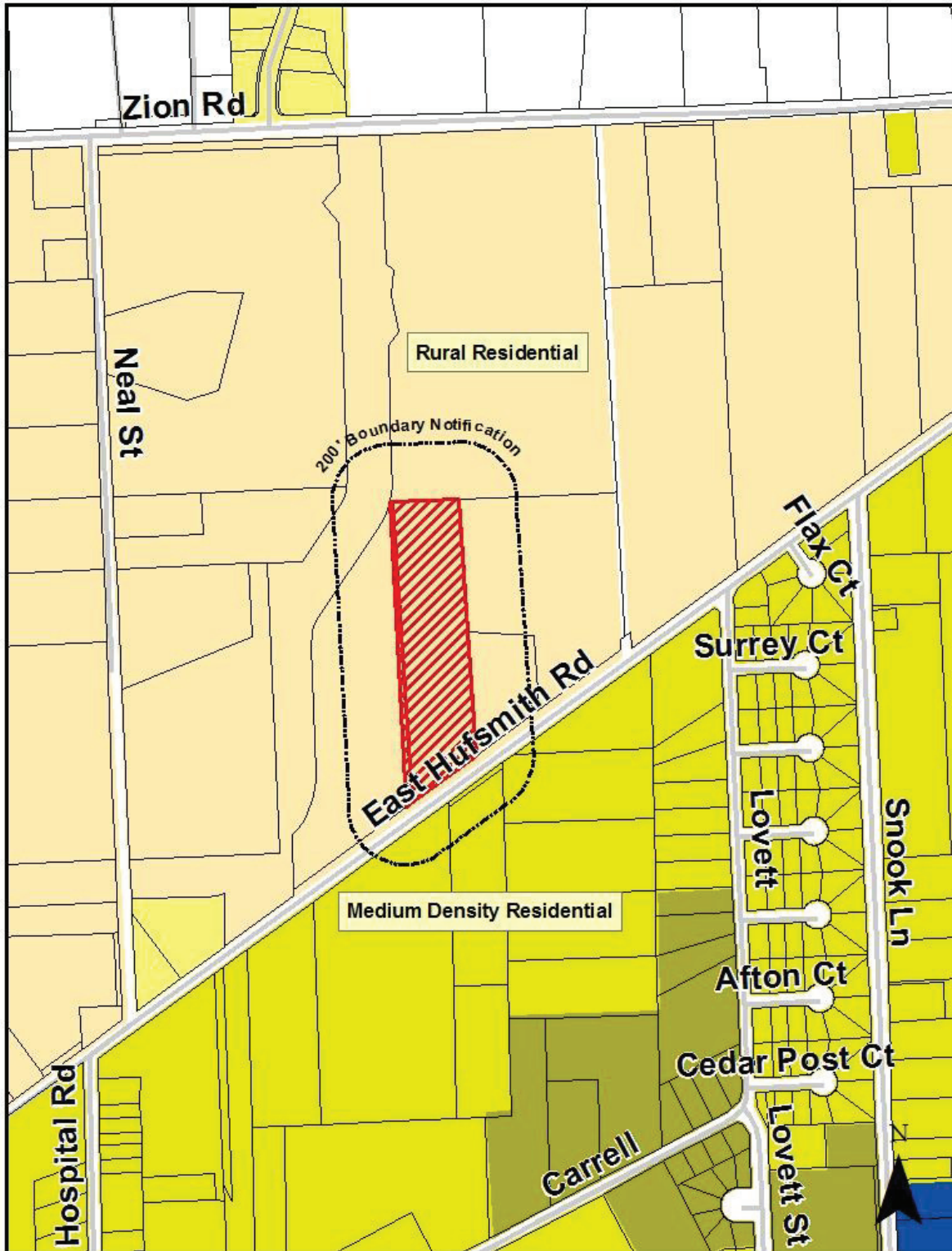
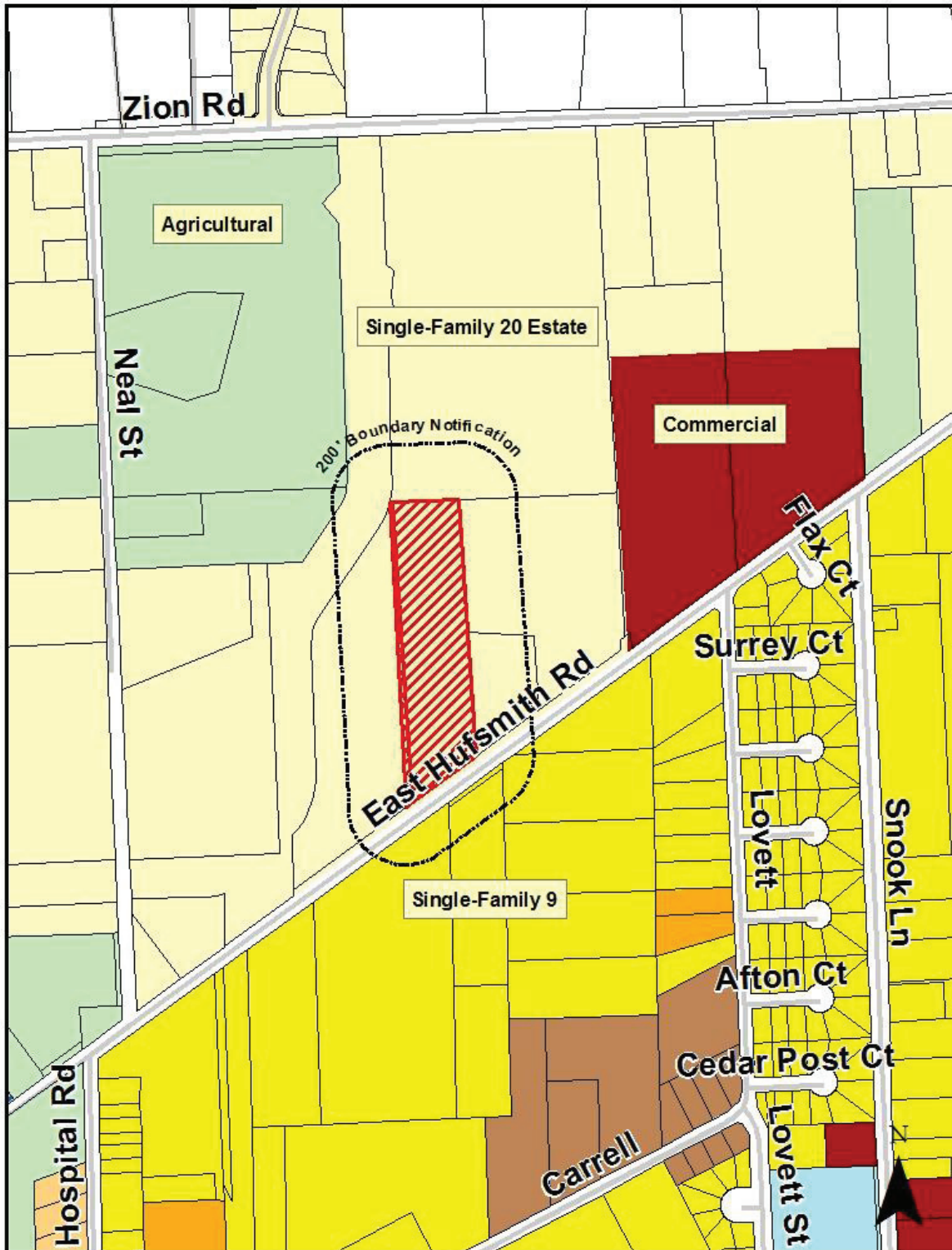


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Figure 1 and 2: Subject site
Source: City of Tomball

Exhibit "E"
CUP Application

CITY OF TOMBALL

Application for
CONDITIONAL USE PERMIT

Submitted by:

MAPLE CREEK BED & BREAKFAST

Owners:

Michael & Rebecca Clark
Samuel & Katelyn Whisler

MAPLE CREEK BED & BREAKFAST

*Michael & Rebecca Clark
Samuel & Katelyn Whisler
15210 Dawn Meadows Drive
Houston, Texas 77068*

December 30, 2015

City of Tomball
Community Development Department
Planning Division
501 James Street
Tomball, Texas 77375

RE: 519 E. Hufsmith, Tomball, Texas 77375

To Whom It May Concern:

According to the city's website, "Tomball is described as a diverse and vibrant community near to the big city while retaining its small town history and hometown sensibilities." We believe that the addition of a Bed & Breakfast establishment would help preserve the friendly charm and country atmosphere that Tomball enjoys by offering a relaxing and comfortable alternative to staying in a chain hotel. Maple Creek Bed & Breakfast would strive to welcome guests in like family and provide an experience that showcases the benefits of personal touch.

Attached please find our Application for a Conditional Use Permit for the property located at 519 E. Hufsmith in Tomball, Texas. This property is currently zoned as a single-family (SF-20) home and has been on the real estate market since February 2015. Our family is interested in purchasing this property, contingent upon the City of Tomball's approval to operate the home as a Bed & Breakfast. Ownership and management of the property would be shared by the four of us. We bring a total of five college degrees, 25 years of corporate business experience, 15 years of small business experience and four years of concierge experience, some of which is specific to the Bed & Breakfast industry.

We met with Harold Ellis, Craig Meyers and Lance Wilson on December 16, 2015 to seek their input regarding the steps that need to be taken to safely operate this home as a business. Their recommendations include:

- The addition of a 13D fire sprinkler system
- Additional parking spaces
- Lighting of parking areas
- Fencing targeted at protecting the privacy of the neighbors while also preserving the beauty of the property
- Pool signage displaying depth, rules and lifeguard presence

Implementation of these items will begin after we close on the sale of the home, currently scheduled for February 29, 2016, provided we receive the approval of our C.U.P. application.

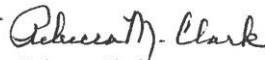
Tomball is conveniently located to a wide variety of sight-seeing and recreational activities located in and around Houston. Given its access to the existing Tomball Parkway and the future Grand Parkway, our Bed & Breakfast would attract guests to Tomball from a wide variety of markets. Business travelers, families on vacation or couples looking for a romantic get-away would all enjoy a warm welcome – a place where our family can make our guests' needs the highest priority!

It is our family's dream to own and operate this type of business, and we are confident that the City of Tomball will not regret issuing a C.U.P. to make this dream a reality. Please do not hesitate to contact us at bnbresearchers@gmail.com or (832) 248-5232 should you need any additional information to complete our application.

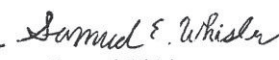
Excited about working together,



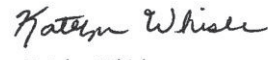
Michael Clark



Rebecca Clark



Samuel Whisler



Katelyn Whisler



**APPLICATION FOR
CONDITIONAL USE PERMIT**
Community Development Department
Planning Division

A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions.

No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within any zoning district until a conditional use permit (CUP) is approved and issued in accordance with the provisions of Section 50-34 of the Code of Ordinances.

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 MAPLE CREEK BED & BREAKFAST
Name: C/O MICHAEL L. CLARK Title: CO-OWNER
Mailing Address: 15210 DAWN MEADOWS City: HOUSTON State: TX
Zip: 77068
Phone: (832) 248-5232 Fax: () Email: MIKE.BECKY

(CURRENT) Owner
Name: ADAM RUIZ, JR. Title: OWNER
Mailing Address: ADAM RUIZ JR 60001 City: FOOT BROTHER State: TX
Zip: 3594 MARTIN LUTHER KING JR BLVD
Phone: (713) 8821648 Fax: () Email:

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

PROSPECTIVE BUYERS: (APPLICANTS)

MICHAEL + REBECCA CLARK 15210 DAWN MEADOWS HOUSTON, TX. 77068	SAMUEL + KATELYN WHISLER 9889 CYPRESSWOOD DR., #9201 HOUSTON, TX. 77070
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TRANSITION EXISTING SINGLE-FAMILY HOME
Description of Proposed Project: TO A 5-BEDROOM BED & BREAKFAST
Physical Location of Property: 519 E. HUFSMITH, TOMBALL, TX. 77375
[General Location - approximate distance to nearest existing street corner]
Legal Description of Property: TR3 + 40 McCRAW TRACT 11 AMEND
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
HCAD Identification Number: 120-291-000-0011 Acreage: 0.416
120-291-000-0003 Acreage: 5.105
Current Use of Property: SINGLE FAMILY HOME
Proposed Use of Property: 5-BEDROOM BED & BREAKFAST

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.

Mia Clark Samuel S. Whisen
X Rebecca M. Clark Katelyn Whisen 12/23/15
Signature of Applicant Date
X [Signature] [Signature] 12/24/15
Signature of Owner Date

CITY OF TOMBALL
281-351-5484

REC#: 00906112 12/29/2015 1:38 PM
OPER: CK TERM: 005
REF#: W 7667

TRAN: 130.0000 PLANNING AND ZONING
MAPLE CREEK B&B
519 E HUFSMITH
City of Tomball, Texas 50 100-5442
CONDITIONAL USE PER 600.00CR

TENDERED: 600.00 CHECK
APPLIED: 600.00-
CHANGE: 0.00

www.tomballtx.gov

EXECUTIVE SUMMARY

Maple Creek Bed & Breakfast, Tomball, Texas

Owners: Michael & Rebecca Clark and Samuel & Katelyn Whisler

Product

Maple Creek Bed & Breakfast is located at 519 East Hufsmith in Tomball, Texas. It is our goal to welcome guests in like family and provide them a relaxing and comfortable alternative to staying in a chain hotel. We desire to provide an experience that showcases the benefits of personal touch in a charming, country atmosphere. The business is located inside of a large home that includes four guest suites, four full-bathrooms, one half-bath, a pool as well as separate living quarters for on-site management. There will be parking equal to the number of guest suites, in addition to parking for the on-site management. No new construction is needed on the main house.

In addition to comfortable guests rooms and a warm breakfast served daily, there are also many amenities available for guests to enjoy. On-site recreation available to our guests include swimming, archery and fishing, in addition to billiards, ping pong, and a large video library for guests' viewing enjoyment. Activities located nearby in the city of Tomball include shopping, antique looking, a shooting range, bowling, fresh berry picking, a drive-in movie theater and the largest Farmers Market in Harris County. Sights located within a short drive of the B&B include several museums, the Houston Zoo, the Houston Aquarium, and several theaters performing operas and plays. Seasonal activities include the German Heritage Festival (March), Houston Rodeo (March), and the Renaissance Festival (October-November). With convenient access to Highway 249 and the future Grand Parkway, all of Houston is very accessible!

Market

Whether they be traveling a long distance or just wanting to escape the mundaneness of their daily routine, Maple Creek Bed & Breakfast will strive to make each booking a memorable experience. Our most frequent customers will be the couple looking for a romantic get-away or visiting local friends and family. Our other customers will be business travelers from nearby businesses such as Baker Hughes, HP or those of The Woodlands and downtown Houston. We will also target guests who are in town utilizing any of Tomball's amenities, such as Tomball Regional Medical Center or Prospects Baseball Academy. All of these travelers not only want a comfortable spot to lay their heads, but also a personal touch that a normal hotel could not offer them.

Our competition will be anyone or place that offers an overnight stay. That would include other B&B's, hotels, motels or even friends & family members. While all of our competitors provide a place to sleep, not all serve a fresh, homemade breakfast like Maple Creek. Hotels and motels have become sterilized with each room looking the same as the next one. Our B&B will give guests a unique room that no one else will be able to imitate. This, in addition to our plethora of amenities, will differentiate Maple Creek from our competitors.

Promotion

One of our first priorities will be to get Maple Creek B&B's website up and running. Another important step will be to gain exposure on various websites that specifically promote Bed & Breakfast establishments such as www.bedandbreakfast.com or www.iloveinns.com. People who go to those sites are looking for places like Maple Creek Bed & Breakfast rather than "cookie-cutter" hotels. We will also market online via social media such as Facebook, Pinterest, TripAdvisor and Google. At the beginning of our business, we would like to use a crowd funding program to spread word of our existence while also easing our financial outlays. Websites such as www.kickstarter.com or www.indiegogo.com give people an opportunity to invest in individuals and companies who are trying to reach a financial goal for a specific purpose. In addition to these online and digital forms of marketing, we will also use physical advertising tools such as brochures and printed advertising. We desire to build friendships with the other local business owners in the area so that we can work together to promote each other's businesses. All of these marketing outlets will allow us to portray ourselves to our potential customers as a comfortable and beautiful place to spend the night and enjoy the City of Tomball.

Management

Maple Creek B&B is a service-based business that will be jointly managed and maintained by the four owners – Michael & Rebecca Clark and Samuel & Katelyn Whisler. Oversight of the day-to-day tasks will be shared by Rebecca Clark and Katelyn Whisler, and will include reservations, marketing, customer service, preparation of breakfast and preparing the suites for guest arrival. As we will not be preparing food for any non-guests, a health permit is not required. Rebecca has a BA in Management Information Systems and brings to the venture 15 years of small business experience. She also has three years of management and bookkeeping experience in a related concierge industry. Katelyn has a BA in Management and a BA in Marketing, in addition to invaluable experience gained while being involved with the daily operation of a competing B&B in Houston for nine months. Both accomplished hostesses, these skills will be important as we anticipate and meet our guests' desires and needs.

Maintenance of the physical property and our public relations (both on-line and face-to-face) will be shared by Michael Clark and Samuel Whisler. Michael has an AA in Computer Programming and extensive experience in home building and remodeling projects. Samuel has a BS in Electrical Engineering and will oversee our on-line presence through web design. Both men have a talent for new ideas and connecting to people. Their involvement will be primarily on the weekends while continuing to earn capital in their current occupations.



519 E Hufsmith Road

5 Bedrooms, 4 Full Baths & 1 Half Bath, 4 Car Detached Garage



Living Room: 24 x 24
Game Room: 16 x 16
Study/Library: 12 x 12
Dining Room: 14 x 14
Kitchen: 15 x 20
Master Bedroom: 17 x 17
Second Bedroom: 19 x 14
Third Bedroom: 18 x 14
Fourth Bedroom: 11 x 12
Fifth Bedroom: 11 x 12



House Sq. Ft.: 5,502 per Seller
Year Built: 1999 per Appraisal District



Spectacular ranch style estate right here in Tomball! 5 bedroom, 4.5 baths, wood floors, granite throughout, 2 junior master suites, a study, a game room, attached carport, detached 4 +/- car garage with workshop, beautiful fenced pool with exterior winter warming chimney, a pond for your horses to wander through, acreage for your furry family to romp around in, room to grow and so much more.

No representations or warranties either expressed or implied are made as to the accuracy of this information contained herein or with respect to the suitability, usability, feasibility, merchantability of any property described herein.



EXHIBIT "A"

DESCRIPTION OF A TRACT OF LAND CONTAINING 0.4163 ACRE (18,135 SQUARE FEET) SITUATED IN THE RALPH HUBBARD SURVEY, A-383, HARRIS COUNTY, TEXAS

Being a tract of land containing 0.4163 acre (18,135 square feet) situated in the Ralph Hubbard Survey, A-383, in Harris County, Texas, and being out of Tract Four of McCraw Tract II, Amending Plat, a subdivision plat recorded under County Clerk's Film Code No. 463122 of the Map Records of Harris County, Texas. Said 0.4163-acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a point located in the east line of a 513,211 square foot (11.782 acres) tract as conveyed unto Harris County Flood Control District by deed recorded under County Clerk's File No. L670726, Film Code No. 116-78-0536 of the Official Public Records of Real Property of Harris County, Texas, for the northwest corner of said Tract Four, for the north corner of a 7.1370-acre tract as conveyed unto Deborah Lynne Watson (also known as Debbie Watson) by deed recorded under County Clerk's File No. U917673, Film Code No. 537-99-1616 of the Official Public Records of Real Property of Harris County, Texas, for the southwest corner of a 22.0000-acre tract as conveyed unto William E. Sumner Jr. by deed recorded under County Clerk's File No. S095461, Film Code No. 509-84-2048 of the Official Public Records of Real Property of Harris County, Texas, and for the northwest corner of said tract herein described;

THENCE North 89° 50' 38" East with the north line of said Tract Four and the south line of said 22.0000-acre tract, a distance of 9.71 feet to a found 5/8-inch iron rod with cap stamped "EE COON R.P.L.S. 1679" for the northeast corner of said Tract Four, for the northwest corner of Tract Three of said subdivision as conveyed unto Adam Ruiz, Jr., described as Tract Three (3) by deed recorded under County Clerk's File No. X749455, Film Code No. 588-71-8479 of the Official Public Records of Real Property of Harris County, Texas, and for the northeast corner of said tract herein described;

THENCE South 01° 33' 06" East with the east line of said Tract Four and the west line of said Tract Three, a distance of 1,043.91 feet to a set 5/8-inch iron rod with yellow cap stamped "Cobb, Fendley & Associates" located in the northwesterly right-of-way line of Tomball-Hufsmith Road (70 feet wide) as described in deed (unrecorded) dated March 17, 2010 between Samuel Neal McCraw and the City of Tomball for the southeasterly corner of said tract herein described;

THENCE South 56° 07' 12" West with the northwesterly right-of-way line of said Tomball-Hufsmith Road, a distance of 29.46 feet to a set 5/8-inch iron rod with yellow cap stamped "Cobb, Fendley & Associates" southwesterly corner of said tract herein described;

THENCE North 00° 45' 54" West with the east line of said 7.1370-acre tract, a distance of 1,060.01 feet to the POINT OF BEGINNING and containing 0.4163 acre (18,135 square feet) of land, more or less.



521-88-1346

BEING 2.0322 acre tract of land out of Lot Number 58 of the Five (5) Acre Tracts, New Ball Township, as per map of record in Volume 2, Page 65, Harris County Map Records; said 2.0322 acre tract being more particularly described as follows: D

BEGINS at a 5/8 inch iron pipe found marking the South corner of the herein described tract to the intersection of the East right-of-way line of Neal Street, 30.00 feet wide with the Northeasterly right-of-way line of Tenhall-Hoffsmith Road, width varies;

THENCE North $00^{\circ}21'155''$ West, 385.87 feet in the East line of said Neal Road to a point FOR CORNER;

THENCE North $89^{\circ}45'18''$ East, 241.73 feet in the South line of Harris County Flood Control District easement Unit J131-00-00, filed for record under Harris County Clerk's File Number 1570725, said Property Records, Harris County, Texas, to a 5/8 inch iron rod found for the point of curvature of a curve to the left;

THENCE 75.56 feet in the arc of said curve to the left having a radius of 300.00 feet and a central angle of $14^{\circ}04'29''$ to a 5/8 inch iron rod found for the point of tangency;

THENCE South $00^{\circ}41'27''$ West, 184.75 feet in the West line of said Harris County Flood Control District easement to a 5/8 inch iron rod found for corner in the North right-of-way line of said Tenhall-Hoffsmith Road;

THENCE South $55^{\circ}52'40''$ West, 376.96 feet in the Northerly line of said Tenhall-Hoffsmith Road to the PLACE OF BEGINNING containing 2.0322 acres of land.

Title Data, Inc. ST TDI20006 EA T346908.005

EXHIBIT

521-88-1347

BEING 44.1105 acre tract of land out of Lot Numbers 5, 11, 17, 23, 29, 34, 39, 40, 41, 45, 50, 54, and 58, out of the Five (5) Acre Tracts, Ten (10) Sections, as per map of record in Volume 2, Page 66, of the Harris County Map Records, said 44.1105 acres being more particularly described as follows:

BEING at a 6 inch diameter fence post found in the South right-of-way line of Elm Road, varying widths, and bordering the Northeast corner of the herein described tract, 25.30 feet South of the Northeast corner of Ordinal Number 5 of said Ten (5) Acre Tracts;

THENCE South 01°31'14" East, 742.75 feet in the West right-of-way line of Stamey Street, a 30.00 foot wide public street to a 1/2 inch pinhead top pipe found marking the intersection of the Northeastly line of Tenball-Buffett's Road, width varies, with the West right-of-way line of said Stamey Street;

THENCE South 56°05'44" West, 1437.71 feet in the Northeastly line of said Tenball-Buffett's Road to a 5/8 inch iron rod found for corner in the North-West right-of-way line of said Tenball-Buffett's Road;

THENCE in the Easterly line of Harris County Flood Control District Easement, North 71°11'00" East, 451.12 feet to a 5/8 inch iron rod found for corner in the North-East right-of-way line of said Tenball-Buffett's Road;

THENCE continuing in said Easterly line North 47°55'31" East, 4.82 feet to a point of curvature of a curve to the left;

THENCE 235.81 feet in the arc of a curve to the left having a radius of 300.00 feet and a central angle of 44°59'51" to a 5/8 inch iron rod marking the point of tangency;

THENCE continuing in the East line of said Harris County Flood Control District Easement, North 00°28'23" East, 451.12 feet to a 5/8 inch iron rod found for the point of curvature of a curve to the right;

THENCE 93.02 feet in the arc of a curve to the right having a radius of 150.00 feet and a central angle of 35°24'58" to a 5/8 inch iron rod found marking the point of tangency;

THENCE continuing in said East line of Harris County Flood Control District Easement, North 36°01'14" East, 365.44 feet to a 5/8 inch iron rod found for the point of curvature of a curve to the left;

THENCE 186.85 feet in the arc of a curve to the left having a radius of 300.00 feet and a central angle of 34°15'00" to a 5/8 inch iron rod found marking the point of tangency for said curve;

THENCE continuing in said East line of Harris County Flood Control District Easement, North 02°13'18" East, 423.43 feet to a 1/2 inch iron rod set for an angle point;

THENCE North 42°38'04" East, 61.40 feet to a 1/2 inch iron rod set for an angle point;

THENCE continuing in said East line of Harris County Flood Control District Easement, North 07°51'26" East, 122.02 feet to a 1/2 inch iron rod set for an angle point;

THENCE North 07°29'58" East, 108.43 feet to a 1/2 inch iron rod set for an angle point;

THENCE continuing in said Easterly line of Harris County Flood Control District Easement, North 41°56'01" East, 25.88 feet to a 1/2 inch iron rod set for an angle point;

THENCE North 04°15'29" West, 450.78 feet to a 1/2 inch iron rod set marking the intersection of the Easterly line of said Harris County Flood Control District Easement with the South right-of-way line of Elm Road;

THENCE North 87°50'12" East, 718.45 feet in the South right-of-way line of said Elm Road to the PLACE OF BEGINNING containing 44.1105 acres of land.

Title Data, Inc. SI TDI20006 HA T346906.006

EXHIBIT

521-88-1348

BEING 22.0000 acre tract of land out of lot numbers 5, 11, 17, 23, 29, and 35 of the Five (5) Acre Tracts, The Hill Townsite, as per map of record in Volume 2, Page 66, Harris County Map Records; said 22.0000 acre tract being more particularly described as follows:

BEGINNING at a 6 inch diameter fence post found in the South right-of-way line of Elm Road, varying widths, and marking the Northwest corner of the herein described tract, 25.90 feet South of the Northeast corner of Outlot Number 5 of said Five (5) Acre Tracts;

THENCE South 01°31'14" East, 1282.89 feet in the West right-of-way of Stanley Street, 30.00 feet wide, to a 1/2 inch iron rod set for corner in the East line of Five (5) Acre Tract Number 35;

THENCE South 89°50'12" West, 791.92 feet in a line parallel to and 34.69 feet South of the North line of lot Number 35 of said Five (5) Acre Tracts, to a 1/2 inch iron rod set in the arc of a curve to the left in the Easterly line of a Harris County Flood Control District easement known as Unit 131-00-00 and filed for record under Harris County Clerk's File Number 1670226, Real Property Records, Harris County, Texas;

THENCE 83.66 feet in the arc of a no tangent curve to the left having a radius of 300.00 feet and a central angle of 15°53'40" in said Easterly line of said Harris County Flood Control District easement to a 5/8 inch iron rod found for the point of tangency of said curve;

THENCE North 02°33'18" East, 443.25 feet in the Easterly line of said Harris County Flood Control District easement to a 1/2 inch iron rod set for an angle point;

THENCE North 12°28'04" East, 61.40 feet in the Easterly line of said Harris County Flood Control District easement to a 1/2 inch iron rod set for an angle point;

THENCE North 07°51'26" West, 122.43 feet in the Easterly line of said Harris County Flood Control District easement to a 1/2 inch iron rod set for an angle point;

THENCE North 01°29'48" East, 108.19 feet in the Easterly line of said Harris County Flood Control District easement to a 1/2 inch iron rod set for an angle point;

THENCE North 12°35'01" West, 26.88 feet in the Easterly line of said Harris County Flood Control District easement to a 1/2 inch iron rod set for an angle point;

THENCE North 04°15'29" West, 469.76 feet in the Easterly line of said Harris County Flood Control District easement to a 1/2 inch iron rod set for corner in the South right-of-way line of Elm Road;

THENCE North 89°30'12" East, 768.45 feet in the South right-of-way line of said Elm Road to the PLACE OF BEGINNING enclosing 22.0000 acres of land.

RECORDERS MEMORANDUM:
At the time of recording, this instrument was found to be inadequate for the best photographic reproduction because of the quality, color or photo copy, discolored paper, etc. All mistakes, additions and changes were present at the time the instrument was filed and recorded.

95-SEP-27 PM 1:38

Title Data, Inc. ST IDI20005 EA T346908.007

521-88-1349

NOT FOR RECORD WHEN RETURNED TO THE STATE OF TEXAS
REPRODUCTION OF THIS DOCUMENT IS PROHIBITED UNDER PENALTY OF
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that the foregoing is a true and correct copy of the original as the same appears in the public records of the County of Harris, Texas.

OCT 27 1995



Barbara B. Kephart
COUNTY CLERK
HARRIS COUNTY TEXAS

Title Data, Inc. ST EPI20006 HA T346908.008

Exhibit "F" Concept Plan

Maple Creek Bed & Breakfast - Proposed Parking Plan

519 E Hufsmith Road; Tomball, Texas 77375

The City of Tomball Ordinances provide that with the approval of a Conditional Use Permit (CUP), the property at 519 E Hufsmith, which is currently zoned as SF 20, can be operated as a Bed & Breakfast with accommodations for up to five sets of guests.

The current configuration of the house gives it the ability to host four sets of guests. As per the City of Tomball Zoning Ordinance, a property being operated as a Bed & Breakfast shall provide each set of guests one parking spot along with two parking spots for the owner/operator of the property.

The parking plan diagramed below provides a total of seven (7) parking spaces, which exceeds the zoning requirements by one until such time as the house is modified to provide a fifth guest accommodation.



The proposed new parking area (spaces #6-7 in the above diagram) will consist of a 20-foot by 20-foot area of Type D HMA pavement top upon a 10-inch base of compacted cement-stabilized base material.

The existing parking spaces depicted in the diagram (spaces #1-5) which be striped as applicable per relevant city and state code. Stall #3 will be designated and marked as a handicap accessible parking space.

Exhibit "G"
Supplemental Information

CITY OF TOMBALL

Application for
CONDITIONAL USE PERMIT

Attachment:
Neighbor Relationships & Communications

Submitted by:

MAPLE CREEK BED & BREAKFAST

Owners:

Michael & Rebecca Clark
Samuel & Katelyn Whisler

MAPLE CREEK BED & BREAKFAST

*Michael & Rebecca Clark
Samuel & Katelyn Whisler
15210 Dawn Meadows Drive
Houston, Texas 77068*

March 7, 2016

City of Tomball
Community Development Department
Planning Division
501 James Street
Tomball, Texas 77375

RE: 519 E. Hufsmith, Tomball, Texas 77375

To Whom It May Concern:

After submitting our Conditional Use Permit on December 30, 2015, it was brought to our attention that a few of the neighbors had some concerns about a business being operated in such close proximity to their homes. This knowledge was of great concern to us, as we desire to have strong and friendly relationships with our neighbors from day one of our moving into the Tomball area. Following please find an attachment we would like to submit along with our original application. This documentation summarizes all of our efforts to reach out to the neighbors to allow them to meet us and address any and all concerns they might have about Maple Creek Bed & Breakfast. You will find the following for your review:

- Journal outlining all Neighbor Communications as of 3/6/16
- Letter of Introduction that we sent to all neighbors on 2/25/16
- Follow-up Q&A letter we sent to all neighbors on 3/1/16
- A Q&A sheet that we put together that answers several of the questions posed to us
- Check-in paperwork that each guest would sign that states the services provided and property guidelines and policies

Our proposed closing date for the purchase of this property has been rescheduled for April 6, 2016, again contingent upon receiving the approval of our C.U.P. application. We are committed to being a positive addition to Tomball, and will do everything possible to develop healthy relationships with both the City and each and every neighbor.

Thank you for your consideration!

Michael & Rebecca Clark
Samuel & Katelyn Whisler
MAPLE CREEK BED & BREAKFAST Management Team

JOURNAL OF NEIGHBOR COMMUNICATIONS

as of 3/6/16

All neighbors

January 25, 2016 - Letter of introduction from Maple Creek B&B explaining our dream, vision for the property, education and personal background. (Copy attached.)

February 9, 2016 - Meet & Greet meeting at 519 E. Hufsmith. Flyers handed out inviting the surrounding neighbors into the home to discuss any thoughts or concerns.

March 1, 2016 - Follow-up letter summarizing steps taken to allow Maple Creek B&B to be a positive addition to the community. Included a Q&A sheet that answered several questions about the B&B as well as the meaning of a Conditional Use Permit. Also included a copy of our "Check-in Policy Sheet" that all guests will sign when they stay with us. (Copy of all attached.)

1430 Neal Drive, Tomball, Texas 77375

Letter of introduction from Maple Creek B&B to all neighbors (referred to above)

Q&A meeting on 2/9/16 at the 519 E. Hufsmith property

Concern: That our guests might wander off of our property, making an existing problem of pedestrians along the waterway trespassing onto adjoining properties worse.

Solution: #1- Agreed to place fencing & signage along the northern boundary to clearly mark property line and minimize pedestrians wandering along the waterway.

#2- Customized our check-in sheet to specifically state that our guests need to remain on the B&B property.

#3- Customized our check-in sheet to forbid use of motorized recreation vehicles

Follow-up letter to all neighbors with Q&A and Policy Sheet attachments (referred to above)

523 E. Hufsmith Road, Tomball, Texas 77375

Face-to-face introduction on 12/27/15.

Letter of introduction from Maple Creek B&B to all neighbors (referred to above)

Q&A meeting on 2/9/16 at the 519 E. Hufsmith property

Concern: #1- That B&B guests might wander off of our property onto theirs

#2- That a B&B is not allowed to operate on SF-20 zoned properties

Solution: #1- Offered to erect a fence of their choosing: 6' opaque fence, 3' corral fence, a hedge or no fence at all

#2- Customized our check-in policy sheet to specifically state that guests need to remain on our property

#3- Explained that certain businesses are allowed to operate on SF-20 land, but only if they complete the CUP application process.

Personal letter to owner on 2/24/16 seeking to finalize fencing choice.

Follow-up letter to all neighbors with Q&A and Policy Sheet attachments.

Voice-mail messages left on 3/4/16 and 3/5/16 offering to meet to finalize fencing choice.

535 E. Hufsmith Road, Tomball, Texas 77375

Face-to-face introduction on 11/22/16.

Letter of introduction from Maple Creek B&B to all neighbors (referred to above)

Breakfast meeting on 2/23/16 to discuss B&B plans, neighborhood concerns and plats on file

Follow-up letter to all neighbors with Q&A and Policy Sheet attachments (referred to above)

12321 Zion Road, Tomball, Texas 77375

Letter of introduction from Maple Creek B&B to all neighbors (referred to above)

Email correspondance on 2/18/16 and 2/19/16

Concern: That once a business was allowed to operate at 519 E. Hufsmith, other (less-desirable) businesses could follow.

Solution: Explained that this Conditional Use Permit is ONLY valid for a Bed & Breakfast, and cannot be transferred to any other type of business

Follow-up letter to all neighbors with Q&A and Policy Sheet attachments (referred to above)



MAPLE CREEK BED & BREAKFAST

15210 Dawn Meadows Dr. Houston, Texas 77068



January 25, 2016

Dear Neighbor,

After living in Houston for 22 years, our family is getting ready to relocate to Tomball! We are so excited about the doors the Lord has opened for us to launch our family dream of operating a small Bed & Breakfast in a quiet & relaxing setting on East Hufsmith Road.

You will be receiving a letter in the mail from the City of Tomball letting you know of our request to use the single-family home at 519 East Hufsmith as a Bed & Breakfast. We appreciate that Tomball places a high priority on wanting to maintain their quiet, small-town feeling. We would like all of you to know that we desire our move to your city to be a positive addition, and not a distraction in any way from the peaceful setting we all enjoy.

Our plan for Maple Creek Bed & Breakfast is for the main home to offer four suites to welcome guests into, and we will serve them a homemade breakfast in the morning. On-site activities offered will include swimming, archery, and bird & deer watching – we've already seen both! The detached garage will be converted into a small apartment that will allow two of the owners to live full-time on the property so that the home will never be left vacant or unattended. The most common guests that frequent Bed & Breakfasts are either young, romantic newlywed couples, or the couples aged 50-70 who are enjoying their empty-nest years. Both of these demographics will maintain the quiet atmosphere everyone currently enjoys. We do not plan to enlarge the house from its current size or make any additions, except for maybe a pretty gazebo in the backyard!

If you have any concerns or questions about our plans, we would welcome the opportunity to talk with you about them! Mike is coordinating all of our communication and can be reached at (832) 248-5232. We look forward to getting to know all of you better in the near future!

Sincerely,

Mike & Becky Clark

Samuel & Katie Whisler

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About the Owners



Mike & Becky Clark

Mike & Becky have been married for 26 years and have five children. Mike works as a computer programmer specializing in the oil & gas industry, and is currently working as a contractor at Shell Trading. Becky graduated from Liberty University and was trained in property management. She has been a busy stay-at-home mom for the last 18 years, choosing to home-school all of their children. Active members of Champion Forest Baptist Church, family hobbies include swimming, reading, volleyball, home-remodeling and woodworking.

Samuel & Katie Whisler

Katie is the oldest daughter of Mike & Becky, and she and Samuel are newlyweds! They have been married for 18 months, and are currently pursuing their individual careers. Samuel graduated from Rice University and works as an electrical engineer at CenterPoint Energy. Katie graduated from Houston Baptist University and works as an Implementation Manager at HR&P, a human resource company. Members of Champion Forest Baptist Church, they enjoy bowling, volleyball and hammock-ing!



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MAPLE CREEK BED & BREAKFAST

15210 Dawn Meadows Dr. Houston, Texas 77068



March 1, 2016

Dear Neighbor,

We wanted to give you an update on our family's plan to move to Tomball with the hope of eventually converting the home located at 519 East Hufsmith into a small Bed & Breakfast. We appreciate the opportunities we have had to meet several of you, and for the conversations we've had offering both your support as well as your concerns about becoming your neighbors. Our request for a Conditional Use Permit with the City of Tomball has raised some questions which we would like to clarify for you.

- First and most importantly is the fact that we are not seeking to rezone the property to "commercial." The property will not change from its current "residential" zoning. We are simply seeking a permit that will allow a Bed & Breakfast to be operated from the home. This permit is only valid for a B&B, and cannot be used or transferred to any other type of business. We would, in fact, stand with you to oppose the surrounding properties being rezoned as "commercial" and completely understand your concerns about that issue.
- Our B&B would only be offering four (4) guest suites, and we will do everything possible to ensure that our guests remain on our property. We plan to add appropriate fencing and signs to clarify property lines and minimize any accidental wandering.
- We have created a "policy sheet" that each guest will be asked to sign and initial when they stay with us. This sheet is attached for your review, and summarizes our services as well as our restrictions, including the prohibition of motorized recreation vehicles and the need to stay on the Maple Creek property.
- Two of the owners will be living on-site, which will allow us to make sure that the rules and policies are being adhered to.
- We put together and also included for your review a "Q&A Sheet" that attempts to answer some of the most common questions.

We are excited about getting to share our vision with the City of Tomball at the zoning committee meeting on March 14th. If you have any additional questions that should arise before then, please contact us at (832) 248-5232 so that we can clarify or find solutions to any remaining concerns.

The customers who tend to seek out a Bed & Breakfast do so because they desire a quiet, homey place to stay versus loud, cluttered hotels. B&B's also often serve as an extension of resident's own homes, offering an extra "guest bedroom" when company comes to town. We love the beauty and peacefulness of this acreage, and seek to protect it so that we can continue to reside on this property for many, many years to come!

Sincerely,

Mike & Becky Clark *Samuel & Katie Whisler*
Mike & Becky Clark Samuel & Katie Whisler

© Gartner Studios

Zoning & Conditional Use Permit Q&A

Goal: Secure a Conditional Use Permit (CUP) from the City of Tomball to operate a Bed & Breakfast at 519 E Hufsmith, which is currently zoned as Residential SF-20 (Single-Family 20,000 sq. ft.).

Q: Will the property be rezoned 'commercial' and therefore expose this and adjoining properties to future unwanted commercial businesses?

A: No. We are not seeking to change the zoning designation of this property from Residential SF-20 to any other type of zoning classification. We want to keep the Residential SF-20 designation!

Q: Can a CUP for a Bed & Breakfast be transferred to another type of business?

A: No. If the Bed & Breakfast were to go out of business or the property be sold, the property would have to: 1) revert to being just a private residence, 2) continue operating as a Bed & Breakfast, or 3) apply for its own CUP.

Q: If the property obtains a CUP, does that mean any business can operate here?

A: No. A CUP is only valid for the one specific type of business listed on the approved CUP application.

Q: Will guests of the Bed & Breakfast be riding motorized vehicles (ATVs/motorcycles) along the drainage ditch?

A: No, it is against the policy of the Bed & Breakfast to operate any motorized recreation type vehicle on the property or onto any adjoining property.

Q: Will an 'opaque' fence be constructed between the subject property and adjoining residential properties?

A: The City of Tomball will not require that a fence be constructed between us and adjoining properties if both parties don't want a fence. We don't want to put up a fence if at all possible as we want the open views and the free movement of wildlife across and on our property.

Q: Where will guests park their cars?

A: Guests will park close to the main house on the existing paved areas.

**WELCOME TO
MAPLE CREEK BED & BREAKFAST**

Maple Creek Bed & Breakfast is an exclusive property where every guest is both important and special to us! We look forward to making your visit pleasant and comfortable.

BREAKFAST - is served in the main dining room from 8:30 - 10:00am. If you have any allergies or dietary restrictions, please let us know. Arrangements can also be made to have breakfast delivered to your room.

RECREATION - please feel free to make use of the pool table, ping pong table & foosball table located in the game room. There is also a library of movies available on the bookcase in the living room. Please feel free to take the DVD's back to your room for your viewing enjoyment.

There is a directory in your room that contains an extensive list of restaurants, theaters, churches and activities located in and around Tomball and the surrounding Houston area.

Initial: _____ **POOL** - is open from 9:00am - 9:00pm. Please note that there is **NO LIFEGUARD ON DUTY**.

CHECK-OUT - is no later than 11:00am to allow us to prepare your suite for our next guest.

For the comfort & safety of our other guests, there will be:

- Initial: _____*
- **NO SMOKING** except in your own vehicles or the designated area in the front yard.
 - **NO PETS** due to potential allergies of other guests.
 - **NO ALCOHOL IN PUBLIC AREAS.** All consumption of alcohol must be inside of your own suite.
 - **NO MOTORIZED RECREATIONAL VEHICLES** such as ATV's or off-road motorcycles.
 - **NO TRESPASSING ONTO ADJOINING PROPERTIES.** We enjoy good relationships with our neighbors....please help us continue those friendships by abiding by all signage & fencing and limit your enjoyment of the beautiful countryside to the Maple Creek property.

Guest Signature

Date

Regular City Council

Agenda Item

Meeting Date: March 21, 2016

Data Sheet

Topic:

Consideration to approve **Zoning Case P16-0020**: Request by Matthew Gilbert, on behalf of Brandt Construction, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 13.1 acres of land, legally described as 5.001 acres H.C.C.F. No. X733739 Portion of Lots 487, 488, & 489 and 8.1479 acres H.C.C.F. No. U200671 Portion of Lots 487, 488 & 489 Tomball Townsite Volume 2, Page 65 M.R.H.C., within the City of Tomball, Harris County, Texas, generally located on the east side of Hufsmith-Kohrville, south of The Estates at Willow Creek subdivision, from the Agricultural District to the Commercial District.

- Conduct Public Hearing on **ZONING CASE P16-0020**
- Adopt, on First Reading, Ordinance No. 2016-05, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 13.1 Acres of Land, Legally Described as 5.001 Acres H.C.C.F. No. X733739 Portion of Lots 487, 488, & 489 and 8.1479 Acres H.C.C.F. No. U200671 Portion of Lots 487, 488 & 489 Tomball Townsite Volume 2, Page 65 M.R.H.C., within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; Said Property Being Generally Located on the East Side of Hufsmith-Kohrville, South of The Estates at Willow Creek Subdivision; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters

Background:

The Planning and Zoning Commission is meeting at 4:30 p.m. on Monday, March 21, 2016, prior to the City Council meeting to deliberate on this item. Therefore, there is no P&Z recommendation in the packet of information. This item was initially scheduled for the March 14, 2016 Planning and Zoning Commission meeting, however the meeting was rescheduled due to a lack of quorum.

Origination:

Community Development

Recommendation:

N/A

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:

ORDINANCE NO. 2016-05 - P16-0020
PUBLIC HEARING ANNOUNCEMENT
PROPERTY OWNER NOTICE
STAFF REPORT

ORDINANCE NO. 2016-05

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

* * * * *

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

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

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

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

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

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

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

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

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

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

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

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 21ST DAY OF MARCH 2016.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF APRIL 2016.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
MARCH 21, 2016
&
CITY COUNCIL
MARCH 21, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 21, 2016, at 4:30 P.M.**, and by the City Council of the City of Tomball on **Monday, March 21, 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 P15-0158: Request by Maple Creek Bed & Breakfast, c/o Michael Clark, for a Conditional Use Permit to operate a Bed & Breakfast Inn. The property is located at 519 E. Hufsmith Road., east of Hospital Road on the north side of E. Hufsmith, is approximately 5.663 acres, and is zoned Single-Family 20 Estate District. The property is legally described as Tract 3, 5.663 acres of McGraw Tract II, a subdivision in the Ralph Hubbard Survey, Abstract 383, Harris County, Texas, according to the map or plat thereof recorded in Vol. 423, Page 107, Map Records, Harris County, Texas.

Zoning Case P16-0020: Request by Matthew Gilbert, on behalf of Brandt Construction to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 13.1 acres of land, legally described as 5.001 acres H.C.C.F. No. X733739 Portion of Lots 487, 488, & 489 and 8.1479 acres H.C.C.F. No. U200671 Portion of Lots 487, 488 & 489 Tomball Townsite Volume 2, Page 65 M.R.H.C. , within the City of Tomball, Harris County, Texas, generally located on the east side of Hufsmith-Kohrville, south of The Estates at Willow Creek subdivision, 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.

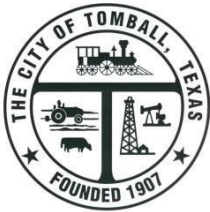
CERTIFICATION

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 **15th** day of **March, 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: P16-0020

APPLICANT/OWNER: Matthew Gilbert, on behalf of Brandt Construction, c/o Robert E. Brandt.

LOCATION: East side of Hufsmith-Kohrville, south of The Estates at Willow Creek subdivision.

PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 13.1 acres of land, legally described as 5.001 acres H.C.C.F. No. X733739 Portion of Lots 487, 488, & 489 and 8.1479 acres H.C.C.F. No. U200671 Portion of Lots 487, 488 & 489 Tomball Townsite Volume 2, Page 65 M.R.H.C., within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District.

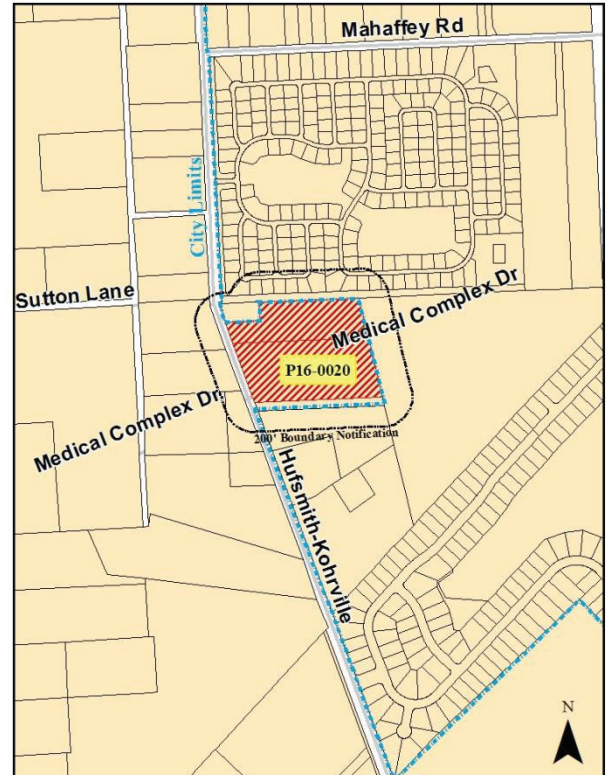
CONTACT: Amelia Lindley

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.

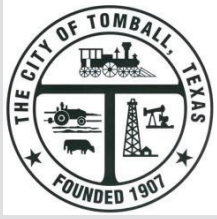


**Planning & Zoning Commission
Public Hearing:
Monday, March 14, 2016, 6:00 PM**

**City Council Public Hearing:
*Monday, March 21, 2016, 6:00 PM**

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

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



Rezoning Staff Report

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

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

BACKGROUND

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

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

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

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

ANALYSIS

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

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

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

ZONING CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC COMMENT

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

RECOMMENDATION

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

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

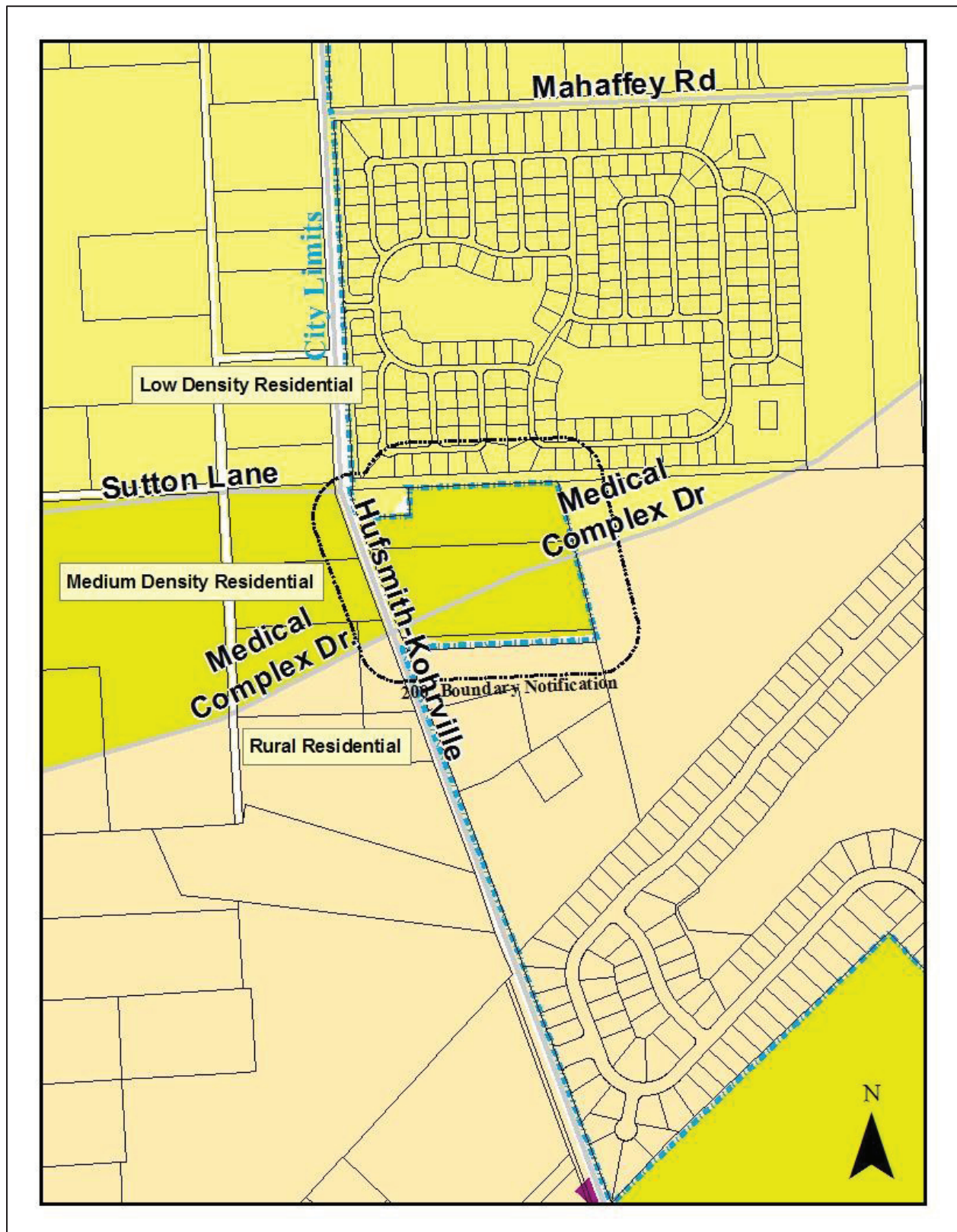
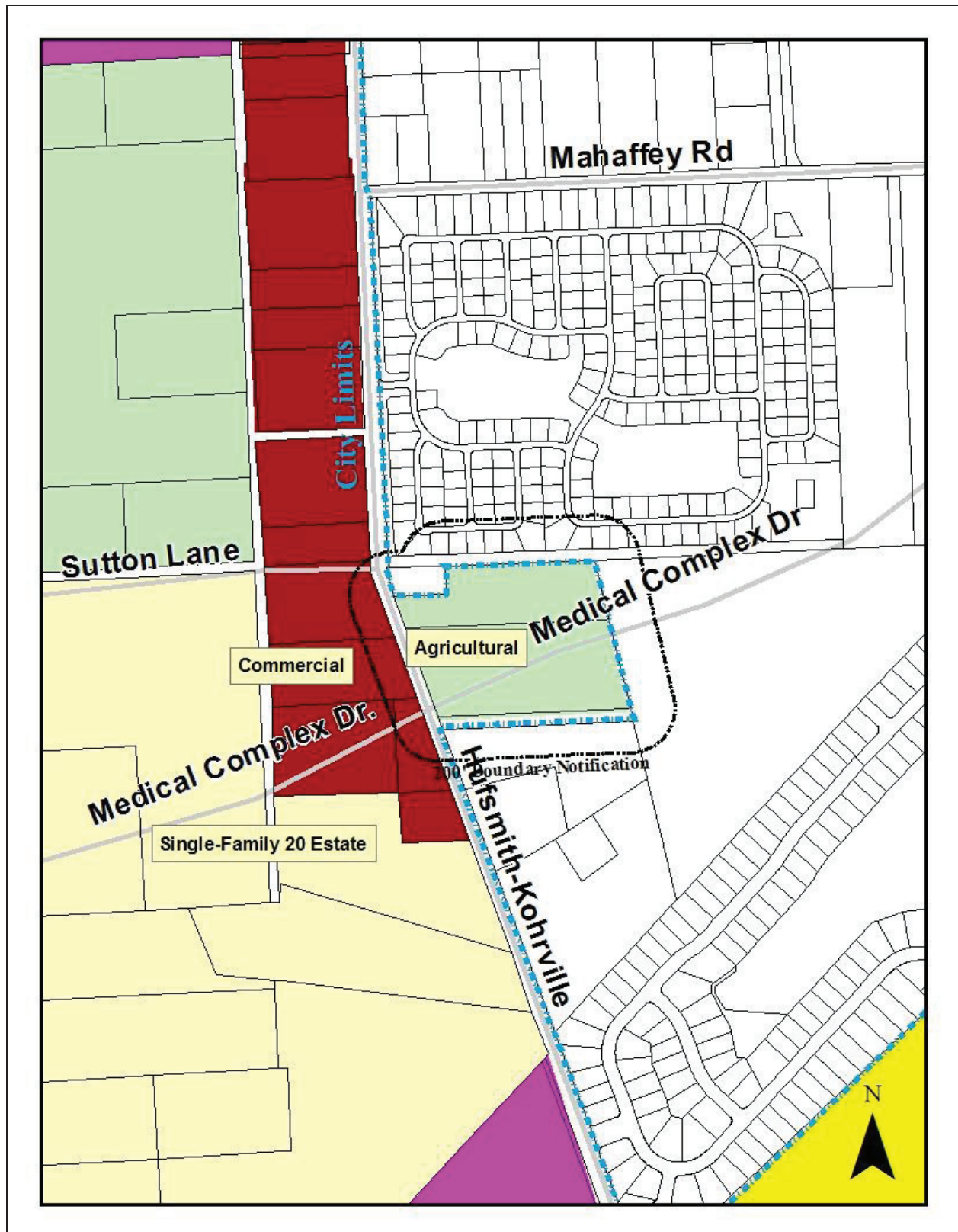


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Looking across Hufsmith-kohrville at the property

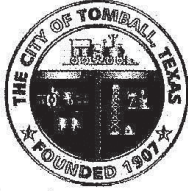


Looking North



Looking South

Exhibit "E"
Application

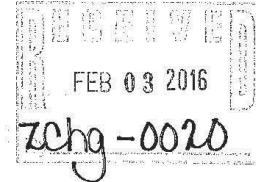


APPLICATION FOR REZONING

Community Development Department
Planning Division

Revised 5/19/15

\$540.00



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

Applicant

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

Owner

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

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Construction of Office Building

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

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

Current Zoning District: Agricultural

Current Use of Property: Vacant

Proposed Zoning District: Commercial

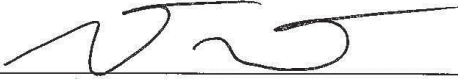
Proposed Use of Property: Office Building

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

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

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

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

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

CITY OF TOMBALL
281-351-5484

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

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

TENDERED: 540.00 CHECK
APPLIED: 540.00-
CHANGE: 0.00



February 2, 2016

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

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

Dear Planning Division,

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

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

Sincerely,


Matthew A. Gilbert
Project Manager.

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

Exhibit "F"
Vested Rights Letter



City of Tomball

Gretchen Fagan
Mayor

George Shackelford
City Manager

January 10, 2011

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

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

Dear Mr. Brandt:

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

Property Owner(s):

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

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

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

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

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

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

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

401 MARKET STREET • TOMBALL, TEXAS 77375 • 281-351-5484

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

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

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

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

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

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

Sincerely,



George Shackelford
City Manager

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 21, 2016

Topic:

Consideration and Possible Action to Authorize the City Manager to Execute Necessary Documents to Apply for a UASI Grant to Electronically Link Five Major Dispatch Centers in Harris County

Background:

The inability for fire and EMS agencies to be promptly notified of requests for assistance from neighboring agencies places an undue risk on firefighters. This inability is created when dispatch centers are forced to rely on telephone communications to request neighboring units. In some instances, this results in significant delays for what would be expected to be the second fire truck to arrive on the incident scene.

This UASI grant would electronically link these dispatch centers and create a means to automatically transmit the request to the appropriate dispatch system. This would significantly shorten the notification time and place the assisting unit on the scene much faster, increasing firefighter safety.

Origination:

Fire Department

Recommendation:

Staff recommends approval

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

Randy Parr

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

ATTACHMENTS:

Explanatory Memo

Approximately two years ago, fire chiefs from numerous departments gathered to discuss the issue of the amount of time it was taking to notify automatic/mutual aid units. Mutual aid companies that were expected to be the second or third arriving company to an emergency scene were not arriving in a timely manner and thus not allowing for the assembly of an effective firefighting team within the expected time standards. This creates a significant safety issue for firefighters operating on the incident as the arrival of the expected number of firefighters is delayed. The issue was determined to be wide spread and critical enough to seek a solution. Chief officers turned to the leadership of their respective dispatch centers seek proposals to solve the problem.

Leaders from five dispatch centers, CommCenter (CCEMS), Cy-Fair FD, Harris County ESD#1, Fire Com (Montgomery County) and NWEMS (Tomball Fire) began meeting to discuss the problem and identify potential solutions. One of the problems identified early on was there were at least two CAD vendors operating in the area, Trittech and Enroute. Both have their respective proprietary systems and direct conversations between the vendors proved useless. This led to the conclusion that a third party vendor would be required to create an electronic linking system to send and receive data between the participants' CAD systems.

After several conversations and evaluating proposals, the consortium identified a proven product, CAD2CAD which has been developed by Emerging Digital Concepts as the solution to the notification issue. As a side benefit, this solution will also provide redundancy in all five dispatch centers as each participant would have the capability to provide back-up dispatch services for the other participants should a primary center be rendered inoperable.

The initial proposals being offered by the CAD vendors approached \$1,000,000 which the consortium deemed absurd. With that cost estimate, it confirmed the direction of the consortium to the third party vendor. The estimated cost for developing for the third party vendor to develop the linking system is approximately \$250,000 and would initially create a cloud based solution. Even combined as a group, this amount was too significant to be feasible and grant funding was viewed as the only viable source. This also created some challenges as fire and emergency management type grants had focuses on other priorities. After several conversations, we met with one of the Houston Area Urban Area Security Initiatives (UASI) committees and they encouraged us to apply as it met their criteria for funding. UASI grants are non-participatory grants but are only available to county or local government based projects. As Tomball was the only entity of this type involved in the project, Tomball would be the applicant and recipient of the grant and would "manage" the grant side of the project.

There would be ongoing annual costs of approximately \$50,000 associated with maintaining the software and the cloud system. These costs would continue for the life of the project. It is anticipated that these costs would be shared based on the number of agencies being dispatched by the five dispatch centers. Dispatch Centers involved and their agency list include:

Cypress Creek EMS/Comm Center (13):

Champions FD, Cloverleaf FD, Community FD, Cypress Creek FD, Cypress Creek EMS, Harris County ESD #48 FD, Harris County Fire Marshal Office, Klein FD, Little York FD, North Channel FD, Ponderosa FD, Spring FD, Westlake FD

Harris County Emergency Corp (HC ESD#1) (17):

Harris County Emergency Corps (EMS), Aldine FD, Channelview FD, Eastex FD, Highlands FD, South Lake Houston FD, Manvel EMS, Harris County ESD #5, Sheldon FD, Huffman FD, Crosby FD, Westfield FD, Atascocita FD, Pearland FD, Northeast FD, Northwest FD, Northwest EMS

Tomball PD (1):

Tomball FD

Fire Com (Montgomery County) (18):

Magnolia FD, South Montgomery County FD, Needham Road FD, Woodlands FD, Willis FD, Lake Conroe FD, et al.

Cy-Fair FD (2):

Cy-Fair FD, Rosehill FD

We estimate that each agency's annual cost to be approximately \$1,250. The total amount allocated to a dispatch center would be that amount multiplied by the number of agencies dispatched. The exposure for Tomball would, accordingly, be approximately \$1,250. Should a dispatch center leave the project, costs would be reduced accordingly.

We are seeking permission to complete the application process necessary to obtain the award and allow Tomball to manage the grant.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: March 21, 2016

Topic:

Award Contract for Project Number 2016-15 for the Purchase of Four (4) Zero Turn Commercial Mowers, in the Amount of \$50,500, to D-S Lawn & Automotive

Background:

In an effort to obtain the most favorable pricing, sealed bids were solicited for the purchase of four (4) Zero Turn Commercial Mowers for the City of Tomball Public Works Street/ Parks Department. Bid packets were available at the Public Works Administration Building or could be electronically delivered by request. A total of ten vendors requested the bid packages and upon submission nine qualified bids were received. D-S Lawn & Automotive's bid of the Ferris zero turn mowers are recommended due to the quality of construction of the mower and the availability of local servicing.

Origination:

Public Works

Recommendation:

Public Works staff recommends awarding contract to D-S Lawn & Automotive for the model bid in the amount of \$50,500.00 for all commercial mowers; staff has determined this to be the best value for the City as well as a local servicing vendor.

Funding:

Yes

Account Number:100-153-6998; 100-154-6998

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

David Esquivel

ACTION TAKEN

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

Bid Tabulation

Bid Number 2016-15 - Four (4) Zero Turn Commercial Mowers			
Bid Tabulation			

Company: Morige Manufacturing			
Description: Grasshopper 325D			
Specs/Model Submitted	Price per Mower	Delivery & Associated Cost	Total Bid (for 4)
Yes	\$10,867.00	Included	\$43,468.00

Company: Pentex Equipment			
Description: Proturn 460 Model # 992236			
Specs/Model Submitted	Price per Mower	Delivery & Associated Cost	Total Bid (for 4)
Yes	\$11,395.38	Included	\$45,581.52

Company: Professional Turf Products			
Description: Toro 7200			
Specs/Model Submitted	Price per Mower	Delivery & Associated Cost	Total Bid (for 4)
Yes	\$12,719.92	Included	\$48,719.68

Company: Hlavinka Equipment Co.			
Description: Kubota ZD323			
Specs/Model Submitted	Price per Mower	Delivery & Associated Cost	Total Bid (for 4)
Yes	\$12,200.00	Included	\$48,800.00

Company: Longhorn Inc			
Description: Toro 74267			
Specs/Model Submitted	Price per Mower	Delivery & Associated Cost	Total Bid (for 4)
Yes	\$12,300.00	Included	\$49,200.00

Company: Landsdowne-Moody Co			
Description: Kubota ZD1211			
Specs/Model Submitted	Price per Mower	Delivery & Associated Cost	Total Bid (for 4)
Yes	\$12,500.00	Included	\$50,000.00

Company: D-S Lawn & Automotive			
Description: Ferris 2600Z			
Specs/Model Submitted	Price per Mower	Delivery & Associated Cost	Total Bid (for 4)
Yes	\$12,625.00	Included	\$50,500.00

Company: Professional Turf Products			
Description: Toro 7200			
Specs/Model Submitted	Price per Mower	Delivery & Associated Cost	Total Bid (for 4)
Yes	\$15,512.50	Included	\$62,050.00

Company: Brookside Equipment			
Description: John Deere Z997R			
Specs/Model Submitted	Price per Mower	Delivery & Associated Cost	Total Bid (for 4)
Yes	\$17,734.60	Included	\$70,938.40