

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



MONDAY, NOVEMBER 2, 2015

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, November 2, 2015 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 Chaplain Steven Allison, VFW Post 2427

3.0 Pledges to U.S. and Texas Flags

- Led by Hanna Carroll, Dylan Morgan and Eric Jensen, Members of the Tomball High School Student Council

4.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may*

take place on a matter until such matter has been placed on an agenda and posted in accordance with law.]

5.0 Reports and Announcements

- November 14, 2015 – **7th Annual 5K Tomball Dash** (sponsored by Woodforest Bank)
- November 14, 2015 – **2nd Saturday at the Depot**
- November 15, 2015 (Sunday) – **4th Annual Tomball Bluegrass Festival** – 12:00 Noon-6:00 p.m. (Rain Date)
- November 20, 2015 – **Lamp Post Decorating Contest and “Lamp Post Stroll”**
- November 21, 2015 – **50th Annual Holiday Parade**
- November 22, 2015 (Sunday) – **“True to the Blue – Our Cops are Tops”** at the Depot – 2:00-4:00 p.m.
- November 26-27, 2015 – Thanksgiving Holiday – City Offices Closed
- December 12, 2015 – **Christmas on Commerce** – a 2nd Saturday at the Depot Event
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Lisa Coe – Report on the success of the **3rd Annual “Sherine’s Stride” 5K Run and 1-Mile Kids Run** for Breast Cancer Awareness
 - Doris Speer – City Secretary’s Office receives **Exemplary 5 Star Service Award** from the Vital Statistics Unit, Texas Department of State Health Services – Fifth Year

6.0 Approve the Minutes of the October 19, 2015 Regular City Council Meeting

7.0 Old Business:

- 7.1 Adopt, on Second Reading, Ordinance No. 2015-21, an Ordinance of the City of Tomball, Texas, Amending Its Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 7 Acres of Land, Legally Described as C.N. Pilot Survey, A-632, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District; Said Property being generally located on the South Side of Theis Ln., West of Commercial Park Rd.; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.
- 7.2 Adopt, on Second Reading, Ordinance No. 2015-22, an Ordinance of the City of Tomball, Texas, Amending Its Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 10 Acres of Land, Legally Described as Tract 1, a 2.691 Acre Tract, H.C.C.F No. S551075; Tract 2, a 3.072 Acre Tract, H.C.C.R. No. S551078; Tract 3, a 2.684 Acre Tract, H.C.C.R. No. S551077; and Tract 4, a 1.852 Acre Tract, H.C.C.R. No. S551076 Located in the Jesse Pruitt Survey, A-629, within the

City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; Said Property being generally Located at the Northwest Corner of Cherry Street and Theis Ln.; 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.

8.0 New Business:

- 8.1 Approve Request from Woodforest Bank for City Support of the 7th Annual 5K Tomball Dash, a Certified Run, to be held in Tomball on Saturday, November 14, 2015, through In-Kind Services Provided by the City of Tomball
- 8.2 Appoint Member to Fill Unexpired Term on the Planning and Zoning Commission for Term Expiring June 1, 2018
- 8.3 Approve Spring Creek County Historical Association's Request for \$30,000 Grant from the City of Tomball's 2015-2016 Fiscal Budget for Annual Operations
- 8.4 Accept Councilman Townsend's Resignation as a Member of the Northwest Emergency Services Board of Directors and Consider Possible Appointment of Replacement Member
- 8.5 Approve the Assignment of Development Agreement regarding the Assignment of Annual Assessment Collections for PID No. 2, Raleigh Creek
- 8.6 Adopt, on First Reading, Ordinance No. 2015-23, an Ordinance of the City of Tomball, Texas Consenting to the Annexation of a 5.112-Acre Tract of Land by Harris County Municipal Utility District No. 273; and Making Findings Related Thereto
- 8.7 Approve Resolution No. 2015-25, a Resolution of the City Council of the City of Tomball, Texas, Designating the City Secretary of the City of Tomball as the Public Information Coordinator and Delegating Responsibility for Public Information Training Requirements under Texas Government Code Section 552.012; Finding Compliance with the Open Meetings Law; and Providing an Effective Date Hereof
- 8.8 Approve Resolution No. 2015-26, a Resolution of the City Council of the City of Tomball, Texas, Casting Its Ballot for the Election of a Person to the Board of Directors of the Harris County Appraisal District
- 8.9 Approve Tomball City Council Vote by Proxy Supporting/Opposing Proposed Amendments to the Harris County Mayors' & Councils' Association's Rules and Bylaws

8.10 Approve Realignment of Several Key Positions and Hiring of an Additional Dispatcher Position within the Tomball Police Department

9.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 29th day of October 2015 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: November 2, 2015

Topic:

- Led by Chaplain Steven Allison, VFW Post 2427

Background:

Origination:

Recommendation:

Funding:

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

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular City Council
Agenda Item
Data Sheet

Meeting Date: November 2, 2015

Topic:

- Led by Hanna Carroll, Dylan Morgan and Eric Jensen, Members of the Tomball High School Student Council

Background:

Origination:

Recommendation:

Funding:

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

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular City Council Agenda Item Data Sheet

Meeting Date: November 2, 2015

Topic:

- November 14, 2015 – **7th Annual 5K Tomball Dash** (*sponsored by Woodforest Bank*)
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- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Lisa Coe – Report on the success of the **3rd Annual “Sherine’s Stride” 5K Run and 1-Mile Kids Run** for Breast Cancer Awareness
 - Doris Speer – City Secretary’s Office receives **Exemplary 5 Star Service Award** from the Vital Statistics Unit, Texas Department of State Health Services – Fifth Year

Background:

Origination:

Recommendation:

Funding:

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

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular City Council Agenda Item Data Sheet

Meeting Date: November 2, 2015

Topic:

Approve the Minutes of the October 19, 2015 Regular City Council Meeting

Background:**Origination:**

City Secretary

Recommendation:

N/A

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Draft Minutes - November 2, 2015 Regular Council Meeting

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



MONDAY, OCTOBER 19, 2015

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 Klein Quinn
Councilman Townsend
Councilman Degges

Others present:

City Manager – George Shackelford
City Secretary – Doris Speer
City Attorney – Loren Smith
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Police Chief – Billy Tidwell
Finance Director – Glenn Windsor
Public Works Director – David Esquivel
Director of Community Development – Craig Meyers
City Planner – Harold Ellis
Detective – Kenneth Yoho

2.0 The invocation was led by Pastor Gary Aaron, Victory Baptist Church.

3.0 The pledges to U. S. and Texas Flags were led by Alexis Campbell and Sabrina Hernandez, Members of the Tomball High School Student Council.

Mayor Fagan presented a Proclamation to the Creighton Elliot Heslop family proclaiming October 19, 2015 as ***“CREIGHTON ELLIOTT HESLOP – A CELEBRATION OF LIFE” DAY.***

4.0 The following public comment was received:

Louis Smulders - Expressed his opposition to Zoning Case P15-107
30 E. Rivercrest Dr., 77042 and his support for Zoning Case P15-108.

5.0 Reports and Announcements:

- The October 24, 2015 **4th Annual Tomball Bluegrass Festival** has been rescheduled for **November 15, 2015 (Sunday)**, due to inclement weather – 12:00 Noon-6:00 p.m.
- November 14, 2015 – **7th Annual 5K Tomball Dash** (Woodforest Bank)
- November 14, 2015 – **2nd Saturday at the Depot**
- November 20, 2015 – **Lamp Post Decorating Contest and "Lamp Post Stroll"**
- November 22, 2015 – **"True to the Blue; Our Cops are Tops"** Event – 2:00 p.m.- 4:00 p.m. at the Depot
- November 21, 2015 – **50th Annual Holiday Parade**
- November 26-27, 2015 – Thanksgiving Holiday – City Offices Closed
- December 12, 2015 – **Christmas on Commerce** – a 2nd Saturday at the Depot Event
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Mike Baxter/Denise Fiore – Report on the success of the City's annual **"Zomball in Tomball"**

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the October 5, 2015 Regular City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

- 7.1 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on Second Reading, Ordinance No. 2015-20, an Ordinance of the City of Tomball, Texas, amending the Code of Ordinances of the City of Tomball, Texas by Removing therefrom Article III, Auto Wreckers and Towers, of Chapter 48, Vehicles for Hire, in its Entirety, and Substituting in its place a New Article III, Tow Trucks And Tows, Regulating the Operation of Tow Trucks, Vehicle Storage Facilities, the City's Tow Truck Rotation List and Related Regulations; Providing a Penalty in an Amount not to exceed \$2,000 for Each Violation Hereof with Each Day Constituting a Separate Offense; Providing for Severability; and Making Other Findings related Hereto. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>

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

Motion carried unanimously.

8.0 New Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2015-24, a Resolution of the City of Tomball, Texas, Approving the Certificate of Formation and Bylaws of Texas Coalition for Affordable Power ("TCAP"), a Political Subdivision Corporation; Accepting Membership in Said Corporation; Appointing a Representative to Serve on Behalf of the City of Tomball; Approving Payment of an Initial Membership Fee.

Motion to Amend was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2015-24, a Resolution of the City of Tomball, Texas, Approving the Certificate of Formation and Bylaws of Texas Coalition for Affordable Power ("TCAP"), a Political Subdivision Corporation; Accepting Membership in Said Corporation; Appointing a Representative to Serve on Behalf of the City of Tomball; Approving Payment of an Initial Membership Fee, and Designating George Shackelford, City Manager, as the representative.

Motion, as amended, carried unanimously.

- 8.2 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to approve the Extension of the Current Lease Agreement between the Harris County Tax Assessor-Collector and the City of Tomball for the use of the Facility located at 101 South Walnut as a Harris County Tax Office for an Additional One-Year Term, from December 1, 2015 to November 30, 2016.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Hudgens, second by Councilman Stoll, to approve Professional Services Agreement with RG Miller Engineers, in the Amount of \$50,000 for Implementation of Permit Year 3 of the City of Tomball's Storm Water Management Program.

Motion carried unanimously.

- 8.4 Consideration to approve **ZONING CASE P15-107**: Request by Ron Proctor, Jr., on behalf of Rock Materials, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 7 acres of land, legally described as a tract of land containing seven (7) acres, out of the C.N. Pilot Survey, A-632, in the Country of Harris and State of Texas; and being out of that certain 16.34 acres

conveyed to J.W. Fowler by Deed Recorded in Vol. 1042, Page 608 Deed records of said county, within the City of Tomball, Harris County, Texas, generally located on the south side of Theis Ln., west of Commercial Park Rd., from the Agricultural District to the Light Industrial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P15-107** at 7: 04 p.m.

Mr. Smulders again expressed his opposition to Zoning Case P15-107 and his support for Zoning Case P15-108.

- Receiving no additional public comments, Mayor Fagan closed the Public Hearing at 7:13 p.m.
- Motion was made by Councilman Hudgens, second by Councilman Townsend, to read Ordinance No. 2015-21 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2015-21, an Ordinance of the City of Tomball, Texas, Amending Its Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 7 Acres of Land, Legally Described as C.N. Pillot Survey, A-632, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District; Said Property being generally located on the South Side of Theis Ln., West of Commercial Park Rd.; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

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

Motion carried unanimously.

- 8.5 Consideration to approve **ZONING CASE P15-108**: Request by Bill Hightower, on behalf of Hightower Investments, LTD., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Tract 1, A 2.691 acre tract, H.C.C.F No. S551075; Tract 2, A 3.072

acre tract, H.C.C.R. No. S551078; Tract 3, A 2.684 acre tract, H.C.C.R. No. S551077; and, Tract 4, A 1.852 acre tract, H.C.C.R. No. S551076 located in the Jesse Pruitt Survey, A-629, City of Tomball, Harris County, Texas, generally located at the northwest corner of Cherry Street and Theis Ln., from the Agricultural District to the Commercial District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P15-108** at 7:20 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:20 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2015-22 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Hudgens, second by Councilman Degges, to adopt, on First Reading, Ordinance No. 2015-22, an Ordinance of the City of Tomball, Texas, Amending Its Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 10 Acres of Land, Legally Described as Tract 1, a 2.691 Acre Tract, H.C.C.F No. S551075; Tract 2, a 3.072 Acre Tract, H.C.C.R. No. S551078; Tract 3, a 2.684 Acre Tract, H.C.C.R. No. S551077; and Tract 4, a 1.852 Acre Tract, H.C.C.R. No. S551076 Located in the Jesse Pruitt Survey, A-629, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; Said Property being generally Located at the Northwest Corner of Cherry Street and Theis Ln.; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

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

Motion carried unanimously.

- 8.6 Council recessed at 7:26 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(s):

- Sec. 551.074 - Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – City Manager

Upon reconvening in regular session at 8:05 p.m., the following action was taken.

- 8.7 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve the proposed amendments to and one-year extension of the Employment Contract for George Shackelford, City Manager.

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 2nd day of November 2015.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council Agenda Item Data Sheet

Meeting Date: November 2, 2015

Topic:

Adopt, on Second Reading, Ordinance No. 2015-21, an Ordinance of the City of Tomball, Texas, Amending Its Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 7 Acres of Land, Legally Described as C.N. Pillot Survey, A-632, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District; Said Property being generally located on the South Side of Theis Ln., West of Commercial Park Rd.; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.

Background:

On Monday, October 12, 2015, the Planning and Zoning Commission voted to recommend approval of Zoning Case P15-107. The motion was carried unanimously.

On Monday, October 19, 2015, Council adopted Ordinance No. 2015-21 on First Reading.

Origination:

Community Development

Recommendation:

Adopt Ordinance No. 2015-21 on Second Reading

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Ordinance No. 2015-21

P15-107 - Staff Report

P15-107 - Notice of Public Hearing

P15-107 - Property Owner Notification Letter

ORDINANCE NO. 2015-21

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 7 ACRES OF LAND, LEGALLY DESCRIBED AS C.N. PILLOT SURVEY, A-632, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE LIGHT INDUSTRIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE SOUTH SIDE OF THEIS LN., WEST OF COMMERCIAL PARK RD.; 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, Ron Proctor Jr., on behalf of Rock Materials, has requested that approximately 7 acres of land, legally described as C.N. Pillot Survey, A-632, generally located on the south side of Theis Ln., west of Commercial Park Rd., 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 written notice of that hearing 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 proposal to change the zoning for the Property from the Agricultural District to the Light Industrial District; and

Whereas, the public hearing was held at least forty (40) calendar days after the City's receipt of the request for rezoning; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve such proposed change in the zoning district classification of 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 on the proposal to change the zoning district classification for the Property from the Agricultural District to the Light Industrial District, the City Council held the public hearing on the proposal to change the zoning for the Property and the City Council considered the final report of the Planning & Zoning Commission regarding the change of zoning district classification; and

Whereas, the City Council deems it appropriate to grant such proposed change in the zoning district classification of the Property.

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

Section 1. The City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

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

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

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

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other 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.

Section 7. City Council finds and determines that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex.Gov't. Code Ch. 551.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 19TH DAY OF OCTOBER 2015.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2ND DAY OF NOVEMBER 2015.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Rezoning Staff Report

Planning and Zoning Commission Hearing Date: October 12, 2015

City Council Public Hearing Date: October 19, 2015

Zoning Case: P15-107

Property Owner(s): Charles E. Durow

Applicant(s): Ron Proctor Jr. – Rock Materials

Legal Description: C.N. Pillot Survey, A-632

Location: South side of Theis Ln., west of Commercial Park Rd.
(Exhibit “A”)

Area: Approximately seven (7) acres

Present Zoning and Use: Agricultural (AG) District (Exhibit “B”) / Residence (Exhibit “C”)

Comp Plan Designation: Medium Density Residential (Exhibit “D”)

Proposed Zoning and Use: Light Industrial District¹ / Office and Warehouse

Adjacent Zoning and Use:

- North:** Light Industrial and Commercial Districts / Commercial Business Park
- South:** Agricultural and Commercial Districts / Undeveloped
- West:** Commercial Districts / Retail
- East:** Light Industrial and Agricultural Districts/ Undeveloped

BACKGROUND

On August 31, 2015, the applicant met with City Staff to discuss relocating their business, Rock Materials, from Spring, Texas to Tomball. The proposal included an approximate 15,000 square foot building with a warehouse. Staff informed the applicant that the property in question would require a zone change to allow for their proposed operations. On September 2, 2015 the applicant turned in a rezoning application requesting the property’s zoning classification be changed from the Agricultural (AG) District to the Light Industrial (LI) District to accommodate the development of an office and warehouse with paved outdoor storage and parking.

¹ Any use permitted in the proposed district would be allowed at this location if the zoning is changed. The Planning and Zoning Commission and City Council may consider zoning classifications other than that sought by the applicant for this property.

ANALYSIS

The applicant is requesting that the property be rezoned from the Agricultural District to the Light Industrial District. According to Section 50-78 of the Tomball Code of Ordinances, the Light Industrial District *“is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and services operations that do not typically depend upon frequent customer or client visits.”*

There are multiple non-residential land uses in the vicinity of the subject site. To the north there is a Commercial Business Park with businesses such as Inline Services, Jamison Products, Hole Specialists, Inc., ChemValve, 365 Machine, all of which are industrial businesses. Properties to the south and east are undeveloped, property to the west is retail (Walmart).

The Comprehensive Plan designates the subject site as Medium Density Residential. The surrounding areas are designated Business/Industrial, Parks, and Employment to the North; Medium Density Residential and Commercial to the South; Commercial to the West; Business/Industrial and Medium Density Residential to the East. Although the Future Land Use designates the site Medium Density Residential, the map is not meant to be parcel specific but rather serve as a general guide for future development in the area. When looking at the area in its entirety, the request is generally compliant based on the current build form of the area and anticipated future development. Furthermore, when looking at the current built form of the area, development in strict accordance with the Comprehensive Plan, medium density residential, would not be cohesive with existing development in the area.

Chapter 9 of the Comprehensive Plan addresses Deviations from the Plan, and indicates *“At times, the City will likely encounter development proposals that do not directly reflect the purpose and intent of the Comprehensive Plan. The Planning and Zoning Commission and City Council may find that a request for a Zoning Amendment is not consistent with the Future Land Use Plan but should be approved due to changed circumstances or additional, relevant information affecting the appropriate use of the parcel.”* The applicant has addressed the considerations listed in the Comprehensive Plan, and they are attached as Exhibit “F”.

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.**

Directly to the North of the subject site are multiple Light Industrial and Commercial zoned parcels which currently allows similar uses that would be permitted by the rezoning.

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

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

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

There are vacant properties in the vicinity and elsewhere in the City zoned Light Industrial District.

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

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

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

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.

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

Based on existing development and anticipated future development, as well as surrounding zoning districts, this request could be considered to be consistent with the Comprehensive Plan.

PUBLIC COMMENT

The Notice of Public Hearing was posted in the Tribune on September 28, 2015. Property owners within 200 feet of the project site were mailed notification of this proposal on October 1, 2015. No public comment forms have been received as of October 8, 2015.

RECOMMENDATION

Based on the findings outlined in the analysis and zoning considerations sections of this staff report, City staff recommends **APPROVAL** of Zoning Case P15-107.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Site Photo(s)
- D. Comprehensive Plan Map
- E. Rezoning Application
- F. Deviations from the Comprehensive Plan

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map



**Exhibit “C”
Site Photo(s)**



Facing south towards the property on Theis Ln.



Looking East across the property on Theis Ln.

Exhibit "D"
Comprehensive Plan Map



Exhibit "E"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department

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: Ron Proctor Jr - Rock Materials Title: Vice President of Finance & Operations
Mailing Address: 2610 Spring Cypress Rd City: Spring State: TX
Zip: 77388
Phone: (281) 363-3100 Fax: (281) 528-6081 Email: rproctorjr@rockmaterials.com

Owner

Name: Charles E. Duraw Title: Owner
Mailing Address: P.O. Box 1337 City: Tomball State: TX
Zip: 77377
Phone: () Fax: () None Email: None

Engineer/Surveyor (If applicable)

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

Description of Proposed Project: 15,000 sq ft of office/warehouse building, stone façade, +/- 5 acres for paved storage and parking

Physical Location of Property: 0 Thais Ln., Tomball, TX 77375 - right behind Walmart to the east
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: PT TR 19 ABST 632 C N PILLOT
[Survey/Abstract No. and Tract; or platted Subdivision Name with Lots/Block]

Current Zoning District: AG - Agriculture District

Current Use of Property: Personal Property with excess land

Proposed Zoning District: LI - Light Industrial District

Proposed Use of Property: Office/Warehouse with paved outdoor storage and parking

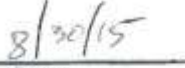
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.ci.tomball.tx.us

HCAD Identification Number: 0610770000080 Acreage: +/- 7 Acres

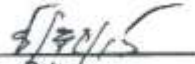
Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

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.


Signature of Applicant


Date


Signature of Owner


Date



Option 1

Jacob White
CONSTRUCTION COMPANY

HEITKAMP SWIFT
ARCHITECTS
Architecture • Interiors • Planning



Option 1

Jacob White
CONSTRUCTION COMPANY

HEITKAMP SWIFT
ARCHITECTS
Architecture • Interiors • Planning

053-99-8170

082-00-1251

EXHIBIT "A"

A tract of land containing Seven (7) acres, out of the C.W. Fillet Survey, A-632, in the County of Harris and State of Texas; and being out of that certain 16.34 acres conveyed to J.W. Fowler by deed recorded in Vol. 1042, Page 608 Deed Records of said County; being more particularly described as follows:

BEGINNING at the Southwest corner of the Christine Holdsworth 85 acre tract described in deed recorded in Vol. 928, Page 329, Deed Records; same also being the Southwest corner of the aforesaid 16.34 acres;

THENCE N 0° 04' 00" E along the West line of said 16.34 acre tract 1501.40 feet to a 2" iron rod (found) in the centerline of the Humble Oil & Refining Co. 60 foot wide private road; for Northwest corner and **PLACE OF BEGINNING**;

THENCE N 89° 59' 00" E along the center of said road 474.40 feet to a 3" iron pipe (found) for the Northeast corner;

THENCE E 0° 04' 00" W along the East line of the aforesaid 16.34 acre tract, a distance of 642.80 feet to a 1" iron pipe (found) for the Southeast corner;

THENCE S 89° 59' 00" W, a distance of 474.40 feet to a 2" iron pipe (found) in the West line of said 16.34 acre tract, for the Southwest corner;

THENCE N 0° 04' 00" E, a distance of 642.80 feet to the Place of Beginning and containing 7 acres of land.

RECORDING INFORMATION
At the time of recording, this instrument was found to be in compliance with the provisions of the Act of the Legislature of the State of Texas, approved May 11, 1907, relating to the recording of instruments, and the same was duly recorded in the Public Records of said County of Harris, Texas, on the 23rd day of May, 1984.

STATE OF TEXAS
County of Harris
I hereby certify that this instrument was filed in the Public Records on the 23rd day of May, 1984, at the office of the County Clerk of said County of Harris, Texas, and was duly recorded in the Public Records of said County of Harris, Texas, on the 23rd day of May, 1984.

MAY 23 1984



John A. Williams
COUNTY CLERK,
HARRIS COUNTY, TEXAS

STATE OF TEXAS
County of Harris
I hereby certify that this instrument was filed in the Public Records on the 23rd day of May, 1984, at the office of the County Clerk of said County of Harris, Texas, and was duly recorded in the Public Records of said County of Harris, Texas, on the 23rd day of May, 1984.

JUL 8 1983



John A. Williams
COUNTY CLERK,
HARRIS COUNTY, TEXAS



September 1, 2015

City of Tomball, Texas
501 James Street
Tomball, TX 77375

Re: Rezoning Request and Application pertaining to approximately 7.0 acres of land located at 0 Theis Ln., Tomball, TX 77375, further described per HCAD as PT TR 19 ABST 632 C N PILLOT, Harris County, Texas (APN: 0610770000080)

Planning Staff:

As the applicant to this rezoning request, Rock Materials is respectfully requesting rezoning from AG – Agriculture District to LI – (Light Industrial District) for the approximate 7.0 acre tract on the south side of Theis Lane, and behind Wal-Mart to the east.

We are proposing to move our operations from Spring, Texas to the City of Tomball. We would be building an approximate 15,000 SF rock/stone façade building with a high quality metal warehouse. We feel it would lend itself as an addition to the neighboring industrial business park located right across the street and bring more jobs and tax revenue to the City of Tomball.

We would appreciate your positive consideration of our rezoning request. Should you need additional information or have questions regarding our rezoning request, please contact me at (281) 353-3100 or via email at rproctorjr@rockmaterials.com

Sincerely,

A handwritten signature in black ink, appearing to read 'R Proctor'.

Ron Proctor, Jr.
VP Finance & Operations

2610 Spring Cypress Road
Spring, TX 77388

pc 281.353.3100 | f: 281.528.6081 | www.rockmaterials.com

Exhibit “F”
Deviations from the Comprehensive Plan

Tomball Comprehensive Plan
Deviations from the Plan

- **Will the proposed development enhance the City economically?**
Yes; Rock Materials will employ 35 plus employees in the city of Tomball. We receive 8-10 inbound freight trucks daily. These drivers will undoubtedly be purchasing fuel and food locally in Tomball. Additionally, Tomball will benefit from sales tax revenue it collects on all taxable sales made by Rock Materials. The majority of our work is done with local and national home builders, home owners, and commercial contractors. By relocating from Spring to Tomball, we will be conveniently located in the heart of Tomball and will be able to outsource much needed services and resources to local business and individuals.
- **Will the proposed development enhance the City aesthetically?**
Yes; the development plan includes a high quality metal office building with beautiful stone façade. An abundant amount of landscaping and trees are important to Rock Materials, and will be heavily implemented in our development plan. Additionally, we will follow the direction of the 249 & FM 2920 aesthetics guidelines and meet those requirements. Furthermore, our business's purpose is to increase the aesthetics of someone's home or business center so we are very excited and take great pride in the opportunity to showcase our future facility to current and future clients and residents in the City of Tomball.
- **Is the proposed development consistent with the City's Goals, Objectives, and Actions?**
Yes; our goal with relocating our company is to provide a strong beneficial working environment for our employees and clients to thrive in. We chose to locate our company here because we are focused on growing our business in a city that focuses on strategic economic growth and enabling businesses to develop within the community. We will also be focused on being a part of the community in any way we can partake. We also hope to join the City's Chamber of Commerce and collaborate with other local businesses.
- **Is the proposed development a better use of land/property, both for the owner/developer and the City, than that recommended by the Plan?**
Yes; the tax revenue for the City will immediately increase with our company's taxable sales under "Light Industrial" zoning as opposed to the future classification of "Medium Density Residential". Also, re-zoning to "Light Industrial" is consistent with land use directly across the street (contiguous industrial park).
- **Will the proposed development impact adjacent residential areas in a positive or negative manner?**
Currently the adjacent areas next to this property are an industrial park and a Wal-Mart Supercenter, neither of which are residential. Nearby residential areas can benefit from our retail presence as a stone/landscape materials provider. Our presence will be complementing with the Wal-Mart Supercenter, extending on the home improvement sector for the local residents. We would also be a positive resource for local homebuilders needing materials for their standard and specialized projects.
- **Will the proposed development have adequate access; have considerations been made for roadway capacity, ingress and egress, traffic impact?**
Yes; we will incorporate extra-wide driveways, per city guidelines, to maximize truck-flow efficiency into and out of our property. The development plan also includes adequate gate setback to allow for any possible early truck arrival. Additionally, the development will provide more than enough on-site space for inbound freight parking/staging.
- **Are uses adjacent to the proposed development similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?**
Yes; Rock Materials business hours, currently 7:30am – 4:00pm Monday through Friday, coincide with typical business hours in the City. Property appearance will be similar to other businesses in the "Light Industrial"-zoned business park directly across the street from the property.
- **Does the proposed development present a significant benefit to the public health, safety, and welfare of the community?**
Yes; the welfare of the community will benefit greatly from the tax revenue generated on all taxable sales. We are building a state-of-the-art facility, and our business does not involve any manufacturing or health endangering processes to the public.

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 12, 2015
&
CITY COUNCIL
OCTOBER 19, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 12, 2015, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 19, 2015, 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 P15-107: Request by Ron Proctor, Jr., on behalf of Rock Materials, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 7 acres of land, legally described as a tract of land containing seven (7) acres, out of the C.N. Pillot Survey, A-632, in the Country of Harris and State of Texas; and being out of that certain 16.34 acres conveyed to J.W. Fowler by Deed Recorded in Vol. 1042, Page 608 Deed records of said county, within the City of Tomball, Harris County, Texas, generally located on the south side of Theis Ln., west of Commercial Park Rd., from the Agricultural District to the Light Industrial District.

ZONING CASE P15-108: Request by Bill Hightower, on behalf of Hightower Investments, LTD., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Tract 1, A 2.691 acre tract, H.C.C.F No. S551075; Tract 2, A 3.072 acre tract, H.C.C.R. No. S551078; Tract 3, A 2.684 acre tract, H.C.C.R. No. S551077; and, Tract 4, A 1.852 acre tract, H.C.C.R. No. S551076 located in the Jesse Pruitt Survey, A-629, City of Tomball, Harris County, Texas, generally located at the northwest corner of Cherry Street and Theis Ln., 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 Vasquez, at (281) 290-1410 or at avasquez@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 8th day of October 2015 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Vasquez

Amelia Vasquez

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: P15-107

APPLICANT/OWNER: Ron Proctor Jr. – Rock Materials / Charles E. Durow

LOCATION: South side of Theis Ln., west of Commercial Park Rd.

PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 7 acres of land, legally described as a tract of land containing seven (7) acres, out of the C.N. Pillot Survey, A-632, in the Country of Harris and State of Texas; and being out of that certain 16.34 acres conveyed to J.W. Fowler by Deed Recorded in Vol. 1042, Page 608 Deed records of said county, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District.

CONTACT: Amelia Vasquez

PHONE: (281) 290-1410

E-MAIL: avasquez@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, October 12, 2015, 6:00 PM**

**City Council Public Hearing:
*Monday, October 19, 2015, 6:00 PM**

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

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

Regular City Council

Agenda Item

Meeting Date: November 2, 2015

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2015-22, an Ordinance of the City of Tomball, Texas, Amending Its Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 10 Acres of Land, Legally Described as Tract 1, a 2.691 Acre Tract, H.C.C.F No. S551075; Tract 2, a 3.072 Acre Tract, H.C.C.R. No. S551078; Tract 3, a 2.684 Acre Tract, H.C.C.R. No. S551077; and Tract 4, a 1.852 Acre Tract, H.C.C.R. No. S551076 Located in the Jesse Pruitt Survey, A-629, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District; Said Property being generally Located at the Northwest Corner of Cherry Street and Theis Ln.; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters.

Background:

On Monday, October 12, 2015, the Planning and Zoning Commission voted to recommend approval of Zoning Case P15-108. The motion was carried unanimously.

On Monday, October 19, 2015, Council adopted Ordinance No. 2015-22 on first reading.

Origination:

Community Development

Recommendation:

Adopt Ordinance No. 2015-22 on Second Reading

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Ordinance No. 2015-22

P15-108 - Staff Report

P15-108 - Notice of Public Hearing

P15-108 - Property Owner Notification

ORDINANCE NO. 2015-22

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 10 ACRES OF LAND, LEGALLY DESCRIBED AS TRACT 1, A 2.691 ACRE TRACT, H.C.C.F NO. S551075; TRACT 2, A 3.072 ACRE TRACT, H.C.C.R. NO. S551078; TRACT 3, A 2.684 ACRE TRACT, H.C.C.R. NO. S551077; AND, TRACT 4, A 1.852 ACRE TRACT, H.C.C.R. NO. S551076 LOCATED IN THE JESSE PRUITT SURVEY, A-629, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED AT THE NORTHWEST CORNER OF CHERRY STREET AND THEIS LN.; 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, Bill Hightower, on behalf of Hightower Investments, has requested that approximately 10 acres of land, legally described as Tract 1, A 2.691 acre tract, H.C.C.F No. S551075; Tract 2, A 3.072 acre tract, H.C.C.R. No. S551078; Tract 3, A 2.684 acre tract, H.C.C.R. No. S551077; and, Tract 4, A 1.852 acre tract, H.C.C.R. No. S551076 located in the Jesse Pruitt Survey, A-629, generally located at the northwest corner of Cherry Street and Theis Ln., 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 written notice of that hearing 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 proposal to change the zoning for the Property from the Agricultural District to the Commercial District; and

Whereas, the public hearing was held at least forty (40) calendar days after the City's receipt of the request for rezoning; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve such proposed change in the zoning district classification of 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 on the proposal to change the zoning district classification for the Property from the Agricultural District to the Commercial District, the City Council held the public hearing on the proposal to change the zoning for the Property and the City Council

considered the final report of the Planning & Zoning Commission regarding the change of zoning district classification; and

Whereas, the City Council deems it appropriate to grant such proposed change in the zoning district classification of the Property.

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

Section 1. The City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

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

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

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

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

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

Section 7. City Council finds and determines that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex. Gov't. Code Ch. 551.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 19TH DAY OF OCTOBER 2015.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2ND DAY OF NOVEMBER 2015.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Rezoning Staff Report

Planning and Zoning Commission Hearing Date: October 12, 2015

City Council Public Hearing Date: October 19, 2015

Zoning Case:	P15-108
Property Owner(s):	Tracy and Lee Lawrence Family Limited Partnership LTD
Applicant(s):	Bill Hightower / Hightower Investments
Legal Description:	Tract 1, A 2.691 acre tract, H.C.C.F No. S551075; Tract 2, A 3.072 acre tract, H.C.C.R. No. S551078; Tract 3, A 2.684 acre tract, H.C.C.R. No. S551077; and, Tract 4, A 1.852 acre tract, H.C.C.R. No. S551076 located in the Jesse Pruitt Survey, A-629
Location:	Northwest corner of Cherry Street and Theis Ln. (Exhibit "A")
Area:	Approximately ten (10) acres
Present Zoning and Use:	Agricultural (AG) District (Exhibit "B")/Vacant (Exhibit "C")
Comp Plan Designation:	Business/Industrial (Exhibit "D")
Proposed Zoning and Use:	Commercial District ¹ /Commercial Office/Warehouse and Retail Use
Adjacent Zoning and Use:	
North:	Single Family 20 Estate District/Residential
South:	Single Family 6 District/Pine Meadows neighborhood
West:	Agricultural District/Vacant
East:	Light Industrial and Single Family 20 Estate Districts/Residential

BACKGROUND

On September 2, 2015 the applicant turned in a rezoning application requesting the property's zoning classification be changed from the Agricultural (AG) District to the Commercial (C) District to accommodate a proposed Commercial Office/Warehouse and Retail development. The property consists of approximately 10 acres and is undeveloped.

¹ Any use permitted in the proposed district would be allowed at this location if the zoning is changed. The Planning and Zoning Commission and City Council may consider zoning classifications other than that sought by the applicant for this property.

ANALYSIS

The applicant is requesting that the property be rezoned from the Agricultural District to the Commercial District. According to Section 50-77 of the Tomball Code of Ordinances, 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 services, upholstery shops, and other similar commercial uses.*”

In December 2009, City Council adopted the Comprehensive Plan to use as a guide for the City’s future growth and redevelopment. The Comprehensive Plan designates the subject site as Business/Industrial. The surrounding areas are designated Business/Industrial to the north and west, Employment to the east and Medium Density Residential to the south. Correlating zoning districts for that Business/Industrial designation include Commercial and Light Industrial. As the applicant is requesting the Commercial zoning district, the request is consistent with the Comprehensive Plan. Additionally, the property is located at the intersection of two arterial streets, making new non-residential development accessible to main thoroughfares within the City. There are also Light Industrial uses and districts generally to the west, and north, and Light Industrial zoning to the east (currently being used as residential).

ZONING CONSIDERATIONS

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

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

The subject site is primarily surrounded by residential zoning districts, with the exception of a Light Industrial zoned parcel to the East.

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

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

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

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

- 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. There are other Light Industrial and Commercial zoned properties in the general area. Chapter 50 (Zoning) addresses regulations for Commercial Districts that abut Residential Districts. These regulations will help mitigate any potentially adverse impacts on the existing surrounding residences.

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

The Comprehensive Plan indicates Business/Industrial as a future land use for the subject property. Correlating zoning districts for that Business/Industrial designation include Commercial and Light Industrial. As the applicant is requesting the Commercial zoning district, the request is consistent with the Comprehensive Plan.

PUBLIC COMMENT

The Notice of Public Hearing was posted in the Tribune on September 28, 2015. Property owners within 200 feet of the project site were mailed notification of this proposal on October 1, 2015. No public comment forms have been received as of October 8, 2015.

RECOMMENDATION

Based on the findings outlined in the analysis and zoning considerations sections of this staff report, City staff recommends **APPROVAL** of Zoning Case P15-108.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Site Photo(s)
- D. Comprehensive Plan Map
- E. Rezoning Application

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map



**Exhibit “C”
Site Photo(s)**



Looking north across property from Theiss Ln.



Looking northwest across property from N. Cherry Ln.

Exhibit "D"
Comprehensive Plan Map



Exhibit "E"
Rezoning Application

Revised 1/20/09



APPLICATION FOR REZONING
Engineering & Planning Department

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: Bill Hightower / Hightower Investments Title: Owner
Mailing Address: 6115 Theale City: Houston State: TX
Zip: 77064
Phone: (281) 440-4165 Fax: () Email: hightower@earthlink.net

Owner

Name: Tracy and Lee Lawrence Family Unsubd Plot Title:
Mailing Address: 7519 Woodlawn Place Court City: Houston State: TX
Zip: 77055
Phone: () Fax: () Email:

Engineer/Surveyor (if applicable)

Name: Kyle A. Bertrand, P.E. Title:
Mailing Address: 61161 Sawing, Ste 500 City: Houston State: TX
Zip: 77036
Phone: (713) 541-3530 Fax: (713) 541-0032 Email: KBertrand@quadacorp.com

Description of Proposed Project: Construction of a new location for Hightower Electric Co. and a high end office warehouse development.

Physical Location of Property: Northwest Corner of Cherry and Theale
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: Tracts 1-4 HOLF No. 5551076 located in the Jesse Pruitt Survey, A-624 [Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
City of Tomball Harris County, Texas

Current Zoning District: A-66

Current Use of Property: Raw wooded land

Proposed Zoning District: Commercial

Proposed Use of Property: High end Commercial office/warehouse & Retail use

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

www.ci.tomball.tx.us

035-286-000-0187
035-286-000-0196
035-286-000-0195
035-286-000-0208

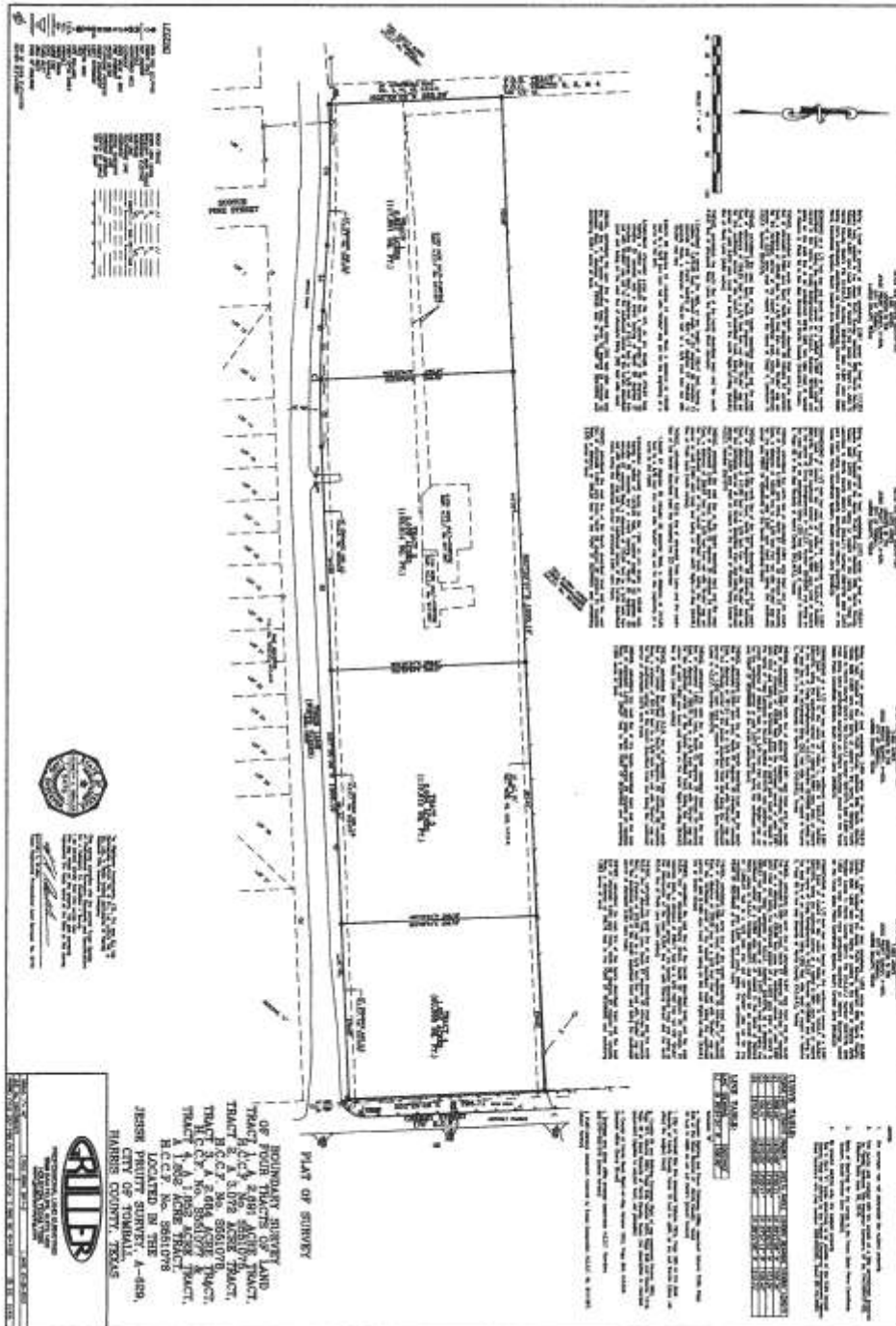
HCAD Identification Number: 035-286-000-0208 Acreage: 10.299

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 Walter Krumm 9-2-2015
Signature of Applicant Date

X Lori Dmanson 9/01/2015
Signature of Owner Date



HIGHTOWER INVESTMENTS, LTD.

6115 THEALL, HOUSTON, TEXAS 77066

281-440-4405

FAX 281-440-4990

September 1, 2015

City of Tomball
501 James Street
Tomball, TX 77375

Attn: Harold Ellis

Re: Northwest Corner of Cherry & Theiss, Tomball, TX

Dear Mr. Ellis,

I would like to request development of the above referenced land for relocation/construction of my business, Hightower Electric, electrical contractor. Proposed use of property would be a high end commercial office/warehouse development and retail use.

Thank you for your consideration and I look forward to hearing from you.

Sincerely,



Bill Hightower, Owner
Hightower Investments, LTD.

TRACT 1
METES AND BOUNDS DESCRIPTION
2.691 ACRES
LOCATED IN THE
JESSE PRUITT SURVEY, A-629,
CITY OF TOMBALL,
HARRIS COUNTY, TEXAS

Being a tract or parcel of land containing 2.691 acres of land or 117,221 square feet, located in the Jesse Pruitt Survey, Abstract 608, Harris County, Texas; Said 2.691 acre tract being of record in the name of Helen L. Jahn in Harris County Clerk's File (H.C.C.F.) Number S551075; Said 2.691 acre tract being more particularly described as follows (bearings based on the Texas State Plane Coordinate System, South Central Zone (NAD83)):

BEGINNING at a 1/2 inch iron rod found for the northwest corner of the herein described tract, being the southwest corner of a called 8.1984 acre tract of record in the name of Craig Swinghammer in H.C.C.F. Number S016666 and being on the east line of an unimproved thirty (30) foot wide road of record in Volume 2, Page 65 in the Map Records of Harris County (H.C.M.R.), Texas;

THENCE, coincident the north line of the herein described tract and the south line of aforesaid 8.1984 acre tract, North 87 degrees 30 minutes 57 seconds East, a distance of 420.88 feet to a 5/8 inch iron rod with "Gruller" cap set for the northeast corner of the herein described tract, being the northwest corner of a 3.072 acre tract of record in the name of Tracy N. Lawrence in H.C.C.F. Number S551078;

THENCE, coincident the east line of the herein described tract and the west line of aforesaid 3.072 acre tract, South 02 degrees 29 minutes 54 seconds East, a distance of 296.29 feet to a 5/8 inch iron rod with "Gruller" cap set for the southeast corner of the herein described tract, being the southwest corner of said 3.072 acre tract and being on the north Right-of-Way (R.O.W.) line of Theis Lane (width varies)

THENCE, coincident the south line of the herein described tract and the north R.O.W. line of aforesaid Theis Lane, the following three courses:

1. Coincident a curve to the right, an arc length of 106.41 feet, having a radius of 1,970.00 feet, a central angle of 03 degrees 05 minutes 41 seconds and a chord bearing of North 87 degrees 57 minutes 13 seconds West, a distance of 106.40 feet to a 5/8 inch iron rod with "Gruller" cap set;
2. North 86 degrees 24 minutes 24 seconds West, a distance of 100.00 feet to a 5/8 inch iron rod with "Gruller" cap set for the beginning of a curve to the left;
3. Coincident aforesaid curve to the left, an arc length of 215.83 feet, having a radius of 2,030.00 feet, a central angle of 06 degrees 05 minutes 30 seconds and a chord bearing of North 89 degrees 27 minutes 08 seconds West, a distance of 215.73 feet to a 5/8 inch iron rod with "Gruller" cap set for the southwest corner of the herein described tract and being on the east line of aforesaid thirty (30) foot wide road;

THENCE, coincident the east line of aforesaid thirty (30) foot wide road and the west line of the herein described tract, North 02 degrees 29 minutes 22 seconds West, a distance of 265.89 feet to the **POINT OF BEGINNING** and containing 2.691 acres of land.

TRACT 2
METES AND BOUNDS DESCRIPTION
3.072 ACRES
LOCATED IN THE
JESSE PRUITT SURVEY, A-629,
CITY OF TOMBALL,
HARRIS COUNTY, TEXAS

Being a tract or parcel of land containing 3.072 acres of land or 133,814 square feet, located in the Jesse Pruitt Survey, Abstract 608, Harris County, Texas; Said 3.072 acre tract being of record in the name of Tracy N. Lawrence in Harris County Clerk's File (H.C.C.F.) Number S551078; Said 3.072 acre tract being more particularly described as follows (bearings based on the Texas State Plane Coordinate System, South Central Zone (NAD83)):

COMMENCING at a 1/2 inch iron rod found for the northwest corner of a 2.691 acre tract of record in the name of Helen L. Jahn in H.C.C.F. Number S551075, being the southwest corner of a called 8.1984 acre tract of record in the name of Craig Swinghammer in H.C.C.F. Number S016666 and being on the east line of an unimproved thirty (30) foot wide road of record in Volume 2, Page 65 in the Map Records of Harris County (H.C.M.R.), Texas;

THENCE, coincident the north line of aforesaid 2.691 acre tract and the south line of aforesaid 8.1984 acre tract, North 87 degrees 30 minutes 57 seconds East, a distance of 420.88 feet to a 5/8 inch iron rod with "Gruller" cap set for the northeast corner of said 2.691 acre tract and being the northwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, coincident the north line of the herein described tract and the south line of aforesaid 8.1984 acre tract, North 87 degrees 30 minutes 57 seconds East, a distance of 447.95 feet to a 5/8 inch iron rod with "Gruller" cap set for the northeast corner of the herein described tract and being the northwest corner of a 2.684 acre tract of record in the name of Richard Henry Lucas in H.C.C.F. Number S551077;

THENCE, coincident the east line of the herein described tract and the west line of aforesaid 2.684 acre tract, South 02 degrees 29 minutes 54 seconds East, a distance of 298.87 feet to a 5/8 inch iron rod with "Gruller" cap set for the southeast corner of the herein described tract, being the southwest corner of said 2.684 acre tract and being on the north Right-of-Way (R.O.W.) line of Theis Lane (width varies);

THENCE, coincident the north R.O.W. line of aforesaid Theis Lane and the south line of the herein described tract the following two (2) courses:

1. South 87 degrees 30 minutes 06 seconds West, a distance of 344.95 feet to a 5/8 inch iron rod with "Gruller" cap set for the beginning of a curve to the right;
2. Coincident aforesaid curve to the right, an arc length of 103.05 feet, having a radius of 1,970.00 feet, a central angle of 02 degrees 59 minutes 50 seconds and a chord bearing of North 89 degrees 00 minutes 02 seconds West, a distance of 103.04 feet to a 5/8 inch iron rod with "Gruller" cap set for the southwest corner of the herein described tract, being the southeast corner of aforesaid 2.691 acre tract;

THENCE, coincident the west line of the herein described tract and the east line of aforesaid 2.691 acre tract, North 02 degrees 29 minutes 54 seconds West, a distance of 296.29 feet to the **POINT OF BEGINNING** and containing 3.072 acres of land.

TRACT 3
METES AND BOUNDS DESCRIPTION
2.684 ACRES
LOCATED IN THE
JESSE PRUITT SURVEY, A-629,
CITY OF TOMBALL,
HARRIS COUNTY, TEXAS

Being a tract or parcel of land containing 2.684 acres of land or 116,912 square feet, located in the Jesse Pruitt Survey, Abstract 608, Harris County, Texas; Said 2.684 acre tract being of record in the name of Richard Henry Lucas in Harris County Clerk's File (H.C.C.F.) Number S551077; Said 2.684 acre tract being more particularly described as follows (bearings based on the Texas State Plane Coordinate System, South Central Zone (NAD83)):

COMMENCING at a 1/2 inch iron rod found for the northwest corner of a 2.691 acre tract of record in the name of Helen L. Jahn in H.C.C.F. Number S551075, being the southwest corner of a called 8.1984 acre tract of record in the name of Craig Swinghammer in H.C.C.F. Number S016666 and being on the east line of an unimproved thirty (30) foot wide road of record in Volume 2, Page 65 in the Map Records of Harris County (H.C.M.R.), Texas;

THENCE, coincident the north line of aforesaid 2.691 acre tract and the south line of aforesaid 8.1984 acre tract, North 87 degrees 30 minutes 57 seconds East, at a distance of 420.88 feet pass the northeast corner of said 2.691 acre tract and being the northwest corner of a 3.072 acre tract of record in the name of Tracy Lawrence in H.C.C.F. Number S551078, and continue for an overall distance of 868.83 feet to a 5/8 inch iron rod with "Gruller" cap set for the northeast corner of said 3.072 acre tract, being the northwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, coincident the north line of the herein described tract and the south line of aforesaid 8.1984 acre tract, North 87 degrees 30 minutes 57 seconds East, a distance of 391.24 feet to a 5/8 inch iron rod with "Gruller" cap set for the northeast corner of the herein described tract and being the northwest corner of a 1.852 acre tract of record in the name of Virginia Doris Newton Lucas in H.C.C.F. Number S551076;

THENCE, coincident the east line of the herein described tract and the west line of aforesaid 1.852 acre tract, South 02 degrees 29 minutes 54 seconds East, a distance of 298.78 feet to a 5/8 inch iron rod with "Gruller" cap set for the southeast corner of the herein described tract, being the southwest corner of said 1.852 acre tract and being on the north Right-of-Way (R.O.W.) line of Theis Lane (width varies);

THENCE, coincident the north R.O.W. line of aforesaid Theis Lane and the south line of the herein described tract, South 87 degrees 30 minutes 06 seconds West, a distance of 391.24 feet to a 5/8 inch iron rod with "Gruller" cap set for the southwest corner of the herein described tract and being the southeast corner of aforesaid 3.072 acre tract;

THENCE, coincident the west line of the herein described tract and the east line of aforesaid 3.072 acre tract, North 02 degrees 29 minutes 54 seconds West, a distance of 298.87 feet to the **POINT OF BEGINNING** and containing 2.684 acres of land.

TRACT 4
METES AND BOUNDS DESCRIPTION
1.852 ACRES
LOCATED IN THE
JESSE PRUITT SURVEY, A-629,
CITY OF TOMBALL,
HARRIS COUNTY, TEXAS

Being a tract or parcel of land containing 1.852 acres of land or 80,668 square feet, located in the Jesse Pruitt Survey, Abstract 608, Harris County, Texas; Said 1.852 acre tract being of record in the name of Virginia Doris Newton Lucas in Harris County Clerk's File (H.C.C.F.) Number S551076; Said 1.852 acre tract being more particularly described as follows (bearings based on the Texas State Plane Coordinate System, South Central Zone (NAD83)):

COMMENCING at a 1/2 inch iron rod found for the northwest corner of a 2.691 acre tract of record in the name of Helen L. Jahn in H.C.C.F. Number S551075, being the southwest corner of a called 8.1984 acre tract of record in the name of Craig Swinghammer in H.C.C.F. Number S016666 and being on the east line of an unimproved thirty (30) foot wide road of record in Volume 2, Page 65 in the Map Records of Harris County (H.C.M.R.), Texas;

THENCE, coincident the north line of aforesaid 2.691 acre tract and the south line of aforesaid 8.1984 acre tract, North 87 degrees 30 minutes 57 seconds East, at a distance of 420.88 feet pass the northeast corner of said 2.691 acre tract and being the northwest corner of a 3.072 acre tract of record in the name of Tracy Lawrence in H.C.C.F. Number S551078, at a distance of 868.83 feet pass the northeast corner of said 3.072 acre tract and being the northwest corner of a 2.684 acre tract of record in the name of Richard Henry Lucas in H.C.C.F. Number S551077, and continue for an overall distance of 1,260.07 feet to a 5/8 inch iron rod with "Gruller" cap set for the northeast corner of said 2.684 acre tract, being the northwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, coincident the north line of the herein described tract and the south line of aforesaid 8.1984 acre tract, North 87 degrees 30 minutes 57 seconds East, a distance of 270.05 feet to a 5/8 inch iron rod with "Gruller" cap set for the northeast corner of the herein described tract, being the southeast corner of said 8.1984 acre tract and being on the west Right-of-Way (R.O.W.) line of Cherry Street;

THENCE, coincident the east line of the herein described tract and the west R.O.W. line of aforesaid Cherry Street, South 02 degrees 29 minutes 22 seconds East, a distance of 298.71 feet to a 5/8 inch iron rod with "Gruller" cap set for the southeast corner of the herein described tract and being at the intersection of the west R.O.W. line of said Cherry Street and the north R.O.W. line of Theis Lane (width varies);

THENCE, coincident the south line of the herein described tract and the north R.O.W. line of aforesaid Theis Lane, South 87 degrees 30 minutes 06 seconds West, a distance of 270.00 feet to a 5/8 inch iron rod with "Gruller" cap set for the southwest corner of the herein described tract and being the southeast corner of aforesaid 2.684 acre tract;

THENCE, coincident the west line of the herein described tract and the east line of aforesaid 2.684 acre tract, North 02 degrees 29 minutes 54 seconds West, a distance of 298.78 feet to the **POINT OF BEGINNING** and containing 1.852 acres of land.

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 12, 2015
&
CITY COUNCIL
OCTOBER 19, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 12, 2015, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 19, 2015, 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 P15-107: Request by Ron Proctor, Jr., on behalf of Rock Materials, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 7 acres of land, legally described as a tract of land containing seven (7) acres, out of the C.N. Pillot Survey, A-632, in the Country of Harris and State of Texas; and being out of that certain 16.34 acres conveyed to J.W. Fowler by Deed Recorded in Vol. 1042, Page 608 Deed records of said county, within the City of Tomball, Harris County, Texas, generally located on the south side of Theis Ln., west of Commercial Park Rd., from the Agricultural District to the Light Industrial District.

ZONING CASE P15-108: Request by Bill Hightower, on behalf of Hightower Investments, LTD., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Tract 1, A 2.691 acre tract, H.C.C.F No. S551075; Tract 2, A 3.072 acre tract, H.C.C.R. No. S551078; Tract 3, A 2.684 acre tract, H.C.C.R. No. S551077; and, Tract 4, A 1.852 acre tract, H.C.C.R. No. S551076 located in the Jesse Pruitt Survey, A-629, City of Tomball, Harris County, Texas, generally located at the northwest corner of Cherry Street and Theis Ln., 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 Vasquez, at (281) 290-1410 or at avasquez@tomballtx.gov.

CERTIFICATION

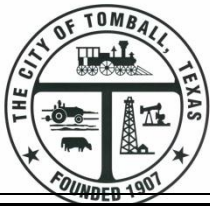
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 8th day of October 2015 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Vasquez

Amelia Vasquez

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: P15-108

APPLICANT/OWNER: Bill Hightower on behalf of Hightower Investments / Tracey and Lee Lawrence Family Limited Partnership LTD

LOCATION: Northwest corner of Cherry Street and Theis Ln.

PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land, legally described as Tract 1, A 2.691 acre tract, H.C.C.F No. S551075; Tract 2, A 3.072 acre tract, H.C.C.R. No. S551078; Tract 3, A 2.684 acre tract, H.C.C.R. No. S551077; and, Tract 4, A 1.852 acre tract, H.C.C.R. No. S551076 located in the Jesse Pruitt Survey, A-629, City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District.

CONTACT: Amelia Vasquez

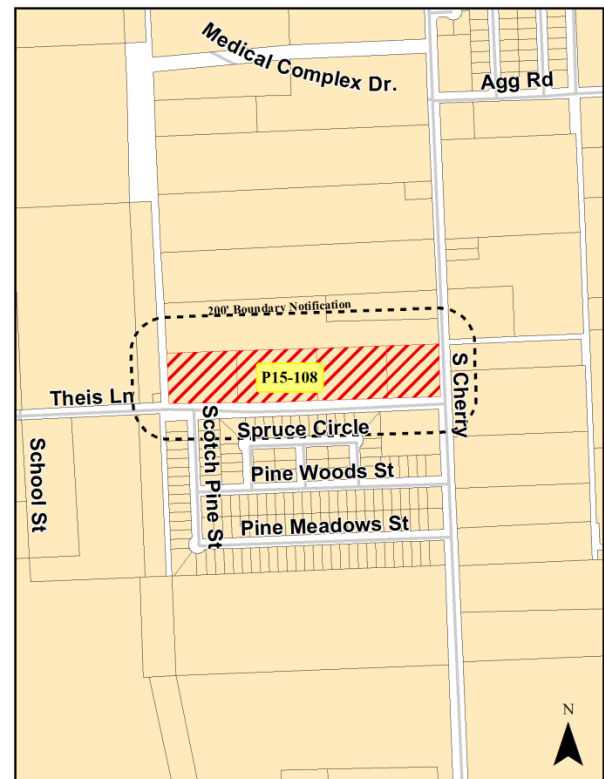
PHONE: (281) 290-1410

E-MAIL: avasquez@tomballtx.gov

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

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

City of Tomball Community Development Department – 501 James Street – Tomball, TX 77375



**Planning & Zoning Commission
Public Hearing:
Monday, October 12, 2015, 6:00 PM**

**City Council Public Hearing:
*Monday, October 19, 2015, 6:00 PM**

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

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

Regular City Council

Agenda Item

Meeting Date: November 2, 2015

Data Sheet

Topic:

Approve Request from Woodforest Bank for City Support of the 7th Annual 5K Tomball Dash, a Certified Run, to be held in Tomball on Saturday, November 14, 2015, through In-Kind Services Provided by the City of Tomball

Background:

Woodforest National Bank is requesting approval to hold its 7th annual Tomball Dash on Saturday, November 14, 2015. The 7th annual Tomball Dash will be held on Saturday, November 14th beginning at 8 am and ending around 10:30 am. The Dash will originate and end at the downtown Depot.

The Dash will be on the same course as Bunny Run and other downtown runs and walks.

All funds raised through this event will benefit programs supported by the Woodforest Charitable Foundation. Woodforest National Bank is asking the the City of Tomball provide in-kind services through Fire, Police and Public Works support as in previous years.

Origination:

Woodforest National Bank - Tomball Marketing Department

Recommendation:

Approve request for run and provide in-kind services for the event

Funding:

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

Denise Fiore - Community Events Coordinator, City of Tomball

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Woodforest Foundation Donation and City In Kind

Additional information concerning the Woodforest Bank “Tomball Dash”

The cost for City resources is approximately \$2524.

This is the breakdown:

Public Works \$351

Fire Depart. \$300

Police Depart. \$1873

The Woodforest Foundation has donated to these charities, in our area, annually:

	2015	To Date
Boys and Girls Country	\$300,000	\$436,000
TOMAGWA	\$10,000	\$52,500
Houston Food Bank	\$20,000	\$155,000
Habitat for Humanity NW Harris County	\$60,000	\$135,000

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 2, 2015

Topic:

Appoint Member to Fill Unexpired Term on the Planning and Zoning Commission for Term Expiring June 1, 2018

Background:

Evelyn Torres is no longer a resident of Tomball, creating a vacancy on the Planning and Zoning Commission; the term for her position will expire June 1, 2018.

The following individuals (shown in alphabetical order) have also expressed an interest in serving on the Planning and Zoning Commission and are not currently serving on another City board:

- Dane Dunagin
- Glenn Jarrett
- Cary Rasberry.

Mayor Fagan recommends the appointment of Dane Dunagin to fill the unexpired term; nominations may also be made during the Council meeting.

Copies of applications from those interested in serving on the P&Z Commission are attached for your consideration.

Origination:

City Secretary

Recommendation:

N/A

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Application - Dane Dunagin

Application - Glenn Jarrett

Application - Cary Rasberry



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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

Please Type or Print Clearly:

Date: Oct 21 2015

Name: JAMES DANE DUNAGIN

Phone: _____
(Home)

Address: _____

Phone: _____
(Work)

City/State/Zip Tomball TX 77375

Cell: _____

Email: _____

I have lived in Tomball 15 years.

I am X am not ____ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: Strategic Sales Manager BAKER Hughes

Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

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

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

Decision-Making Boards and Commissions

- ☒ Planning & Zoning Commission
☐ Board of Adjustments

Meeting Information

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

Separate Legal Entities

- ☐ Tomball Economic Development Corporation

☐ Tomball Regional Health Foundation

Meeting Information

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

Ad Hoc/Advisory Committees

- ☐ Downtown Tomball Advisory Committee
DTAC does not require Tomball residency

Meeting Information

As called

Non-profit Corporation Boards

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

Meeting Information

As called

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


Signature of Applicant

Please return this application to:

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



Board Member Election on Disclosure

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

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(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.


Board Member's Signature

Oct 21 2015
Date

James Danc Donagin
Board Member's Printed Name



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type of Print Clearly:

Date: 2-26-14

Name: Glenn Jarrett

Phone: 713-305-2871

(Home)

Address:

Phone: 713-718-2896

(Work)

City/State/Zip Tomball/TX77375

Cell:

Email:

I have lived in Tomball 20 years.

I am am not X a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: Construction program project manager for Houston Community College

Professional and/or Community Activities:

Additional Pertinent Information/References: Please see attached Resume

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

Decision-Making Boards and Commissions

(X) Planning & Zoning Commission

() Board of Adjustments

Meeting Information

Second Monday each month, 6 p.m.

To Be Announced; Evenings

Separate Legal Entities

() Tomball Economic Development Corporation

() Tomball Regional Health Foundation

Meeting Information

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

Fourth Wednesday each month, 4 p.m.

Ad Hoc/Advisory Committees

() Downtown Tomball Advisory Committee

DTAC does not require Tomball residency

Meeting Information

As called

Non-profit Corporation Boards

() Tomball Legacy Fund, Inc.

Position 7, Tomball Legacy Fund, does not require Tomball residency

Meeting Information

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Signature of Applicant

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___ cell or pager numbers not paid for by the City

___ emergency contact information

___ information that reveals whether I have family members.

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Board Member's Signature

Date

Board Member's Printed Name

Glenn A. Jarrett

Summary

Seeking a position with a professional organization that has sincere intentions of financial growth and rewards employees' for jobs well done.

Numerous qualifications including excellent meeting preparation and presentation skills, easily met and establish customer bases and leads, great at providing direction to project teams and control in management of various projects at multi-levels in several locations at one time, with a major emphasis on site civil and underground utilities installation. Some other responsibilities include project estimating, contract negotiations, project design, budget preparation, developing contract documents, reviewing construction, approving pay requests, change orders and tracking and meeting schedules.

Other strengths include exceptional professional standards in Business Development, Subcontractor Management, Bid Document Preparation and Analysis, Project Controls and Schedules, and Scope of Work Methodologies. Self motivated and always present example for fellow employees.

Experience

Houston Community College

Project Manager

February- 2010-Present

Integral part of Capital Improvement Bond project for Houston Community College \$425 Million, Managing 6 campus and a 65k build-out of an existing building from Conceptual Design Phase through Construction Completion, estimated project value's of \$35 Million. Coordination efforts from the architecture firms and general contractors. Established project completion dates through negotiation with multi-organizational representatives, assigning corrective action items, monitoring completion, evaluating responses, and preparing formal meeting documentation for Chancellor review and reporting to the Board. Coordination efforts with procurement on RFQ/RFP for various construction related projects, in addition to participating in public event as they relate to projects under my direction.

Aviles Engineering/PGAL CIP

Project Manager

October-2005- 2010

Integral part of Capital Improvement Bond project for Houston Community College \$150 Million, Managing two new campus and a 80k build-out of an existing building from Schematic Design Phase through Construction duration, estimated project value of \$40 Million. Coordination efforts from the architecture firms and CM@ Risk general contractors. Established project completion dates through negotiation with multi-organizational representatives, assigning corrective action items, monitoring completion, evaluating responses, and preparing formal meeting documentation for owner review and reporting to the Board.

US Builders, Houston, Texas

Project Manager February- 2004 to September-2005

Managing projects ranging from \$ 200K to \$ 5 M, with an average project budget savings of 6% under estimate, Tracked changes made to the scope of work and made recommendations for required change orders. Prepared and modified large cost proposals. Hired and supervised construction workers and subcontractors.

DiversiCOM Site Development,
Vice President of Construction

Tomball, Texas October 1999 to December 2003

Negotiated and developed long-term partnerships with vendors and suppliers, Negotiated contracts that assured quality and met standards. Worked with company president to establish corporate goals. Assisted in the integration and consolidation of AVID Communications a division of Dycom Industries into DiversiCOM Site Development. Analyzed operational reports for substantial gains and methods to more efficiently utilize resources. Established project completion dates through negotiation with multi organizational representatives, assigning corrective action items, monitoring completion, evaluating responses, and preparing formal meeting documentation.

DiversiCOM Site Development, Tomball, Texas

Senior Project Manager

Directed construction, operations, and maintenance activities at project site. Hired and supervised construction workers and sub-contractors. Consulted with clients on progress and issues. Maintained strict safety standards and procedures that decreased liability claims for workman's compensation. Managed projects ranging from \$50,000 to \$9 Million, with an average project budget savings of 4 to 6% under estimate and ahead of schedule. Negotiated contracts that ensured quality and met standards.

DiversiCOM Site Development, Tomball, Texas

Assistant Construction Manager

Hired and supervised team members, established project goals and timelines, assigned tasks and monitored progress. Managed resources needed to implement the project and maintain budgets. Modified time lines and work schedules according to project changes. Interviewed and evaluated job applicants.

American Tower/ Specialty Constructors,
Project Manager

Houston, Texas May 1999 to October 1999

Modified time lines and work schedules according to project changes. Managed project budget and contained costs. Tracked changes made to the scope of work and made recommendations for required change orders.

GPD Services, Inc.,

Indianapolis, Indiana July 1996 to May 1999

Construction Manager/ Construction Designer

Prepared weekly project status reports, facilitated weekly sessions and unit meetings to assess progress and resolve problems. Tracked changes made to the scope of work and made recommendations for required change orders. Proven ability to complete projects ahead of schedule and under budget. As Construction Designer my Responsibility's were to supervise the design, planning, and startup of over eighty telecommunication projects. Facilitated weekly sessions and unit meetings to assess progress and resolve problems.

Alt & Witzig Engineering,
Soils and Asphalt Lab Manager

Indianapolis, Indiana September 1994 to June 1996

Inspected and tested construction materials, soil compaction, control masonry, and stability of structures. Performed seismic analyses and design using various testing applications and procedures.

Education

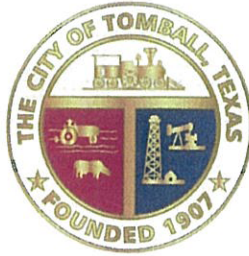
ITT Technical Institute, Indianapolis, Indiana 1996

Associate, Architecture Engineering

GPA: 3.8. Graduated with academic honors.

Skills

- Building and Leading Teams, Business Leadership, Critical Problem Analysis/Resolution, Maximizing Productivity and Profits
- Planning / Scheduling, Policy and Procedures Development, Project/Budget Management
- Written and Verbal Communication, Quality and Productivity Improvement



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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Please Type or Print Clearly:

Date: 7/7/14

Name: Cary E. Rasberry

Phone: _____
(Home)

Address: _____

Phone: _____

City/State/Zip Tomball, TX 77375

Cell: _____

Email: _____

I have lived in Tomball 15 years. non-consecutive I am ☒ am not ___ a U.S. Citizen
NOTE: DTAC Board does not require Tomball residency

Occupation: Psychologist, Marketing Consultant, Notary Public
Part-time Minister to Church of Christ
Previous School Teacher and Certified Pharmacy Technician

Professional and/or Community Activities: Tomball Little League Board Member
Previous VP of Tomball Parks & Rec Board
VP of Decker Prairie Cemetery Association
Local business Rep to Chamber of Commerce

Additional Pertinent Information/References: Bruce Hillegeist, Pete Gloyer.
MA in Counseling Psychology; PhD Intern in Health Psychology & Behavioral Medicine
Married, 2 sons and from Tomball

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Decision-Making Boards and Commissions

- ☒ Planning & Zoning Commission
☒ Board of Adjustments

Meeting Information

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

Separate Legal Entities

☐ Tomball Economic Development Corporation

☒ Tomball Hospital Board

Meeting Information

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

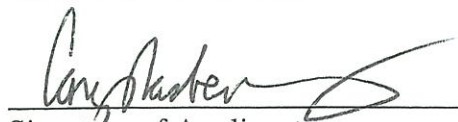
Ad Hoc/Advisory Committees

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As called

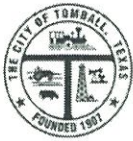
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~~home telephone number~~

✓ personal email address

✓ cell or pager numbers not paid for by the City

~~emergency contact information~~

✓ information that reveals whether I have family members.



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Board Member's Signature

Date

Board Member's Printed Name

Regular City Council Agenda Item Data Sheet

Meeting Date: November 2, 2015

Topic:

Approve Spring Creek County Historical Association's Request for \$30,000 Grant from the City of Tomball's 2015-2016 Fiscal Budget for Annual Operations

Background:

On October 27, 2015, the Tourism Advisory Committee met and recommended approval of a \$30,000 grant to the Spring Creek County Historical Association (Tomball Museum).

Funds are available in the grant account in the hotel/motel fund. Funding of this request meets the Strategic Plan focus area of building our economy by investing HOT funds most effectively to get maximum return for the City of Tomball.

Origination:

Spring Creek County Historical Association (Tomball Museum)

Recommendation:

Approval of Grant in the amount of \$30,000

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

Doris Speer - City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Spring Creek Application packet



CITY OF TOMBALL

APPLICATION FOR USE OF HOTEL OCCUPANCY TAX

(Must be submitted no less than 45 days prior to the event)

Applications may be mailed or hand delivered to:

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

Applicant Organization: Spring Creek County Historical

Organization Director: Mrs, Jean Alexander

Project or Event for which funding is requested: Museum Operations

Date of Event: Annual 2015-2016 Operatioons

Description of project or event for which funding is requested: Ongoing activities and tours

Location of project or event: Tomball Museum Complex

GRANT AMOUNTS:

Amount Requested for 2015-2016 \$ 30,000

Amount Requested for 2014-2015 \$ 32,000

Amount Received for 2014-2015 \$ 0

% increase requested over last year's grant- 0

2015-2016 Organization Budget Summary

	City Funds	Other Funds	Total
Personnel	0	\$ 26,000	\$ 26,000
Contracted Services	0	18,000	18,000
Travel	0	0	0
Rental Expense	0	0	0
Depreciation/Mortgage	0	0	0
Advertising	0	0	0
Insurance	0	2,000	2,000
Utilities	0	9,000	9,000
Volunteer Time	0	0	0
Donated Goods/Svces	0	0	0
New Projects and Mtce.	\$ 30,000	5,000	35,000
Other Expenses	0	2,000	2,000
Total	\$ 30,000	\$ 62,000	\$ 92,000

Grants to an organization will not exceed 35% of the organization's adopted budget

Application for 2015-2016

FUNDS FROM SOURCES OTHER THAN THE CITY OF TOMBALL

<u>Government</u>	<u>Amount of Funds</u>
Local	_____0_____
County	_____0_____
State	_____0_____
Federal	_____0_____

Other Investors/Contributors

Individual	\$ 12,000
Corporate (Royalty and Exxon/Mobil)	\$ 5,000
Foundations (Cobb)	\$ 5,000

Fees

Admissions	\$ 8,000
Building Use	\$ 29,000
Memberships	\$ 3,000

Total	\$ 62,000
-------	-----------

**2015-2016 Application for Grant Funds from the Hotel /Motel Tax for the
Spring Creek County Historical Association**

Purpose: To provide a Museum that represents the historical preservation of the City of Tomball and the surrounding Community and to attract visitors from around the country to tour the ten historical buildings that are furnished as they existed 100 years ago in the Tomball area.

Plan:

1. The Museum Web-Site has been completely revised to promote the activities of the Museum and to provide additional information to the general public through the Internet. The HOT Committee suggested that we revise our Museum Brochure in a more professional manner. Note: This was completed this past year. We produced a colored brochure with pictures and a descriptive write-up about the Museum and all the exhibits. These brochures have been placed in the lobbies of each motel in the Tomball area, as well as restaurants, and all City offices and the Chamber of Commerce.
2. Paint and preserve the School House exhibit. **(Note: This was a project planned for the 2014-2015 fiscal year, but funds were not approved by the HOT Committee.)**
3. Install and erect steel trusses and roof covering the Sawmill project. **(Note: This project was planned for 2014-2015 fiscal year, but funds were not approved by the HOT Committee.)**
4. Erect a historic windmill that was located many years ago on the north side of Tomball. Plan is to use as an exhibit for the school children for their history classes. **(Note: This project was also on the 2014-2015 plans that were not approved by the HOT Committee last year.)**
5. Install a new sidewalk behind the Oil Camp house to the newly planted Bluebonnet and Indian Paint Brushes field along with a viewing area for a picture taking area.
6. Utilizing the "Ester Bubbly Slides", convert them to a digital computer system. Prepare a video presentation that will depict historical Tomball as it was in the 1930's and 1940's.

Groups Touring the Museum in 2014-2015

<u>Organization</u>	<u>Size of Group</u>	<u>Number of Visits</u>	<u>Total People</u>
1. Red Hatters	15-20	2	30-40
2. Baytown College	20	1	20
3. Pillot Relatives	12	2	24
4. Scout Tours	6-10	6	36-60
5. Area Church Groups	15-20	10	150-200
6. Conroe Museum Group	8	1	8
7. Home Schoolers	10-12	4	40-48
8. Private Schools	10-20	8	80-160
9. Public Schools	(8-9 Classes of 40 kids)	2	640-720
10. School Projects History)	4	34	136
11. Lone Star College	15	1	15
12. Sister City-Germany	15	1	15
13. Day Tripper T V Crew	5	1	5

Total People			1199-1451

Organizations Meeting at the Museum

1. Daughters of the Republic of Texas	8 Meetings
2. Church in Tomball	104 “
3. Service Groups	10 “
4. Yellow Rose Women’s Rep. Group	3 “
5. Tomball Study Group	1 “
6. Tomball Garden Club Workers	7 “

Other Activities At The Museum-2014 -2015

Hosted The Day Tripper T. V. Show on Houston's Channel 8 Public Television Network highlighting the history of Tomball and the Tomball Museum.

Sponsored and conducted the annual Christmas Holiday Tours in conjunction with the German Fest City celebration.

At the City's request the Museum held a cheese and wine tasting event honoring the people visiting from our sister city in Germany along with a private 2 hour tour of the Museum facilities.

Held the Heritage Tea Celebration honoring a person that had made a significant contribution to our City. This year Tomball's resident blacksmith was the honoree for his metal work and blacksmithing on the hull of the Battleship Texas. He brought some art metal work on steel taken from the ship and made a presentation of one of the exhibits to the Museum to recognize the historical significant occasion.

Approximately 12 weddings were held using the Church and Fellowship Hall at the Museum.

About 200 people used the Museum for a photographic session of picture taking for holidays, weddings, graduations, club and organizational events, and other activities. We have numerous commercial photographers that use the Museum for their work. Some have scheduled appointments for the entire week-end. and in some cases interfered with the Museum conducting tours on Saturday's and Sunday's.

Daily visitors consisting of Church groups, senior citizens organizations, private schools, scout groups, public elementary schools, college kids and others.

Estimated total for these annual activities is about 6000-7000 people.

Application for Grant to the City Of Tomball

August 31, 2015

The function of the Spring Creek County Historical Association (Tomball Museum) is to preserve the history of Tomball and the surrounding community for the present and future generations. The Museum provides our tourists, citizens, school children, church groups, senior citizens, scouts, and other organizations an opportunity to look back in time and see the history of Tomball through guided tours of our historic homes, businesses, and other exhibits. We provide tours for school children (at no cost to the schools) to instill an awareness of Tomball's history.

The future of the Museum depends on financial support from the City and donations from our citizens. These funds help provide for the Candlelight Tours of the Museum facilities at Christmas; Annual Heritage Tea Celebration in April honoring individual(s) that have contributed to the civic and/or cultural activities of the City Of Tomball. The Museum needs the City's financial support for operational and continual maintenance expenses of 10 historic buildings most of which are over 100 years old.

The Museum meets the guidelines for the Hotel Occupancy Tax policy.

The Museum supports the Chamber's goals and we promote the City with tours on Saturday's, Sunday's and Thursday's each week for visitors to Tomball throughout the entire year.

The Museum has its own Website on the Internet, and is a member of the Chamber Of Commerce, and the local newspapers write articles and publicize the Museum's various activities.

This past year the Museum received visitors from 12 different States, 3 foreign countries, and numerous Texas cities, approximately 7000 people visited or utilized the Museum during the year. We estimate that over 200 photographers utilized the Museum complex for their photo shoots. Additionally 12 weddings were booked at the Museum. We are proud of our partnering relationship with the City. We feel we are part of the City's mission to promote Tomball to people visiting our City.

The proposed budget for 2015-2016 fiscal years is \$92,000 which represents a decrease of \$3,000 over the prior year's budget.

SPRING CREEK COUNTY HISTORICAL ASSOCIATION
2016 BUDGET

REVENUES

DONATIONS - UNDESIGNATED	\$12,000
DONATIONS - DESIGNATED	\$5,000
BUILDING USE FEES	\$29,000
CITY HOTEL TAX REVENUE (REQUESTED)	\$30,000
MEMBERSHIP DUES	\$3,000
OIL/GAS ROYALTY INCOME	\$5,000
INTEREST INCOME	\$3,000
DONATIONS - CANDLELIGHT TOUR/HERITAGE TEA	\$2,000
MISCELLANEOUS INCOME	\$3,000
 TOTAL REVENUES	 \$92,000

EXPENSES

SALARIES	\$24,000
FICA EXPENSE	\$2,000
ACCOUNTING & BOOK-KEEPING	\$3,000
CANDLELIGHT TOUR EXPENSES	\$2,000
HERITAGE TEA EXPENSE	\$1,000
LIABILITY INSURANCE EXPENSE (INC. D&O POLICY)	\$2,000
JANITOR/CLEANING	\$1,200
MISCELLANEOUS EXPENSES	\$1,000
OFFICE EXPENSE	\$1,000
POSTAGE	\$1,000
NEW PROJECTS, REPAIRS & MAINTAINANCE (EXPENSES)	\$30,000
SECURITY EXPENSE	\$1,000
SUPPLIES	\$600
TELEPHONE/WEB-SITE	\$1,500
UTILITIES	\$9,000
BUILDING USE EXPENSE	\$1,500
PEST CONTROL	\$500
PUBLICITY (NEW BROCHURE)	\$1,500
DUES & SUBSCRIPTIONS	\$200
YARD MAINTAINANCE	\$8,000
 TOTAL EXPENSES	 \$92,000

NET REVENUE

\$0



VALIDATION OF APPLICATION

The signatory declares that he/she is an authorized official of the applicant, is authorized to make this application, and certifies that the information in this application is true and correct to the best of his/her knowledge. Signatory further declares that applicant, if previously funded by the City of Tomball, has successfully fulfilled all prior Grant contract obligations.

Charles Hall

Signature of Authorizing Official

September 8, 2015
Date

Charles Hall

Typed Name

President

Title within Organization

281-351-0570

Telephone

crhall12@sbcglobal.net

Email address

ELLEN H. STUTTS

CERTIFIED PUBLIC ACCOUNTANT
14011 PARK DRIVE - SUITE 113
TOMBALL, TEXAS 77377

281-290-0626
281-351-5378 FAX

THE TEXAS SOCIETY OF
CERTIFIED PUBLIC ACCOUNTANTS

Independent Accountant's Compilation Report

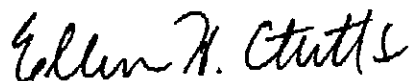
To the Board of Directors
Spring Creek County
Historical Association

I have compiled the accompanying statement of assets, liabilities and fund balance— income tax basis of Spring Creek County Historical Association (a not for profit organization) as of June 30, 2015 and the related statement of revenue and expenses for the one and six month periods then ended, and the accompanying supplementary statement of fund balance – income tax basis. I have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or provide any assurance about whether the financial statements are in accordance with accounting principles generally accepted in the United States of America.

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.

My responsibility is to conduct the compilation in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The objective of a compilation is to assist management in presenting financial information in the form of financial statements without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements.

Management has elected to omit substantially all of the disclosures required by accounting principles generally accepted in the United States of America. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Association's financial position, changes in net assets, and cash flows. Accordingly, these financial statements are not designed for those who are not informed about such matters.



Ellen H. Stutts
July 28, 2015

SPRING CREEK COUNTY HISTORICAL ASSN.
STATEMENT OF ASSETS, LIABILITIES & FUND BALANCE
INCOME TAX BASIS
JUNE 30, 2015

ASSETS

CURRENT ASSETS		
CASH - SPIRIT OF TEXAS BK 2	\$	70,740.43
CD - FNBK BELLVILLE		100,000.00
CD - FNBK BELLVILLE-2		100,000.00
CD - SPIRIT OF TEXAS BK 2		101,859.88
TOTAL CURRENT ASSETS		372,600.31
PROPERTY AND EQUIPMENT		
FURNITURE & FIXTURES		52,294.97
ALARM SYSTEM - GH&TH		1,900.00
JAIL		3,105.50
SAWMILL		4,380.00
GAZEBO		2,552.10
BUILDINGS		132,134.17
SPRINKLER SYSTEM		5,398.01
SIDEWALK		7,768.50
LAND		70,055.79
ACCUM DEPRECIATION		(200,319.00)
TOTAL PROPERTY AND EQUIPMENT		79,270.04
OTHER ASSETS		
DEPOSITS		400.00
TOTAL OTHER ASSETS		400.00
TOTAL ASSETS	\$	<u><u>452,270.35</u></u>

LIABILITIES & FUND BALANCE

CURRENT LIABILITIES		
FEDERAL INCOME TAX W/H	\$	276.00
FICA PAYABLE		523.26
TOTAL CURRENT LIABILITIES		799.26
LONG-TERM LIABILITIES		
TOTAL LONG-TERM LIABILITIES		0.00
TOTAL LIABILITIES		799.26
FUND BALANCE		
FUND BALANCE		449,626.88
NET REVENUE		1,844.21
TOTAL FUND BALANCE		451,471.09
TOTAL LIABILITIES & FUND BALANCE	\$	<u><u>452,270.35</u></u>

SEE ACCOMPANYING ACCOUNTANT'S COMPILATION REPORT

SPRING CREEK COUNTY HISTORICAL ASSOCIATION
STATEMENT OF FUND BALANCE
JUNE 30, 2015

FUND BALANCE, UNDESIGNATED \$ 450,471.09

FUND BALANCE, DESIGNATED:

GRANTS:		
COBB-McCOURT FAMILY	\$ 1,000.00	
EHRHARDT		
OIL PATCH KIDS	<u> </u>	<u>1,000.00</u>
 TOTAL FUND BALANCE		 <u><u>\$ 451,471.09</u></u>

SPRING CREEK COUNTY HISTORICAL ASSN.
STATEMENT OF REVENUE & EXPENSES
INCOME TAX BASIS
FOR THE SIX PERIODS ENDING JUNE 30, 2015

	Current Month		Year to Date	
REVENUES				
DONATIONS-UNDESIGNATED	1,063.00	18.20	7,470.00	27.09
DONATIONS-COBB-MCCOURT	0.00	0.00	500.00	1.81
BUILDING USE FEES	4,000.00	68.49	16,700.00	60.55
MEMBERSHIP DUES	0.00	0.00	120.00	0.44
OIL/GAS ROYALTY INCOME	578.81	9.91	1,241.44	4.50
INTEREST INCOME	198.68	3.40	1,521.88	5.52
MISCELLANEOUS INCOME	0.00	0.00	25.00	0.09
TOTAL REVENUES	<u>5,840.49</u>	<u>100.00</u>	<u>27,578.32</u>	<u>100.00</u>
EXPENSES				
SALARIES	1,140.00	19.52	6,840.00	24.80
FICA EXPENSE	87.21	1.49	523.26	1.90
ACCOUNTING & BOOKKEEPING	100.00	1.71	1,175.00	4.26
CANDLELIGHT TOURS EXPENSE	0.00	0.00	368.56	1.34
DEPRECIATION EXPENSE	1,200.00	20.55	1,200.00	4.35
DOCENT EXPENSE	800.00	13.70	2,562.50	9.29
DUES & SUBSCRIPTIONS	0.00	0.00	195.00	0.71
HERITAGE TEA EXPENSE	0.00	0.00	324.35	1.18
INSURANCE EXPENSE	0.00	0.00	762.00	2.76
JANITOR	160.00	2.74	1,080.00	3.92
MISCELLANEOUS EXPENSE	0.00	0.00	50.00	0.18
OFFICE EXPENSE	76.00	1.30	658.97	2.39
REPAIRS & MAINT-OIL PATCH KIDS	0.00	0.00	15.98	0.06
REPAIRS & MAINTENANCE	0.00	0.00	323.51	1.17
SECURITY EXPENSE	147.73	2.53	443.19	1.61
SUPPLIES	0.00	0.00	511.31	1.85
TELEPHONE	58.04	0.99	380.40	1.38
UTILITIES	617.57	10.57	4,437.80	16.09
YARD MAINTENANCE	1,340.00	22.94	4,040.00	14.65
SURVEY EXPENSE	0.00	0.00	(157.72)	(0.57)
TOTAL EXPENSES	<u>5,726.55</u>	<u>98.05</u>	<u>25,734.11</u>	<u>93.31</u>
NET REVENUE	<u>\$ 113.94</u>	<u>1.95</u>	<u>\$ 1,844.21</u>	<u>6.69</u>

SEE ACCOMPANYING ACCOUNTANT'S COMPILATION REPORT

Regular City Council

Agenda Item

Meeting Date: November 2, 2015

Data Sheet

Topic:

Accept Councilman Townsend's Resignation as a Member of the Northwest Emergency Services Board of Directors and Consider Possible Appointment of Replacement Member

Background:

Councilman Townsend, who currently serves as the City Council's representative on the Northwest EMS board, has submitted his resignation as a member of the NWEMS Board of Directors. This item is placed on the agenda for Council's acceptance of Councilman Townsend's resignation and to consider the possible appointment of a new representative to serve on the NWEMS board.

Scott Bounds, Olson and Olson, has previously advised that Council may, but is not required to, appoint a representative to the NWEMS Board and the appointee can, but does not have to, be a Councilmember.

Because this is not a City board or commission, we have no applications on file.

Origination:

Mayor Fagan

Recommendation:

N/A

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Councilman Townsend - Letter of Resignation from NWEMS

NWEMS Bylaws

Derek Scott Townsend Sr.
30618 William Juergens Dr.
Tomball, TX 77375
October 5, 2015

Rick Brown
President
Northwest EMS
29530 Quinn Rd
Tomball, TX 77375

Dear Rick Brown:

It is with regret that I tender my resignation from the Northwest EMS board of directors, effective immediately.

I am grateful for having had the opportunity to serve on the board of this fine organization for the past two years and I offer my best wishes for its continued success.

Sincerely,

Derek Scott Townsend Sr.
Tomball City Councilmen Position 4

BY-LAWS OF NORTHWEST RURAL EMS

A NONPROFIT CORPORATION

ARTICLE I

OFFICES

Principal Office

1.01 The principal office of the Corporation in the State of Texas shall be located at 402 Holderrieth, Tomball, Texas. The Corporation may have such other offices, either within or without the State of Texas, as the Board may require from time to time.

Registered Office and Registered Agent

1.02 The Corporation shall have and continuously maintain in the State of Texas a registered office, and a registered agent whose office is identical with such registered office, as required by the Texas Non-Profit Corporation Act. The registered office may be, but need not be, identical with the principal office of the Corporation in the State of Texas, and the address of the registered office may be changed from time to time by the Board of Directors.

ARTICLE II

BOARD OF DIRECTORS

General Powers

2.01 The affairs of the Corporation shall be managed by its Board of Directors. Directors need not be residents of Texas.

Number, Tenure, and Qualifications

2.02 The number of Regular Directors shall be Seven (7). Each Director shall hold office for a term of two (2) years, provided however that for purposes of initially constituting the Board of Directors, three Directors, to be selected by lot, shall serve a term of one (1) year, accordingly Director terms shall be staggered.

In addition, the EMS Chief, or Acting EMS Chief shall be a non-voting member of the Board

of Directors, but will not fill one of the Regular Director positions, and the Medical Director shall be a voting member of the board.

One Director shall be appointed by Tomball Regional Hospital, and one Director shall be appointed by the City of Tomball.

Regular Meetings

2.03

a) A regular annual meeting of the Board of Directors shall be held with notice as supplied under these By-Laws, in September. The Board of Directors shall elect officers of the corporation at such meeting from within the Board Members. The Board of Directors may provide by resolution the time and place, either within or without the State of Texas, for holding of additional regular meetings of the Board without other notice than such resolution.

b) Regular bi-monthly meetings of the Board shall be held on as determined by the Board of Directors. Notice is required for these meetings, and an agenda of the meeting should be posted on the announcement board at the principal office of the corporation, and sent to each Board Member via the appropriate means.

c) Committee Meetings shall be held monthly at the discretion of the Board.

Special Meetings

2.04 Special meetings of the Board of Directors may be called by or at the request of the President, any three (3) Directors, or the EMS Chief. The person or persons authorized to call special meetings of the Board may fix any place, either within or without the State of Texas, as the place for holding any special meetings of the Board called by them.

Notice

2.05 Notice of any special meeting of the Board of Directors shall be given at least two (2) days previously thereto by written notice delivered personally or sent by mail, fax or email to each Director at his/her address as shown by the records of the Corporation. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail so addressed with postage thereon prepaid. If notice be given by fax, such notice shall be deemed to be delivered when the fax is sent. If notice be given by email, such notice shall be deemed to be delivered when the email is sent. Any Director may waive notice of any meeting. The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or

special meeting of the Board need be specified in the notice or waiver of notice of such meeting, unless specifically required by law or by these By-Laws.

In addition to the notices required above, notice of any meeting of the Board shall be posted on the announcement board of the principal office of the corporation.

Quorum

2.06 A majority of the Board of Directors shall constitute a quorum of the transaction of business at any meeting of the Board; but if less than a majority of the Directors are present at said meeting, a majority of the Directors present may adjourn the meeting from time to time without further notice.

Manner of Acting

2.07 The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law or by these By-Laws.

Vacancies

2.08 Any vacancy occurring in the Board of Directors and any directorship to be filled by reason of an increase in the number of Directors, shall be filled by the Board of Directors. A Director elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office. For purposes of filling vacancies, the majority number of the remaining directors shall be deemed a quorum. This section is subject to section 2.02 herein.

Compensation

2.09 Directors as such shall not receive any stated salaries for their services, but nothing herein contained shall be construed to preclude any Director from serving the Corporation in any other capacity and receiving compensation therefor.

Informal Action by Directors

2.10 Any action required by law to be taken at a meeting of Directors, or any action which may be taken at a meeting of Directors, may be taken without a meeting if a consent in writing setting forth the action so taken shall be signed by all of the Directors.

ARTICLE III

OFFICERS

Officers

3.01 The officers of the Corporation shall be a President, one or more Vice Presidents (the number thereof to be determined by the Board of Directors), a Secretary, a Treasurer, and such other officers as may be elected by the Board of Directors in accordance with the provisions of this Article. The Board of Directors may also elect or appoint sub officers, including one or more Assistant Secretaries and one or more Assistant Treasurers, as it shall deem desirable, such sub officers to have the authority and perform the duties prescribed, from time to time, by the Board of Directors. Any two or more offices may be held by the same person, except the offices of President and Secretary, and President and Treasurer (or Assistant Treasurer), which is further restricted by the President and Treasurer (or Assistant Treasurer) cannot be related by blood, or marriage.

Election and Term of Office

3.02 The officers of the Corporation shall be elected annually by the Board of Directors from the Members of the Board of Directors. If the election of officers shall not be held at such annual meeting, such election shall be held as soon thereafter as conveniently may be. New offices may be created at any meeting of the Board of Directors and shall be filled at the next regularly scheduled or specially noticed meeting of the Directors. Each officer shall hold office until his successor shall have been duly elected and shall have qualified.

Removal

3.03 Any officer elected or appointed may be removed by the Board of Directors whenever in its judgment the best interests of the Corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the officer so removed, and the rights of the membership to reinstate such officer by a two-thirds vote of those members present and voting, a quorum being present.

President

3.05 The President shall be the principal executive officer of the Corporation and shall in general supervise and control all of the business and affairs of the Corporation. He/she shall preside at all meetings of the members and Directors. He/she may sign, with the Secretary or any other proper officer of the Corporation authorized by the Board of Directors, any deeds, mortgages, bonds, contracts, or other instruments which the Board of Directors have authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by these By-Laws or by statute to some other officer or agent of the Corporation; and in general he shall perform all duties incident to the office of President and such other duties as may be

prescribed by the Board of Directors from time to time.

Vice President

3.06 In the absence of the President or in the event of his inability or refusal to act, the Vice President (or in the event there be more than one Vice President, the Vice Presidents in the order of their election) shall perform the duties of the President, and when so acting shall have all the powers of and be subject to all the restriction upon the President. Any Vice President shall perform such other duties as from time to time may be assigned to him by the President or Board of Directors.

Treasurer

3.07 If required by the Board of Directors, the Treasurer shall give a bond for the faithful discharge of his or her duties in such sum and with such surety or sureties as the Board of Directors shall determine. He or she shall have charge and custody of and be responsible for all funds and securities of the Corporation; receive and give receipts for moneys due and payable to the Corporation from any source whatsoever, and deposit all such moneys in the name of the Corporation in such banks, trust companies, or other depositories as shall be selected in accordance with the provisions of Article VII of these By-Laws; and in general perform all the duties incident to the Office of Treasurer and such other duties as from time to time may be assigned to him or her by the President or by the Board of Directors.

Secretary

3.08 The Secretary shall keep the minutes of the meetings of the members and of the Board of Directors in one or more books provided for that purpose; give all notices in accordance with the provisions of these By-Laws or as required by law; be custodian of the Corporate Records and of the seal of the Corporation, and affix the seal of the Corporation to all documents, the execution of which on behalf of the Corporation under its seal is duly authorized in accordance with the provisions of these By-Laws; keep a register of the post office address of each member which shall be furnished to the Secretary by each member; and, in general, perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him by the President or by the Board of Directors.

Assistant Treasurers and Assistant Secretaries

3.09 If required by the Board of Directors, the Assistant Treasurers shall give bonds for the faithful discharge of their duties in such sums and with such sureties as the Board of Directors shall determine. The Assistant Secretaries in general shall perform such duties as shall be assigned to them by the Treasurer or the Secretary or by the President or the Board of Directors.

EMS Chief

3.10 The Board of Directors shall appoint an EMS Chief for the corporation. The EMS Chief shall be retained under such terms and conditions as shall be established from time to time by the Board of Directors, including compensation, if any. The EMS Chief shall be the principal operating officer of the corporation and shall be a non-voting member of the Board of Directors.

ARTICLE IV

COMMITTEES

Committees of Directors

4.01 The Board of Directors, by resolution adopted by a majority of the Directors in office, may designate and appoint one or more committees, each of which shall consist of two (2) or more Directors, which committees, to the extent provided in said resolution shall have and exercise the authority of the Board of Directors in the management of the Corporation. However, no such committee shall have the authority of the Board of Directors in reference to amending, altering or repealing the By-Laws; electing, appointing or removing any member of any such committee or any Director or officer of the Corporation; amending the Articles of Incorporation; adopting a plan of merger or adopting a plan of consolidation with another Corporation; authorizing the sale, lease, exchange or mortgage of all or substantially all of the property and assets of the Corporation; authorizing the voluntary dissolution of the Corporation or revoking proceedings therefor; adopting a plan for the distribution of the assets of the Corporation; or amending, altering or repealing any resolution of the Board of Directors which by its terms provides that it shall not be amended, altered or repealed by such committee. The designation and appointment of any such committee and the delegation thereof of authority shall not operate to relieve the Board of Directors, or any individual Director, of any responsibility imposed on it or him by law.

Other Committees

4.02 Other committees not having and exercising the authority of the Board of Directors in the management of the Corporation may be designated by a resolution adopted by a majority of the Directors present at a meeting at which a quorum is present or by the President via order. Except as otherwise provided in such resolution, members of each such committee shall be members of the Board, or of the salaried employees, and the President of the Corporation shall appoint the members thereof. Any members thereof may be removed by the person or persons authorized to appoint such member whenever in their judgment the best interests of the Corporation shall be served by such removal.

Term of Office

4.03 Each member of a committee shall continue as such until the next annual meeting of the members of the Corporation and until his successor is appointed, unless the committee shall be sooner terminated, or unless such member be removed from such committee, or unless such member shall cease to qualify as a member thereof.

Chairman

4.04 One member of each committee shall be appointed Chairman by the person or persons authorized to appoint the members thereof.

Vacancies

4.05 Vacancies in the membership of any committee may be filled by appointments made in the same manner as provided in the case of the original appointments.

Quorum

4.06 Unless otherwise provided in the resolution of the Board of Directors designating a committee or in the appointing order of the President, a majority of the whole committee shall constitute a quorum and the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

Rules

4.07 Each committee may adopt rules for its own government not inconsistent with these By-Laws or with rules adopted by the Board of Directors.

ARTICLE V

CONTRACTS, CHECKS, DEPOSITS AND FUNDS

Contracts

5.01 The Board of Directors may authorize any officer or officers, agent or agents of the Corporation, in addition to the officers so authorized by these By-Laws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation. Such authority may be general or confined to specific instances.

Checks and Drafts

5.02 All checks, drafts or orders for the payment of money, notes, other evidences of indebtedness issued in the name of the Corporation shall be signed by such officer or officers, agent or agents of the Corporation and in such manner as shall from time to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments shall be signed by the Treasurer or an Assistant Treasurer and countersigned by the President or a Vice President of the Corporation, provided that the two signatories are not related by blood or marriage.

Deposits

5.03 All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies, or other depositories as the Board of Directors may select.

Gifts

5.04 The Board of Directors may accept on behalf of the Corporation any contribution, gift, bequest or devise for the general purposes or for any special purpose of the Corporation.

ARTICLE VI

BOOKS AND RECORDS

6.01 The Corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, Board of Directors and committees having any of the authority of the Board of Directors, and shall keep at its registered or principal office a record giving the names and addresses of the members entitled to vote. All books and records of the Corporation may be inspected by any member or his agent or attorney for any proper purpose at any reasonable time.

ARTICLE VII

FISCAL YEAR

7.01 The fiscal year of the Corporation shall begin on the first day of January and end on the last day in December in each year.

ARTICLE VIII

SEAL

8.01 The Board of Directors shall provide a Corporate Seal, which shall be in the form of a circle and shall have inscribed thereon the name of the Corporation and the words "Corporate Seal of Northwest Rural EMS."

ARTICLE IX

WAIVER OF NOTICE

9.01 Whenever any notice is required to be given under the provisions of the Texas Non-Profit Corporation Act or under the provisions of the Articles of Incorporation or the By-Laws of the Corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE X

AMENDMENTS TO BY-LAWS

10.01 These By-Laws may be altered, amended or repealed and new by-laws may be adopted by majority of the Directors present at any regular meeting or at any special meeting, if at least two (2) days' written notice is given of an intention to alter, amend or repeal these By-Laws or to adopt new by-laws at such meeting. No such altered, amended, or repealed By-Law shall be effective until approved by legal counsel for the corporation.

ARTICLE XI

DISSOLUTION

11.01 (a) The corporation may be dissolved with the assent given in writing a signed by not

less than seventy five percent (75%) of its Directors.

(b) In the event of the dissolution of the corporation, other than by merger or consolidation, the assets thereof remaining shall be distributed in accordance with Article 1396-6.02 of the Act, including dedication to an appropriate public agency to be used for purposes similar to those for which this corporation was created. In the event that such dedication is refused by such a public agency, such assets shall be granted, conveyed, and assigned to any non profit corporation, association, trust, or other organization to be devoted to such similar purposes.

Adopted at the Regular meeting of the Corporation held on 21 October, 2003.

Denise L. Snapp Carolyn L. Prochess
President Secretary

Ratified this 30th day of November, 2003.

Melanie Moore-John
Board Member

Wayne Stutz
Board Member

Cynthia Long
Board Member

Board Member

Mary Lu Wiley
Board Member

Board Member

Wayne Stutz
Board Member

The State of Texas

Secretary of State

CERTIFICATE OF INCORPORATION

OF

~~NORTHWEST RURAL EMERGENCY MEDICAL SERVICES ASSOCIATION~~
CHARTER NUMBER 541581

THE UNDERSIGNED, AS SECRETARY OF STATE OF THE STATE OF TEXAS,
HEREBY CERTIFIES THAT ARTICLES OF INCORPORATION FOR THE ABOVE
CORPORATION, DULY SIGNED AND VERIFIED HAVE BEEN RECEIVED IN THIS
OFFICE AND ARE FOUND TO CONFORM TO LAW.

ACCORDINGLY THE UNDERSIGNED, AS SUCH SECRETARY OF STATE, AND BY
VIRTUE OF THE AUTHORITY VESTED IN HIM BY LAW, HEREBY ISSUES THIS
CERTIFICATE OF INCORPORATION AND ATTACHES HERETO A COPY OF THE
ARTICLES OF INCORPORATION.

DATED DEC. 4, 1980



Gu. Strake Jr.
Secretary of State

ARTICLES OF INCORPORATION
OF
NORTHWEST RURAL EMERGENCY MEDICAL SERVICES ASSOCIATION

THE STATE OF TEXAS X
 X
COUNTY OF HARRIS X

FILED
In the Office of the
Secretary of State of Texas

DEC 04 1980

CLERK I.E.
Corporation Division

We, the undersigned natural persons of the age of eighteen (18) years or more, at least two of whom are citizens of the State of Texas, acting as Incorporators of a Corporation under the Texas Non-Profit Corporation Act, do hereby adopt the following Articles of Incorporation for such Corporation.

ARTICLE ONE

Name

The name of this Corporation shall be NORTHWEST RURAL EMERGENCY MEDICAL SERVICES ASSOCIATION.

ARTICLE TWO

Non-Profit Corporation

The Corporation is a Non-Profit Corporation.

ARTICLE THREE

Duration

The period of its duration is perpetual.

ARTICLE FOUR

Purpose or Purposes

The purpose or purposes for which the Corporation is organized are:

1) To support, conduct and maintain a non-profit undertaking for the purpose of rendering and teaching first aid, emergency medical services, transportation and rescue, to those in need, and shall do so with no intent to charge a set fee for the services rendered to the public.

Notwithstanding any of the foregoing statements, this Corporation shall engage only in such activities as are permissible and consistent with its organization and operation under Section 501(c)(6) of the United States Internal Revenue Code of 1954, as amended, or under the corresponding provision of any future United States Internal Revenue Code.

(or the corresponding provisions of any future United States Internal Revenue Law), as the directors may determine. Any such assets not so disposed of shall be disposed of in accordance with the laws of the State of Texas as they exist at the time of dissolution as required by the Texas Non-Profit Corporation Act; providing, however, in any event, none of the assets shall be disbursed to any of the members or directors or trustee of the corporation."

DATED: _____, 1981.

Northwest Rural Emergency Medical
Services Association

Charles L. Lancaster
Charles L. Lancaster,
Chairman of the Board

Patty Nieman
Patty Nieman,
Member of Board of Directors
(Tactical Operations Director)

Carol J. Hawkins
Carol J. Hawkins,
Secretary

THE STATE OF TEXAS X
COUNTY OF HARRIS X

I, Charlene Clark, a Notary Public, do hereby certify that on this the 4 day of August, 1981, personally appeared before me Charles L. Lancaster, Patty Nieman and Carol J. Hawkins, who, being duly sworn, declared to me they are members of the Board of Directors and serve as Officers as such on and for the Northwest Rural Emergency Medical Services Association, and that they executed the foregoing instrument in their capacities as therein set forth, and that the statements contained therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office the day and year above written.

Charlene Clark
Notary Public for the
State of T E X A S

(seal)

My Commission Expires:

10-30-81

ARTICLES OF AMENDMENT
TO THE ARTICLES OF INCORPORATION OF
NORTHWEST RURAL EMERGENCY MEDICAL SERVICES ASSOCIATION

Pursuant to the provisions of Article 1396-4.03 of the Texas Non-Profit Corporation Act, NORTHWEST RURAL EMERGENCY MEDICAL SERVICES ASSOCIATION, a Texas Non-Profit Corporation, adopts the hereinafter stated Articles of Amendment to its Articles of Incorporation; which: provides the date of their adoption, signature and verification by officers of the corporation, establishes a more specific purpose, and a statement of distribution of assets upon dissolution of the corporation; all to qualify under the provisions of Section 501(c)(3) of the Internal Revenue Code and its regulations as they now exist or as they may hereafter be amended.

ARTICLE I

Name

The name of the corporation is Northwest Rural Emergency Medical Services Association.

ARTICLE II

Specification of Amendment

The following amendment to the Articles of Incorporation was adopted by the corporation on May 6, 1981.

Article Four of the Articles of Incorporation is hereby amended to read as follows:

"The purposes for which the corporation is formed are:

- 1) The primary purpose is to operate a non-profit association undertaking the rendering and teaching of first-aid, emergency medical services and techniques; transportation and rescue for the furtherance of the care and treatment of sick, injured, afflicted, infirm, disabled or destitute persons, all exclusively for charitable purposes.
- 2) The general purposes and powers are to have and exercise all rights and powers conferred upon non-profit corporations under the laws of the State of Texas, or which may hereafter be conferred, including the power to contract, rent, buy or sell personal or real property; provided however, that this corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the primary purpose of this corporation.
- 3) Notwithstanding any of the above statements of purposes or powers, this corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the primary purpose of this corporation.

This corporation is organized pursuant to the Texas Non-Profit Corporation Act and does not contemplate pecuniary gain or profit from its activities to the members thereof and is organized for non-profit purposes.

The corporation may receive and maintain funds of real or personal property, or both, and subject to the restrictions and limitations herein set forth, may use and apply the whole or any part of the income therefrom and the principal thereof exclusively for charitable purposes either directly or by contributions to organizations qualified as exempt under Section 501(c)(3) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended."

ARTICLE III

The Articles of Incorporation are hereby amended by adding thereto a new ARTICLE NINE which reads as follows:

"ARTICLE NINE

Dissolution and Distribution of Assets

No part of the net earnings of the corporation shall inure to the benefit of, or be distributed to, its members, trustees, officers or other private persons, except that the corporations shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article Four hereof. No substantial part of the activities of the corporation shall be carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these Articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal Income Tax under Section 501(c)(3) of the Internal Revenue Code (or the corresponding provision of any future United States Internal Revenue Law) or (b) by a corporation, contributions which are deductible under Section 170(c)(2) of the Internal Revenue Code (or the corresponding provision of any future United States Internal Revenue Law).

Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provisions for the payment of all of the liabilities of the corporation, dispose of all the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organizations or organization organized exclusively for charitable, educational, religious or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code

ARTICLE FIVE

Members

The geographical area to be served by this Corporation shall be the United States, its territories and possessions.

The Corporation shall have one or more classes of members, each of whom shall be a person, firm, association, corporation or other body maintaining a residence within the geographical area described above. Except for the limitation expressed above, the designation of such class or classes, the manner of election or appointment of such members, and the qualification and rights of the members of each class, shall be as provided in the By-Laws of the Corporation, as the same may be amended from time to time.

No member of any class shall have any rights in the property of the Corporation; and no member of any class shall be personally liable for the debts, liabilities, or obligation of the Corporation.

Membership in the Corporation shall not be transferable.

The Board of Directors shall have the power, in its discretion, to require a fee to be paid to the Corporation as a prerequisite to membership; and the Board of Directors shall have the power to fix or levy periodic or special assessments, or both, upon the members in the manner and within the limitations that may be specified in the By-Laws of the Corporation, as the same may be amended from time to time.

ARTICLE SIX

Registered Office and Registered Agent

The street address of the Corporation's initial registered office is 12000 Sawmill Road, #2107, Woodlands, Texas 77380 and the name of the initial Registered Agent at such address is CHARLES L. LANCASTER.

ARTICLE SEVEN

Initial Board of Directors

The number of Directors constituting the initial Board of Directors of the Corporation is six (6).

The names, addresses and terms of office of those persons who are to serve on the initial Board of Directors are:

<u>NAME</u>	<u>ADDRESS</u>	<u>TERM</u>
CHARLES L. LANCASTER	12000 Sawmill Road, #2107 Woodlands, Texas 77380	1 Year
JAMES NIEMANN	24210 Stuebner-Airline Tomball, Texas 77375	1 Year
PATTY NIEMANN	24210 Stuebner-Airline Tomball, Texas 77375	1 Year
GLORIA GAMMON	201 Houston Street Tomball, Texas 77375	1 Year
RICK HILL	24208 Stuebner-Airline Tomball, Texas 77375	1 Year
BEVERLY TAYLOR	18235 Burkhardt Road Tomball, Texas 77375	1 Year

The number of Directors of the Corporation set forth in this Article, shall constitute the authorized number of Directors until changed or amended in the By-Laws.

ARTICLE EIGHT

Incorporators

The names and addresses of the Incorporators are:

<u>NAME</u>	<u>ADDRESS</u>
CHARLES L. LANCASTER	12000 Sawmill Road, #2107 Woodlands, Texas 77380
DAVID W. McKINNEY	301 Commerce Street Tomball, Texas 77375
PATTY NIEMANN	24210 Stuebner-Airline Tomball, Texas 77375

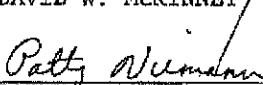
IN WITNESS WHEREOF, we have hereunto set our hands on this the 18 day of November, 1980.



CHARLES L. LANCASTER



DAVID W. McKINNEY



PATTY NIEMANN

THE STATE OF TEXAS Y
COUNTY OF HARRIS X

BEFORE ME, the undersigned authority, on this day personally appeared CHARLES L. LANCASTER, known to me to be the person whose name is subscribed to the foregoing instrument and swore to me that he executed the same for the purposes and consideration therein expressed, as Incorporator, and that the statements therein contained are true and correct.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 18 day of November, 1980.

Charles Clark
NOTARY PUBLIC IN HARRIS COUNTY, TEXAS.

THE STATE OF TEXAS Y
COUNTY OF HARRIS X

BEFORE ME, the undersigned authority, on this day personally appeared DAVID W. MCKINNEY, known to me to be the person whose name is subscribed to the foregoing instrument and swore to me that he executed the same for the purposes and consideration therein expressed, as Incorporator, and that the statements therein contained are true and correct.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 18 day of November, 1980.

Virginia Snyder
NOTARY PUBLIC IN HARRIS COUNTY, TEXAS.

THE STATE OF TEXAS
COUNTY OF HARRIS

Y
I
Y

BEFORE ME, the undersigned authority, on this day
personally appeared PATTY NIEMANN, known to me to be the person
whose name is subscribed to the foregoing instrument and swore
to me that she executed the same for the purposes and consideration
therein expressed, as Incorporator, and that the statements therein
contained are true and correct.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 18 day of
November, 1980.

Charles Clark
NOTARY PUBLIC IN HARRIS COUNTY, TEXAS.

Internal Revenue Service
District Director

Department of the Treasury

Date:

SEP 24 1982

Employer Identification Number:

74-2156618

Accounting Period Ending:

December 31

Form 990 Required: ☒ Yes ☐ No

Person to Contact:

EO Technical Assistor

Contact Telephone Number:

(214) 767-2728

EE:EO:7215:713:JH

Northwest Rural Emergency Medical
Services Association
P.O. Box 696
Tomball, Texas 77375

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in section 509(a)(2)

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. Also, you should inform us of all changes in your name or address.

Generally, you are not liable for social security (FICA) taxes unless you file a waiver of exemption certificate as provided in the Federal Insurance Contributions Act. If you have paid FICA taxes without filing the waiver, you should contact us. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes. If you have any questions about excise, employment, or other Federal taxes, please let us know.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

The box checked in the heading of this letter shows whether you must file Form 990, Return of Organization Exempt from Income tax. If Yes is checked, you are required to file Form 990 only if your gross receipts each year are normally more than \$10,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of \$10 a day, up to a maximum of \$5,000, when a return is filed late, unless there is reasonable cause for the delay.

1100 Commerce St., Dallas, Texas 75242

(over)

Letter 947(DO) (5-77)

rj

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T. In this letter, we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

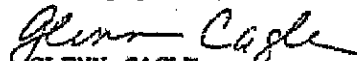
You need an employer identification number even if you have no employees.

If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,


GLENN CAGLE
DISTRICT DIRECTOR



BOB BULLOCK
Comptroller

COMPTROLLER OF PUBLIC ACCOUNTS
STATE OF TEXAS
AUSTIN, 78774

THE STATE OF TEXAS

§

COUNTY OF TRAVIS

§

I, Bob Bullock, Comptroller of Public Accounts of the State of Texas, DO HEREBY
CERTIFY that according to the records of this office,

NORTHWEST RURAL EMERGENCY MEDICAL SERVICES ASSOC.

is exempt from payment of franchise tax and consequently is in good standing with this office.

GIVEN UNDER MY HAND AND SEAL
OF OFFICE in the City of Austin, this
5th day of September, 1990 A.D.

BOB BULLOCK
Comptroller of Public Accounts

2E20:Form 05-303

an equal opportunity employer

7019170

OFFICE OF
ANITA RODEHEAVER
COUNTY CLERK
HARRIS COUNTY, TEXAS

8199 1 A 09/22/92 191.70 FIL#
9:51 AM 8199 0 5.00 TOTL
1 A 09/22/92

SEPTEMBER 22, 1992

This is to acknowledge receipt of Certificate of Operation under Assumed Name which was filed in my office for

NORTHWEST E M S

under File Number as shown on the cash register validation above, and indexed in Record of Persons Operating under Assumed Name as prescribed by law. The Certificate shows

NORTHWEST RURAL EMERGENCY MEDICAL SERVICES ASSOCIATION INCORPORATED

to be the owner_____ of said business. It will be null and void unless renewed prior to its expiration date.

Whenever there is a change of ownership of any business operating under any such assumed name, the person or persons withdrawing from said business or disposing of their interest therein, shall file in the office of the Clerk of the County in which such business is being conducted and has a place or places of business, a certificate setting forth the facts of such withdrawal from or disposition of interest in such business; and until he has filed such certificate he shall remain liable for all debts incurred in the operation of said business.

A Withdrawal Certificate shall be executed and duly acknowledged by the person or persons so withdrawing from or selling their interest in said business in a manner now provided for acknowledgment of conveyance of property.

Yours very truly,

Anita Rodeheaver,
County Clerk, Harris County

By April D. Chandler

APRIL D. CHANDLER

Deputy

T-025850

OFFICE OF
MOLLY A. PRYOR
COUNTY CLERK
HARRIS COUNTY, TEXAS

258.50 FIL#
0926 1 B 09/09/93 5.00 TOTL
11:35 AM 0926 0 1 09/09/93

SEPTEMBER 9, 1993

This is to acknowledge receipt of Certificate of Operation under Assumed Name which was filed in my office for NORTHWEST SPECIAL SERVICES under File Number as shown on the cash register validation above, and indexed in Record of Persons Operating under Assumed Name as prescribed by law. The Certificate shows

NORTHWEST RURAL EMERGENCY MEDICAL SERVICES ASSOCIATION, INC.

to be the owner___ of said business. It will be null and void unless renewed prior to its expiration date.

Whenever there is a change of ownership of any business operating under any such assumed name, the person or persons withdrawing from said business or disposing of their interest therein, shall file in the office of the Clerk of the County in which such business is being conducted and has a place or places of business, a certificate setting forth the facts of such withdrawal from or disposition of interest in such business; and until he has filed such certificate he shall remain liable for all debts incurred in the operation of said business.

A Withdrawal Certificate shall be executed and duly acknowledged by the person or persons so withdrawing from or selling their interest in said business in a manner now provided for acknowledgement of conveyance of property.

Yours very truly,

Molly A. Pryor,
County Clerk, Harris County



APRIL D. CHANDLER

Deputy

Form No. CC-B-03-13-07 (Rev. 06/93)

1001 PRESTON, 4TH FLOOR • P.O. BOX 1525 • HOUSTON, TEXAS 77251-1525 • 713 / 755-6411

Regular City Council

Agenda Item

Meeting Date: November 2, 2015

Data Sheet

Topic:

Approve the Assignment of Development Agreement regarding the Assignment of Annual Assessment Collections for PID No. 2, Raleigh Creek

Background:

A development agreement is in place between the City of Tomball and the developer, whereby the City has agreed to collect the annual assessment payments at the same time as property taxes (or provide for the collection of the assessment through the Harris County tax office) and then convey the assessment revenue to the developer annually as a reimbursement for the infrastructure costs detailed in the agreement.

The developer is requesting an assignment of those annual assessment collections to another entity, which is allowable under the agreement, subject to the City's consent.

Origination:

Finance

Recommendation:

Staff recommends approval of the assignment

Funding:

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

Glenn Windsor, CPA, Finance Director

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

LS Assignment Agreement

**ASSIGNMENT OF RIGHT TO REIMBURSEMENT
(PID RECEIVABLES)**

THE STATE OF TEXAS

§

§

COUNTY OF HARRIS

§

FOR VALUE RECEIVED, the undersigned, **LS DEVELOPMENT, LLC**, a Texas limited liability company ("Borrower"), hereby ASSIGNS, TRANSFERS AND SETS OVER unto **AMEGY BANK NATIONAL ASSOCIATION**, a national banking association ("Lender"), with business offices in The Woodlands, Texas, all of its right, title and interest in and to all rights to reimbursement from bond proceeds from the **CITY OF TOMBALL**, a municipal corporation (the "District"), its successors and assigns, for amounts due Borrower for utility construction and development and associated costs relating to the property described on Exhibit "A" attached hereto and made a part hereof (the "Property"), which Property is to be developed into residential lots, such reimbursement to be made pursuant to the that certain Development Agreement ("Development Agreement") between the District and Borrower dated March 7, 2007. Borrower has executed a certain Promissory Note (the "Note") dated March 27, 2013, payable to the order of Lender, in the original principal sum of \$5,000,000.00, bearing interest as therein provided, to evidence a loan to provide funds for the development of said project. Said Note is secured by a Deed of Trust and Security Agreement (the "Deed of Trust") of even date therewith to George M. Marshall, Trustee, creating a first lien on said property. All sums paid for reimbursement from said District shall be paid to Lender, irrespective of any default by Borrower, to be applied against the indebtedness of Borrower to Lender evidenced by said Note, said Deed of Trust and other loan documents, including, but not limited to, a Development Loan Agreement, in such order and manner as Lender may determine. Said District shall be notified of this Assignment and directed by Borrower to pay such sums directly to Lender.

By execution hereof, Borrower hereby transfers, pledges and collaterally assigns to Lender, Lender's successors and assigns, the Development Agreement and all rights, powers, interests, privileges of Borrower thereunder.

Borrower hereby agrees to execute such further documents, and to perform such further acts as Lender or said district may reasonably require in order to carry out and perform the terms and provisions hereof.

This Assignment shall not be deemed to impose upon Lender any of the Borrower's obligations to develop said Property in the absence of Lender's express written assumption of such obligations.

This Assignment shall be reassigned by Lender to Borrower upon payment in full of the indebtedness evidenced by the Note.

Executed this the 27 day of March, 2013.

LENDER:

AMEGY BANK NATIONAL ASSOCIATION, a national banking association

By: [Signature]
Name: ERIC WOJNER
Title: SVP

BORROWER:

LS DEVELOPMENT, LLC, a Texas limited liability company

By: [Signature]
James E. Spurlin, Manager

THE STATE OF TEXAS §
COUNTY OF Harris §

This instrument was acknowledged before me on this 27 day of **MARCH, 2013**, by James E. Spurlin, Manager of **LS DEVELOPMENT, LLC**, a Texas limited liability company, on behalf of said limited liability company.



[Signature]
Notary Public, State of Texas
My Commission Expires: _____

THE STATE OF TEXAS §
COUNTY OF Montgomery §

This instrument was acknowledged before me on this 27 day of **MARCH, 2013**, by Eric Wojner, SVP of **AMEGY BANK NATIONAL ASSOCIATION**, a national banking association, on behalf of said banking association.



[Signature]
Notary Public, State of Texas
My Commission Expires: 10-5-15

By the undersigned's execution hereof, the undersigned District acknowledges and consents to said assignment, and agrees to pay any reimbursements directly to Lender.

THE CITY OF TOMBALL, a municipal corporation

By: _____
Name: _____
Title: _____

THE STATE OF TEXAS

§
§
§

COUNTY OF _____

This instrument was acknowledged before me on this _____ day of **MARCH, 2013**, by _____ of **THE CITY OF TOMBALL**, a municipal corporation, on behalf of said corporation.

Notary Public, State of Texas
My Commission Expires: _____

Exhibit:

"A" - Property Description

EXHIBIT A

Being 142.8407 Acres of land in the Joseph Miller Survey, Abstract No. 50, City of Tomball, Harris County, Texas, being the same tract of land as described in deed to LS Development, LLC recorded under Harris County Clerk's File Number 20060238824, and being more particularly described by metes and bounds as follows;

BEGINNING at a 1/2 inch iron rod with "Westar" cap found in the north line of Zion Road (60' Right of Way) at the southwest corner of a 20.0000 acre tract of land described in deed to Diane Pettigrew and recorded under Harris County Clerk's File Number E990714;

THENCE S.87°32'44"W. 391.80 feet along the north line of said Zion Road to a 1/2 inch iron rod with "Westar" cap found at the southeast corner of a 0.526 acre tract of land described in deed to Mary Anne Radcliffe and recorded in Harris County Clerk's File Number V471789;

THENCE N.02°00'43"W. 1777.41 feet along the east line of said 0.526 acre tract, the east line of a called 2.290 acre tract recorded in Harris County Clerk's File No. R006483, the east line of a called 1.2240 acre tract recorded in Harris County Clerk's File No. R404456, the east line of a called 1.0354 acre tract recorded in Harris County Clerk's File No. S053503, and the east line of another called 1.0354 acre tract recorded in Harris County Clerk's File No. P336468, to a 1/2 inch iron rod found for corner;

THENCE S.86°49'52"W. 150.19 feet along the north line of said 1.0354 acres to a 1 inch iron pipe found marking the northeast corner of a 3.4015 acre tract of land described in deed to Dennis Zastrow recorded under Harris County Clerk's File Number S398301;

THENCE S.86°44'30"W. 623.18 feet along the north line of said Zastrow tract to a 1 inch iron pipe found for corner in the east line of a 22.8365 acre tract of land described in deed to Shaun Lehman and recorded under Harris County Clerk's File Number 20060033498;

THENCE N.02°31'17"W. 1805.83 feet along the east line of said Shalin Lehman tract and the east line of the Reserve at Spring Lake Section One Subdivision as shown on the plat thereof recorded under Film Code 645045 of the Harris County Map Records, to a 1/2 inch iron rod found marking the southwest corner of a tract of land described in deed to Tomball Gun Club, Inc. and recorded under Harris County Clerk's File Number L647016;

THENCE N.87°59'09"E. 805.81 feet along the south line of said Tomball Gun Club, Inc. tract and another tract of land described in deed to Tomball Gun Club, Inc., recorded under Harris County Clerk's File Number U002476, to a 1/2 inch iron rod found for corner;

THENCE N.02°03'01"W. 1263.83 feet along the east line of said Tomball Gun Club, Inc. tract to a 1/2 inch iron rod with "Westar" cap found in the south line of the I. & G. N. Railroad;

THENCE S.58°30'13"E. 41.21 feet along the south line of said I. & G. N. Railroad to a 1/2 inch iron rod with "Westar" cap found for corner;

THENCE N.88°25'38"E. 92.17 feet along the south line of said I. & G. N. Railroad to a 1/2 inch iron rod with "Westar" cap found for corner;

THENCE S.58°36'40"E. 1779.50 feet along the south line of said I. & G. N. Railroad to a 1/2 inch iron rod found for corner in the west line of a tract of land described in deed to Charles E. Weirich, Jr., and Melody Weirich Henry recorded under Harris County Clerk's File Number U330857;

THENCE S.00°25'56"E. 2050.28 feet along the west line of said Weirich tract, and the west line of two tracts of land described in deed to Doug A. Hirsch recorded under Harris County Clerk's File Numbers U822429 and U140795 to a wooden fence corner found for corner;

THENCE S.88°22'47"W. 1178.45 feet along the north line of a 18.2240 acre tract of land described in deed to John Carter Frank recorded under Harris County Clerk's File Number W952413, and the north line of said Diane Pettigrew tract to a 1 inch iron pipe found for corner;

THENCE S.01°58'34"E. 1782.94 feet along the west line of said Diane Pettigrew tract to the PLACE OF BEGINNING.

Regular City Council

Agenda Item

Meeting Date: November 2, 2015

Data Sheet

Topic:

Adopt, on First Reading, Ordinance No. 2015-23, an Ordinance of the City of Tomball, Texas Consenting to the Annexation of a 5.112-Acre Tract of Land by Harris County Municipal Utility District No. 273; and Making Findings Related Thereto

Background:

Robyn German, Allen Boone Humphries Robinson, LLP, representing Harris County Municipal Utility District No. 273, has requested that, pursuant to the Development Agreement, the City adopt an ordinance consenting to the annexation of the River of Praise tract by the District, effective April 9, 2015, the date that the District adopted the Order Adding Land to the District.

Origination:

Robyn German, Partner, Allen Boone Humphries Robinson, LLP

Recommendation:

Adopt Ordinance No. 2015-23 on First Reading

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Ordinance No. 2015-23

ABHR Request for Approval of Annexation by HCMUD 273

ORDINANCE NO. 2015-23

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS CONSENTING TO THE ANNEXATION OF A 5.112 ACRE TRACT OF LAND BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 273; AND MAKING FINDINGS RELATED THERETO.

* * * * *

WHEREAS, River of Praise, Incorporated, a Texas non-profit corporation, petitioned Harris County Municipal Utility District No. 273 ("MUD 273) to add the 5.112-acre tract of land described by metes and bounds in Exhibit "A" attached hereto (the "Land"); and

WHEREAS, MUD 273 requires the consent of the City of Tomball, Texas to add the Land to MUD 273; and

WHEREAS, the City of Tomball, Texas desires to consent to the annexation of the Land into the boundaries of MUD 273 effective April 9, 2015; now, therefore:

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

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

Section 2. The City Council of the City of Tomball, Texas hereby consents to the annexation of the Land by MUD 273, effective April 9, 2015.

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 2ND DAY OF NOVEMBER 2015.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 16TH DAY OF NOVEMBER 2015.

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

EXHIBIT "A"

FRONTIER SURVEYORS, INC.
990 VILLAGE SQUARE G-200
TOMBALL, TEXAS 77375
PHONE (281) 351-7153 FAX (281) 351-7997

METES AND BOUNDS

August 16, 2002

BEING 5.112 acres of land comprising of Lot 199, Lot 200, Lot 201 and Reserve "B", of Boudreaux Estates, Section Three, an unrecorded subdivision situated in the North one-half of the August Senechal Survey, Abstract Number 722, Harris County, Texas, and being the same Lot 201 and the North $\frac{1}{2}$ of Lot 200 as described under Harris County Clerk's File Number K017806, Lot 199 and the South $\frac{1}{2}$ of Lot 200 as described under Harris County Clerk's File Number K017807, and Reserve "B" as described under Harris County Clerk's File Number H433378, of the said unrecorded subdivision. (Bearing basis as described in said Harris County Clerk's File Number K017807 North 12°51'07" East, along the West line.) said 5.112 acre tract of land being described by Metes and Bounds as follows:

BEGINNING: at a set $\frac{3}{4}$ inch iron rod in the West right-of-way of Boudreaux Road for the Southeast corner of the herein described tract, the Southeast corner of the said Reserve "B" and the Northeast corner of a 314.781 acre tract of land described under Harris County Clerk's File Number J059251 and from said corner a found $\frac{1}{2}$ inch iron rod bears South 03°00'32" West, a distance of 0.62 feet;

THENCE: North 89°48'05" West, with the North line of the said 314.781 acre tract of land, the South line of said Reserve "B" and the South line of said Lot 199, a distance of 692.22 feet, to a found $\frac{1}{2}$ inch iron rod in the East line of Boudreaux Circle (60 feet wide) for the Southwest corner of the herein described tract and the Southwest corner of said Lot 199;

THENCE: North 12°51'07" East, a distance of 448.03 feet, with the said East line of said Boudreaux Circle (60 feet wide), the East line of said Lot 199, Lot 200 and Lot 201, to a found $\frac{1}{2}$ inch iron rod for the Northwest corner of the herein described tract, the Northwest corner of said Lot 201, in the South line of Boudreaux Estates Drive. (60 feet wide);

2002-104

EXHIBIT "A"

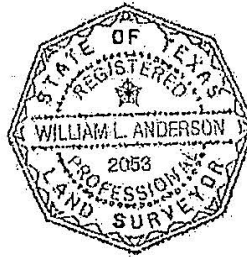
THENCE: South 70°43'20" East, a distance of 502.00 feet, with the said South line of Boudreaux Estates Drive, the North line of said Lot 201 and the North line of said Reserve "B" to a found ½ inch iron rod for an angle point;

THENCE: continuing with the South line of Boudreaux Estates Drive and the North line of said Reserve "B", South 89°46'12" East, a distance of 120.00 feet to a found ½ inch iron rod at the intersection of the said South line of Boudreaux Estates Drive and the said West line of Boudreaux Road, for the Northeast corner of the herein described tract and the Northeast corner of the said Reserve "B";

THENCE: South 00°16'14" West, a distance of 273.00 feet, with the said West line of Boudreaux Road and the East line of said Reserve "B" to the PLACE OF BEGINNING and containing 5.112 acres of land.

This is to certify that this description of land represents an actual survey made on the ground under my supervision, as shown by the accompanying plat and substantially complies with the current Texas Society of Professional Land Surveyors Standards and Specifications for a Category 1A, Condition III, Survey.

William L. Anderson
WILLIAM L. ANDERSON
PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 2053



WLA/KLD
2002-104

ALLEN BOONE HUMPHRIES ROBINSON LLP

ATTORNEYS AT LAW

PHOENIX TOWER
3200 SOUTHWEST FREEWAY
SUITE 2600
HOUSTON, TEXAS 77027
TEL (713) 860-6400
FAX (713) 860-6401
abhr.com

Direct Line: (713) 800-8471
Direct Fax: (713) 800-1171

rgerman@abhr.com

Robyn German
Elections Coordinator

October 14, 2015

SENT VIA FEDERAL EXPRESS

Ms. Doris Speer, City Secretary
City of Tomball, Texas
401 Market Street
Tomball, Texas 77375

Re: Harris County Municipal Utility District No. 273 (the "District"),
5.112 acre tract (River of Praise, Incorporated)

Dear Ms. Speer:

In connection with the 5.112 acres annexed into the District, I have attached the following:

- (1) Petition for Addition of Land
- (2) Order Adding Land
- (3) Legal description of the annexation tract
- (4) Annexation map of the District
- (5) Revised District Boundaries
- (6) Revised District map

The District would like to request, pursuant to the Development Agreement, the City adopt an ordinance consenting to the annexation of the River of Praise tract by the District, effective April 9, 2015, the date that the District adopted the Order Adding Land to the District.

If any additional documents are required, please do not hesitate to contact me.

Sincerely,



Robyn German

Enclosures

PETN
M

PETITION FOR ADDITION OF CERTAIN LAND TO
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 273

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

TO: THE BOARD OF DIRECTORS OF HARRIS COUNTY MUNICIPAL UTILITY
DISTRICT NO. 273:

RIVER OF PRAISE, INCORPORATED, a Texas non-profit corporation (the "Petitioner"), acting pursuant to the provisions of Chapter 49, Texas Water Code, particularly Section 49.301, petitions this Honorable Board to add the 5.112 acres of land described by metes and bounds in **Exhibit A** (the "Land"), attached hereto and incorporated herein for all purposes, to HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 273 (the "District"), and in support of this petition the Petitioner represents, covenants, and agrees as follows:

1EE

Section 1: The Land lies entirely within Harris County, Texas, and is accurately described by metes and bounds in **Exhibit A**.

Section 2: The Petitioner holds fee simple title to and full ownership of all the Land, as indicated by the certificate of ownership provided by the Harris County Appraisal District.

Section 3: All of the Land is within the exclusive extraterritorial jurisdiction (as such term is defined in Chapter 42, Texas Local Government Code, as amended) of the City of Tomball, Texas. No part of the Land is within the limits of any incorporated city, town, or village.

Section 4: The addition of the Land to the District is feasible and practical and will be to the advantage of and a benefit to the District and the water supply, sanitary sewer, and drainage systems and other improvements of the District are sufficient or will be sufficient to supply the added Land without injuring the land already within the District.

Section 5: The Petitioner acknowledges, consents to, and affirmatively requests the assumption by the Land, and all improvements thereon presently existing or to be constructed hereafter, of a pro rata share of all present and future obligations of the District, and of the taxes levied or hereafter to be levied by the District subject to any and all tax exemptions to which Petitioner may be entitled to under the law. Without limiting the generality of the foregoing, the Petitioner hereby agrees that the Land, and

ER 072-15-1628

all improvements thereon presently existing or to be constructed hereafter, hereby assumes its share of liability for the payment of any and all bonds or other obligations of the District, (i) that are currently outstanding or hereafter issued; and (ii) that are currently or hereafter voted but unissued. This petition shall further be considered as consent and authorization of the Petitioner, its successors and assigns, for all the Land and all improvements now existing or to be constructed thereon, to be taxed uniformly and equally on an ad valorem basis with all other taxable property within the District for: (1) the payment of principal of and interest on any and all of the District's outstanding unlimited tax bonds and unlimited tax refunding bonds; (2) the payment of principal of and interest on any and all of the District's unissued bonds that have been or may hereafter be authorized by the voters; (3) a maintenance tax not to exceed the amount per \$100 of assessed valuation that has been heretofore authorized by the voters or as may hereafter be authorized by the voters; and (4) all other purposes for which the District may lawfully levy taxes subject to any and all exemptions to which Petitioner may be entitled.

Section 6: The Petitioner hereby certifies that there are no qualified voters residing on the Land.

Section 7: The Petitioner hereby certifies that there are no holders of liens on the Land.

Section 8: This Petition is dated and effective March 26, 2015.

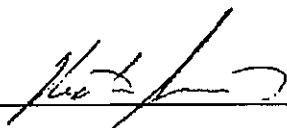
WHEREFORE, the Petitioner prays that this Petition be granted; that the Land be added to and become a part of the District; and that this Petition, if granted, be filed for record and be recorded in the Official Records of Harris County, Texas, and filed with the Texas Commission on Environmental Quality.

[EXECUTION PAGE FOLLOWS]

EXECUTED on the date of the acknowledgment below, but effective as of the 26th day of March, 2015.

**RIVER OF PRAISE, INCORPORATED, a
Texas non-profit corporation**

10R

By: 

Name: Richard Jennings

Title: President

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 13 day of July, 2015, by Richard Jennings, President of RIVER OF PRAISE, INCORPORATED, a Texas non-profit corporation, on behalf of said corporation.




Notary Public, State of Texas

Attachment:

Exhibit A: Description of the Land

After recording, return to: Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027, Attn: Yvonne Onak

FRONTIER SURVEYORS, INC.
990 VILLAGE SQUARE G-200
TOMBALL, TEXAS 77375
PHONE (281) 351-7153 FAX (281) 351-7997

EXHIBIT A

METES AND BOUNDS

August 16, 2002

BEING 5.112 acres of land comprising of Lot 199, Lot 200, Lot 201 and Reserve "B", of Boudreaux Estates, Section Three, an unrecorded subdivision situated in the North one-half of the August Senechal Survey, Abstract Number 722, Harris County, Texas, and being the same Lot 201 and the North ½ of Lot 200 as described under Harris County Clerk's File Number K017806, Lot 199 and the South ½ of Lot 200 as described under Harris County Clerk's File Number K017807, and Reserve "B" as described under Harris County Clerk's File Number H433378, of the said unrecorded subdivision. (Bearing basis as described in said Harris County Clerk's File Number K017807 North 12°51'07" East, along the West line.) said 5.112 acre tract of land being described by Metes and Bounds as follows:

BEGINNING: at a set ¾ inch iron rod in the West right-of-way of Boudreaux Road for the Southeast corner of the herein described tract, the Southeast corner of the said Reserve "B" and the Northeast corner of a 314.781 acre tract of land described under Harris County Clerk's File Number J059251 and from said corner a found ½ inch iron rod bears South 03°00'32" West, a distance of 0.62 feet;

THENCE: North 89°48'05" West, with the North line of the said 314.781 acre tract of land, the South line of said Reserve "B" and the South line of said Lot 199, a distance of 692.22 feet, to a found ½ inch iron rod in the East line of Boudreaux Circle (60 feet wide) for the Southwest corner of the herein described tract and the Southwest corner of said Lot 199;

THENCE: North 12°51'07" East, a distance of 448.03 feet, with the said East line of said Boudreaux Circle (60 feet wide), the East line of said Lot 199, Lot 200 and Lot 201, to a found ½ inch iron rod for the Northwest corner of the herein described tract, the Northwest corner of said Lot 201, in the South line of Boudreaux Estates Drive. (60 feet wide);

2002-104

THENCE: South 70°43'20" East, a distance of 502.00 feet, with the said South line of Boudreaux Estates Drive, the North line of said Lot 201 and the North line of said Reserve "B" to a found ½ inch iron rod for an angle point;

THENCE: continuing with the South line of Boudreaux Estates Drive and the North line of said Reserve "B", South 89°46'12" East, a distance of 120.00 feet to a found ½ inch iron rod at the intersection of the said South line of Boudreaux Estates Drive and the said West line of Boudreaux Road, for the Northeast corner of the herein described tract and the Northeast corner of the said Reserve "B";

THENCE: South 00°16'14" West, a distance of 273.00 feet, with the said West line of Boudreaux Road and the East line of said Reserve "B" to the PLACE OF BEGINNING and containing 5.112 acres of land.

This is to certify that this description of land represents an actual survey made on the ground under my supervision, as shown by the accompanying plat and substantially complies with the current Texas Society of Professional Land Surveyors Standards and Specifications for a Category 1A, Condition III, Survey.

William L. Anderson
WILLIAM L. ANDERSON
PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 2053



WLA/KLD
2002-104

ER 072-15-1632

SECRETARY'S CERTIFICATE

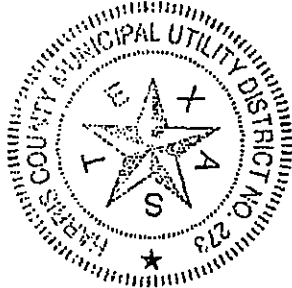
THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, the undersigned Secretary of the Board of Directors of HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 273, do hereby certify that the attached and foregoing is a true and correct copy of the Petition For Addition Of Certain Land to HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 273, that was filed with the Board of Directors of the District on this 13th day of July, 2015.

WITNESS MY HAND AND SEAL OF SAID DISTRICT on this 13th day of July, 2015.

By: *[Signature]*
Secretary, Board of Directors

(SEAL)



20150334490
Pages 7
07/28/2015 10:25 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees \$36.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically
and any blackouts, additions or changes were present
at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or
use of the described real property because of color or
race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in
File Number Sequence on the date and at the time stamped
hereon by me; and was duly RECORDED in the Official
Public Records of Real Property of Harris County, Texas.



Stan Stanart

COUNTY CLERK
HARRIS COUNTY, TEXAS

CERTIFICATE FOR ORDER

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, the undersigned officer of the Board of Directors of HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 273 hereby certify as follows:

1. The Board of Directors of Harris County Municipal Utility District No. 273 convened in regular session on the 9th day of April, 2015, outside the boundaries of the District, and the roll was called of the members of the Board:

Margaret Gallagher	Director
Bob Conwell	Director
Jack Hall	Director
Vacant	Director
Vacant	Director

and all of said persons were present except Director(s) _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at the meeting: a written

ORDER ADDING LAND

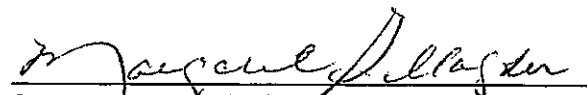
was introduced for the consideration of the Board. It was then duly moved and seconded that the order be adopted, and, after due discussion, the motion, carrying with it the adoption of the order, prevailed and carried unanimously.

2. A true, full, and correct copy of the aforesaid order adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; the action approving the order has been duly recorded in the Board's minutes of the meeting; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid meeting, and that the order would be introduced and considered for adoption at the meeting, and each of the officers and members consented, in advance, to the holding of the meeting for such purpose; the meeting was open to the public as required by law; and public notice of the time, place, and subject of the meeting was given as required by Chapter 551, Texas Government Code, and Section 49.063, Texas Water Code.

SIGNED AND SEALED on the 9th day of April, 2015.

(SEAL)




Secretary, Board of Directors

ORDER ADDING LAND

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS, there has been presented to and filed with the Board of Directors of HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 273 (the "District") the petitions of PETER S. TERPSTRA, TRUSTEE and P. S. TERPSTRA; and RIVER OF PRAISE, INCORPORATED, a Texas non-profit corporation (collectively, the "Petitioner"), praying that the land described by metes and bounds in **Exhibit A** (the "Land"), which is attached to this Order and incorporated herein for all purposes, be added to and become a part of the District; and

WHEREAS, the Board of Directors, after carefully considering the facts and evidence, hereby finds and determines conclusively that:

(1) all of the allegations and statements contained in said petition, including all attachments, are true and correct;

(2) the annexation of the Land is feasible and practical and it is to the advantage of the District to add the Land to the District and it will be a benefit to the Land to add it to the District;

(3) the waterworks, sanitary sewer, and drainage systems and other improvements of the District are sufficient or will be sufficient to supply the added Land without injuring the land already within the District;

(4) the Land is correctly described by metes and bounds in **Exhibit A**, and the petitions requesting the addition of said Land have been signed and executed in the manner provided by law for the conveyance of real estate and in full conformity with the law;

(5) there are no qualified voters residing on the Land;

(6) the City of Tomball, Texas, has consented to the District's annexation of the Land; NOW THEREFORE;

BE IT ORDERED BY THE BOARD OF DIRECTORS OF HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 273 THAT:

Section 1: It is hereby affirmatively found and determined that all of the recitations, matters, and facts set out in the preamble of this Order are true and correct.

Section 2: The Land is hereby added to the District and hereby becomes a part of the District.

Section 3: The Land and all present and future improvements thereon shall be liable for all present and future debts of the District in the same manner as other lands and improvements in the District are liable for said debts, and future taxes levied by the District shall be levied upon all taxable Land and all improvements thereon uniformly and equally on an ad valorem basis with the taxes levied on all other taxable property within the District.

Section 4: The District shall continue to be authorized to issue the bonds authorized at an election or elections held within the District but not yet issued, for the purposes and upon the terms and conditions such bonds were voted, in one or more issues or series, at a future date or dates, when in the Board's judgment such amounts are required for the authorized purposes, and the District shall continue to be authorized to levy taxes to pay principal and interest on the District's bonds and other obligations payable from taxes.

Section 5: The District shall continue to be authorized to levy and collect a maintenance tax not to exceed the amount per \$100 of assessed valuation of all taxable property within the District, including the Land, which tax was approved by the District's voters at an election held within the District.

Section 6: The District secretary, or their designee, is authorized and directed to file for record a copy of the petitions described in the preamble hereof and a certified copy of this Order in the office of the County Clerk of Harris County, Texas, and with the Texas Commission on Environmental Quality.

Section 7: The Board enters this Order Adding Land and redefines the boundaries of the District to include all of the land described on **Exhibit B** attached hereto and incorporated herein for all purposes.

Section 8: This Order shall be effective immediately upon its adoption.

[EXECUTION PAGE FOLLOWS]

PASSED AND APPROVED on this 9th day of April, 2015.

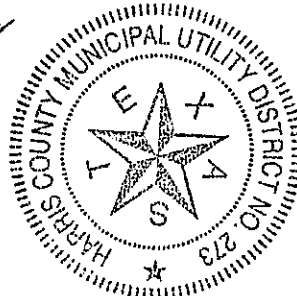
**HARRIS COUNTY MUNICIPAL UTILITY
DISTRICT NO. 273**

By: *Jack Hall*
Name: *Jack R. Hall*
Title: *President*

ATTEST:

(SEAL)

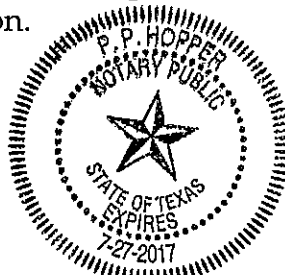
By: *Margaret Gallagher*
Name: *Margaret Gallagher*
Title: *Secretary*



THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 9th day of April, 2015, by *Jack Hall*, as *President*, and *Margaret Gallagher*, as *Secretary*, of the Board of Directors of HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 273, a political subdivision of the State of Texas, on behalf of said political subdivision.

(NOTARY SEAL)



P. P. Hopper
Notary Public, State of Texas

Attachments:

Exhibit A: Description of the Land

Exhibit B: Description of the Revised District Boundaries

After recording, return to: Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027, Attn: Yvonne Onak

EXHIBIT A

Thomas Land Surveying Surveying • Planning • Project Management

April 5, 2007

19.0890 Acres

Fieldnotes for 19.0890 acres of land out of the Wilhelm Usener Survey, Abstract No. 820, in Harris County, Texas, consisting of the residue of that certain 19.2528 acre tract of land conveyed to Peter S. Terpstra, Trustee, as described in deed recorded under County Clerk's File No. K910629 of the Real Property Records of Harris County, and the residue of that certain 2.00 acre tract of land conveyed to P. S. Terpstra (1/2 interest) and R. H. Nagy (1/2 interest), as described in deeds recorded under County Clerk's File No(s). J347524 and J347526, respectively, of the said Real Property Records, said 19.0890 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch steel rod found in the North line of Boudreaux Road, based on a 60 foot right-of-way, at the South end of a cut-back line for State Highway No. 249 (right-of-way varies), at the most Southerly Southeast corner of the herein described tract, said point being in the South line of the said 2.00 acre tract, said point also being the Southwest corner of that certain 1.115 acre tract of land conveyed to the State of Texas, as described in deed recorded under County Clerk's File No. N815622 of the said Real Property Records;

Thence, South 87°37'53" West with the North line of said Boudreaux Road and the South line of the said 2.00 acre tract, at 112.01 feet passing the Southwest corner of the said 2.00 acre tract and the most Southerly Southeast corner of the said 19.2528 acre tract, and continuing with the South line of the said 19.2528 acre tract in all, a total distance of 1158.61 feet to a 5/8 inch steel rod with cap set for the Southwest corner of the said 19.2528 acre tract and the herein described tract, said point also being the Southeast corner of that certain 2.272 acre tract of land conveyed to Alton Sargent and wife, Jo Ann Sargent, as described in deed recorded under County Clerk's File No. F787545 of the said Real Property Records, said tract of land also known as Reserve "A" of Boudreaux Estates, Section 3 (an unrecorded subdivision);

Thence, North 02°43'14" West, 737.93 feet with the East line of said Boudreaux Estates, Section 3 and the West line of the said 19.2528 acre tract to a 5/8 inch steel rod found marking the Northwest corner of the said 19.2528 acre tract and the herein described tract, said point being in the East line of Lot 79 of said Boudreaux Estates, Section 3, said point also being the Southwest corner of the residue of that certain 5.0600 acre tract of land conveyed to L. D. Neidigk, et ux and Roy L. Bayne, et ux, as described in deed recorded under County Clerk's File No. M467117 of the said Real Property Records;

Thence, North 87°42'00" East, 1067.62 feet with the South line of the said 5.0600 acre tract and the North line of the said 19.2528 acre tract to an "X" in concrete found in the West line of said State Highway No. 249 marking the Northeast corner of the herein described tract, said point being the Northwest corner of that certain 1.055 acre tract of land conveyed to the State of Texas, as described in deed recorded under County Clerk's File No. N815624 of the said Real Property Records, said point also being in the arc of a non-tangent curve to the right, having a radius of 2849.79 feet and a central angle of 01°33'06";

Thence, in a Southerly direction, with the West line of said State Highway No. 249, and with the said curve to the right having a radius of 2849.79 feet (chord bearing South 12°29'30" East, 77.18 feet), an arc distance of 77.18 feet to a 5/8 inch steel rod with aluminum (TxDOT) cap found at a point of tangency;

19.0890 Acres
April 5, 2007
Page 2

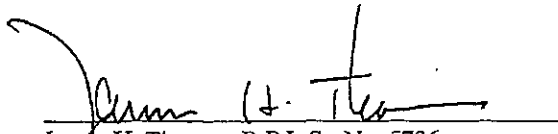
Thence, continuing with the West line of said State Highway No. 249, South $11^{\circ}42'57''$ East, 424.03 feet to a 5/8 inch steel rod with cap set at a point of curve to the left, having a radius of 1542.89 feet and a central angle of $06^{\circ}39'37''$;

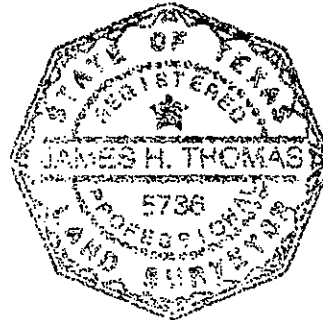
Thence, continuing with the West line of said State Highway No. 249, and with the said curve to the left having a radius of 1542.89 feet (chord bearing $15^{\circ}02'45''$ East, 179.25 feet), an arc distance of 179.35 feet to a 5/8 inch steel rod found at a point of tangency;

Thence, continuing with the West line of said State Highway No. 249, South $18^{\circ}22'34''$ East, 26.76 feet to a 5/8 inch steel rod set at the Northerly end of the aforesaid cut-back line for Boudreaux Road, said point being the most Easterly Southeast corner of the herein described tract;

Thence, South $36^{\circ}32'42''$ West, 53.53 feet with the said cut-back line to the PLACE OF BEGINNING and containing 19.0890 acres or 831,516 square feet of land, more or less.

This description is based on the land title survey and plat (Job No. 07-15204) made under the direction of James H. Thomas, Registered Professional Land Surveyor on April 4, 2007.


James H. Thomas, R.P.L.S. No. 5736



FRONTIER SURVEYORS, INC.
990 VILLAGE SQUARE G-200
TOMBALL, TEXAS 77375
PHONE (281) 351-7153 FAX (281) 351-7997

METES AND BOUNDS
TRACT I

August 16, 2002

BEING 5.112 acres of land comprising of Lot 199, Lot 200, Lot 201 and Reserve "B", of Boudreaux Estates, Section Three, an unrecorded subdivision situated in the North one-half of the August Senechal Survey, Abstract Number 722, Harris County, Texas, and being the same Lot 201 and the North $\frac{1}{2}$ of Lot 200 as described under Harris County Clerk's File Number K017806, Lot 199 and the South $\frac{1}{2}$ of Lot 200 as described under Harris County Clerk's File Number K017807, and Reserve "B" as described under Harris County Clerk's File Number H433378, of the said unrecorded subdivision. (Bearing basis as described in said Harris County Clerk's File Number K017807 North $12^{\circ}51'07''$ East, along the West line.) said 5.112 acre tract of land being described by Metes and Bounds as follows:

BEGINNING: at a set $\frac{3}{4}$ inch iron rod in the West right-of-way of Boudreaux Road for the Southeast corner of the herein described tract, the Southeast corner of the said Reserve "B" and the Northeast corner of a 314.781 acre tract of land described under Harris County Clerk's File Number J059251 and from said corner a found $\frac{1}{2}$ inch iron rod bears South $03^{\circ}00'32''$ West, a distance of 0.62 feet;

THENCE: North $89^{\circ}48'05''$ West, with the North line of the said 314.781 acre tract of land, the South line of said Reserve "B" and the South line of said Lot 199, a distance of 692.22 feet, to a found $\frac{1}{2}$ inch iron rod in the East line of Boudreaux Circle (60 feet wide) for the Southwest corner of the herein described tract and the Southwest corner of said Lot 199;

THENCE: North $12^{\circ}51'07''$ East, a distance of 448.03 feet, with the said East line of said Boudreaux Circle (60 feet wide), the East line of said Lot 199, Lot 200 and Lot 201, to a found $\frac{1}{2}$ inch iron rod for the Northwest corner of the herein described tract, the Northwest corner of said Lot 201, in the South line of Boudreaux Estates Drive. (60 feet wide);

2002-104

THENCE: South 70°43'20" East, a distance of 502.00 feet, with the said South line of Boudreaux Estates Drive, the North line of said Lot 201 and the North line of said Reserve "B" to a found ½ inch iron rod for an angle point;

THENCE: continuing with the South line of Boudreaux Estates Drive and the North line of said Reserve "B", South 89°46'12" East, a distance of 120.00 feet to a found ½ inch iron rod at the intersection of the said South line of Boudreaux Estates Drive and the said West line of Boudreaux Road, for the Northeast corner of the herein described tract and the Northeast corner of the said Reserve "B";

THENCE: South 00°16'14" West, a distance of 273.00 feet, with the said West line of Boudreaux Road and the East line of said Reserve "B" to the PLACE OF BEGINNING and containing 5.112 acres of land.

This is to certify that this description of land represents an actual survey made on the ground under my supervision, as shown by the accompanying plat and substantially complies with the current Texas Society of Professional Land Surveyors Standards and Specifications for a Category 1A, Condition III, Survey.

William L. Anderson
WILLIAM L. ANDERSON
PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 2053



WLA/KLD
2002-104

EXHIBIT B



November 24, 1998

FIELD NOTES

Harris County M.U.D. 273

Description of 111.8884 acres out of the William Perkins Survey, Abstract No. 621, the C. Hall Survey, Abstract No. 1639 and the T. Duclos Survey, Abstract No. 1473, located in Harris County, Texas and being more fully described by metes and bounds as follows (with bearings referenced to the Partial Replat of Westbourne, Section One, as recorded in Volume 316, Page 49 of the Harris County Map Records):

BEGINNING at a point in the south right-of-way line of Boudreaux Road marking the southwest corner of a tract conveyed to Harris County for the extension of said Boudreaux Road (recorded in Harris County Clerk's File No. D900150) and being the southwest corner of the herein described tract;

THENCE, North 02° 51' 58" West, along a west line of said Boudreaux Road extension right-of-way tract, a distance of 20.00 feet to a point for corner;

THENCE, North 87° 19' 27" East, along a north line of said Boudreaux Road extension right-of-way tract, a distance of 30.00 feet to a point in the east right-of-way line of existing Boudreaux Road;

THENCE, North 02° 41' 05" West, along the east right-of-way line of said existing Boudreaux Road, a distance of 2938.09 feet to an angle point in said right-of-way line and being the northwest corner of the herein described tract;

THENCE, North 87° 36' 57" East, along the southerly right-of-way line of said Boudreaux Road, a distance of 1316.59 feet to a point for the northeast corner of the herein described tract;

THENCE, South 16° 08' 15" East, along an east line of the herein described tract, a distance of 508.78 feet to the point of curvature of a curve to the left;

THENCE, southeasterly, along the arc of said curve to the left having a radius of 2954.79 feet, through a central angle of 15° 30' 02" (the chord bears South 23° 53' 16" East a distance of 796.94 feet), an arc length of 799.38 feet to the point of tangency of said curve;

THENCE, South 31° 38' 17" East, along an easterly line of the herein described tract, a distance of 1929.39 feet to the point of curvature of a curve to the left;

Dallas - Houston - San Antonio

1315 Sherwood Forest - Houston, Texas 77043 - tel 713.481.1400 - fax 713.481.3838 - info@clarksurvey.com

Harris County M.U.D. 273

THENCE, southeasterly, along the arc of said curve to the left having a radius of 2954.79 feet, through a central angle of $04^{\circ} 18' 37''$ (the chord bears South $33^{\circ} 47' 35''$ East a distance of 222.23 feet), an arc length of 222.29 feet to a point for corner;

THENCE, South $58^{\circ} 21' 43''$ West, a distance of 68.52 feet to a point in the arc of a curve in the southwest right-of-way line of State Highway 249 (variable width);

THENCE, northwesterly, along the southwest right-of-way line of said State Highway 249 and the arc of said curve to the right having a radius of 11,634.16 feet, through a central angle of $02^{\circ} 22' 59''$ (the chord bears North $34^{\circ} 17' 47''$ West a distance of 483.83 feet), an arc length of 483.86 feet to a point of reverse curvature;

THENCE, northwesterly, along the southwest right-of-way line of said State Highway 249 and the arc of said reverse curve to the left having a radius of 1512.89 feet, through a central angle of $02^{\circ} 05' 31''$ (the chord bears North $34^{\circ} 09' 04''$ West a distance of 55.23 feet), an arc length of 55.24 feet to the point of tangency of said reverse curve;

THENCE, North $35^{\circ} 11' 49''$ West, continuing along the southwest right-of-way line of said State Highway 249, a distance of 556.09 feet to a point for the easterly cut back corner located at the south corner of the intersection of said State Highway 249 and the aforementioned Boudreaux Road extension tract;

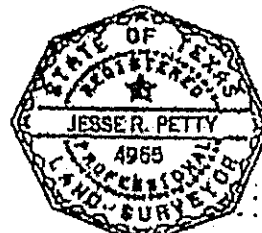
THENCE, North $75^{\circ} 10' 21''$ West, along a cut back line, a distance of 50.34 feet to a point in the southeast right-of-way line of said Boudreaux Road extension for the most westerly cut back corner located at the aforementioned intersection of said Boudreaux Road extension and State Highway 249;

THENCE, South $58^{\circ} 21' 43''$ West, along the southerly right-of-way line of said Boudreaux Road, a distance of 802.94 feet to the point of curvature of a curve to the right;

THENCE, southwesterly, along the southerly right-of-way line of said Boudreaux Road and the arc of said curve to the right having a radius of 2850.00 feet, through a central angle of $28^{\circ} 57' 45''$ (the chord bears South $72^{\circ} 50' 36''$ West a distance of 1425.36 feet), an arc length of 1440.65 feet to the point of tangency of said curve;

THENCE, South $87^{\circ} 19' 27''$ West, along the southerly right-of-way line of said Boudreaux Road, a distance of 29.92 feet to the POINT OF BEGINNING and containing a computed area of 111.8884 acres of land.

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Thomas Land Surveying
Surveying • Planning • Project Management

April 5, 2007

19.0890 Acres

Fieldnotes for 19.0890 acres of land out of the Wilhelm Usener Survey, Abstract No. 820, in Harris County, Texas, consisting of the residue of that certain 19.2528 acre tract of land conveyed to Peter S. Terpstra, Trustee, as described in deed recorded under County Clerk's File No. K910629 of the Real Property Records of Harris County, and the residue of that certain 2.00 acre tract of land conveyed to P. S. Terpstra (1/2 interest) and R. H. Nagy (1/2 interest), as described in deeds recorded under County Clerk's File No(s). J347524 and J347526, respectively, of the said Real Property Records, said 19.0890 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch steel rod found in the North line of Boudreaux Road, based on a 60 foot right-of-way, at the South end of a cut-back line for State Highway No. 249 (right-of-way varies), at the most Southerly Southeast corner of the herein described tract, said point being in the South line of the said 2.00 acre tract, said point also being the Southwest corner of that certain 1.115 acre tract of land conveyed to the State of Texas, as described in deed recorded under County Clerk's File No. N815622 of the said Real Property Records;

Thence, South 87°37'53" West with the North line of said Boudreaux Road and the South line of the said 2.00 acre tract, at 112.01 feet passing the Southwest corner of the said 2.00 acre tract and the most Southerly Southeast corner of the said 19.2528 acre tract, and continuing with the South line of the said 19.2528 acre tract in all, a total distance of 1158.61 feet to a 5/8 inch steel rod with cap set for the Southwest corner of the said 19.2528 acre tract and the herein described tract, said point also being the Southeast corner of that certain 2.272 acre tract of land conveyed to Alton Sargent and wife, Jo Ann Sargent, as described in deed recorded under County Clerk's File No. F787545 of the said Real Property Records, said tract of land also known as Reserve "A" of Boudreaux Estates, Section 3 (an unrecorded subdivision);

Thence, North 02°43'14" West, 737.93 feet with the East line of said Boudreaux Estates, Section 3 and the West line of the said 19.2528 acre tract to a 5/8 inch steel rod found marking the Northwest corner of the said 19.2528 acre tract and the herein described tract, said point being in the East line of Lot 79 of said Boudreaux Estates, Section 3, said point also being the Southwest corner of the residue of that certain 5.0600 acre tract of land conveyed to L. D. Neidigk, et ux and Roy L. Bayne, et ux, as described in deed recorded under County Clerk's File No. M467117 of the said Real Property Records;

Thence, North 87°42'00" East, 1067.62 feet with the South line of the said 5.0600 acre tract and the North line of the said 19.2528 acre tract to an "X" in concrete found in the West line of said State Highway No. 249 marking the Northeast corner of the herein described tract, said point being the Northwest corner of that certain 1.055 acre tract of land conveyed to the State of Texas, as described in deed recorded under County Clerk's File No. N815624 of the said Real Property Records, said point also being in the arc of a non-tangent curve to the right, having a radius of 2849.79 feet and a central angle of 01°33'06";

Thence, in a Southerly direction, with the West line of said State Highway No. 249, and with the said curve to the right having a radius of 2849.79 feet (chord bearing South 12°29'30" East, 77.18 feet), an arc distance of 77.18 feet to a 5/8 inch steel rod with aluminum (TxDOT) cap found at a point of tangency;

19.0890 Acres
April 5, 2007
Page 2

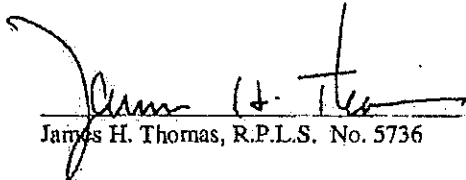
Thence, continuing with the West line of said State Highway No. 249, South $11^{\circ}42'57''$ East, 424.03 feet to a 5/8 inch steel rod with cap set at a point of curve to the left, having a radius of 1542.89 feet and a central angle of $06^{\circ}39'37''$;

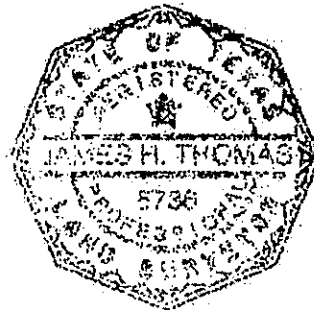
Thence, continuing with the West line of said State Highway No. 249, and with the said curve to the left having a radius of 1542.89 feet (chord bearing $15^{\circ}02'45''$ East, 179.25 feet), an arc distance of 179.35 feet to a 5/8 inch steel rod found at a point of tangency;

Thence, continuing with the West line of said State Highway No. 249, South $18^{\circ}22'34''$ East, 26.76 feet to a 5/8 inch steel rod set at the Northerly end of the aforesaid cut-back line for Boudreaux Road, said point being the most Easterly Southeast corner of the herein described tract;

Thence, South $36^{\circ}32'42''$ West, 53.53 feet with the said cut-back line to the PLACE OF BEGINNING and containing 19.0890 acres or 831,516 square feet of land, more or less.

This description is based on the land title survey and plat (Job No. 07-15204) made under the direction of James H. Thomas, Registered Professional Land Surveyor on April 4, 2007.


James H. Thomas, R.P.L.S. No. 5736



FRONTIER SURVEYORS, INC.
990 VILLAGE SQUARE G-200
TOMBALL, TEXAS 77375
PHONE (281) 351-7153 FAX (281) 351-7997

**METES AND BOUNDS
TRACT I**

August 16, 2002

BEING 5.112 acres of land comprising of Lot 199, Lot 200, Lot 201 and Reserve "B", of Boudreaux Estates, Section Three, an unrecorded subdivision situated in the North one-half of the August Senechal Survey, Abstract Number 722, Harris County, Texas, and being the same Lot 201 and the North ½ of Lot 200 as described under Harris County Clerk's File Number K017806, Lot 199 and the South ½ of Lot 200 as described under Harris County Clerk's File Number K017807, and Reserve "B" as described under Harris County Clerk's File Number H433378, of the said unrecorded subdivision. (Bearing basis as described in said Harris County Clerk's File Number K017807 North 12°51'07" East, along the West line.) said 5.112 acre tract of land being described by Metes and Bounds as follows:

BEGINNING: at a set ¾ inch iron rod in the West right-of-way of Boudreaux Road for the Southeast corner of the herein described tract, the Southeast corner of the said Reserve "B" and the Northeast corner of a 314.781 acre tract of land described under Harris County Clerk's File Number J059251 and from said corner a found ½ inch iron rod bears South 03°00'32" West, a distance of 0.62 feet;

THENCE: North 89°48'05" West, with the North line of the said 314.781 acre tract of land, the South line of said Reserve "B" and the South line of said Lot 199, a distance of 692.22 feet, to a found ½ inch iron rod in the East line of Boudreaux Circle (60 feet wide) for the Southwest corner of the herein described tract and the Southwest corner of said Lot 199;

THENCE: North 12°51'07" East, a distance of 448.03 feet, with the said East line of said Boudreaux Circle (60 feet wide), the East line of said Lot 199, Lot 200 and Lot 201, to a found ½ inch iron rod for the Northwest corner of the herein described tract, the Northwest corner of said Lot 201, in the South line of Boudreaux Estates Drive. (60 feet wide);

2002-104

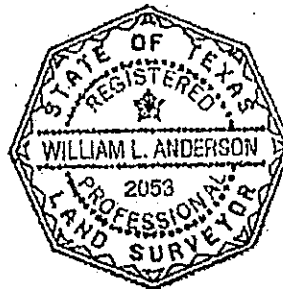
THENCE: South 70°43'20" East, a distance of 502.00 feet, with the said South line of Boudreaux Estates Drive, the North line of said Lot 201 and the North line of said Reserve "B" to a found ½ inch iron rod for an angle point;

THENCE: continuing with the South line of Boudreaux Estates Drive and the North line of said Reserve "B", South 89°46'12" East, a distance of 120.00 feet to a found ½ inch iron rod at the intersection of the said South line of Boudreaux Estates Drive and the said West line of Boudreaux Road, for the Northeast corner of the herein described tract and the Northeast corner of the said Reserve "B";

THENCE: South 00°16'14" West, a distance of 273.00 feet, with the said West line of Boudreaux Road and the East line of said Reserve "B" to the PLACE OF BEGINNING and containing 5.112 acres of land.

This is to certify that this description of land represents an actual survey made on the ground under my supervision, as shown by the accompanying plat and substantially complies with the current Texas Society of Professional Land Surveyors Standards and Specifications for a Category 1A, Condition III, Survey.

William L. Anderson
WILLIAM L. ANDERSON
PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 2053



WLA/KLD
2002-104

FRONTIER SURVEYORS, INC.
990 VILLAGE SQUARE G-200
TOMBALL, TEXAS 77375
PHONE (281) 351-7153 FAX (281) 351-7997

METES AND BOUNDS

August 16, 2002

BEING 5.112 acres of land comprising of Lot 199, Lot 200, Lot 201 and Reserve "B", of Boudreaux Estates, Section Three, an unrecorded subdivision situated in the North one-half of the August Senechal Survey, Abstract Number 722, Harris County, Texas, and being the same Lot 201 and the North $\frac{1}{2}$ of Lot 200 as described under Harris County Clerk's File Number K017806, Lot 199 and the South $\frac{1}{2}$ of Lot 200 as described under Harris County Clerk's File Number K017807, and Reserve "B" as described under Harris County Clerk's File Number H433378, of the said unrecorded subdivision. (Bearing basis as described in said Harris County Clerk's File Number K017807 North $12^{\circ}51'07''$ East, along the West line.) said 5.112 acre tract of land being described by Metes and Bounds as follows:

BEGINNING: at a set $\frac{3}{4}$ inch iron rod in the West right-of-way of Boudreaux Road for the Southeast corner of the herein described tract, the Southeast corner of the said Reserve "B" and the Northeast corner of a 314.781 acre tract of land described under Harris County Clerk's File Number J059251 and from said corner a found $\frac{1}{2}$ inch iron rod bears South $03^{\circ}00'32''$ West, a distance of 0.62 feet;

THENCE: North $89^{\circ}48'05''$ West, with the North line of the said 314.781 acre tract of land, the South line of said Reserve "B" and the South line of said Lot 199, a distance of 692.22 feet, to a found $\frac{1}{2}$ inch iron rod in the East line of Boudreaux Circle (60 feet wide) for the Southwest corner of the herein described tract and the Southwest corner of said Lot 199;

THENCE: North $12^{\circ}51'07''$ East, a distance of 448.03 feet, with the said East line of said Boudreaux Circle (60 feet wide), the East line of said Lot 199, Lot 200 and Lot 201, to a found $\frac{1}{2}$ inch iron rod for the Northwest corner of the herein described tract, the Northwest corner of said Lot 201, in the South line of Boudreaux Estates Drive. (60 feet wide);

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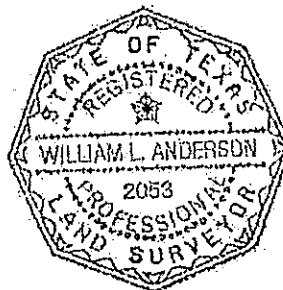
THENCE: South 70°43'20" East, a distance of 502.00 feet, with the said South line of Boudreaux Estates Drive, the North line of said Lot 201 and the North line of said Reserve "B" to a found ½ inch iron rod for an angle point;

THENCE: continuing with the South line of Boudreaux Estates Drive and the North line of said Reserve "B", South 89°46'12" East, a distance of 120.00 feet to a found ½ inch iron rod at the intersection of the said South line of Boudreaux Estates Drive and the said West line of Boudreaux Road, for the Northeast corner of the herein described tract and the Northeast corner of the said Reserve "B";

THENCE: South 00°16'14" West, a distance of 273.00 feet, with the said West line of Boudreaux Road and the East line of said Reserve "B" to the PLACE OF BEGINNING and containing 5.112 acres of land.

This is to certify that this description of land represents an actual survey made on the ground under my supervision, as shown by the accompanying plat and substantially complies with the current Texas Society of Professional Land Surveyors Standards and Specifications for a Category 1A, Condition III, Survey.

William L. Anderson
WILLIAM L. ANDERSON
PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 2053



WLA/KLD
2002-104

Map 5.112 acre tract (River of Praise)

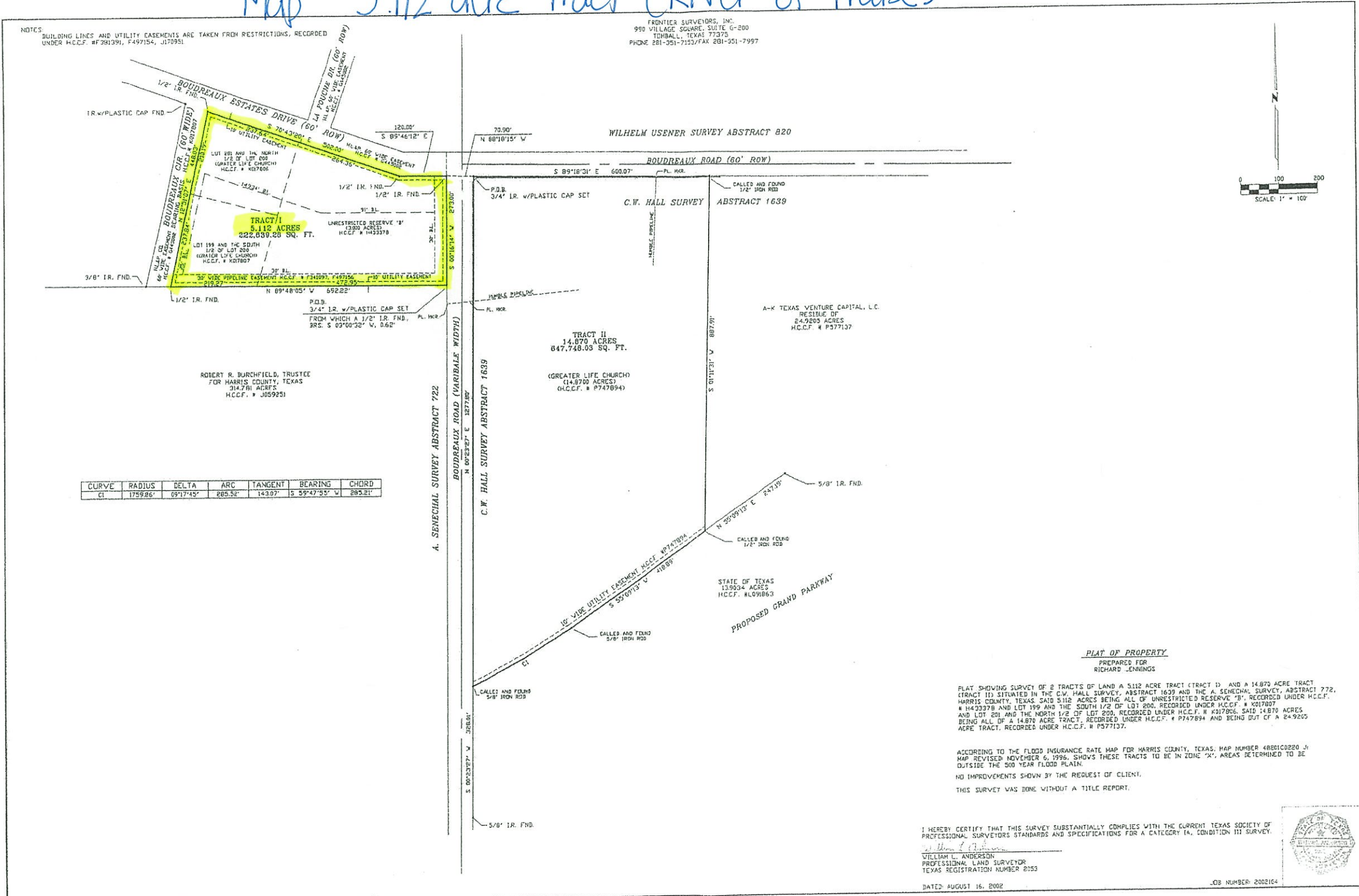


EXHIBIT B



November 24, 1998

FIELD NOTES

Harris County M.U.D. 273

Description of 111.8884 acres out of the William Perkins Survey, Abstract No. 621, the C. Hall Survey, Abstract No. 1639 and the T. Duclos Survey, Abstract No. 1473, located in Harris County, Texas and being more fully described by metes and bounds as follows (with bearings referenced to the Partial Replat of Westbourne, Section One, as recorded in Volume 316, Page 49 of the Harris County Map Records):

BEGINNING at a point in the south right-of-way line of Boudreaux Road marking the southwest corner of a tract conveyed to Harris County for the extension of said Boudreaux Road (recorded in Harris County Clerk's File No. D900150) and being the southwest corner of the herein described tract;

THENCE, North $02^{\circ} 51' 58''$ West, along a west line of said Boudreaux Road extension right-of-way tract, a distance of 20.00 feet to a point for corner;

THENCE, North $87^{\circ} 19' 27''$ East, along a north line of said Boudreaux Road extension right-of-way tract, a distance of 30.00 feet to a point in the east right-of-way line of existing Boudreaux Road;

THENCE, North $02^{\circ} 41' 05''$ West, along the east right-of-way line of said existing Boudreaux Road, a distance of 2938.09 feet to an angle point in said right-of-way line and being the northwest corner of the herein described tract;

THENCE, North $87^{\circ} 36' 57''$ East, along the southerly right-of-way line of said Boudreaux Road, a distance of 1316.59 feet to a point for the northeast corner of the herein described tract;

THENCE, South $16^{\circ} 08' 15''$ East, along an east line of the herein described tract, a distance of 508.78 feet to the point of curvature of a curve to the left;

THENCE, southeasterly, along the arc of said curve to the left having a radius of 2954.79 feet, through a central angle of $15^{\circ} 30' 02''$ (the chord bears South $23^{\circ} 53' 16''$ East a distance of 796.94 feet), an arc length of 799.38 feet to the point of tangency of said curve;

THENCE, South $31^{\circ} 38' 17''$ East, along an easterly line of the herein described tract, a distance of 1929.39 feet to the point of curvature of a curve to the left;

Dallas - Houston - San Antonio

1315 Sherwood Forest - Houston, Texas 77043 - tel 713.481.1400 - fax 713.481.3838 - info@clarksurvey.com

Harris County M.U.D. 273

THENCE, southeasterly, along the arc of said curve to the left having a radius of 2954.79 feet, through a central angle of $04^{\circ} 18' 37''$ (the chord bears South $33^{\circ} 47' 35''$ East a distance of 222.23 feet), an arc length of 222.29 feet to a point for corner;

THENCE, South $58^{\circ} 21' 43''$ West, a distance of 68.52 feet to a point in the arc of a curve in the southwest right-of-way line of State Highway 249 (variable width);

THENCE, northwesterly, along the southwest right-of-way line of said State Highway 249 and the arc of said curve to the right having a radius of 11,634.16 feet, through a central angle of $02^{\circ} 22' 59''$ (the chord bears North $34^{\circ} 17' 47''$ West a distance of 483.83 feet), an arc length of 483.86 feet to a point of reverse curvature;

THENCE, northwesterly, along the southwest right-of-way line of said State Highway 249 and the arc of said reverse curve to the left having a radius of 1512.89 feet, through a central angle of $02^{\circ} 05' 31''$ (the chord bears North $34^{\circ} 09' 04''$ West a distance of 55.23 feet), an arc length of 55.24 feet to the point of tangency of said reverse curve;

THENCE, North $35^{\circ} 11' 49''$ West, continuing along the southwest right-of-way line of said State Highway 249, a distance of 556.09 feet to a point for the easterly cut back corner located at the south corner of the intersection of said State Highway 249 and the aforementioned Boudreaux Road extension tract;

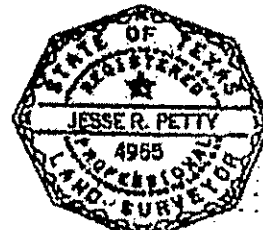
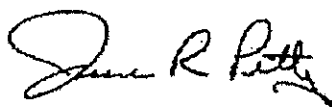
THENCE, North $75^{\circ} 10' 21''$ West, along a cut back line, a distance of 50.34 feet to a point in the southeast right-of-way line of said Boudreaux Road extension for the most westerly cut back corner located at the aforementioned intersection of said Boudreaux Road extension and State Highway 249;

THENCE, South $58^{\circ} 21' 43''$ West, along the southerly right-of-way line of said Boudreaux Road, a distance of 802.94 feet to the point of curvature of a curve to the right;

THENCE, southwesterly, along the southerly right-of-way line of said Boudreaux Road and the arc of said curve to the right having a radius of 2850.00 feet, through a central angle of $28^{\circ} 57' 45''$ (the chord bears South $72^{\circ} 50' 36''$ West a distance of 1425.36 feet), an arc length of 1440.65 feet to the point of tangency of said curve;

THENCE, South $87^{\circ} 19' 27''$ West, along the southerly right-of-way line of said Boudreaux Road, a distance of 29.92 feet to the POINT OF BEGINNING and containing a computed area of 111.8884 acres of land.

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Thomas Land Surveying
Surveying • Planning • Project Management

April 5, 2007

19.0890 Acres

Fieldnotes for 19.0890 acres of land out of the Wilhelm Usener Survey, Abstract No. 820, in Harris County, Texas, consisting of the residue of that certain 19.2528 acre tract of land conveyed to Peter S. Terpstra, Trustee, as described in deed recorded under County Clerk's File No. K910629 of the Real Property Records of Harris County, and the residue of that certain 2.00 acre tract of land conveyed to P. S. Terpstra (1/2 interest) and R. H. Nagy (1/2 interest), as described in deeds recorded under County Clerk's File No(s). J347524 and J347526, respectively, of the said Real Property Records, said 19.0890 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch steel rod found in the North line of Boudreaux Road, based on a 60 foot right-of-way, at the South end of a cut-back line for State Highway No. 249 (right-of-way varies), at the most Southerly Southeast corner of the herein described tract, said point being in the South line of the said 2.00 acre tract, said point also being the Southwest corner of that certain 1.115 acre tract of land conveyed to the State of Texas, as described in deed recorded under County Clerk's File No. N815622 of the said Real Property Records;

Thence, South 87°37'53" West with the North line of said Boudreaux Road and the South line of the said 2.00 acre tract, at 112.01 feet passing the Southwest corner of the said 2.00 acre tract and the most Southerly Southeast corner of the said 19.2528 acre tract, and continuing with the South line of the said 19.2528 acre tract in all, a total distance of 1158.61 feet to a 5/8 inch steel rod with cap set for the Southwest corner of the said 19.2528 acre tract and the herein described tract, said point also being the Southeast corner of that certain 2.272 acre tract of land conveyed to Alton Sargent and wife, Jo Ann Sargent, as described in deed recorded under County Clerk's File No. F787545 of the said Real Property Records, said tract of land also known as Reserve "A" of Boudreaux Estates, Section 3 (an unrecorded subdivision);

Thence, North 02°43'14" West, 737.93 feet with the East line of said Boudreaux Estates, Section 3 and the West line of the said 19.2528 acre tract to a 5/8 inch steel rod found marking the Northwest corner of the said 19.2528 acre tract and the herein described tract, said point being in the East line of Lot 79 of said Boudreaux Estates, Section 3, said point also being the Southwest corner of the residue of that certain 5.0600 acre tract of land conveyed to L. D. Neidigk, et ux and Roy L. Bayne, et ux, as described in deed recorded under County Clerk's File No. M467117 of the said Real Property Records;

Thence, North 87°42'00" East, 1067.62 feet with the South line of the said 5.0600 acre tract and the North line of the said 19.2528 acre tract to an "X" in concrete found in the West line of said State Highway No. 249 marking the Northeast corner of the herein described tract, said point being the Northwest corner of that certain 1.055 acre tract of land conveyed to the State of Texas, as described in deed recorded under County Clerk's File No. N815624 of the said Real Property Records, said point also being in the arc of a non-tangent curve to the right, having a radius of 2849.79 feet and a central angle of 01°33'06";

Thence, in a Southerly direction, with the West line of said State Highway No. 249, and with the said curve to the right having a radius of 2849.79 feet (chord bearing South 12°29'30" East, 77.18 feet), an arc distance of 77.18 feet to a 5/8 inch steel rod with aluminum (TxDOT) cap found at a point of tangency;

19.0890 Acres
April 5, 2007
Page 2

Thence, continuing with the West line of said State Highway No. 249, South $11^{\circ}42'57''$ East, 424.03 feet to a 5/8 inch steel rod with cap set at a point of curve to the left, having a radius of 1542.89 feet and a central angle of $06^{\circ}39'37''$;

Thence, continuing with the West line of said State Highway No. 249, and with the said curve to the left having a radius of 1542.89 feet (chord bearing $15^{\circ}02'45''$ East, 179.25 feet), an arc distance of 179.35 feet to a 5/8 inch steel rod found at a point of tangency:

Thence, continuing with the West line of said State Highway No. 249, South $18^{\circ}22'34''$ East, 26.76 feet to a 5/8 inch steel rod set at the Northerly end of the aforesaid cut-back line for Boudreaux Road, said point being the most Easterly Southeast corner of the herein described tract;

Thence, South $36^{\circ}32'42''$ West, 53.53 feet with the said cut-back line to the PLACE OF BEGINNING and containing 19.0890 acres or 831,516 square feet of land, more or less.

This description is based on the land title survey and plat (Job No. 07-15204) made under the direction of James H. Thomas, Registered Professional Land Surveyor on April 4, 2007.


James H. Thomas, R.P.L.S. No. 5736



FRONTIER SURVEYORS, INC.
990 VILLAGE SQUARE G-200
TOMBALL, TEXAS 77375
PHONE (281) 351-7153 FAX (281) 351-7997

**METES AND BOUNDS
TRACT I**

August 16, 2002

BEING 5.112 acres of land comprising of Lot 199, Lot 200, Lot 201 and Reserve "B", of Boudreaux Estates, Section Three, an unrecorded subdivision situated in the North one-half of the August Senechal Survey, Abstract Number 722, Harris County, Texas, and being the same Lot 201 and the North ½ of Lot 200 as described under Harris County Clerk's File Number K017806, Lot 199 and the South ½ of Lot 200 as described under Harris County Clerk's File Number K017807, and Reserve "B" as described under Harris County Clerk's File Number H433378, of the said unrecorded subdivision. (Bearing basis as described in said Harris County Clerk's File Number K017807 North 12°51'07" East, along the West line.) said 5.112 acre tract of land being described by Metes and Bounds as follows:

BEGINNING: at a set ¾ inch iron rod in the West right-of-way of Boudreaux Road for the Southeast corner of the herein described tract, the Southeast corner of the said Reserve "B" and the Northeast corner of a 314.781 acre tract of land described under Harris County Clerk's File Number J059251 and from said corner a found ½ inch iron rod bears South 03°00'32" West, a distance of 0.62 feet;

THENCE: North 89°48'05" West, with the North line of the said 314.781 acre tract of land, the South line of said Reserve "B" and the South line of said Lot 199, a distance of 692.22 feet, to a found ½ inch iron rod in the East line of Boudreaux Circle (60 feet wide) for the Southwest corner of the herein described tract and the Southwest corner of said Lot 199;

THENCE: North 12°51'07" East, a distance of 448.03 feet, with the said East line of said Boudreaux Circle (60 feet wide), the East line of said Lot 199, Lot 200 and Lot 201, to a found ½ inch iron rod for the Northwest corner of the herein described tract, the Northwest corner of said Lot 201, in the South line of Boudreaux Estates Drive. (60 feet wide);

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THENCE: South 70°43'20" East, a distance of 502.00 feet, with the said South line of Boudreaux Estates Drive, the North line of said Lot 201 and the North line of said Reserve "B" to a found ½ inch iron rod for an angle point;

THENCE: continuing with the South line of Boudreaux Estates Drive and the North line of said Reserve "B", South 89°46'12" East, a distance of 120.00 feet to a found ½ inch iron rod at the intersection of the said South line of Boudreaux Estates Drive and the said West line of Boudreaux Road, for the Northeast corner of the herein described tract and the Northeast corner of the said Reserve "B";

THENCE: South 00°16'14" West, a distance of 273.00 feet, with the said West line of Boudreaux Road and the East line of said Reserve "B" to the PLACE OF BEGINNING and containing 5.112 acres of land.

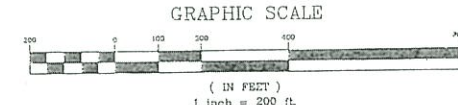
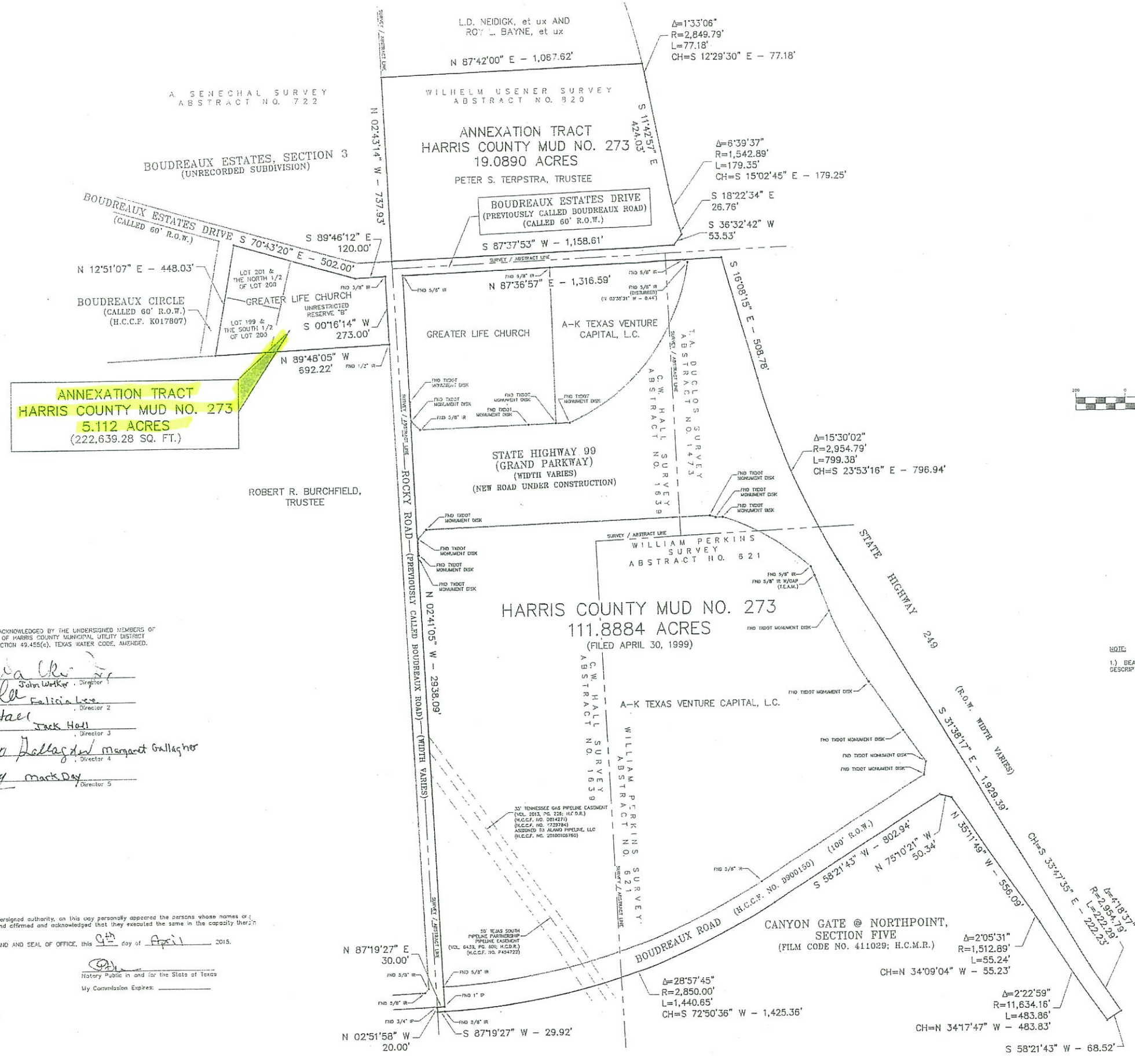
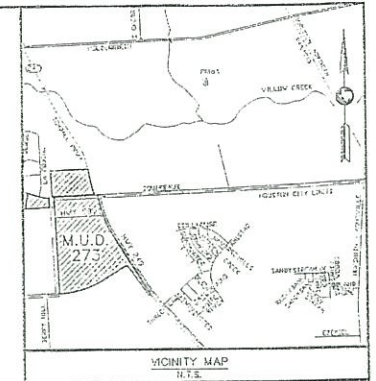
This is to certify that this description of land represents an actual survey made on the ground under my supervision, as shown by the accompanying plat and substantially complies with the current Texas Society of Professional Land Surveyors Standards and Specifications for a Category 1A, Condition III, Survey.

William L. Anderson
WILLIAM L. ANDERSON
PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 2053



WLA/KLD
2002-104

Revised District Map.



- LEGEND**
- FND - FOUND
 - H.C.C.F. - HARRIS COUNTY CLERK'S FILE
 - H.C.D.R. - HARRIS COUNTY DEED RECORDS
 - H.C.H.R. - HARRIS COUNTY MAP RECORDS
 - IP - IRON PIPE
 - IR - IRON ROD
 - R.O.W. - RIGHT OF WAY
 - SQ. FT. - SQUARE FEET
 - W - WITH

NOTE:
1) BEARINGS SHOWN HEREON ARE BASED ON METES-AND-BOUNDS DESCRIPTIONS FOR EACH INDIVIDUAL TRACT PROVIDED BY CLIENT.

EXECUTED, AFFIRMED AND ACKNOWLEDGED BY THE UNDERSIGNED MEMBERS OF THE BOARD OF DIRECTORS OF HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 273, PURSUANT TO SECTION 49.455(c), TEXAS WATER CODE, AMENDED.

DIRECTORS:
John Walker, Director 1
Juliana C. Lee, Director 2
Jack R. Hall, Director 3
Margaret Gallagher, Director 4
Mark Day, Director 5

STATE OF TEXAS
COUNTY OF HARRIS
BEFORE ME, the undersigned authority, on this day personally appeared the persons whose names are subscribed to the right, and acknowledged that they executed the same in the capacity therein stated.
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 9th day of April, 2015.



Notary Public in and for the State of Texas
My Commission Expires:

EXHIBIT
OF
HARRIS COUNTY MUD NO. 273 AND TWO ANNEXATION TRACTS
BEING A 19.0890 ACRE TRACT OF LAND
IN THE WILHELM USSENER SURVEY, ABSTRACT NO. 820,
AND A 5.112 ACRE TRACT OF LAND
IN THE A. SENECHAL SURVEY, ABSTRACT NO. 722,
HARRIS COUNTY, TEXAS

TEXAS ENGINEERING AND MAPPING CO.
12810 CENTURY DRIVE
STAFFORD, TEXAS 77477
FIRM REGISTRATION NO. 10119000
PHONE: 281.491.2525 FAX: 281.491.2935

Regular City Council

Agenda Item

Meeting Date: November 2, 2015

Data Sheet

Topic:

Approve Resolution No. 2015-25, a Resolution of the City Council of the City of Tomball, Texas, Designating the City Secretary of the City of Tomball as the Public Information Coordinator and Delegating Responsibility for Public Information Training Requirements under Texas Government Code Section 552.012; Finding Compliance with the Open Meetings Law; and Providing an Effective Date Hereof

Background:

Under Texas Government Code, Chapter 552. Public Information, elected or appointed public officials are required to complete training of not less than one hour regarding the responsibilities of the governmental body no less than 90 days after the public official takes the oath of office or otherwise assumes office.

A public official may designate a public information coordinator to satisfy this training requirement if the public information coordinator is primarily responsible for administering the responsibilities of the public official or governmental body under Chapter 552, the Public Information Act.

Designation of a public information coordinator does not alleviate the requirement that elected and appointed officials complete the Open Meetings Act; it does relieve elected and appointed officials of the requirement to complete the Open Records training, although officials may elect to complete both training sessions.

Origination:

City Secretary

Recommendation:

N/A

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Resolution No. 2015-25

Texas Government Code, Chapter 552.012

RESOLUTION NO. 2015-25

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TOMBALL, TEXAS, DESIGNATING THE CITY SECRETARY OF THE
CITY OF TOMBALL AS THE PUBLIC INFORMATION
COORDINATOR AND DELEGATING RESPONSIBILITY FOR PUBLIC
INFORMATION TRAINING REQUIREMENTS UNDER TEXAS
GOVERNMENT CODE SECTION 552.012; FINDING COMPLIANCE
WITH THE OPEN MEETINGS LAW; AND PROVIDING AN
EFFECTIVE DATE HEREOF.**

* * * * *

WHEREAS, Texas Government Code § 552.012 requires each elected or appointed public official who is: (1) a member of a multimember governmental body; (2) the governing officer of a governmental body that is headed by a single officer rather than by a multimember governing body; or (3) the officer for public information of a governmental body, to complete a course of training of at least one hour regarding the responsibilities of the governmental body with which the official serves and its officers and employees under the Texas Public Information Act; and

WHEREAS, Texas Government Code § 552.012(c) authorizes a public official to designate a “public information coordinator” to satisfy the training requirements for the public official if the public information coordinator is primarily responsible for administering the responsibilities of the public official or governmental body under the Texas Public Information Act; and

WHEREAS, designation of a public information coordinator does not relieve a public official from the duty to comply with any other requirement of the Texas Public Information Act that applies to the public official; and

WHEREAS, the City Secretary of the City of Tomball is primarily responsible for administering the responsibilities of the public official or governmental body under Chapter 552 of the Texas Government Code; and

WHEREAS, the City Council of the City of Tomball believes that it is to the advantage of the city to designate a public information coordinator to satisfy the training requirement of Texas Government Code Section 552.012 in lieu of all of the city’s public officials taking the training; and

WHEREAS, all of the city’s public officials may still take the training at their option;
NOW, THEREFORE

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

Section 1. Pursuant to Section 552.012(c) of the Texas Government Code, the City Council of the City of Tomball hereby designates the City Secretary of the City of Tomball as the Public Information Coordinator to satisfy the training requirements of Texas Government Code Section 552.012 for all of the city’s public officials who are subject to such requirements.

Section 2. That the City Secretary, as the City's Public Information Coordinator, is primarily responsible for administering the responsibilities of the City's public officials under the Texas Public Information Act.

Section 3. That the City's Public Information Coordinator shall complete the training course regarding the responsibilities of the City's public officials under the Texas Public Information Act not later than the 90th day after the date the coordinator assumes the duties as Public Information Coordinator.

Section 4. This Resolution shall be effective from and after its passage and approval.

PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 2ND DAY OF NOVEMBER, 2015.

GRETCHEN FAGAN
Mayor

ATTEST:

Doris Speer
City Secretary

Sec. 552.012. OPEN RECORDS TRAINING. (a) This section applies to an elected or appointed public official who is:

- (1) a member of a multimember governmental body;
- (2) the governing officer of a governmental body that is headed by a single officer rather than by a multimember governing body; or
- (3) the officer for public information of a governmental body, without regard to whether the officer is elected or appointed to a specific term.

(b) Each public official shall complete a course of training of not less than one and not more than two hours regarding the responsibilities of the governmental body with which the official serves and its officers and employees under this chapter not later than the 90th day after the date the public official:

- (1) takes the oath of office, if the person is required to take an oath of office to assume the person's duties as a public official; or
- (2) otherwise assumes the person's duties as a public official, if the person is not required to take an oath of office to assume the person's duties.

(c) A public official may designate a public information coordinator to satisfy the training requirements of this section for the public official if the public information coordinator is primarily responsible for administering the responsibilities of the public official or governmental body under this chapter. Designation of a public information coordinator under this subsection does not relieve a public official from the duty to comply with any other requirement of this chapter that applies to the public official. The designated public information coordinator shall complete the training course regarding the responsibilities of the governmental body with which the coordinator serves and of its officers and employees under this chapter not later than the 90th day after the date the coordinator assumes the person's duties as coordinator.

(d) The attorney general shall ensure that the training is made available. The office of the attorney general may provide the training and may also approve any acceptable course of training offered by a governmental body or other entity. The attorney general shall ensure that at least one course of training approved or provided by the attorney general is available on videotape or a functionally similar and widely available medium at no cost. The training must include instruction in:

- (1) the general background of the legal requirements for open records and public information;
- (2) the applicability of this chapter to governmental bodies;
- (3) procedures and requirements regarding complying with a request for information under this chapter;
- (4) the role of the attorney general under this chapter; and
- (5) penalties and other consequences for failure to comply with this chapter.

(e) The office of the attorney general or other entity providing the training shall provide a certificate of course completion to persons who complete the training required by this section. A governmental body shall maintain and make available for public inspection the record of its public officials' or, if applicable, the public information coordinator's completion of the training.

(f) Completing the required training as a public official of the governmental body satisfies the requirements of this section with regard to the public official's service on a committee or subcommittee of the governmental body and the public official's ex officio service on any other governmental body.

(g) The training required by this section may be used to satisfy any corresponding training requirements concerning this chapter or open records required by law for a public official or public information coordinator. The attorney general shall attempt to coordinate the training required by this section with training required by other law to the extent practicable.

(h) A certificate of course completion is admissible as evidence in a criminal prosecution under this chapter. However, evidence that a defendant completed a course of training offered under this section is not prima facie evidence that the defendant knowingly violated this chapter.

Added by Acts 2005, 79th Leg., Ch. 105 (S.B. [286](#)), Sec. 2, eff. January 1, 2006.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 2, 2015

Topic:

Approve Resolution No. 2015-26, a Resolution of the City Council of the City of Tomball, Texas, Casting Its Ballot for the Election of a Person to the Board of Directors of the Harris County Appraisal District

Background:

In August, Harris County Appraisal District requested nominations for the two-year term beginning on January 1, 2016. The current representative for the 32 smaller cities and towns in Harris County, other than the City of Houston, on the six-member HCAD Board of Directors is Ed Heathcott, who has served on the board since January 1, 2008. On September 21, 2015, Council approved Resolution No. 2015-18, nominating Mr. Heathcott for a fifth term.

James P. Avioli and Ed Heathcott are the individuals nominated for the board position representing cities other than the City of Houston. Letters from each candidate are included for Council review and consideration.

Harris County Appraisal District now asks Council to cast its ballot for an individual to fill the position on the Board of Directors of the Harris County Appraisal District representing small cities other than the City of Houston within the Harris County Appraisal District for a two-year term of office commencing on January 1, 2016.

Origination:

Sands Stiefer, Chief Appraiser-HCAD

Recommendation:

City staff makes no recommendation.

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Resolution No. 2015-26

Request from HCAD

Ed Heathcott Letter

James Avioli Letter

RESOLUTION NO. 2015-26

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TOMBALL, TEXAS, CASTING ITS BALLOT FOR THE
ELECTION OF A PERSON TO THE BOARD OF DIRECTORS
OF THE HARRIS COUNTY APPRAISAL DISTRICT**

* * * * *

WHEREAS, the Chief Appraiser of the Harris County Appraisal District, Harris County, Texas, has delivered to the Mayor of this City the names of those persons duly nominated as candidates to serve in that position on the board of directors of the Harris County Appraisal District, representing and to be filled by the cities other than the City of Houston, participating in said appraisal district; and

WHEREAS, this City deems it appropriate and in the public interest to cast its vote for the candidate of its choice to fill such position; **now, therefore**

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

Section 1. That the facts and recitations set forth in the preamble of this Resolution be, and they are hereby, adopted, ratified, and confirmed.

Section 2. That the City of Tomball, Texas, casts its vote and it does hereby cast its vote for _____ to fill the position on the board of directors of the Harris County Appraisal District, representing and to be filled by the cities, other than the City of Houston, participating in the appraisal district.

Section 3. That the Mayor be, and she is, hereby authorized and directed to deliver or cause to be delivered an executed or certified copy of this Resolution to the Chief Appraiser of the Harris County Appraisal District no later than December 15, 2015.

PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 2ND DAY OF NOVEMBER, 2015.

GRETCHEN FAGAN
Mayor

ATTEST:

Doris Speer
City Secretary

**CERTIFICATION OF BALLOT
FOR BOARD OF DIRECTORS
HARRIS COUNTY APPRAISAL DISTRICT**

I, Gretchen Fagan, Mayor of the City of Tomball, Texas, certify that on the 2nd day of November 2015, the City Council of the City of Tomball, Texas did, by Resolution No. 2015-26, cast its ballot for the following nominee to serve as a member of the Board of Directors of the Harris County Appraisal District.

(Place an "X" in the square next to the candidate of Council's choice.)

James P. Avioli ☐

Ed Heathcott ☐

I further certify that a true and correct copy of the Resolution No. 2015-26 casting such ballot is attached hereto.

WITNESS MY HAND this 2nd day of November 2015.

GRETCHEN FAGAN
Mayor

ATTEST:

Doris Speer
City Secretary

I, Doris Speer, City Secretary for the City of Tomball, Texas, do hereby certify that I am the custodian of the records of the City, and that the attached Resolution No. 2015-26, a Resolution of the City Council of the City of Tomball, Texas, Casting Its Ballot for the Election of a Person to the Board of Directors of the Harris County Appraisal District is a true and correct copy from the official records of the City of Tomball, Texas.

Doris Speer
City Secretary

November 2, 2015
Date



Harris County Appraisal District
Interoffice Memorandum

OFFICE OF THE CHIEF APPRAISER

TO: Presiding Officers of Taxing Units
Served by the Harris County Appraisal District

FROM: Sands Stiefer, Chief Appraiser

SUBJECT: Election of Board of Directors of the
Harris County Appraisal District

DATE: October 19, 2015

The nomination period for board candidates representing the small cities, school districts, junior college districts and conservation & reclamation districts closed October 15, 2015. The names of all candidates officially nominated to me on or before that date are reflected on the enclosed "Certification of Ballot" forms.

Candidates for contested positions are listed alphabetically on the ballots in the manner required by the Texas Tax Code.

David L. Janda, Jr. and Katherine (Toni) Trumbull are nominees for the board position representing school districts other than Houston ISD and the junior college districts.

James P. Avioli and Ed Heathcott are nominees for the board position representing cities other than the City of Houston.

Glenn Peters and John E. Sherman are nominees for the position representing the conservation and reclamation districts.

To assist you in the election procedure, I have enclosed a Certification of Ballot and a suggested form of resolution for casting your vote for the candidate representing your type of taxing unit. ***Ballot forms for all four types of units are enclosed to make you aware of all nominees, even though only taxing units of a particular type may vote in the election applicable to that type of unit.*** The governing body of each taxing unit is entitled to one vote for the candidate of its choice from the names appearing on the appropriate Certification of Ballot. Please note, the

junior college districts vote collectively. Each board of trustees for the respective junior college districts may file a vote by resolution with the chief appraiser, however, the collective vote of the junior college districts will thereafter be cast for the candidate who receives the most votes from among the junior college districts.

Each governing body must cast its vote for one of the nominees, formally adopt a resolution naming the person for whom it votes, and submit a certified copy to the chief appraiser. ***The vote must be by resolution.*** The resolution, or a certified copy thereof, together with the completed Certification of Ballot, must be delivered to Sands Stiefer, Chief Appraiser, 13013 Northwest Freeway, Houston, Texas 77040, or mailed to P. O. Box 920975, Houston, Texas 77292-0975 ***to arrive before 5:00 p.m. Tuesday, December 15, 2015.*** The outside of the envelope should be marked "Ballot for Board of Directors." Ballots that arrive after that day and time will not be counted.

Prior to December 20, 2015, the chief appraiser will count the votes, declare the results, and notify the winners, the nominees, and the presiding officers of each taxing unit. A tie vote will be resolved by a method of chance chosen by the chief appraiser.

These procedures do not apply to Harris County, the City of Houston, or the Houston Independent School District. Those units will select their board member by adopting a resolution appointing such member by December 15, 2015, and delivering an original or certified copy to the Office of the Chief Appraiser.

If you have questions about the board selection process, please call me at 713/957-5299.

Attachments

c: HCAD Board Members
 Tax Assessors
 Attorneys

(For Use by Cities Other Than the City of Houston)

CERTIFICATION OF BALLOT
FOR BOARD OF DIRECTORS
HARRIS COUNTY APPRAISAL DISTRICT

I, _____, certify that on the _____ day of _____, 2015, the City Council of the City of _____ did by resolution cast its ballot for the following nominee to serve as a member of the Board of Directors of the Harris County Appraisal District.

(Place an "X" in the square next to the candidate of your choice.)

James P. Avioli []

Ed Heathcott []

I further certify that a true and correct copy of the resolution casting such ballot is attached hereto.

WITNESS MY HAND this _____ day of _____, 2015.

Mayor

ATTEST:

City Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF _____
CASTING ITS BALLOT FOR THE ELECTION OF A PERSON
TO THE BOARD OF DIRECTORS OF THE
HARRIS COUNTY APPRAISAL DISTRICT

WHEREAS, the chief appraiser of the Harris County Appraisal District has delivered to the mayor of this city, the names of those persons duly nominated as candidates to serve in that position on the board of directors of the Harris County Appraisal District, representing and to be filled by the cities other than the City of Houston, participating in said appraisal district; and

WHEREAS, this city deems it appropriate and in the public interest to cast its vote for the candidate of its choice to fill such position; now, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF _____:

Section 1. That the facts and recitations set forth in the preamble of this resolution be, and they are hereby, adopted, ratified, and confirmed.

Section 2. That the City of _____ does hereby cast its vote for _____, to fill the position on the board of directors of the Harris County Appraisal District, representing and to be filled by the cities, other than the City of Houston, participating in the appraisal district.

Section 3. That the mayor be, and he or she is hereby, authorized and directed to deliver or cause to be delivered an executed or certified copy of this resolution to the chief appraiser of the Harris County Appraisal District no later than December 15, 2015.

PASSED AND APPROVED this _____ day of _____, 2015.

Mayor

ATTEST:

City Secretary



Harris County Appraisal District

13013 Northwest Freeway
Houston TX 77040
Telephone: (713) 812-5800

P.O. Box 920975
Houston TX 77292-0975
Information Center: (713) 957-7800

Office of Chief Appraiser

Sands L. Stiefer
Chief Appraiser

August 18, 2015

City of Tomball

Re: HCAD Board of Directors

Dear Mayor and Council:

I am nearing the end of my fourth term of service on the Harris County Appraisal District (HCAD) Board representing suburban cities. With this letter, I am seeking re-election for my fifth term commencing January 1, 2016.

By now you should have received a letter from HCAD with instructions as to how to submit a nominee for the ballot for your representative to serve on the Board of Directors. It would be my hope your city would place my name in nomination along with the other 33 cities I represent. To nominate, the governing body must adopt a resolution nominating the candidate by formal action. The mayor, as presiding officer of the city council, must submit the nominee's name to the Chief Appraiser of HCAD no later than **Thursday, October 15, 2015**.

The Chief Appraiser of HCAD will then compile a list of nominees and draft a ballot which will be mailed to each city at the end of October. Each city must cast its vote by resolution for one of the nominees and this ballot must be returned to the Chief Appraiser no later than **Tuesday, December 1, 2015** in order to be counted.

It has been my privilege and honor to serve you these past eight years and I seek your city's support in my re-election. Should you have any questions, please do not hesitate to call.

Sincerely,

Ed Heathcott
Cell 281-435-2446

Board of Directors

Ed Heathcott, *Chairman*
Ray Holtzapple, *Secretary*
Mike Sullivan, *Assistant Secretary*
Glenn E. Peters
Toni Trumbull
Michael Lunceford

Chief Appraiser

Sands L. Stiefer
Deputy Chief Appraiser
Roland Altinger
Taxpayer Liaison Officer
Teresa S. Terry

5106 Grand Lake Street
Bellaire, Texas 77401
September 21, 2015

Doris Speer, City Secretary
City of Tomball
401 Market Street
Tomball, TX 77375-4671

Dear Doris Speer:

The Bellaire City Council recently nominated me to be a candidate for the Board of Directors of the Harris County Appraisal Board to represent cities and towns other than Houston. I am writing to seek your support for my candidacy.

As of December 31, 2015, I will have completed two elected terms (eight years) on Bellaire City Council as Councilman, Position 2. I would like to continue in service to our communities as a representative on the Harris County Appraisal Board.

I feel that I have the dedication and business experience to fully represent our communities on this very important Board. Attached is a brief summary of my professional and personal background.

Please contact me if you would like further information or have any questions. My cell phone: 713-553-1342; my home number is 713-661-2011.

Thank you for your consideration.

Best regards,


James P. Avioli, Sr.

Attachment

September 21, 2015

James (Jim) P. Avioli, Sr.
5106 Grand Lake Street
Bellaire, Texas 77401

Jim Avioli, Sr. is completing eight years of elected service as Bellaire City Councilman, Position 2. He graduated from Villanova University with a Bachelor of Science in Accounting. Jim is an active community member and retired business executive whose career spanned 45 years with the Transco/Williams Companies. He retired as Vice-President of Operations for Transco Pipeline with responsibility for all facets of natural gas pipeline operations from South Texas to New York.

Among his professional accomplishments, Jim was National Chairman for the Williams Companies United Way Campaign. He also served as a member of the Charter Review Committee and the Board of Adjustment for the City of Bellaire. His community involvement includes volunteer work at Southwest Memorial Hospital, Condit Elementary School, Holy Ghost Catholic Church, Corpus Christi Catholic School. He is a member of Elks Lodge #151 and is an active member of St. Vincent de Paul Catholic Community.

Jim and his wife, Dolores (Dee), are long-time residents of Bellaire. They are the parents of four adult children, two of whom reside in Bellaire with their families

For further information, please contact Jim at djavioli@gmail.com. Cell phone: 713-553-1342; home phone: 713-661-2011.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 2, 2015

Topic:

Approve Tomball City Council Vote by Proxy Supporting/Opposing Proposed Amendments to the Harris County Mayors' & Councils' Association's Rules and Bylaws

Background:

The Harris County Mayors' & Councils' Association has proposed revisions to the Association's Rules and Bylaws to facilitate conducting general business at the monthly meetings and is requesting its member city to submit its vote by proxy prior to November 19, 2015, if a representative will not attend the November 19th meeting.

The proposed changes include changing the constitution of a quorum at the monthly meetings from a "quorum of all members" to "a majority of the total number of members", with the exception of amendments to the Rules and Bylaws, which still require a 2/3 vote of the membership.

If one of our Tomball representatives will attend the meeting on November 19, Council may provide direction for the representative to vote at the meeting itself; if the possibility exists that no representative will attend from Tomball, Council may choose to vote by proxy for/against the proposed amendments to the Rules and Bylaws and the City Secretary will submit Council's ballot.

Origination:

Harris County Mayors' & Councils' Association

Recommendation:

N/A

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

City Secretary

ACTION TAKEN		
APPROVAL ☐ YES ☐ NO	READINGS PASSED ☐ 1 ST ☐ 2 ND	OTHER

ATTACHMENTS:

HCMCA - Email requesting Vote

HCMCA - Proposed Amendments to Rules and Bylaws

HCMCA - Proxy Vote Ballot

Doris Speer

From: Fogarty, Patrice <FogartyP@laportetx.gov>
Sent: Monday, October 19, 2015 10:54 AM
To: 'HCMCA'; Bob Treacy; Bobbie Anderson; Burt Ballanfant; Chris Daniel; Jack Cagle; Ron Servis; Stephen DonCarlos; Steve Radack; Aimee Phillips; Ande Mattei; Ann Smith; Ann Vernon; Anna Evelyn; Anna Russell; Art Flores; Ben Griffin; Beth Staton; Garrison, Bonnie; Bonnie McMillan; Brenda Murphy; Brian Schneider; Carolynn Stanley; City Secretary; Connie Smith; Courtney Rutherford; Crystal Roan; Crystal Seagler; Danny Simms; David Moss; David Stall; Diana Stapp; Dina Gairo; Donna Rogers; Doris Speer; Doug Blanchard; Erik Tschanz; Esmeralda Moya; Jason Stuebe; Jeff Tave; Jennifer Barrera-Garcia; Joan Johnson; Jon Keeney; Joyce Raines; Karen Glynn; Kathy Greiner; Kelly Johnson; Lance Avant; Lee Butler; Leticia Brysch; Libby Blair; Linda Rorick; Rigby, Louis; Mayra Gonzales; Megan Mayes; Melinda Welsh; Melissa Bunch; Meredith Brant; Michelle Yi; Nora Ortiz; Olga Garza; Paul Hofmann; Pauline Small; Pearland Mayor & Council; Richard Adams; Rick Moses; Robert Kumar-Misir; Robert White; Rod Erskine; Ronald Green; Roxanne Benitez; sandra watkins (skwatkins@deerparktx.org); Shannon Whiting; Harris, Sharon; Simon, Shelly; Stacey Pilkinton; Stephen Ashley; Susan Blevins; Thelma Lenz; Tracy Dutton
Cc: Gary Johnson; Michel Bechtel; Philip Nauert; Tom Ramsey
Subject: Proposed HCMCA Rules and Bylaws Changes
Attachments: Rules and Bylaws proposed amendments to membership Oct 2015.pdf; PROXY VOTE.pdf

City Secretaries – please make sure your Mayor, or other elected representative who regularly attends HCMCA meetings if that isn't your mayor, receives a copy of this. HCMCA is asking for a vote by proxy prior to November 19, 2015, if your City is not attending the November 19, 2015, HCMCA meeting at the Monument Inn. The following is very important and time sensitive. Thank you.

October 19, 2015

To: The Members of Harris County Mayors' & Councils' Association

From: Mayor Louis R. Rigby, City of La Porte, 2015 HCMCA President

Dear HCMCA Members:

At the October 15, 2015, HCMCA meeting, there was discussion regarding the need to consider revising the Association's Rules and Bylaws in order to facilitate conducting general business at our monthly meetings. The Association will consider changes to the Rules and Bylaws at the November 19, 2015, HCMCA meeting, which will be held at the Monument Inn. We typically get a strong turnout for meetings held at this location. A draft copy of the proposed Rules and Bylaws, together with proposed changes, is included with this email. Note the changes are in the form of strike outs and highlights, with comments out to the side.

One article for the membership to consider amending is Article X of the Rules and Bylaws. As currently written, Article X often hampers the Association's ability to conduct general business at meetings because it requires a quorum of all members to be present to transact business; and we certainly do not always have a gathering of a quorum of members. Article X currently reads as follows: "A majority of the total number of members shall constitute a quorum for the transaction of all business. When a quorum is present at any meeting, the majority vote of the members present shall decide any question under consideration, except amendment of the Rules and Bylaws."

Article IX explains how amendments to the Rules and Bylaws are accomplished – that there shall be a 2/3 vote of the membership to make any changes.

Article VIII may help us get to the 2/3 vote requirement. Article VIII provides for a member to cast a vote by proxy. In order to ensure we have the requisite 2/3 vote of the membership to either make changes or vote down proposed changes to the Rules and Bylaws, a Proxy vote letter is also being provided to you with this email. If you know you will attend the November 19th meeting, you do not have to vote by proxy because you will have an opportunity to vote at the meeting. However, if you know you cannot attend the November 19 meeting, or you are not sure if you will attend, we need your proxy vote before November 19. If you vote by proxy, please email the vote to Patrice at: fogartyp@laportetx.gov or via regular mail: Patrice Fogarty, City of La Porte, 604 W. Fairmont Parkway, La Porte, TX 77571. Patrice will ensure the proxy votes are forwarded to Megan Mayes, the city secretary in Morgan's Point on behalf of Mayor Michel Bechtel, who is secretary to the Association.

Please let me know if you have any questions. My cell number is 713-289-4939. You may also call the La Porte City Secretary, Patrice Fogarty, at 281-470-5019.

Sincerely,

Louis R. Rigby, HCMCA President

HARRIS COUNTY MAYORS' & COUNCILS' ASSOCIATION

RULES AND BYLAWS

ARTICLE I.

NAME AND PURPOSE

The name of this organization shall be "Harris County Mayors' & Councils' Association."

Its purpose and objectives shall be:

1. To promote the general welfare of the communities of Harris County, Texas ("Harris County");
2. To maintain lines of communication between the various governmental units within Harris County;
3. To create a better understanding between the cities and governmental units of Harris County; and
4. To aid in the improvement of municipal administration in Harris County.

ARTICLE II.

MEMBERSHIP

Any incorporated city in Harris County shall be eligible for membership and the elected and appointed officials shall represent it in the Harris County Mayors' & Councils' Association ("Association") and be spokesmen thereof. The Commissioners' Court of Harris County shall be eligible, as members, and shall constitute one combined membership.

ARTICLE III.

OFFICERS, ELECTION, INSTALLATION, AND DUTIES

A. OFFICERS:

The officers of the Association shall be PRESIDENT, VICE PRESIDENT, TREASURER, and SECRETARY.

All officers must be an elected official representing a member city with dues paid in accordance with Article VI of the Rules and Bylaws.

B. ELECTION:

Election of officers shall be held at the May meeting, and officers shall hold office for one year and until a qualified successor shall be installed.

C. INSTALLATION:

Installation of all newly-elected officers shall be held as soon as possible after election but, in no case, later than the next regular meeting following their election.

D. DUTIES:

PRESIDENT

The President of the Association shall:

1. Attend and preside over meetings of the Association;
2. Appoint all committees;
3. Be an ex-officio member of all committees;
4. Act in all matters representing the Association;
5. Countersign, with the Secretary or the Treasurer, all checks, resolutions, and other official papers of the Association; and
6. Serve as spokesman and official lobbyist for the Association except when authority is designated to someone else.

VICE PRESIDENT

The Vice President of the Association shall:

1. Attend meetings of the Association;
2. Act in all duties of the President in the absence of the President, or if the President is unable to discharge the duties of President for any reason whatsoever;
3. Responsible for presenting all resolutions and proclamations of the Association's three legislative committees to the membership of the Association;
4. Serve on each of said legislative committees; and
5. Responsible for the preparation and presentation of at least nine (9) monthly Association programs, which shall be programs of mutual interest to the membership.

TREASURER

The Treasurer of the Association shall:

1. Attend meetings of the Association;
2. Act in the duties of the President in the absence of the President and Vice President;
3. Select and designate an independent auditing firm of qualified Certified Public Accountants to audit the books and financial records of the Association as provided in Article VIII of the Rules and Bylaws;
4. Present the results of such audit to the membership at the regular meeting in July of each year;
5. Responsible for the updating of the membership lists of the Association and for encouraging expansion of the membership and attendance of the members of the Association to the meetings of the Association;
6. Collect dues, hold funds, make disbursements for expenses of the Association;
7. Keep the financial and business records of the Association;
8. Prepare and submit a current financial report at each business meeting;
9. Responsible for the preparation of all tax reporting requirements; and
10. Sign checks and other official papers of the Association.

SECRETARY

The Secretary of the Association shall:

1. Attend meetings of the Association and record the minutes for the Association. Such minutes shall be reduced to writing and submitted to the membership of the Association at the next regular meeting for approval. At the end of the Secretary's term, all hard copy minutes shall be archived in the Association's depository maintained at the City of Deer Park;
2. Select, arrange for, and confirm sites of the Association meetings;
 - a Prepare and distribute NOTICE OF MEETING announcements at least two (2) weeks prior to monthly meetings;

3. Receive reservations and post a reservation schedule showing names of members and guests planning to attend;
4. Advise caterers of numbers planning to attend; and
5. Perform other customary duties as required.

ARTICLE IV

COMMITTEES

A. EXECUTIVE COMMITTEE:

The Executive Committee shall:

1. Consist of five (5) members, the current officers of the Association, and the Immediate Past President;
2. Meet at least four (4) times each year to discuss the affairs of the Association;
3. Be authorized to make financial arrangements as may be appropriate to carry out the functions of the Association;
4. Be authorized to set aside funds of the Association to be used by the President to promote the functions and goals of the Association; and
5. Be authorized, should a vacancy occur, to fill that position by appointment should they so desire.

B. NOMINATING COMMITTEE:

The Nominating Committee shall:

1. Be appointed by the President at the regular meeting in April and approved by a majority of the membership at that meeting;
2. Consist of a minimum of four (4) elected officials of the City or County who have been members of the Association for at least one (1) year; and
3. Nominate the new officers no later than the May meeting. Nominations may also be made from the floor by members of the Association for any office at the May meeting.

C. OTHER COMMITTEES:

The President shall appoint a Legislative Committee during each Texas Legislative Session. Other committees may be named at such times as desired by the President for special purposes.

ARTICLE V.

MEETINGS

A. TIME, LOCATION:

Meetings of the Association shall be held on the third Thursday of the month at a site selected by the Secretary.

B. NOTIFICATION:

Notices of the meetings shall be mailed to the Mayor and City Secretary of each member city, the Executive Committee, and the County Judge or his designee.

C. FREQUENCY AND TYPE:

At least eleven (11) meetings shall be held each year. At least nine (9) of these meetings per year shall be designated as business sessions, the remaining to be business and/or social at the discretion of the Executive Committee. One meeting annually will be a social meeting.

The business sessions will be devoted to matters of business and discussion and/or programs of mutual interest to the members.

D. CHARGES:

The Mayors, Council members, elected members of the Harris County Commissioners' Court or the Court member's duly authorized representative, and invited guests of the Association will not be charged for dinner meetings. Any member city may bring one or more guests, and shall pay for such guests upon receipt of a statement from the Association. Any member of the Association may bring guests to the meetings, but a charge will be made for such guests at dinner meetings unless otherwise designated by the officers. Such charges will be billed to the organization to which the member belongs. Other guests will pay at the door or make other arrangements in advance. Guests will be billed at the rate charged to the Association for the particular venue at which the meeting is held.

PERCENTAGE OPTIONS

Member cities whose boundaries include counties in addition to Harris County may elect to either pay full dues or a percentage based on the population that resides in Harris County. The population of those cities electing the percentage option will be determined yearly based on the methods below.

The amount of dues payable to the Association for those cities eligible for the percentage option shall be determined in the following manner:

The percentage of Harris County residents in the member city to its total population shall be multiplied by the amount of dues that would apply if its entire population resided within Harris County. A city electing this option shall only be entitled to paid meals for its elected representatives elected by residents of Harris County and the Mayor of that city.

FINANCIAL HARDSHIP CASES

The Executive Committee shall be authorized to make whatever financial arrangements may be deemed appropriate under the circumstances to bring into membership of the Association any city within the county or to sustain any city which is not in a financial position to pay the required dues.

ARTICLE VI

FINANCIAL

A. DUES:

The annual dues for each city and Harris County shall be based on population as in the following table. Such population shall be based on the latest census figures or as amended by average per capita water tap residential building permits, or other methods acceptable to the majority of the Executive Committee.

Population	Dues
Less than 3,000	\$ 460.00
3,000 – 10,000	\$ 575.00
10,001 – 20,000	\$ 690.00
Over 20,000	\$1,035.00

Annual dues shall cover the cost of dinners at the meetings for elected officials and all other costs of the Association. Annual dues date is October 1, due and payable by October 31. There shall be no additional charges to the members other than for guests at the meeting as stated in Article VII of the Rules and Bylaws.

After a grace period of sixty (60) days, anyone attending a dinner meeting from a city that has not paid the annual dues, including Mayors and Council members, will be charged for the individual meals.

B. CHANGES TO AMENDMENTS TO DUES:

The Executive Committee of the Association may change the amount of dues to be charged upon obtaining the approval of a majority of the members present at a duly called regular meeting of the Association. Notice of the proposed dues changes must be given to all members ~~sitting???~~ at least one (1) month prior to the meeting at which the vote is to be taken.

Commented [FP1]: Strike the word "sitting." I believe it may've been "cities" at one point.

C. AUDITS:

All financial records and accounts of the Association shall be audited by an independent firm of qualified Certified Public Accountants which shall be selected by the Treasurer of the Association. Such audit shall be conducted during the month of June of each year. The results of such audit shall be reported to the membership at the meeting in July following such audit. An audit may also be demanded at any time by vote of twenty-five percent (25%) of the membership or at the request of the President of the Association.

ARTICLE VII

OTHER POLICIES

1. Any action concerning the policy of the Association shall have a final approval of a majority of the membership.
2. Any official member of the member cities or County (or designated representative) may make a motion, may second a motion, may move to table a motion, and may enter into discussion at any regular or called meeting.
3. No member thereof is authorized to speak for the Association unless such authority has been delegated by the President or by vote at a meeting of the Association.

ARTICLE VIII

VOTING

Each member city and Commissioners' Court shall have one (1) vote. The vote to be cast by the Mayor, County Judge, or authorized member. Voting shall be by voice (acclamation). However, a majority of the authorized members ~~present~~ may request a vote be taken by roll call of cities and the County in alphabetical order.

Commented [FP2]: Added the word "present"

A member entity's vote shall ideally be determined by City Council or Commissioners' Court action. Otherwise, the vote shall be determined by those members present from each entity.

Any member city or the County ~~shall~~ may cast a vote by proxy. This proxy must be in writing and signed by the Mayor or authorized delegate of the member city or County Judge and filed with the Secretary prior to the meeting.

Commented [FP3]: The word "may," which is permissive, seems to fit better than "shall," which is a directive.

Written proxy will take precedence over roll call unless withdrawn by the signatory prior to the vote.

Any representative city more than sixty (60) days in arrears for dues will not have a vote on matters before the Association.

ARTICLE IX

AMENDMENTS

A. RULES AND BYLAWS AMENDMENTS:

Changes in the Rules and Bylaws of the Association may be made by a two-thirds (2/3) vote of the membership only after notice of the proposed change has been presented to the membership of the Association at the meeting the month prior to the meeting at which the vote is to be taken. A copy of the proposed Rules and Bylaws changes shall be mailed to the City Secretary of each member city within a week following the meeting at which such change was proposed. Voting may take place at the meeting where bylaws changes will be considered and/or a written vote from a member city may be emailed or mailed to the Secretary of the Association prior to the meeting at which the change(s) will be considered.

Commented [FP4]: Added language.

B. RESOLUTIONS:

A resolution is a statement by the Association on an issue of importance to the County or the Region. A resolution to be presented to the Association for its consideration shall be mailed to the City Secretary of each city not less than two (2) weeks prior to the meeting at which it will be considered. A vote on the resolution by a majority of the members present shall take place only if the two-week time period has been met.

Commented [FP5]: Add this language.

C. EMERGENCY RESOLUTIONS:

Emergency resolutions are defined as those proposed resolutions which are of an urgent nature and to wait the required time allowing the two (2) weeks' notice would cause the Association not to take a stand on an issue of importance. In such cases, the Association may declare an emergency by two-thirds (2/3) vote of those present at the meeting. The resolution may then be voted on using those procedures under Article VIII of the Rules and Bylaws.

ARTICLE X.

QUORUM

A majority of the total number of members **present** shall constitute a quorum for the transaction of all business. ~~When a quorum is present at any meeting,~~ **The** majority vote of the members present shall decide any question under consideration, except amendment of the Rules and Bylaws, ~~which takes a 2/3 vote by the membership.~~

Commented [FP6]: Added the word "present"

Commented [FP7]: Strike these words.

Commented [FP8]: Language added.

PASSED and **APPROVED** this _____ day of _____, 2015.

Louis R. Rigby, President

ATTEST:

Michel Bechtel, Secretary

PROXY VOTE
HARRIS COUNTY MAYORS' & COUNCILS' ASSOCIATION
RULES AND BYLAWS
OCTOBER 19, 2015

HCMCA Member City of _____

HCMCA Member Harris County Commissioners Court _____

Vote yes to proposed changes to the Rules and Bylaws as presented October 19, 2015

Vote no to proposed changes to the Rules and Bylaws as presented October 19, 2015

Signature of person voting for entity

Print Name of Person voting for entity

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 2, 2015

Topic:

Approve Realignment of Several Key Positions and Hiring of an Additional Dispatcher Position within the Tomball Police Department

Background:

The Police Department is requesting Council approval for adjustment of several positions. These include eliminating a vacant Captain position and transferring it to a Patrol Officer position.

The adjustment also includes elevating the Asst. Commander positions for Patrol and for Special Services to Lieutenants. Those two positions will then become day and night Watch Commanders over various aspects of patrol services. These two positions will be advertised and open to application for those who meet the requirements. The Special Services responsibilities will be divided between Patrol and CID. There are enough positions available that no Sergeant or Corporal will lose current rank in this process. Overall funding, there will be a \$17,720 savings by implementing these changes and will provide one additional patrol officer to Patrol Division.

Finally, TPD will begin dispatching Fire and PD on November 2, 2015. To maintain and provide some flexibility for vacations, holidays, and other sick leave, we are requesting an existing part time dispatcher (currently not filled) to change to a full time dispatcher. This will provide the required minimum staffing of two Dispatchers per shift and lessen the need for as much overtime.

Total savings on reorganization will be \$17,720. The additional cost to elevate the part-time dispatcher position to full time will be \$40,835, with a total net needed of \$23,115. This year, it is anticipated that ESD#15 will pay us an additional \$34,150 more than we projected in the adopted budget which will take care of the overage.

Origination:

Billy Tidwell, Chief of Police

Recommendation:

Approval

Funding:

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

Billy Tidwell, Chief of Police

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	