

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



**MONDAY, JANUARY 6, 2020**

**6:00 P.M.**

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, January 6, 2020 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Pastor Dustin Reitzel - Woodlands Church Northpointe Campus

3.0 Pledges to U.S. and Texas Flags

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

5.0 Reports and Announcements

- January 15, 2020 – First day to apply for Place on Ballot for the May 2, 2020 General City Election

- February 14, 2020 – Last day to apply for Place on Ballot for the May 2, 2020 General City Election
- March 21, 2020 – ***Tomball Honky Tonk Chili Challenge Festival*** at the Depot – 11:00 a.m.-6:00 p.m.
- March 27-29, 2020 – **Tomball German Sister City Heritage Festival** at the Depot
- Reports by City staff and members of Council about items of community interest on which no action will be taken:

6.0 Approve the Minutes of the December 16, 2019 Regular Tomball City Council Meeting and the December 16, 2019 Special Tomball City Council, P&Z, BOA, TAC, and TEDC Meeting

7.0 Old Business:

7.1 Adopt, on Second Reading, Ordinance No. 2019-34, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots, from the Single-Family 20 Estate District to the General Retail district and 0.33 acres of land legally described as Tract 64A Tomball Outlots from the Agricultural District to the General Retail District, said properties being generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas; 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. 2019-35, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by granting a Conditional Use Permit (CUP) to Lance Langenhoven to operate an “office showroom / warehouse” and a “mini warehouse / self storage” facility; said properties being approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots and 0.33 acres of land legally described as Tract 64A Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located at the northwest corner of East Hufsmith Road and Neal Street and zoned General Retail District; providing requirements and conditions for this CUP; containing findings and other provisions relating to the subject; providing a penalty in an amount not to exceed \$2,000 for violations hereof; and providing for severability.

7.3 Adopt, on Second Reading, Ordinance No. 2019-36, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 0.13 acres of land, legally described as Tract South ½ lots 34, 35, & 36 & Tract 33C Block 30 Tomball, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Old Town & Mixed Use District; said property being generally located on the west side of South Cherry Street, between Florence and McPhail streets; 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 Award Contract for Project No. 2020-02, Sludge Hauling & Disposal – Belt Press, at \$0.0425 per Gallon and \$625.00 per 30-Yard Roll Off, to K3 BMI
- 8.2 Approve BuyBoard Purchase Quote 2019-23384 for a RamJet Sewer Jetter to Kinloch Equipment & Supply, for a Total Amount of \$71,979.00
- 8.3 Approve Resolution No. 2020-01, a Resolution and Order of the City Council of the City Of Tomball, Texas, Ordering the General City Election, to be Held in the City of Tomball on Saturday, May 2, 2020; Designating the Polling Places and Appointing Election Officials for Such Election; Directing the Giving of Notice of Such Election; and Providing Details Relating to the Holding of Such Election.  
*Aprobar la Resolución Nro. 2020-01, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball Texas, Ordenando una Elección Regular de Funcionarios Municipales a Celebrarse el sábado 2 de mayo de 2020; Designando los Lugares de Votación y Nombrando a los Oficiales Electorales de tal Elección; Instruyendo que se Notifique Sobre esta Elección; Designando la Fecha de una Elección de Desempate de ser Necesaria; y Proporcionando Detalles Referentes a la Celebración de Tal Elección.*  
 Chấp thuận Nghị Quyết số 2020-01, một Nghị Quyết và Sắc Lệnh của Hội Đồng Thành Phố Tomball, Texas, Yêu Cầu một Cuộc Bầu Cử Viên Chức Thường Lệ sẽ được tổ chức tại Thành Phố Tomball vào Thứ Bảy, ngày 2 tháng Năm, 2020; Chỉ định các Địa Điểm Bỏ Phiếu và Chỉ Định các Viên Chức Bầu Cử cho Cuộc Bầu Cử đó; Hướng Dẫn việc Đưa Ra Thông Báo của Cuộc Bầu Cử đó; Chỉ Định Ngày Bầu Cử Chung Cuộc nếu cần; và Đưa Ra các Chi Tiết có Liên Quan đến việc Tổ Chức Cuộc Bầu Cử đó  
 批准決議案編號2020-01, 為一德克薩斯州, Tomball市市議會決議及指示, 特指示一市府官員普選, 其將於2020年5月2日, 星期六在Tomball市召開; 並已為此選舉指定投票所地點以及指派選舉官員; 指導發出本選舉之選舉通知; 如需要, 將指定決選日期; 以及提供所有與召開本選舉相關的細節
- 8.4 Approve Resolution No. 2020-02, a Resolution of the City Council of the City of Tomball, Texas, Designating The Potpourri, Tomball Edition (Houston Community Newspapers/Houston Chronicle) as the Official Newspaper for 2020 for Publication of Matters Pertaining to the City of Tomball
- 8.5 Appoint Member to Resident Position 2 Vacancy on the Tourism Advisory Committee, for Unexpired Term Expiring December 5, 2021
- 9.0 Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 31st day of December 2019 by 5:00 p.m., and remained posted for at least 72 continuous hours proceeding the scheduled time of said meeting.

Doris Speer

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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](http://www.ci.tomball.tx.us).



Regular City Council  
Agenda Item  
Data Sheet

Meeting Date: January 6, 2020

**Topic:**

- Led by Pastor Dustin Reitzel - Woodlands Church Northpointe Campus

**Background:**

**Origination:**

**Recommendation:**

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

| ACTION TAKEN                                                         |                                                                                                      |       |
|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-------|
| Approval<br><input type="checkbox"/> Yes <input type="checkbox"/> No | Readings Passed<br><input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> | Other |

# Regular City Council

## Agenda Item

## Data Sheet

Meeting Date: January 6, 2020

### Topic:

- January 15, 2020 – First day to apply for Place on Ballot for the May 2, 2020 General City Election
- February 14, 2020 – Last day to apply for Place on Ballot for the May 2, 2020 General City Election
- March 21, 2020 – ***Tomball Honky Tonk Chili Challenge Festival*** at the Depot – 11:00 a.m.-6:00 p.m.
- March 27-29, 2020 – **Tomball German Sister City Heritage Festival** at the Depot
- Reports by City staff and members of Council about items of community interest on which no action will be taken:

### Background:

### Origination:

### Recommendation:

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

| ACTION TAKEN                                                         |                                                                                                      |       |
|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-------|
| Approval<br><input type="checkbox"/> Yes <input type="checkbox"/> No | Readings Passed<br><input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> | Other |

# Regular City Council

## Agenda Item

## Data Sheet

Meeting Date: January 6, 2020

**Topic:**

Approve the Minutes of the December 16, 2019 Regular Tomball City Council Meeting and the December 16, 2019 Special Tomball City Council, P&Z, BOA, TAC, and TEDC Meeting

**Background:****Origination:**

City Secretary

**Recommendation:**

Approve

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

City Secretary

**ACTION TAKEN**

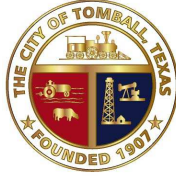
| <b>Approval</b><br><input type="checkbox"/> Yes <input type="checkbox"/> No | <b>Readings Passed</b><br><input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> | <b>Other</b> |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|--------------|
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|--------------|

**ATTACHMENTS:**

Draft Minutes of the December 16, 2019 Regular Tomball City Council Meeting

Draft Minutes of the December 16, 2019 Special Tomball Council, P&Z, BOA, TAC, and TEDC Meeting

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



**MONDAY, DECEMBER 16, 2019  
6:00 P.M.**

1.0 Meeting was called to order at by Mayor Fagan. Other members present:

Councilman Ford  
Councilman Stoll  
Councilman Degges  
Councilman Townsend  
Councilman Klein Quinn

Others present:

City Manager – Robert Hauck  
Assistant City Manager – David Esquivel  
City Secretary – Doris Speer  
City Attorney – Loren B. Smith  
Director of Public Works – Beth Jones  
Fire Chief – Randy Parr  
Marketing Director – Mike Baxter  
Finance Director – Glenn Windsor  
Director of Community Development – Craig Meyers  
City Planner – Amelia Lindley  
Assistant City Secretary – Tracy Garcia  
CSO Administrative Assistant – Sasha Luna  
CSO Administrative Assistant – Ruth Tapley  
Community Events Coordinator – Denise Fiore  
Police Officer-Investigations – Cleo Thomas

- 2.0 The invocation was led by Pastor Kenny Rodgers, Anointed Faith Family Church, Tomball.
- 3.0 Pledges to U. S. and Texas Flags were led by Randy Parr.
- 4.0 No public comments were received.

5.0 Reports and Announcements:

- December 24-25, 2019 – **Christmas Holidays** – City offices closed (Tuesday and Wednesday)
- January 1, 2020 – **New Year's Day Holiday** – City offices closed
- January 11, 2020 – 2nd Saturday at the Depot
- January 15, 2020 – First day to apply for Place on Ballot for the May 2, 2020 General City Election
- Reports by City staff and members of council about items of community interest on which no action will be taken:
  - Denise Fiore reported on the Success of **“Deck the Depot”**
  - Doris Speer reported that the City Secretary's Office has received the **“5 Star Exemplary Award”** from the Texas Department of Vital Statistics – 9<sup>th</sup> Year and presented the certificate
  - Mayor Fagan and Robert Hauck advised City Council that Doris Speer was selected as the Texas Municipal Clerks Association, Salt Grass Chapter, 2020 Municipal Clerk of the Year.

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the December 2, 2019 Regular Tomball City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

- 7.1 Motion was made by Councilman Townsend, second by Councilman Ford, to adopt, on Second Reading, Ordinance No. 2019-33, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment Against Sections Five and Six Properties within the City of Tomball Public Improvement District Number Two (Raleigh Creek Subdivision); and Making Certain Findings Related Thereto. Vote was as follows:

|                        |            |
|------------------------|------------|
| Councilman Ford        | <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 Klein Quinn, second by Councilman Stoll, to award Contract for Project No. 2019-09 (Vactor Services & Regular Maintenance

of Sewer System Components) to Source Point Solutions, LLC.

Motion carried unanimously.

- 8.2 Consideration to approve **Zoning Case P19-155**: Request by Lance Langenhoven to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots, from the Single-Family 20 Estate District to the General Retail District and 0.33 acres of land legally described as Tract 64A Tomball Outlots from the Agricultural District to the General Retail District. The properties are generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas

- Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball to consider **Zoning Case P19-155** at 6:29 p.m.

Public comments were received:

|                                       |   |                                                            |
|---------------------------------------|---|------------------------------------------------------------|
| Tom Crofoot<br>1430 Neal Drive, 77375 | - | Expressed his opposition to the<br>proposed zoning change. |
|---------------------------------------|---|------------------------------------------------------------|

Emailed public comments were read into the record:

|                                       |   |                                                            |
|---------------------------------------|---|------------------------------------------------------------|
| Bill Sumner<br>12321 Zion Road, 77375 | - | Expressed his opposition to the<br>proposed zoning change. |
|---------------------------------------|---|------------------------------------------------------------|

|                                           |   |                                                            |
|-------------------------------------------|---|------------------------------------------------------------|
| Dane Dunagin<br>535 E. Hufsmith Rd, 77375 | - | Expressed his opposition to the<br>proposed zoning change. |
|-------------------------------------------|---|------------------------------------------------------------|

No additional public comments were received and Mayor Fagan closed the Public Hearing at 6:33 p.m.

- Motion was made by Councilman Degges, second by Councilman Stoll, to read Ordinance No. 2019-34 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. 2019-34, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 2 Acres of Land Legally Described as .50 U/D INT in Tract 57 (2.025 Acres) Tomball Outlots, from the Single-

Family 20 Estate District to the General Retail District and 0.33 Acres of Land Legally Described as Tract 64A Tomball Outlots from the Agricultural District to the General Retail District, said Properties being generally located at the Northwest Corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas; 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 Ford        | <u>Aye</u> |
| Councilman Stoll       | <u>Aye</u> |
| Councilman Degges      | <u>Aye</u> |
| Councilman Townsend    | <u>Nay</u> |
| Councilman Klein Quinn | <u>Nay</u> |

Motion carried, 3 votes Aye, 2 votes Nay.

- 8.3 Consideration to approve **Zoning Case P19-156**, Request by Lance Langenhoven for a Conditional Use Permit to operate an office showroom/warehouse and mini warehouse/self-storage facility. The properties are approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots and 0.33 acres of land legally described as Tract 64A Tomball Outlots, generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas, and are zoned General Retail District

- Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball to consider **Zoning Case P19-156** at 6:46 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:46 p.m.

- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2019-35 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2019-35, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Lance Langenhoven to Operate an “Office Showroom/Warehouse” and a “Mini

Warehouse/Self Storage” Facility; said Properties being approximately 2 Acres of Land Legally Described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots and 0.33 Acres of Land Legally Described as Tract 64A Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located at the Northwest Corner of East Hufsmith Road and Neal Street and Zoned General Retail District; Providing Requirements and Conditions for This CUP; Containing Findings and Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; and Providing for Severability. Vote was as follows:

|                        |            |
|------------------------|------------|
| Councilman Ford        | <u>Aye</u> |
| Councilman Stoll       | <u>Aye</u> |
| Councilman Degges      | <u>Aye</u> |
| Councilman Townsend    | <u>Nay</u> |
| Councilman Klein Quinn | <u>Nay</u> |

Motion carried, 3 votes Aye, 2 votes Nay.

- 8.4 Consideration to approve **Zoning Case P19-157**: Request by Colleen Pye, to Amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by Rezoning Approximately 0.13 (5,480.65 square feet) Acres of Land Legally Described as South ½ Lots 34, 35, & 36 & Tract 33C Block 30, within the City of Tomball, Harris County, Texas, generally located on the West Side of South Cherry Street, between Florence and McPhail Streets, from the Single-Family 6 District to the Old Town & Mixed Use District

- Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball to consider **Zoning Case P19-157** at 6:50 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:50 p.m.

- Motion was made by Councilman Stoll, second by Councilman Ford, to read Ordinance No. 2019-36 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on First Reading, Ordinance No. 2019-36, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 0.13 Acres of Land, Legally Described as Tract South ½ lots 34, 35, & 36 & Tract 33C Block 30 Tomball, within



the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Old Town & Mixed Use District; said Property being generally located on the West Side of South Cherry Street, between Florence and McPhail Streets; 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 Ford        | <u>Aye</u> |
| Councilman Stoll       | <u>Aye</u> |
| Councilman Degges      | <u>Aye</u> |
| Councilman Townsend    | <u>Aye</u> |
| Councilman Klein Quinn | <u>Aye</u> |

Motion carried unanimously.

9.0 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to adjourn.

Motion carried unanimously.

Meeting adjourned at 6:58 p.m.

PASSED AND APPROVED this the 6th day of January 2020.

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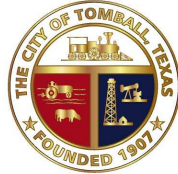
Doris Speer, TRMC, MMC  
City Secretary

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Gretchen Fagan  
Mayor

**MINUTES OF SPECIAL MEETING OF TOMBALL CITY COUNCIL,  
PLANNING AND ZONING COMMISSION/CAPITAL IMPROVEMENT PLAN  
ADVISORY COMMITTEE, BOARD OF ADJUSTMENTS, TOURISM  
ADVISORY COMMITTEE, AND TOMBALL ECONOMIC DEVELOPMENT  
CORPORATION**

**MONDAY, DECEMBER 16, 2019**



**4:30 P.M.**

1.0 Meeting was not called to order, due to being an educational session.

**A quorum of the City Council, Planning and Zoning Commission/Capital Improvement Plan Advisory Committee, Board of Adjustments, Tourism Advisory Committee, and Tomball Economic Development Corporation members may or may not be in attendance during the meeting; however, no action will be taken.**

2.0 Workshop Session:

Loren Smith, City Attorney, Olson & Olson, presented information regarding Protocol, Procedure, Policies, and Decorum Issues for Meetings to the Tomball City Council, Planning and Zoning Commission/Capital Improvement Plan Advisory Committee, Board of Adjustments, Tourism Advisory Committee, and Tomball Economic Development Corporation members in attendance.

3.0 Following the educational session, members of all boards were dismissed by Mayor Fagan.

No official minutes or action for approval is required.

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Doris Speer, TRMC, MMC  
City Secretary

# Regular City Council

## Agenda Item

### Data Sheet

Meeting Date: January 6, 2020

#### **Topic:**

Adopt, on Second Reading, Ordinance No. 2019-34, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots, from the Single-Family 20 Estate District to the General Retail district and 0.33 acres of land legally described as Tract 64A Tomball Outlots from the Agricultural District to the General Retail District, said properties being generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas; 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, December 9, 2019, after conducting a public hearing, the Planning & Zoning Commission recommended approval of the rezoning request with a 4-0 vote.

#### **Origination:**

Lance Langenhoven, Hufsmith Business Park, LLC

#### **Recommendation:**

Approval

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

City Secretary

#### **ACTION TAKEN**

| <b>Approval</b><br><input type="checkbox"/> Yes <input type="checkbox"/> No | <b>Readings Passed</b><br><input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> | <b>Other</b> |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|--------------|
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|--------------|

#### **ATTACHMENTS:**

Ordinance No. 2019-34

Staff Report

Public Comment Forms

Property Owner Notification

Notice of Public Hearing

**ORDINANCE NO. 2019-34**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 2 ACRES OF LAND LEGALLY DESCRIBED AS .50 U/D INT IN TRACT 57 (2.025 ACRES) TOMBALL OUTLOTS, FROM THE SINGLE-FAMILY 20 ESTATE DISTRICT TO THE GENERAL RETAIL DISTRICT AND 0.33 ACRES OF LAND LEGALLY DESCRIBED AS TRACT 64A TOMBALL OUTLOTS FROM THE AGRICULTURAL DISTRICT TO THE GENERAL RETAIL DISTRICT, SAID PROPERTIES BEING GENERALLY LOCATED AT THE NORTHWEST CORNER OF EAST HUFSMITH ROAD AND NEAL STREET AT 503 EAST HUFSMITH ROAD, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; 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**, Lance Langenhoven has requested that approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots and 0.33 acres of land legally described as Tract 64A Tomball Outlots, generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

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

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

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

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

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

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

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

**Section 2.** The zoning classification of the Property is hereby changed from the Single-Family 20 Estate and Agricultural Districts to the General Retail 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 General Retail 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 General Retail District as described above.

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16<sup>TH</sup> DAY OF DECEMBER 2019.

|                        |            |
|------------------------|------------|
| COUNCILMAN FORD        | <u>AYE</u> |
| COUNCILMAN STOLL       | <u>AYE</u> |
| COUNCILMAN DEGGES      | <u>AYE</u> |
| COUNCILMAN TOWNSEND    | <u>NAY</u> |
| COUNCILMAN KLEIN QUINN | <u>NAY</u> |

SECOND READING:

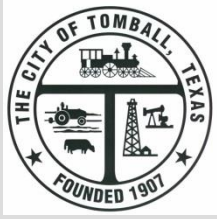
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6<sup>TH</sup> DAY OF JANUARY 2020.

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

\_\_\_\_\_  
Gretchen Fagan, Mayor

ATTEST:

\_\_\_\_\_  
Doris Speer, City Secretary



## Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: December 9, 2019

City Council Public Hearing Date: December 16, 2019

**Rezoning Case:** P19-155

**Property Owner(s):** Hufsmith Business Park LLC

**Applicant(s):** Lance Langenhoven

**Legal Description:** Tract 64A Tomball Outlots and .50 U/D INT in Tract 57 (2.025 AC) Tomball Outlots

**Location:** Northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road (Exhibit "A")

**Area:** 2 acres and 0.33 acres

**Comp Plan Designation:** Neighborhood Commercial (Exhibit "B")

**Present Zoning and Use:** Agricultural and Single-Family 20 Estate District (Exhibit "C") / Recently demoed single-family residence and undeveloped (Exhibit "D")

**Request:** Rezone from the Agricultural and Single-Family 20 Estate District to the General Retail District

**Adjacent Zoning & Land Uses:**

**North:** Single-Family 20 Estate / Harris County Flood Control District drainage channel

**South:** General Retail and Single-Family 9 / Undeveloped

**West:** Single-Family 20 Estate and General Retail / Single-family residence, undeveloped

**East:** Single-Family 20 Estate / Single-family residence

**BACKGROUND**

In February 2018, City Council approved an ordinance changing the Zoning District classification of the applicant's 5.9 acres at 419 East Hufsmith Road from the Agricultural District to the General Retail District as well as a Conditional Use Permit ordinance to allow a *mini-warehouse / self-storage* facility to operate on the site. In January 2019, City Council approved another Conditional Use Permit for the property to allow an *office showroom/warehouse* facility to operate on the site.

Since then, the applicant has acquired two adjacent properties and is requesting to allow to utilize them as part of his overall development with both storage and office/warehouse facilities.

## **ANALYSIS**

The properties are currently zoned Agricultural and Single-Family 20 Estate District. Surrounding zoning districts include General Retail and Single-Family 20 Estate to the west; General Retail and Single-Family 9 to the south; Single-Family 20 Estate to the east, across the Neal Street right-of-way.

There are a few single-family residences in the area. Other land uses along East Hufsmith Road include True Expressions Photography, Texas Prospects Baseball, Tomball Nursing Home, Maple Creek Bed and Breakfast, Cornerstone Electric, new wedding venue which is in the construction process, and new storage facility. There is a wide variety of land uses, both residential and non-residential, along East Hufsmith Road.

The Comprehensive Plan Future Land Use Map designates the property as Neighborhood Commercial. According to the Comprehensive Plan, compatible Zoning Districts for this future land use category include Office, General Retail and Planned Development. This category should also be located on collector streets or a greater street classification. East Hufsmith is classified as a Major Arterial by the Major Thoroughfare Map.

## **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 established land uses in the immediate area are single-family residences, undeveloped land and baseball fields; however, East Hufsmith Road, from the railroad tracks to Zion Road, has a mix of residential and non-residential uses. To the east of the property, there is a public right-of-way for Neal Street. To the north of the property, there is a Harris County Flood Control ditch and the City's landfill. The 5.9 acre track adjacent to these properties was also recently rezoned to General Retail.

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

Utilities are available to serve this property, however they may need to be upsized to accommodate a non-residential facility. The existing arterial street adjacent to the property can accommodate traffic generated by a General Retail District development.

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

There is vacant land in the City zoned General Retail. There does not appear to be any special circumstances which may make a substantial part of any vacant land unavailable for development.



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

There has been steady development in the General Retail District in the City.

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

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

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

If a non-residential development is constructed on the subject site, Chapter 50 (Zoning) has regulations in place to protect the adjacent residential development. These regulations include fencing and landscape buffer requirements, greater setbacks and lighting restrictions.

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

The Future Land Use Map designates the property as Neighborhood Commercial. The intent of this category is to develop appropriately to compliment residential development. The General Retail District is considered a transitional zoning district between higher intensity non-residential uses and residential uses. The request appears to meet both the Comprehensive Plan and the intent of the General Retail Zoning District.

## **PUBLIC COMMENT**

Property owners within 200 feet of the project site were mailed notification of this proposal on November 20, 2019. The Notice of Public Hearing was published in the paper on November 20, 2019. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

## **RECOMMENDATION**

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P19-155.

## **EXHIBITS**

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

Exhibit "A"  
Aerial Photo





**Exhibit "B"**  
**Comprehensive Plan**

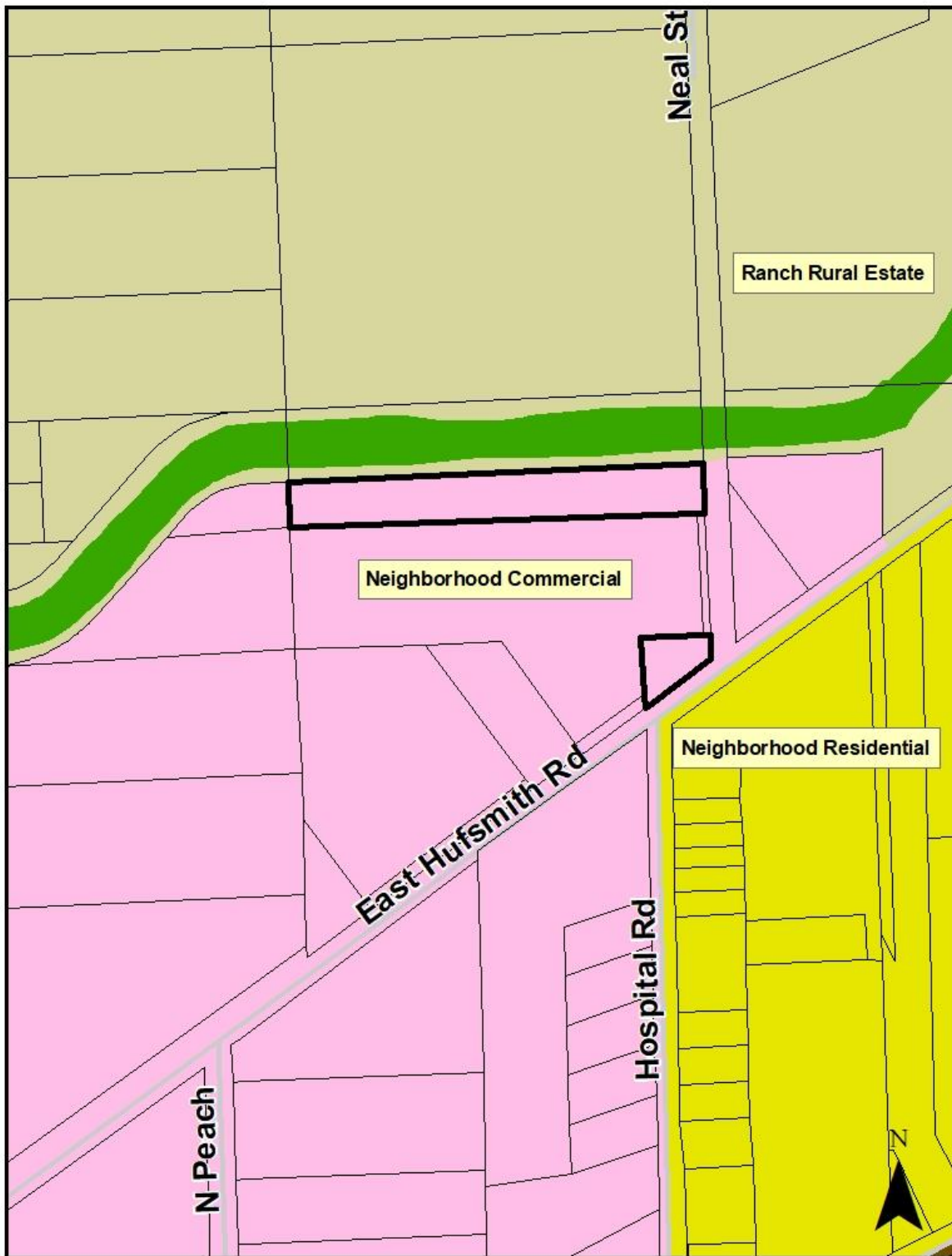
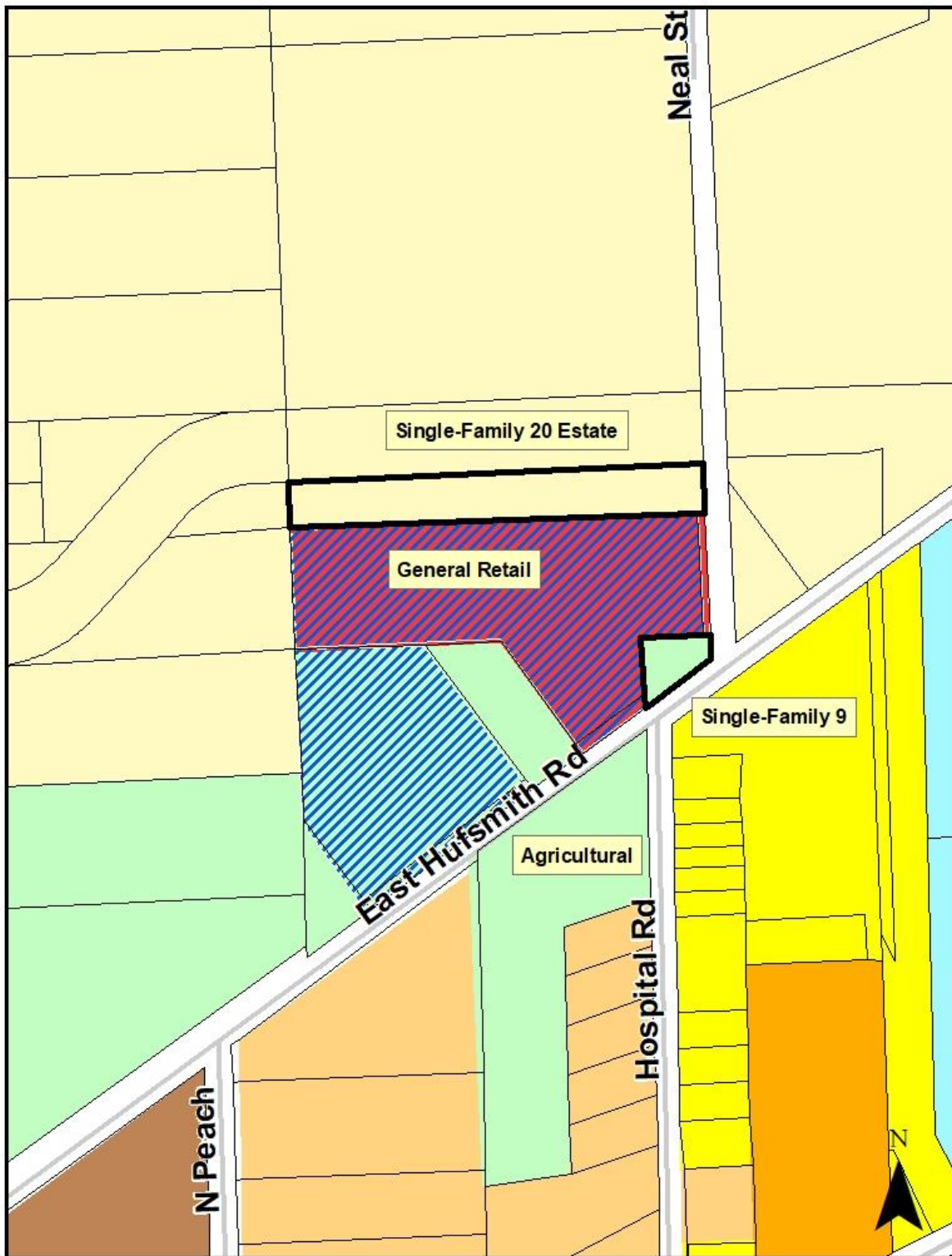


Exhibit "C"  
Zoning Map



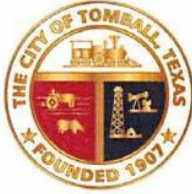
**Exhibit “D”  
Site Photo**





## Exhibit "E" Application

Revised 5/19/15



### APPLICATION FOR REZONING

Community Development Department  
Planning Division

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

**Applicant**

Name: Lance Langenhoven Title: Member  
Mailing Address: 1095 Evergreen Circle, # 200 City: The Woodlands State: TX  
Zip: 77380  
Phone: (832) 483 8655 Fax: ( ) Email: Lance@tpg-realty.com

**Owner**

Name: Hufsmith Business Park, LLC Title:   
Mailing Address: 1095 Evergreen Circle, # 200 City: The Woodlands State: TX  
Zip: 77380  
Phone: (832) 483 8655 Fax: ( ) Email: Lance@tpg-realty.com

**Engineer/Surveyor (if applicable)**

Name: David Kelly Title: Engineer  
Mailing Address: P.O. Box 823 City: Fulshear State: TX  
Zip: 77441  
Phone: (281) 300 1869 Fax: ( ) Email: david.kelly@dpkengineering.com

Description of Proposed Project: Small-Office Warehouse and Boat & RV Storage.

Physical Location of Property: 503 E. Hufsmith

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

Legal Description of Property: TR 64A TOMBALL OUTLOTS and .50 U/D INT IN TR 57 (2.025 AC)  
TOMBALL OUTLOTS

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Agricultural District and Single Family 20 Estate District (2.025 AC)

Current Use of Property: Has a small home, about to be demolished. 2 Acres is unimproved.

Proposed Zoning District: Match the zoning for 419 E. Hufsmith which has a CUP.

Proposed Use of Property: Small-Office Warehouse and Boat & RV Storage.

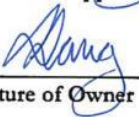
0352820000100 - 503 E. Hufsmith & 0352820000057 - 2.025 AC

HCAD Identification Number:  Acreage: 0.33 AC + 2.205 AC

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 [www.tomballtx.gov](http://www.tomballtx.gov)

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

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

|                        |                                                                                   |                      |
|------------------------|-----------------------------------------------------------------------------------|----------------------|
| <u>X</u>               |  | <u>23 OCT. 2019.</u> |
| Signature of Applicant |                                                                                   | Date                 |
| <u>X</u>               |  | <u>23 OCT. 2019.</u> |
| Signature of Owner     |                                                                                   | Date                 |

Date: 23 October 2019.

Dear City of Tomball,

We own a number of tracts at 503 E. Hufsmith location – see image below.

We would like the zoning on tracts 2 & 3 in image below to match the zoning of tract 1 which is currently General Retail with a CUP for Boat & RV Storage / Small-Office Warehouse.

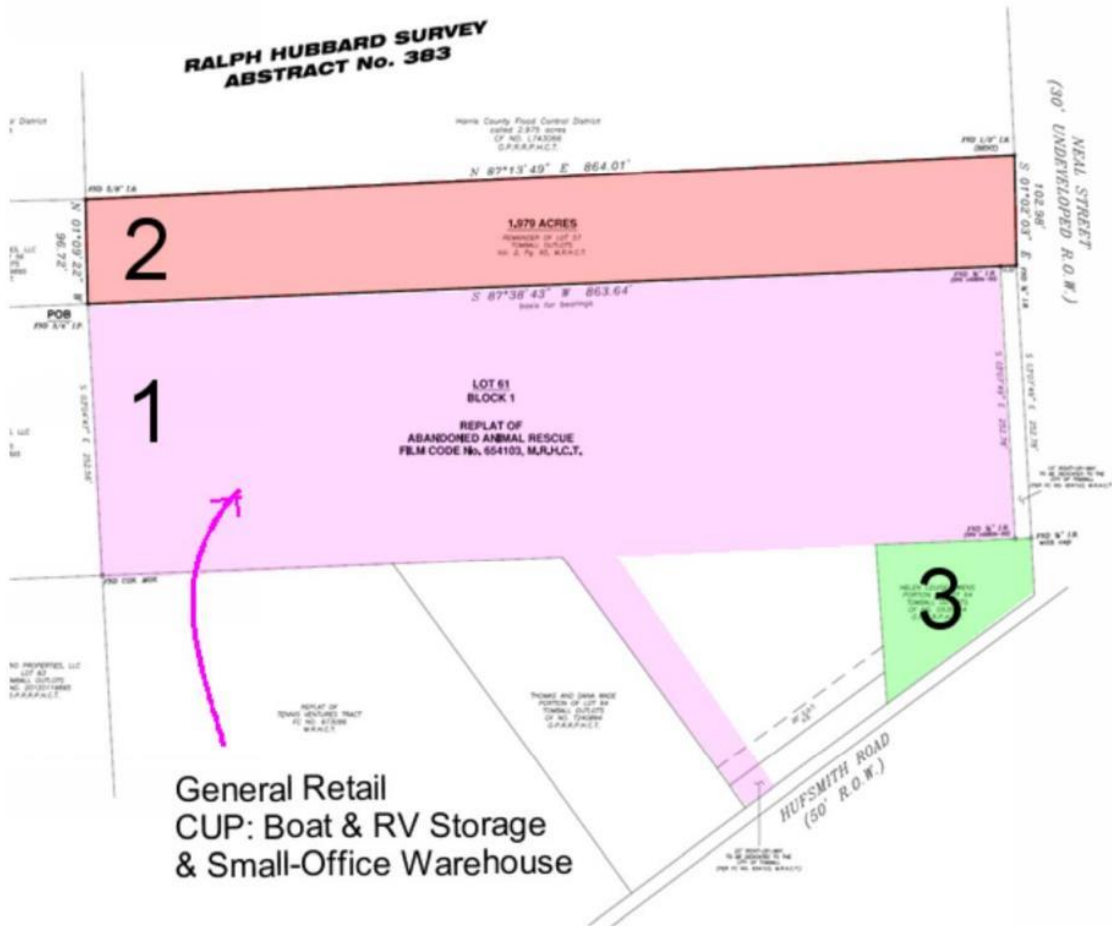
Please also review accompanied site plan for the proposed future project.

Thank you for your consideration.

B. Regards,

Lance Langenhoven, Member, Hufsmith Business Park, LLC.

832-483 8655.







14.95 - original ROW  
14.59 - Neal rd ROW  
29.54 - Total ROW

BUSINESS PARK

**THE COMMERCIAL PROFESSIONALS**

S-1

## SITE PLAY

1700

2

1

2

1000



## TEXAS PROFESSIONAL SURVEYING, LLC.

3032 N. FRAZIER STREET, CONROE, TEXAS 77303  
(936)756-7447 FAX (936)756-7448  
FIRM REGISTRATION No. 100834-00

**FIELD NOTE DESCRIPTION**  
**1.979 ACRES**  
**IN THE RALPH HUBBARD SURVEY, ABSTRACT NO. 383**  
**HARRIS COUNTY, TEXAS**

BEING a 1.979 acre tract of land situated in the Ralph Hubbard Survey, Abstract No. 383, Harris County, Texas, being the remainder of Lot 57, Tomball Outlots, recorded in Volume 2, Page 57 of the Map Records of Harris County Texas (M.R.H.C.T.), said 1.979 acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at a  $\frac{3}{4}$  inch iron pipe found for a common corner of said remainder tract, that certain tract described as a portion of Lot 56 of said Tomball Outlots described in instrument to Presario Properties, LLC, recorded under Clerk's File Number 20120119895 of the Official Public Records of Real Property of Harris County, Texas (O.P.R.R.P.H.C.T.), Lot 60 of said Tomball Outlots and Lot 61, Block 1 of the Replat of Abandoned Animal Rescue, recorded under Film Code Number 654103, M.R.H.C.T., being the southwesterly corner of the herein described 1.979 acre tract, from which a concrete monument found for a common corner of said Replat of Abandoned Animal rescue, said Lot 60, Lot 63 of Said Tomball Outlots, and the Replat of Tennis Ventures Tract, recorded under Film Code Number 673096, M.R.H.C.T., bears South  $03^{\circ}04'47''$  East, 252.56 feet;

THENCE North  $01^{\circ}09'22''$  West, 96.72 feet, with the common line between said remainder tract and said portion tract, to a  $\frac{5}{8}$  inch iron rod found for the common corner of said remainder tract, said portion tract, tht certain called 3.410 acre tract described in instrument to Harris County Flood Control District, recorded under Clerk's File Number L530449, O.P.R.R.P.H.C.T., and that certain called 2.975 acre tract described in instrument to Harris County Flood Control District, recorded under Clerk's File Number L743066, O.P.R.R.P.H.C.T., being the northwesterly corner of the herein described 1.979 acre tract;

THENCE North  $87^{\circ}13'49''$  East, 864.01 feet, with the common line between said remainder tract and said 2.975 acre tract, to a  $\frac{1}{2}$  inch iron rod (bent), found in the westerly right-of-way of Neal Street (a 30 foot wide undeveloped right-of-way), for the common easterly corner of said remainder tract and said 2.975 acre tract, being the northeasterly corner of the herein described 1.979 acre tract;

THENCE South  $01^{\circ}02'03''$  East, 102.98 feet, with the westerly right-of-way of said Neal Street, the easterly line of said remainder tract, to a  $\frac{1}{2}$  inch iron rod found for the original common easterly corner of said Lots 57 and 61, being the southeasterly corner of the herein described 1.979 acre tract, from which a  $\frac{1}{2}$  inch iron rod with cap found for reference bears South  $03^{\circ}07'49''$  East, 252.78 feet;

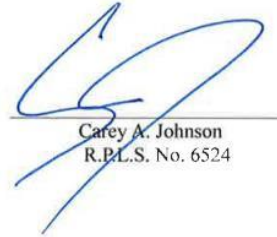
THENCE South 87°38'43" West, at a distance of 15.00 feet, pass a ½ inch iron rod with cap stamped "TPS 100834-00" found for the northeasterly corner of said Lot 61, thence continuing with the common line between said remainder tract and said Lot 61, in all, a total distance of 848.64 feet, to the **PLACE OF BEGINNING**;

CONTAINING a computed area of 1.979 acres of land within this Field Note Description.

This Field Note Description was prepared from a survey performed on the ground on March 22, 2019 by Texas Professional Surveying, LLC., Registered Professional Land Surveyors and is referenced to Survey Drawing Project Number L214-03\_2Acres.

Bearings recited hereon are based on the monumented north line of said Lot 61.

March 26, 2019  
Date



Carey A. Johnson  
R.P.L.S. No. 6524





# Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball  
Attn: Amelia Lindley  
501 James Street  
Tomball, TX 77375

Name:

(please print)

Address:

Signature:

Date:

PRESARIO PROPERTIES, LLC

2920 SUZETTE CT

HENDERSON, NV 89044

David E. Lentz

11/30/19



I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P19-155. (Please state reasons below)

\_\_\_\_\_

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P19-155. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:

**Monday, December 9, 2019 6:00 PM**

City Council Chambers of the City of Tomball, City Hall  
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

**Monday, December 16, 2019, 6:00 PM**

City Council Chambers of the City of Tomball, City Hall  
401 Market Street, Tomball, Texas

**COMMENTS:**

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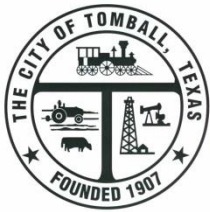
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You may also comment via email to [ALindley@tomballtx.gov](mailto:ALindley@tomballtx.gov).

Please reference the case number in the subject line.

For questions regarding this request please call Amelia Lindley @ 281-290-1410.



## Notice of Public Hearing

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

**CASE NUMBER:** P19-155

**APPLICANT/OWNER:** Lance Langenhoven

**LOCATION:** Generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road.

**PROPOSAL:** To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots, from the Single-Family 20 Estate District to the General Retail District and 0.33 acres of land legally described as Tract 64A Tomball Outlots from the Agricultural District to the General Retail District.

**CONTACT:** Amelia Lindley, City Planner

**PHONE:** (281) 290-1410

**E-MAIL:** [alindley@tomballtx.gov](mailto:alindley@tomballtx.gov)



**Planning & Zoning Commission  
Public Hearing:  
Monday, December 9, 2019, 6:00 PM**

**City Council Public Hearing:  
\*Monday, December 16, 2019, 6:00 PM**

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

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.**

\*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.



**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION (P&Z)  
DECEMBER 9, 2019  
&  
CITY COUNCIL  
DECEMBER 16, 2019**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 9, 2019, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 16, 2019, 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 P19-156:** Request by Lance Langenhoven to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots, from the Single-Family 20 Estate District to the General Retail District and 0.33 acres of land legally described as Tract 64A Tomball Outlots from the Agricultural District to the General Retail District. The properties are generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas.

**Zoning Case P19-155:** Request by Lance Langenhoven for a Conditional Use Permit to operate an *office showroom/warehouse* and *mini warehouse/self-storage* facility. The properties are approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots and 0.33 acres of land legally described as Tract 64A Tomball Outlots, generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas, and are zoned General Retail District.

**Zoning Case P19-157:** Request by Colleen Pye, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.13 (5,480.65 square feet) acres of land legally described as South ½ Lots 34, 35, & 36 & Tract 33C Block 30, within the City of Tomball, Harris County, Texas, generally located on the west side of South Cherry Street, between Florence and McPhail Streets, from the Single-Family 6 District to the Old Town & Mixed Use District.

**Zoning Case P19-159:** Request by Sarah Mays, with Kimley-Horn, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 32.6253 acres of land legally described as Lot 1-B Block 1 Tomball 2920 Replat and Reserve A, Tract A and B (Drainage) Tomball 2920, within the City of Tomball, Harris County, Texas, generally located on the north side of FM 2920 east of Calvert Road, from the

Agricultural, General Retail and Commercial District to the Planned Development (PD-13) 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 City Planner, Amelia Lindley, at (281) 290-1410 or at [alindley@tomballtx.gov](mailto:alindley@tomballtx.gov).

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5<sup>th</sup> day of **December 2019** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley  
City Planner

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](http://www.tomballtx.gov).



# Regular City Council

## Agenda Item

### Data Sheet

Meeting Date: January 6, 2020

#### Topic:

Adopt, on Second Reading, Ordinance No. 2019-35, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by granting a Conditional Use Permit (CUP) to Lance Langenhoven to operate an “office showroom / warehouse” and a “mini warehouse / self storage” facility; said properties being approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots and 0.33 acres of land legally described as Tract 64A Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located at the northwest corner of East Hufsmith Road and Neal Street and zoned General Retail District; providing requirements and conditions for this CUP; containing findings and other provisions relating to the subject; providing a penalty in an amount not to exceed \$2,000 for violations hereof; and providing for severability.

#### Background:

On Monday, December 9, 2019, after conducting a public hearing, the Planning & Zoning Commission recommended approval of the Conditional Use Permit with a 4-0 vote.

#### Origination:

Lance Langenhoven, Hufsmith Business Park, LLC

#### Recommendation:

Approval

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

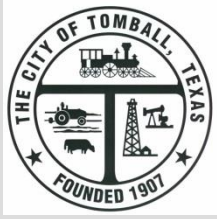
City Secretary

#### ACTION TAKEN

| Approval<br><input type="checkbox"/> Yes <input type="checkbox"/> No | Readings Passed<br><input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> | Other |
|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-------|
|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-------|

#### ATTACHMENTS:

Staff Report  
Ordinance No. 2019-35  
Property Owner Notification  
Notice of Public Hearing



## Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: December 9, 2019

City Council Public Hearing Date: December 16, 2019

**Rezoning Case:** P19-156

**Property Owner(s):** Hufsmith Business Park LLC

**Applicant(s):** Lance Langenhoven

**Legal Description:** Tract 64A Tomball Outlots and .50 U/D INT in Tract 57 (2.025 AC) Tomball Outlots

**Location:** Northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road (Exhibit "A")

**Area:** 2 acres and 0.33 acres

**Comp Plan Designation:** Neighborhood Commercial (Exhibit "B")

**Present Zoning and Use:** Agricultural and Single-Family 20 Estate District (Exhibit "C") / Recently demoed single-family residence and undeveloped (Exhibit "D")

**Proposed Use(s):** Recently demoed single-family residence and undeveloped (Exhibit "D")

**Request:** Conditional Use Permit (CUP) to allow the operation of a *mini warehouse/self-storage* and an *office showroom/warehouse* facility

**Adjacent Zoning & Land Uses:**

**North:** Single-Family 20 Estate / Harris County Flood Control District drainage channel

**South:** General Retail and Single-Family 9 / Undeveloped

**West:** Single-Family 20 Estate and General Retail / Office and general retail, undeveloped

**East:** Single-Family 20 Estate / Single-family residence

### **BACKGROUND**

In February 2018, City Council approved an ordinance changing the Zoning District classification of the applicant's 5.9 acres at 419 East Hufsmith Road from the Agricultural District to the General Retail District. A Conditional Use Permit ordinance was also approved to allow a *mini-warehouse / self-storage* facility to operate on the site. In January 2019, City Council approved another Conditional Use Permit for the property to allow an *office showroom/warehouse* facility.

Since then, the applicant has acquired two adjacent properties and is requesting to utilize them as part of his overall development with both storage and office/warehouse facilities.

## **ANALYSIS**

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

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

The Comprehensive Plan identifies the subject site as Neighborhood Commercial. According to Chapter 4 (Vision) of the Comprehensive Plan, the intent and character of the Neighborhood Commercial category is “for commercial uses that are developed with appropriate context, scale and design to compliment residential development”. The proposed use is appropriate with the surrounding land uses in the area and special conditions can be added to the proposed site plan to ensure the character of the area is maintained.

The proposed development also meets the following goals, objectives and actions outlined in the Comprehensive Plan:

- Goal 2 Land Use and Development: Work with the development community to meet the needs of a growing community while protecting the valued small-town character of Tomball.
- Objective LU 2.1: Implement the Future Land Use Plan to promote development that results in desired character for Tomball.
- Action 2.1.2: Ensure that business parks and industrial development are built and maintained in a manner that is respectful to neighboring land uses.

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

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

According to Section 50-76, the purpose of the General Retail District is “to provide areas for local neighborhood shopping and service facilities for the retail sales of goods and services. The General Retail District should be located along or at the intersection of major collectors or arterials to accommodate higher traffic volumes.” The proposed use would provide a service to the area. East Hufsmith is considered a major arterial by the City’s Major Thoroughfare Plan and could accommodate the traffic generated by the

proposed use. The request appears to be consistent with the intent of the General Retail District.

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

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

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

The proposed use appears to be compatible with the adjacent developments. There are a few single-family residences in the area. The other land uses in the area include baseball fields, a Harris County Flood Control ditch and undeveloped land. The proposed land use should not generate substantial traffic or noise and will typically have day-time hours of operation.

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

Staff does not anticipate any adverse effects on surrounding properties. The property does abut single-family residential district, and will therefore be subject to additional screening requirements to protect the adjacent residences.

### **PUBLIC COMMENT**

Property owners within 200 feet of the project site were mailed notification of this proposal on November 20, 2019. A Notice of Public Hearing was published in the paper on November 20, 2019. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

### **RECOMMENDATION**

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P19-156 with the following conditions:

1. The site shall be constructed in substantial conformance with the concept plan.

### **EXHIBITS**

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

## F. Concept Plan



Exhibit "A"  
Aerial Photo



Exhibit "B"  
Comprehensive Plan

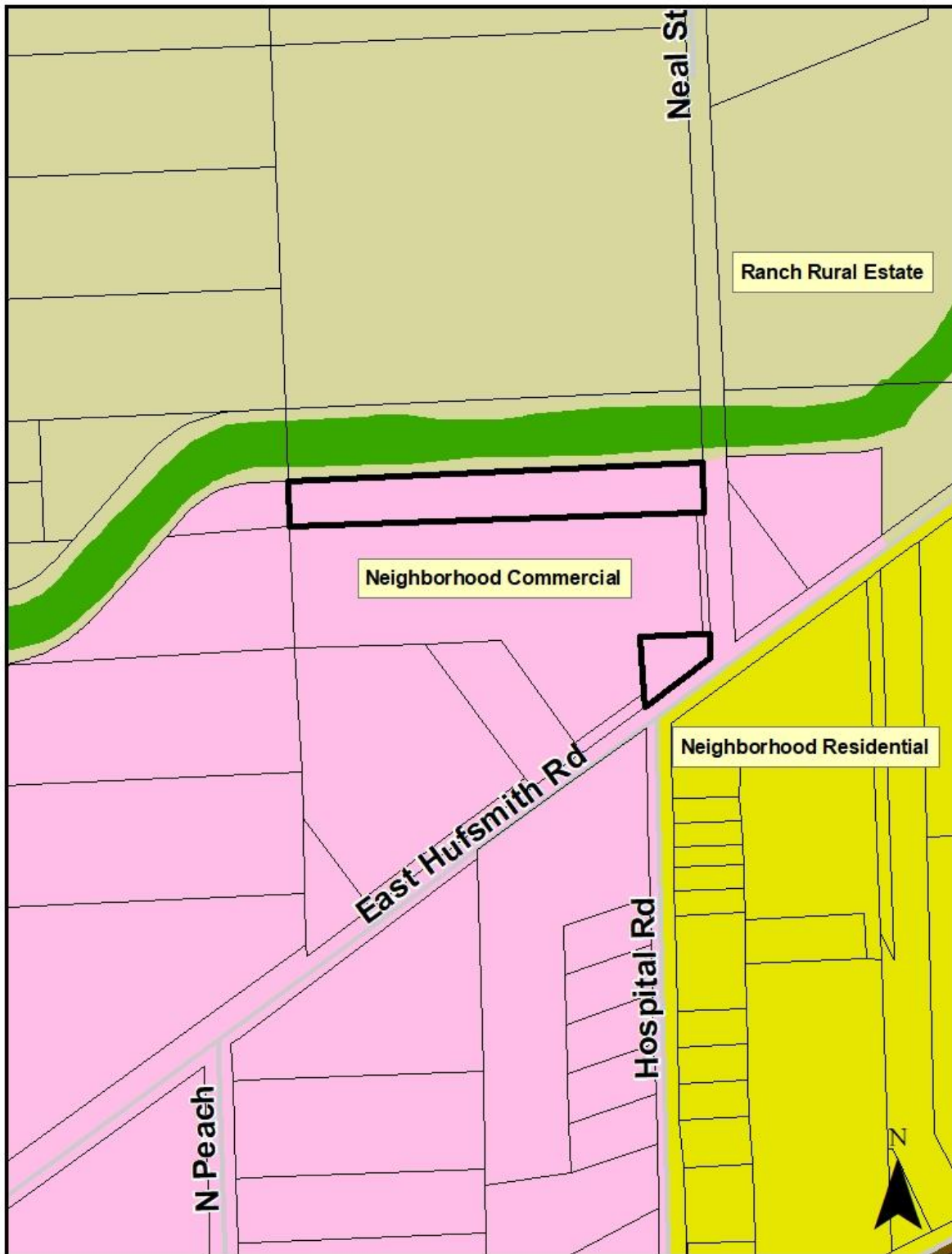
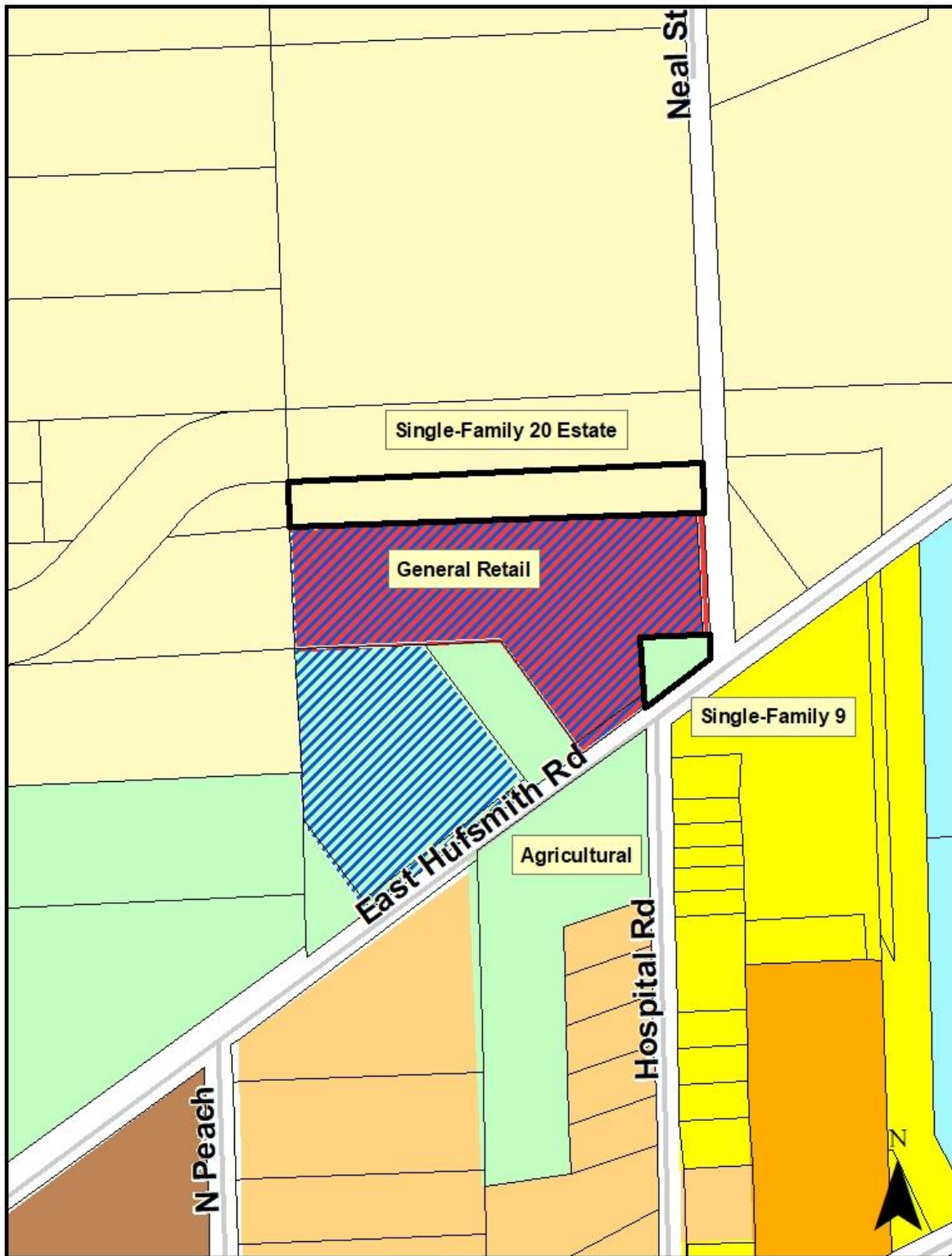




Exhibit "C"  
Zoning Map



**Exhibit “D”  
Site Photo**



## Exhibit "E"

### CUP Application

Revised 5/19/15



### APPLICATION FOR CONDITIONAL USE PERMIT

Community Development Department  
Planning Division

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

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

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

#### Applicant

Name: Lance Langenhoven Title: Member  
Mailing Address: 1095 Evergreen Circle, # 200 City: The Woodlands State: TX  
Zip: 77380  
Phone: (832) 483 8655 Fax: ( ) Email: Lance@tpg-realty.com

#### Owner

Name: Hufsmith Business Park, LLC Title: \_\_\_\_\_  
Mailing Address: 1095 Evergreen Circle, # 200 City: The Woodlands State: TX  
Zip: 77380  
Phone: (832) 483 8655 Fax: ( ) Email: Lance@tpg-realty.com

#### Engineer/Surveyor (if applicable)

Name: David Kelly Title: Engineer  
Mailing Address: P.O. Box 823 City: Fulshear State: TX  
Zip: 77441  
Phone: (281) 300-1869 Fax: ( ) Email: david.kelly@dpkengineering.com



Description of Proposed Project: Small-Office Warehouse and Boat & RV Storage

Physical Location of Property: 503 E. Hufsmith, Tomball, TX, 77375 - 20' to Hospital Street.

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

Legal Description of Property: TR 64A TOMBALL OUTLOTS and .50 U/D INT IN TR 57 (2.025 AC)  
TOMBALL OUTLOTS

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

0352820000100 & 0352820000057

HCAD Identification Number: \_\_\_\_\_ Acreage: 0.33 AC & 2.025 AC

Current Use of Property: Small house to be demolished (0.33 AC) and unimproved land (2.025 AC)

Proposed Use of Property: Small-Office Warehouse and Boat & RV Storage

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 [Signature] 23 Oct. 2019.  
Signature of Applicant Date

X [Signature] 23 Oct. 2019.  
Signature of Owner Date

PREPARED BY: RALPH HUBBARD SURVEY, L.L.C.  
SECTION OF LOT 61  
TOWNSHIP 34S, RANGE 12E  
OF NO. 202111885  
M.R.H.C.T.

# RALPH HUBBARD SURVEY ABSTRACT No. 383

INDEXED, CORRECTED, COMPROMISED  
TOWNSHIP OF LOT 61  
TOWNSHIP 34S, RANGE 12E  
NO DEED OR RECORD FOUND

Base for bearings  
REC: N87°38'43"E B48.64'

PREPARED BY: RALPH HUBBARD SURVEY, L.L.C.  
TOWNSHIP 34S, RANGE 12E  
OF NO. 202111885  
M.R.H.C.T.

REC: N03°04'47"W 252.56'

REPLAT OF  
ABANDONED ANIMAL RESCUE  
FILM CODE No. 654103, M.R.H.C.T.

REMANINDER OF  
LOT 61  
BLOCK 1

0.334 ACRES  
REPLAT OF LOT 61  
TOWNSHIP 34S, RANGE 12E  
OF NO. 202111885  
M.R.H.C.T.

REPLAT OF LOT 61  
TOWNSHIP 34S, RANGE 12E  
OF NO. 202111885  
M.R.H.C.T.

NEAL STREET  
(30' UNDEVELOPED R.O.W.)

REC: N03°07'49"W 252.78'

REC: N87°38'43"E B48.64'

REC: N87°38'43"E B48.64'

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REC: N87°38'43"E B48.64'

## LEGEND

| force line |                     |
|------------|---------------------|
|            | g/h unit (unit)     |
| wt         | water meter         |
| wt         | monitors            |
| wt         | catcher box         |
| wt         | telescope box       |
| wt         | electric box        |
| wt         | power pole          |
| wt         | edge of asphalt     |
| wt         | record cart         |
| wt         | rolling time        |
| wt         | utility assessment  |
| wt         | drainage assessment |

Date: 23 October 2019.

Dear City of Tomball,

We own a number of tracts at 503 E. Hufsmith location – see image below.

We would like the zoning on tracts 2 & 3 in image below to match the zoning of tract 1 which is currently General Retail with a CUP for Boat & RV Storage / Small-Office Warehouse.

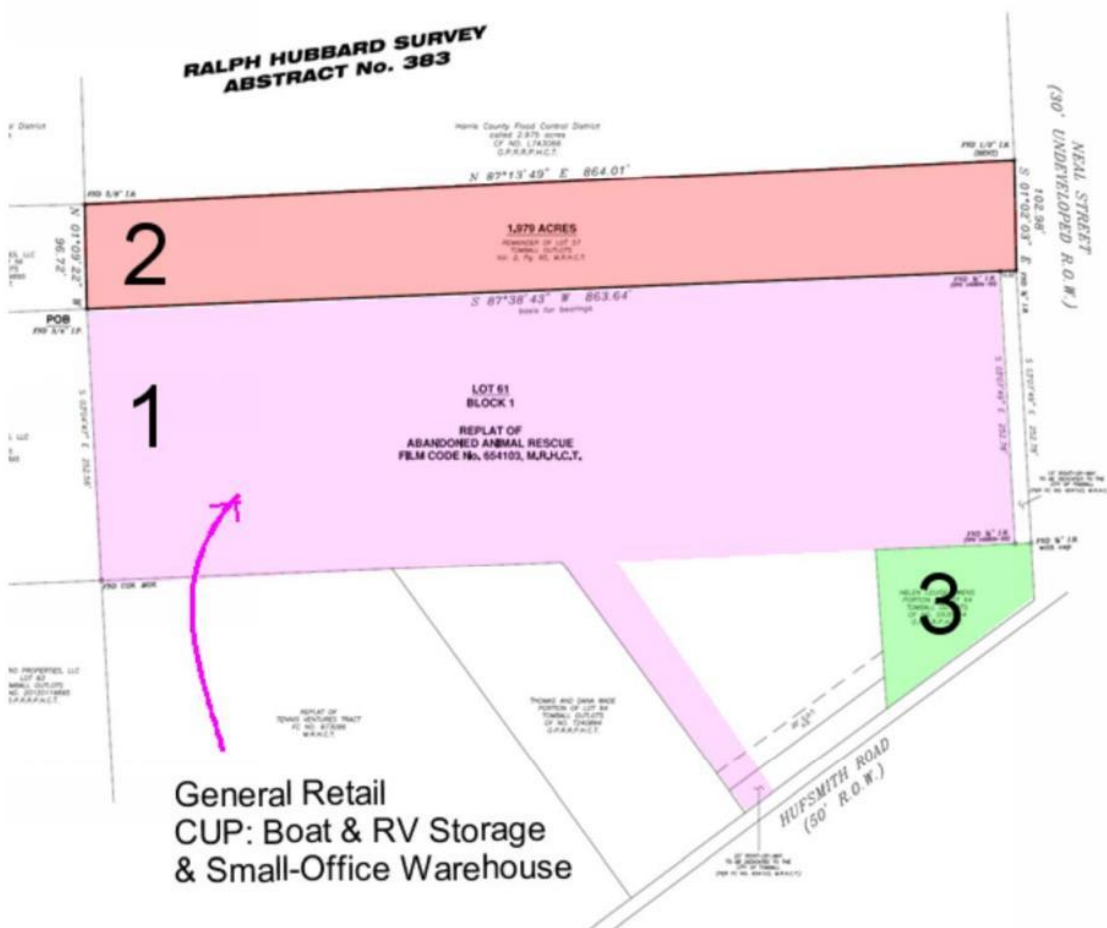
Please also review accompanied site plan for the proposed future project.

Thank you for your consideration.

B. Regards,

Lance Langenhoven, Member, Hufsmith Business Park, LLC.

832-483 8655.





## TEXAS PROFESSIONAL SURVEYING, LLC.

3032 N. FRAZIER STREET, CONROE, TEXAS 77303  
(936)756-7447 FAX (936)756-7448  
FIRM REGISTRATION No. 100834-00

**FIELD NOTE DESCRIPTION**  
**0.334 ACRES**  
**IN THE RALPH HUBBARD SURVEY, ABSTRACT NO. 383**  
**HARRIS COUNTY, TEXAS**

BEING a 0.334 acre tract of land situated in the Ralph Hubbard Survey, Abstract No. 383, Harris County, Texas, being all of that certain tract described as a portion of Lot 64 of Tomball Outlots, in instrument to Helen Louise Owens, recorded under Clerk's File No. D535964 of the Real Property Records of Harris County, Texas (R.P.R.H.C.T.), said 0.334 acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at a ½ inch iron rod with "TPS 100834-00" cap found for a common corner of said Owens tract and Lot 61, Block 1 of Replat of Abandoned Animal Rescue, recorded under Film Code No. 654103 of the Map Records of Harris County, Texas (M.R.H.C.T.), being the northwesterly corner of the herein described 0.334 acre tract;

THENCE North 87°38'43" East, with the common line of said Owens tract and said Lot 61, at distance of 129.54 feet, pass a ½ inch iron rod with "TPS 100834-00" cap found for the the easterly southeast corner of said Lot 61, the southwesterly corner of a 15-foot right-of-way to be dedicated to the City of Tomball, per said recorded plat of Replat of Abandoned Animal Rescue, in all, 144.54 feet, to a ½ inchh iron rod found with cap in the westerly margin Neal Street (30' width) undeveloped, for the common easterly corner of said Owens Tract and said dedicated right-of-way, and being the northeasterly corner of the herein described 0.334 acre tract, from which a ½ inch iron rod found for the northeasterly corner of said dedicated right-of-way bears North 03°07'49" West, 252.78 feet;

THENCE South 03°07'49" East, 53.51 feet, with the easterly line of said Owens tract, along the westerly margin of said Neal Street, to a ½ inch iron rod with cap stamped "TPS 100834-00" set at intersection of said Neal Street with Hufsmith Road (50' width), for the southeasterly corner of said Owens tract and the herein described 0.334 acre tract;

THENCE South 53°42'48" West, 170.07 feet, with the southeasterly line of said Owens tract, along the northwesterly margin of said Hufsmith Road, to a 5/8 inch iron rod with cap found for the common southerly corner of said Owens tract and a 25' right-of-way to be dedicacated, to the City of Tomball, per said recorded plat of Replat of Abandoned Animal Rescue, being the southwesterly corner of the herein described 0.334 acre tract;



THENCE North 03°57'39" West, with the common line of said Owens tract and said 25' dedicated right-of-way and said Lot 61, at a distance of 29.59 feet, pass a ½ inch iron rod with "TPS 100834-00" cap found for reference, in all, 148.49 feet, to the **PLACE OF BEGINNING**;

CONTAINING a computed area of 0.334 acres of land within this Field Note Description.

This Field Note Description was prepared from a survey performed on the ground on February 6, 2019 by Texas Professional Surveying, LLC., Registered Professional Land Surveyors and is referenced to Survey Drawing Project Number L214-03.

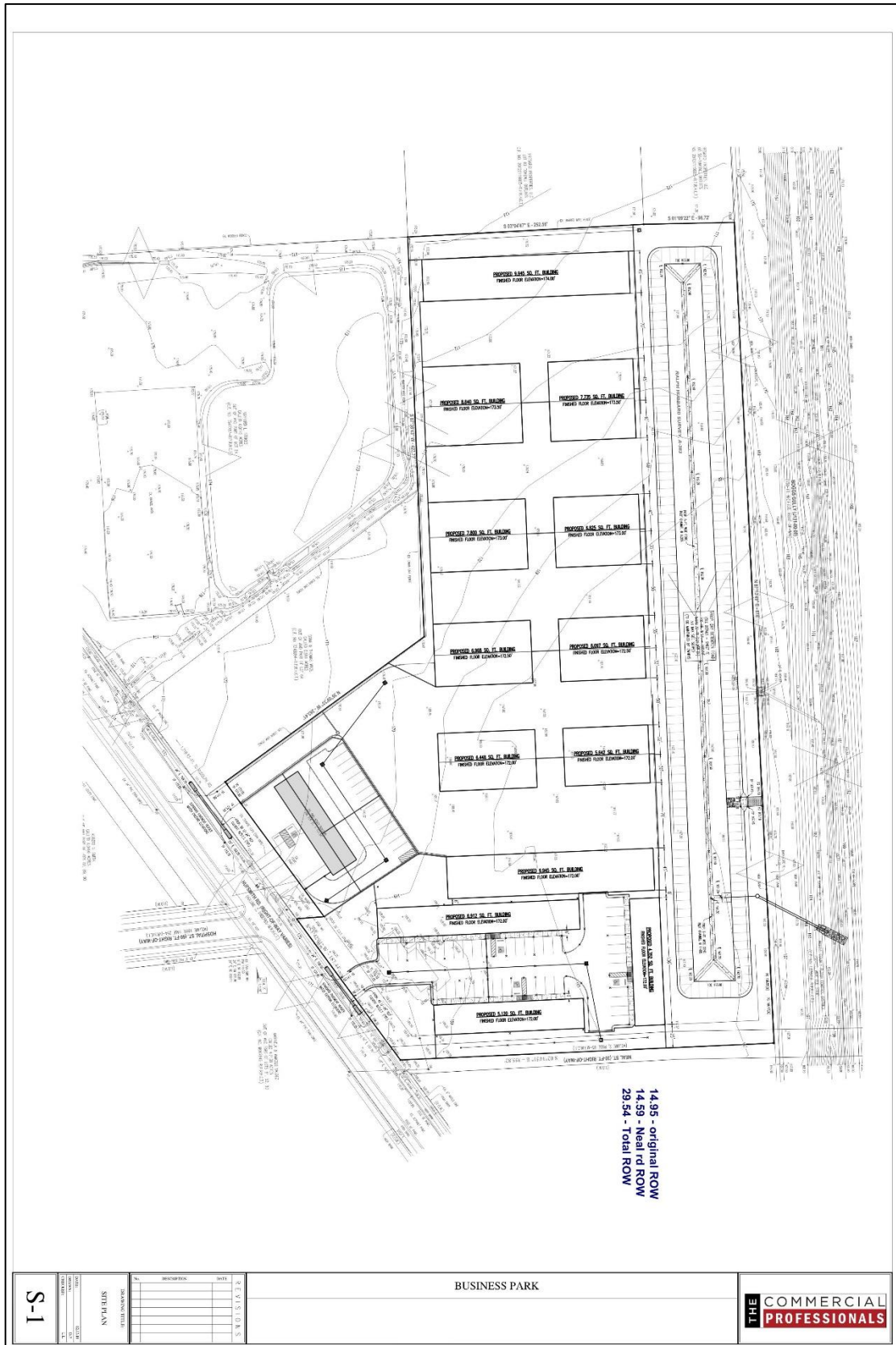
Bearings recited hereon are based the monumented northerly line of said Lot 61.

February 7, 2019  
Date



Carey A. Johnson  
R.P.L.S. No. 6524

Figure "F"  
Concept Plan



**ORDINANCE NO. 2019-35**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY GRANTING A CONDITIONAL USE PERMIT (CUP) TO LANCE LANGENHOVEN TO OPERATE AN “OFFICE SHOWROOM / WAREHOUSE” AND A “MINI WAREHOUSE / SELF STORAGE” FACILITY; SAID PROPERTIES BEING APPROXIMATELY 2 ACRES OF LAND LEGALLY DESCRIBED AS .50 U/D INT IN TRACT 57 (2.025 ACRES) TOMBALL OUTLOTS AND 0.33 ACRES OF LAND LEGALLY DESCRIBED AS TRACT 64A TOMBALL OUTLOTS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, GENERALLY LOCATED AT THE NORTHWEST CORNER OF EAST HUFSMITH ROAD AND NEAL STREET AND ZONED GENERAL RETAIL DISTRICT; PROVIDING REQUIREMENTS AND CONDITIONS FOR THIS CUP; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATIONS HEREOF; AND PROVIDING FOR SEVERABILITY.**

\* \* \* \* \*

**Whereas,** Lance Langenhoven, has requested a CUP to operate an “office showroom/warehouse” and “mini warehouse/self storage” facility on approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots and 0.33 acres of land legally described as Tract 64A Tomball Outlots, generally located at the northwest corner of East Hufsmith Road and Neal Street, in the City of Tomball, Harris County, Texas, (the "Property"), and

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

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

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

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

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

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

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

**Section 2.** A CUP to operate an “office showroom / warehouse” and “mini warehouse / self-storage” facility at the Property and subject to the terms and conditions set forth below is hereby granted to Lance Langenhoven.

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

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

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

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

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

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

**Section 8.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16<sup>TH</sup> DAY OF DECEMBER 2019.

|                        |            |
|------------------------|------------|
| COUNCILMAN FORD        | <u>AYE</u> |
| COUNCILMAN STOLL       | <u>AYE</u> |
| COUNCILMAN DEGGES      | <u>AYE</u> |
| COUNCILMAN TOWNSEND    | <u>NAY</u> |
| COUNCILMAN KLEIN QUINN | <u>NAY</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 6<sup>TH</sup> DAY OF JANUARY 2020.

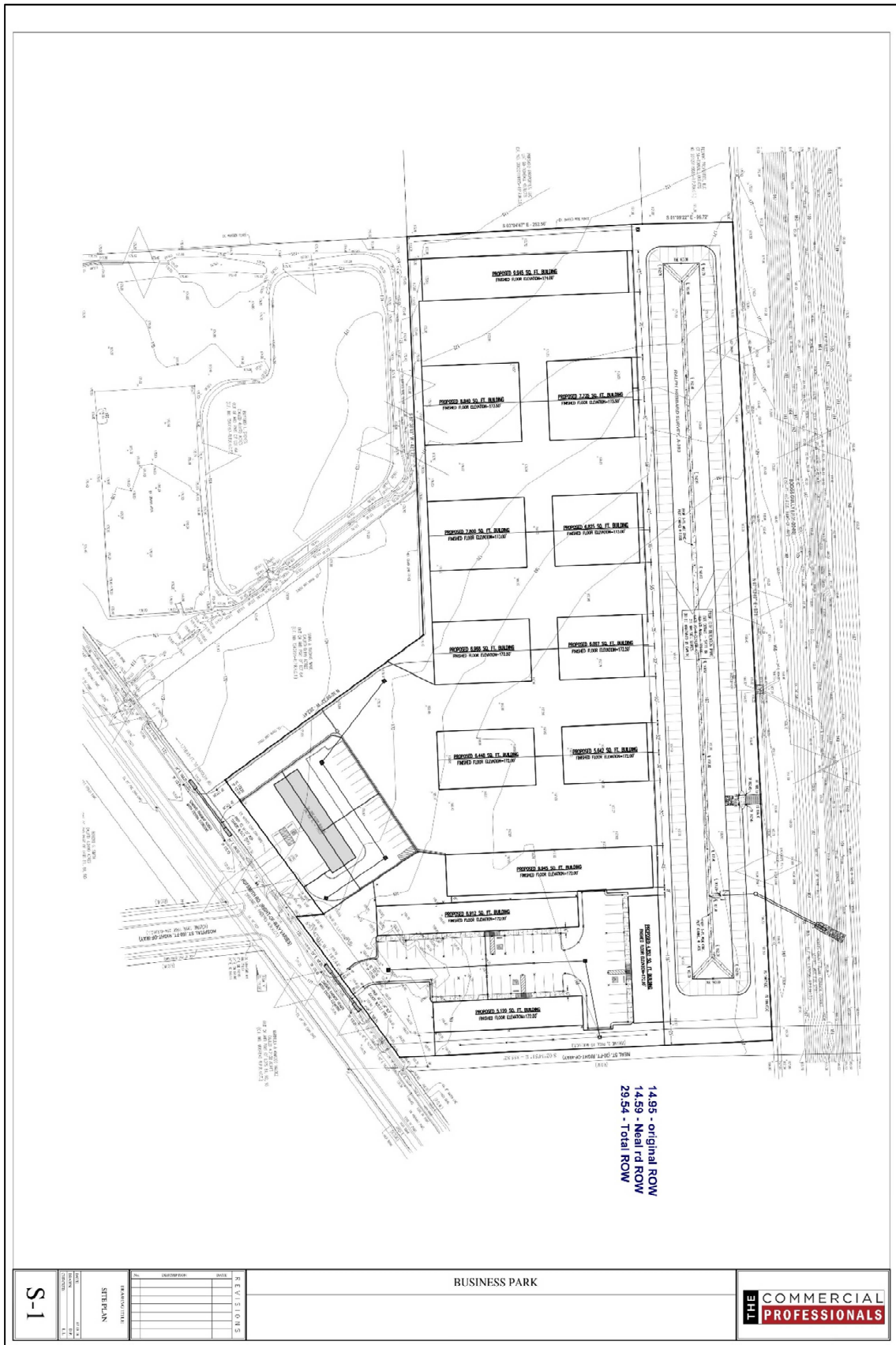
|                        |       |
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| COUNCILMAN FORD        | _____ |
| COUNCILMAN STOLL       | _____ |
| COUNCILMAN DEGGES      | _____ |
| COUNCILMAN TOWNSEND    | _____ |
| COUNCILMAN KLEIN QUINN | _____ |

\_\_\_\_\_  
Gretchen Fagan, Mayor

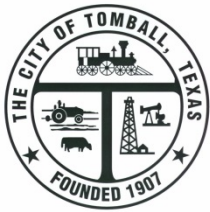
ATTEST:

\_\_\_\_\_  
Doris Speer, City Secretary

# Exhibit "A"







## Notice of Public Hearing

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

**CASE NUMBER:** P19-156

**APPLICANT/OWNER:** Lance Langenhoven

**LOCATION:** Generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road.

**PROPOSAL:** A Conditional Use Permit to operate an *office showroom/warehouse* and *mini warehouse/self-storage* facility. The properties are approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots and 0.33 acres of land legally described as Tract 64A Tomball Outlots, within the City of Tomball, Harris County, Texas, and are zoned General Retail District.

**CONTACT:** Amelia Lindley, City Planner

**PHONE:** (281) 290-1410

**E-MAIL:** [alindley@tomballtx.gov](mailto:alindley@tomballtx.gov)



**Planning & Zoning Commission  
Public Hearing:  
Monday, December 9, 2019, 6:00 PM**

**City Council Public Hearing:  
\*Monday, December 16, 2019, 6:00 PM**

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

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.**

\*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.

**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION (P&Z)  
DECEMBER 9, 2019  
&  
CITY COUNCIL  
DECEMBER 16, 2019**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 9, 2019, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 16, 2019, 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 P19-156:** Request by Lance Langenhoven to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots, from the Single-Family 20 Estate District to the General Retail District and 0.33 acres of land legally described as Tract 64A Tomball Outlots from the Agricultural District to the General Retail District. The properties are generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas.

**Zoning Case P19-155:** Request by Lance Langenhoven for a Conditional Use Permit to operate an *office showroom/warehouse* and *mini warehouse/self-storage* facility. The properties are approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots and 0.33 acres of land legally described as Tract 64A Tomball Outlots, generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas, and are zoned General Retail District.

**Zoning Case P19-157:** Request by Colleen Pye, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.13 (5,480.65 square feet) acres of land legally described as South ½ Lots 34, 35, & 36 & Tract 33C Block 30, within the City of Tomball, Harris County, Texas, generally located on the west side of South Cherry Street, between Florence and McPhail Streets, from the Single-Family 6 District to the Old Town & Mixed Use District.

**Zoning Case P19-159:** Request by Sarah Mays, with Kimley-Horn, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 32.6253 acres of land legally described as Lot 1-B Block 1 Tomball 2920 Replat and Reserve A, Tract A and B (Drainage) Tomball 2920, within the City of Tomball, Harris County, Texas, generally located on the north side of FM 2920 east of Calvert Road, from the

Agricultural, General Retail and Commercial District to the Planned Development (PD-13) 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 City Planner, Amelia Lindley, at (281) 290-1410 or at [alindley@tomballtx.gov](mailto:alindley@tomballtx.gov).

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5<sup>th</sup> day of **December 2019** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley  
City Planner

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](http://www.tomballtx.gov).

# Regular City Council

## Agenda Item

### Data Sheet

Meeting Date: January 6, 2020

#### **Topic:**

Adopt, on Second Reading, Ordinance No. 2019-36, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 0.13 acres of land, legally described as Tract South ½ lots 34, 35, & 36 & Tract 33C Block 30 Tomball, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Old Town & Mixed Use District; said property being generally located on the west side of South Cherry Street, between Florence and McPhail streets; 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, December 9, 2019, after conducting a public hearing, the Planning & Zoning Commission recommended approval of the rezoning request with a 4-0 vote.

#### **Origination:**

Colleen Pye

#### **Recommendation:**

Approval

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

Craig T. Meyers, Community Development Director

#### **ACTION TAKEN**

| <b>Approval</b><br><input type="checkbox"/> Yes <input type="checkbox"/> No | <b>Readings Passed</b><br><input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> | <b>Other</b> |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|--------------|
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|--------------|

#### **ATTACHMENTS:**

Ordinance No. 2019-36

Staff Report

Property Owner Notification

Public Comment Forms

Notice of Public Hearing

**ORDINANCE NO. 2019-36**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 0.13 ACRES OF LAND, LEGALLY DESCRIBED AS TRACT SOUTH ½ LOTS 34, 35, & 36 & TRACT 33C BLOCK 30 TOMBALL, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE SINGLE-FAMILY 6 DISTRICT TO THE OLD TOWN & MIXED USE DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE WEST SIDE OF SOUTH CHERRY STREET, BETWEEN FLORENCE AND MCPHAIL STREETS; 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**, Colleen Pye has requested that approximately 0.13 acres of land, legally described as South ½ Lots 34, 35, & 36 & Tract 33C Block 30, generally located on the west side of South Cherry Street, between Florence and McPhail Streets, within the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

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

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

**Whereas**, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of Old Town & Mixed Use District; and

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

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

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

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

**Section 2.** The zoning classification of the Property is hereby changed from the Single-Family 6 District to the Old Town & Mixed Use 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 Old Town & Mixed Use 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 Old Town & Mixed Use District as described above.

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16<sup>TH</sup> DAY OF DECEMBER 2019.

|                        |            |
|------------------------|------------|
| COUNCILMAN FORD        | <u>AYE</u> |
| COUNCILMAN STOLL       | <u>AYE</u> |
| COUNCILMAN DEGGES      | <u>AYE</u> |
| COUNCILMAN TOWNSEND    | <u>AYE</u> |
| COUNCILMAN KLEIN QUINN | <u>AYE</u> |



SECOND READING:

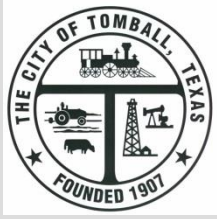
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6<sup>TH</sup> DAY OF JANUARY 2020.

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

\_\_\_\_\_  
Gretchen Fagan, Mayor

ATTEST:

\_\_\_\_\_  
Doris Speer, City Secretary



## Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: December 9, 2019  
City Council Public Hearing Date: December 16, 2019

**Rezoning Case:** P19-157  
**Property Owner(s):** Christopher M and Colleen Pye  
**Applicant(s):** Colleen Pye  
**Legal Description:** South ½ Lots 34, 35, & 36 & Tract 33C Block 30 Tomball  
**Location:** West side of South Cherry Street, between Florence and McPhail Streets (Exhibit “A”)  
**Area:** 0.13 acres (5,480.65 square feet)  
**Comp Plan Designation:** Old Town (Exhibit “B”)  
**Present Zoning and Use:** Single-Family 6 District (Exhibit “C”) / Single-family residence (Exhibit “D”)  
**Request:** Rezone from the Single-Family 6 District to the Old Town & Mixed Use District

**Adjacent Zoning & Land Uses:**

**North:** Single-Family 6 District / Chiropractic facility  
**South:** Single-Family 6 District / Single-family residence  
**West:** Single-Family 6 District / Undeveloped property  
**East:** Single-Family 6 District / Attorney’s office

### **BACKGROUND**

City staff met with the applicant to discuss the subject site earlier this year. The applicant submitted a Rezoning Application for the Commercial District. After discussing again with Staff, the applicant amended the request to the Old Town & Mixed Use District.

### **ANALYSIS**

The proposed rezoning is for approximately 0.13 acres (5,480.65 square feet)) of land on South Cherry Street. The site is currently zoned Single-Family 6 District. Surrounding properties are also zoned Single-Family 6 District, however many of them are not operated as single-family residences.

The existing land uses in the area include a mixture of residential and non-residential developments. To the north, there is a chiropractic office and a daycare. On the east side of South Cherry Street, there are single-family residences and an attorney’s office. To the south of the

subject site, there is a single-family residence and an AT&T service station. To the west, there is undeveloped property and single-family residences.

The Comprehensive Plan Future Land Use Map designates the property and all surrounding properties as Old Town. According to Chapter Four (Vision) of the Comprehensive Plan, the Old Town & Mixed Use District is a compatible zoning district for the Old Town category. Appropriate land uses in this category “consist of a mix of residential, office, retail, entertainment, restaurants, and public facilities”.

### **ZONING CONSIDERATIONS**

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

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

The uses permitted in the Old Town & Mixed Use District appear to be appropriate in the immediate area. The uses allowed in the Old Town & Mixed Use District are typically low intensity uses, similar to the existing uses surrounding the subject site.

The proposed rezoning would add to the already mixed use nature of this area. There are single-family residences as well as existing non-residential uses in the surrounding area.

South Cherry Street is listed as a minor arterial in the City’s Major Thoroughfare Map. The functional role of a minor arterial is to serve high volumes of traffic at a citywide scale. Typically, non-residential uses are located along minor arterial roads.

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

City utilities are available to the subject site.

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

There is vacant land in the City zoned Old Town & Mixed Use District. There does not appear to be any special circumstances that may make a substantial part of any vacant land unavailable for development.

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

There has been steady development in the Old Town & Mixed Use District in the City.

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

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

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

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

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

The Comprehensive Plan Future Land Use Map designates the property as Old Town. The purpose of the Old Town category is to promote a distinct sense of place. “Land uses should consist of a mix of residential, office, retail, entertainment, restaurants, and public facilities” and the Old Town & Mixed Use District is a compatible zoning district for the Old Town designation. The request meets the intent and character of the Old Town category.

**PUBLIC COMMENT**

Property owners within 200 feet of the project site were mailed notification of this proposal on November 20, 2019. The Notice of Public Hearing was published in the paper on November 20, 2019. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

**RECOMMENDATION**

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P19-157 for the following reasons:

1. The request meets the goals of City’s Comprehensive Plan;
2. The request is in conformance with the Future Land Use Map;
3. The request is appropriate with the surrounding land uses in the area;
4. The request is generally appropriate with the surrounding zoning districts.

**EXHIBITS**

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



Exhibit "A"  
Aerial Photo





Exhibit "B"  
Comprehensive Plan





Exhibit "C"  
Zoning Map



**Exhibit “D”  
Site Photo**





Exhibit "E"  
Application

Revised 5/19/15



**APPLICATION FOR REZONING**

Community Development Department  
Planning Division

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

**Applicant**  
Name: Colleen Rye Title: Owner  
Mailing Address: 207 Florence City: Tomball State: TX  
Zip: 77375  
Phone: (281) 932-2784 Fax: ( ) Email: info@colleenrye.com

**Owner**  
Name: Sare Title: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_  
Zip: \_\_\_\_\_  
Phone: ( ) Fax: ( ) Email: \_\_\_\_\_

**Engineer/Surveyor (if applicable)**  
Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Mailing Address: NA City: \_\_\_\_\_ State: \_\_\_\_\_  
Zip: \_\_\_\_\_  
Phone: ( ) Fax: ( ) Email: \_\_\_\_\_

**Description of Proposed Project:** Turn Commercial old town/mixed use  
**Physical Location of Property:** 5045 Cherry St 77375

[General Location – approximate distance to nearest existing street corner]  
**Legal Description of Property:** Block 30 Lots 33, 34, 35, 36 Revised Tomball  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

**Current Zoning District:** SFRL  
**Current Use of Property:** Residential  
**Proposed Zoning District:** Commercial  
**Proposed Use of Property:** Commercial Rental  
**HCAD Identification Number:** 3 1/2 33, 34, 35, 36 Acreage: \_\_\_\_\_

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

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

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

X Colleen Pye 6/27/2019  
Signature of Applicant Date  
X AP 6/27/2019  
Signature of Owner Date

CITY OF TOMBALL  
281-351-5484

REC#: 01097409 10/25/2019 8:52 AM  
OPER: MF TERM: 002  
REF#: W ZONING APP 1033

TRAN: 130.0000 PLANNING AND ZONING  
504 S CHERRY  
COLLEEN PYE  
100-5441  
REZONING APPLICATION 400.00CR

TENDERED: 400.00 CHECK  
APPLIED: 400.00-

CHANGE: 0.00

To: City of Tomball

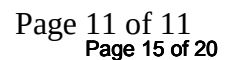
From : Al and Colleen Pye

Re: 504 Cherry

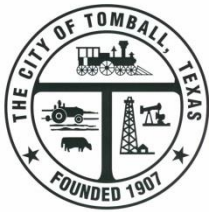
We would change are newly remodeled home into a commercial space. We see it being an attorney, spa or small business. There is a single family residence to the left and a business to the lright. Any commercial tenant would have day hours and would have be respectful of neighbors.

Al and Colleen Pye

*Al Pye*  
*Colleen Pye* 6/26/2019







## Notice of Public Hearing

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

**CASE NUMBER:** P19-157

**APPLICANT/OWNER:** Colleen Pye

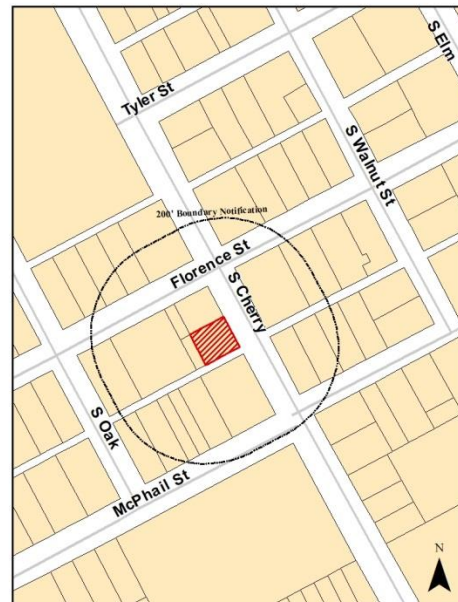
**LOCATION:** Generally located on the west side of South Cherry Street, between Florence and McPhail Streets.

**PROPOSAL:** To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.13 (5,480.65 square feet) acres of land legally described as South ½ Lots 34, 35, & 36 & Tract 33C Block 30, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Old Town & Mixed Use District.

**CONTACT:** Amelia Lindley, City Planner

**PHONE:** (281) 290-1410

**E-MAIL:** [alindley@tomballtx.gov](mailto:alindley@tomballtx.gov)



**Planning & Zoning Commission  
Public Hearing:  
Monday, December 9, 2019, 6:00 PM**

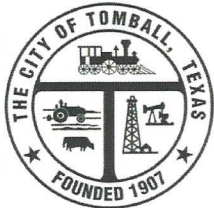
**City Council Public Hearing:  
\*Monday, December 16, 2019, 6:00 PM**

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

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.**

\*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.



# Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball  
Attn: Amelia Lindley  
501 James Street  
Tomball, TX 77375

Name:

Nora Stovall

(please print)

Address:

307 Florence St  
Tomball, TX 77375

Signature:

Nora Stovall

Date:

11/22/19

☒ I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P19-157. (Please state reasons below)

☐ I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P19-157. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:

**Monday, December 9, 2019 6:00 PM**

City Council Chambers of the City of Tomball, City Hall  
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

**Monday, December 16, 2019, 6:00 PM**

City Council Chambers of the City of Tomball, City Hall  
401 Market Street, Tomball, Texas

**COMMENTS:**

You may also comment via email to [ALindley@tomballtx.gov](mailto:ALindley@tomballtx.gov).

Please reference the case number in the subject line.

For questions regarding this request please call Amelia Lindley @ 281-290-1410.

## Amelia Lindley

---

**From:** Nora Stovall <norastovall@sbcglobal.net>  
**Sent:** Friday, November 22, 2019 7:58 PM  
**To:** Amelia Lindley  
**Subject:** P19-157  
**Attachments:** Comment on Public Notice P19-157.pdf

Amelia,

I have no objection to change from Single Family to Old Town & Mixed Use.

In my opinion, a small business is less obtrusive than a residence especially if it is used as a rental property. I have attached my comment.

Nora Stovall  
307 Florence  
Tomball, TX 77375

**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION (P&Z)  
DECEMBER 9, 2019  
&  
CITY COUNCIL  
DECEMBER 16, 2019**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 9, 2019, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 16, 2019, 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 P19-156:** Request by Lance Langenhoven to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots, from the Single-Family 20 Estate District to the General Retail District and 0.33 acres of land legally described as Tract 64A Tomball Outlots from the Agricultural District to the General Retail District. The properties are generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas.

**Zoning Case P19-155:** Request by Lance Langenhoven for a Conditional Use Permit to operate an *office showroom/warehouse* and *mini warehouse/self-storage* facility. The properties are approximately 2 acres of land legally described as .50 U/D INT in Tract 57 (2.025 acres) Tomball Outlots and 0.33 acres of land legally described as Tract 64A Tomball Outlots, generally located at the northwest corner of East Hufsmith Road and Neal Street at 503 East Hufsmith Road, within the City of Tomball, Harris County, Texas, and are zoned General Retail District.

**Zoning Case P19-157:** Request by Colleen Pye, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.13 (5,480.65 square feet) acres of land legally described as South ½ Lots 34, 35, & 36 & Tract 33C Block 30, within the City of Tomball, Harris County, Texas, generally located on the west side of South Cherry Street, between Florence and McPhail Streets, from the Single-Family 6 District to the Old Town & Mixed Use District.

**Zoning Case P19-159:** Request by Sarah Mays, with Kimley-Horn, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 32.6253 acres of land legally described as Lot 1-B Block 1 Tomball 2920 Replat and Reserve A, Tract A and B (Drainage) Tomball 2920, within the City of Tomball, Harris County, Texas, generally located on the north side of FM 2920 east of Calvert Road, from the

Agricultural, General Retail and Commercial District to the Planned Development (PD-13) 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 City Planner, Amelia Lindley, at (281) 290-1410 or at [alindley@tomballtx.gov](mailto:alindley@tomballtx.gov).

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 5<sup>th</sup> day of **December 2019** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley  
City Planner

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](http://www.tomballtx.gov).

# Regular City Council

## Agenda Item

### Data Sheet

Meeting Date: January 6, 2020

#### **Topic:**

Award Contract for Project No. 2020-02, Sludge Hauling & Disposal – Belt Press, at \$0.0425 per Gallon and \$625.00 per 30-Yard Roll Off, to K3 BMI

#### **Background:**

In an effort to obtain commodities and services used on a continuous basis, the City routinely solicits bids to secure the most favorable pricing and service. Currently the City is in the final contract renewal option with the current provider and staff has placed the services to bid in order to obtain a new contract.

Bid packets were available for pickup at the Public Works Administration Building or could be electronically delivered by request. A total of nine (9) vendors received information on the bid specifications and four (4) qualified bids were received.

The bid pricing submitted by the recommended bidder is \$0.0425 per gallon for sludge hauling and disposal using the a belt press during normal business hours and \$625.00 per exchange for the 30 yard roll off box to be supplied by the vendor.

#### **Origination:**

Public Works Department

#### **Recommendation:**

Staff recommends awarding contract for Bid Number 2020-02 for Sludge Hauling & Disposal – Belt Press and 30 yard roll off to K3 BMI

#### **Funding:**

Yes

Account Number:600-614-6329

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

Beth Jones, Public Works Department

#### **ACTION TAKEN**

| <b>Approval</b><br><input type="checkbox"/> Yes <input type="checkbox"/> No | <b>Readings Passed</b><br><input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> | <b>Other</b> |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|--------------|
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|--------------|

#### **ATTACHMENTS:**

Bid Tabulation



## BID TABULATION

### BID NUMBER 2020-02 : Sludge Hauling & Disposal - Belt Press & 30 yd. Roll Off

#### Company: K-3BMI

| Item | Description                                                                                                                                                                                          | Estimated Annual Quantity (gallons) | Unit Price Per Gallon   | Total Cost  |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------|-------------|
| 1    | Cost per Ton for Sludge Hauling & Disposal during normal business hours (Mon-Fri, 8am-5pm) for pressed sludge cake, including haul, disposal & other cost (trip charge, service call, mileage, etc.) | 300,000                             | \$0.0425                | \$12,750.00 |
| Item | Description                                                                                                                                                                                          | Esitmated Annual Roll Off Exchanges | Unit Price per Exchange | Total Cost  |
| 1    | Price per 30 yard roll off to be supplied by vendor to the South Wastewater Treatment Plant (Cost includes exchange, trip charge, service call, milage, etc.)                                        | 100                                 | \$625.00                | \$62,500.00 |

#### Company: Spring Waste Services, LP

| Item | Description                                                                                                                                                                                          | Estimated Annual Quantity (gallons) | Unit Price Per Gallon   | Total Cost  |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------|-------------|
| 1    | Cost per Ton for Sludge Hauling & Disposal during normal business hours (Mon-Fri, 8am-5pm) for pressed sludge cake, including haul, disposal & other cost (trip charge, service call, mileage, etc.) | 300,000                             | \$0.05                  | \$15,000.00 |
| Item | Description                                                                                                                                                                                          | Esitmated Annual Roll Off Exchanges | Unit Price per Exchange | Total Cost  |
| 1    | Price per 30 yard roll off to be supplied by vendor to the South Wastewater Treatment Plant (Cost includes exchange, trip charge, service call, milage, etc.)                                        | 100                                 | \$693.00                | \$69,300.00 |

**Company: Hazmat International**

| Item | Description                                                                                                                                                                                          | Estimated Annual Quantity (gallons) | Unit Price Per Gallon   | Total Cost  |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------|-------------|
| 1    | Cost per Ton for Sludge Hauling & Disposal during normal business hours (Mon-Fri, 8am-5pm) for pressed sludge cake, including haul, disposal & other cost (trip charge, service call, mileage, etc.) | 300,000                             | \$0.20                  | \$60,000.00 |
| Item | Description                                                                                                                                                                                          | Esitmated Annual Roll Off Exchanges | Unit Price per Exchange | Total Cost  |
| 1    | Price per 30 yard roll off to be supplied by vendor to the South Wastewater Treatment Plant (Cost includes exchange, trip charge, service call, milage, etc.)                                        | 100                                 | \$735.00                | \$73,500.00 |

**Company: Wastewater Transport Services**

| Item | Description                                                                                                                                                                                          | Estimated Annual Quantity (gallons) | Unit Price Per Gallon   | Total Cost  |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------|-------------|
| 1    | Cost per Ton for Sludge Hauling & Disposal during normal business hours (Mon-Fri, 8am-5pm) for pressed sludge cake, including haul, disposal & other cost (trip charge, service call, mileage, etc.) | 300,000                             | \$0.23                  | \$69,000.00 |
| Item | Description                                                                                                                                                                                          | Esitmated Annual Roll Off Exchanges | Unit Price per Exchange | Total Cost  |
| 1    | Price per 30 yard roll off to be supplied by vendor to the South Wastewater Treatment Plant (Cost includes exchange, trip charge, service call, milage, etc.)                                        | 100                                 | \$250.00                | \$25,000.00 |

# Regular City Council

## Agenda Item

### Data Sheet

Meeting Date: January 6, 2020

**Topic:**

Approve BuyBoard Purchase Quote 2019-23384 for a RamJet Sewer Jetter to Kinloch Equipment & Supply, for a Total Amount of \$71,979.00

**Background:**

This purchase will replace the existing Jetter in operation for the Public Works Department that has been identified for replacement through the Fleet Replacement Program. The need for replacement has been substantiated by the Public Works Department and Administrative Personnel based upon actual condition and use of the equipment.

The Buy Board purchase quote number 2019-23384 is for the purchase of the new RamJet Sewer Jetter machine mounted on a trailer for a total amount of \$71,979.00. Funds, in the amount of \$72,000.00, were budgeted in the approved COT Fleet Replacement Program.

**Origination:**

Public Works Department

**Recommendation:**

Staff recommends approval of purchase of BuyBoard quote 2019-23384 for a RamJet Sewer Jetter

**Funding:**

Yes

Account Number:650-652-6403

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

Beth Jones, Public Works Department

**ACTION TAKEN**

| <b>Approval</b><br><input type="checkbox"/> Yes <input type="checkbox"/> No | <b>Readings Passed</b><br><input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> | <b>Other</b> |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|--------------|
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|--------------|

**ATTACHMENTS:**

BuyBoard Quote 2019-23384

**Presents a Proposal Summary**

of the



Trailer Sewer Jetter

Single Engine Sewer Cleaner Mounted on a Trailer

For,

City of Tomball, Texas

## **PRODUCT DESCRIPTION**

- Trailer-Series RamJet 750 Gallons, shrouded - 40GPM

## **STANDARD FEATURES**

- E-Stop
- Pulsation System
- Ceramic Plunger, Belt Driven
- 600' x 3/4" Sewer Hose at 3000 PSI
- Finned Nozzle Extension
- Auto Shutdown (for High Engine Temp/Low Oil Pressure)
- Tachometer w/Hour Meter
- Hydraulic Speed Control Valve
- Twin 42" Aluminum Toolbox, Front Opening
- Round Steel Fenders
- Dual anchor Tie-Point at rear of unit
- NEMA Ignition Switch Control Panel
- LED Stop/ Turn/ Tail Lights
- Magnetic Base Hand Light
- By Pass Valve
- 40 @ 2000
- Water Pressure Gauge
- LED Strobe Light
- Electric Brakes
- Electronic Throttle Controls
- Stainless Steel Water Selector
- Two Drain Jet Nozzles
- Water Recirculator and Antifreeze System
- 3" Tiger Tail Hose Protector
- 2.5" Fill System
- 600' Capacity Pivot Hose Reel
- Nozzle Storage Rack
- Module Paint - Standard Powder Coated Frame, Engine White, Reel Black
- 10' Leader Hose
- Hatz 74 HP 4 Cyl Diesel Engine Liquid Cooled
- Vactor Manual, Partial Manual and USB Version - 1 + Dealer

## **ADDITIONAL FEATURES**

- Fill Hose Storage Rack
- Wash Down System w/ Gun and 25' of Hose

Chassis Source - Vactor Supplied  
Module Paint Match Cab - Yes  
Module Paint Color - White  
Cab Color - White  
Door Stripe Color - None  
Chassis Year - 0  
Chassis Axle - Tandem  
Certified Unit Weight Required - No

**Chassis Note:** None

**Budget Quote:** \$71,976.00

Price valid for 60 Days from date of 2/7/19

Product Model: Jetter

Product Model: Jetter

Proposal Date: 2/7/19

Quote Number: 2019-23384

Price List Date 1/1/19

P.O. Number:

Payment Terms:

Proposal Notes:

1. The quote is in accordance with our agreement with the Texas Buy Board, contract number 513-16.
2. Chassis specifications and data codes for customer supplied chassis must be submitted to and approved by Vactor Manufacturing prior to submittal of customer purchase order
3. All prices quoted are in US Dollars unless otherwise noted.

SIGNED BY:

\_\_\_\_\_ Date: \_\_\_\_\_



## LIMITED WARRANTY

**Limited Warranty.** Each machine manufactured by VACTOR/GUZZLER MANUFACTURING (or, "the Company") is warranted against defects in material and workmanship for a period of 12 months, provided the machine is used in a normal and reasonable manner and in accordance with all operating instructions. In addition, certain machines and components of certain machines have extended warranties as set forth below. If sold to an end user, the applicable warranty period commences from the date of delivery to the end user. If used for rental purposes, the applicable warranty period commences from the date the machine is first made available for rental by the Company or its representative. This limited warranty may be enforced by any subsequent transferee during the warranty period. This limited warranty is the sole and exclusive warranty given by the Company.

### STANDARD EXTENDED WARRANTIES (Total Warranty Duration)

#### 2100 Series, HXX, Series and Jetters

10 years against water tank leakage due to corrosion. Nonmetallic water tanks are covered for 5 yrs. against any factory defect in material or workmanship.

#### 2100 Series and HXX only

5 years against leakage of debris tank, centrifugal compressor or housing due to rust-through.

#### 2100 Series and Jetters

2 years - Vactor Rodder Pump on all unit serial numbers starting with 13##V#####.

**Exclusive Remedy.** Should any warranted product fail during the warranty period, the Company will cause to be repaired or replaced, as the Company may elect, any part or parts of such machine that the Company's examination discloses to be defective in material or factory workmanship. Repairs or replacements are to be made at the selling Vactor/Guzzler distributor's location or at other locations approved by the Company. In lieu of repair or replacement, the Company may elect, at its sole discretion, to refund the purchase price of any product deemed defective. The foregoing remedies shall be the sole and exclusive remedies of any party making a valid warranty claim.

This Limited Warranty shall not apply to (and the Company shall not be responsible for):

1. Major components or trade accessories that have a separate warranty from their original manufacturer, such as, but not limited to, trucks, engines, hydraulic pumps and motors, tires and batteries.
2. Normal adjustments and maintenance services.
3. Normal wear parts such as, but not limited to, oils, fluids, vacuum hose, light bulbs, fuses, gaskets.
4. Failures resulting from the machine being operated in a manner or for a purpose not recommended by the Company.
5. Repairs, modifications or alterations without the express written consent of the Company, which in the Company's sole judgment, have adversely affected the machine's stability, operation or reliability as originally designed and manufactured.
6. Items subject to misuse, negligence, accident or improper maintenance.

\*NOTE\* The use in the product of any part other than parts approved by the Company may invalidate this warranty. The Company reserves the right to determine, in its sole discretion, if the use of non-approved parts operates to invalidate the warranty. Nothing contained in this warranty shall make the Company liable for loss, injury, or damage of any kind to any person or entity resulting from any defect or failure in the machine.

THIS WARRANTY SHALL BE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION, ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, ALL OF WHICH ARE DISCLAIMED.

This warranty is in lieu of all other obligations or liabilities, contractual and otherwise, on the part of the Company. For the avoidance of doubt, the Company shall not be liable for any indirect, special, incidental or consequential damages, including, but not limited to, loss of use or lost profits. The Company makes no representation that the machine has the capacity to perform any functions other than as contained in the Company's written literature, catalogs or specifications accompanying delivery of the machine. No person or affiliated company representative is authorized to alter the terms of this warranty, to give any other warranties or to assume any other liability on behalf of the Company in connection with the sale, servicing or repair of any machine manufactured by the Company. Any legal action based hereon must be commenced within eighteen (18) months of the event or facts giving rise to such action.

The Company reserves the right to make design changes or improvements in its products without imposing any obligation upon itself to change or improve previously manufactured products.



VACTOR/GUZZLER MANUFACTURING

1621 S. Illinois Street  
Streator, IL 61364

## TERMS AND CONDITIONS

**ORDERS:** All orders are subject to acceptance by Vactor Manufacturing, Inc. or Guzzler Manufacturing, Inc. (hereafter referred to as Vactor). Orders for products not normally carried in stock or requiring special engineering or manufacturing is in every case subject to approval by Vactor's Management.

**PRICES:** All orders are subject to current prices in effect at the time of order acknowledgement.

**F.O.B. Point:** Unless otherwise stated, all prices listed are F.O.B. factory.

**PAYMENT TERMS:** The company's payment terms are due upon receipt, unless otherwise stated. However, until such time as Vactor receives full payment, Vactor shall maintain a purchase money security interest in the product.

**CANCELLATION:** Orders regularly entered cannot be cancelled except upon terms that will compensate Vactor for any loss or damage sustained. Such loss will be a minimum of 10% of the purchase price.

**SHIPMENT:** All proposals are based on continuous and uninterrupted delivery of the order upon completion, unless specifications distinctly state otherwise. In the event that agreement is reached for Vactor to store completed items, they will be immediately invoiced to the customer and become due and payable. Storage shall be at the risk of the customer and Vactor shall be liable only for ordinary care of the property.

**STORAGE CHARGES:** Vactor shall charge the customer at current rates for handling and storing customer's property (e.g. truck chassis) held for more than thirty (30) days after notification of availability for shipment. All customer's property, or third party's property, that is stored by Vactor is at the customer's or other party's risk. Vactor is not liable for any loss or damage thereto caused by fire, water, corrosion, theft, negligence, or any caused beyond its reasonable control.

**PERFORMANCE:** Vactor shall not be liable for failure to complete the contract in accordance with its terms if failure is due to wars, strikes, fires, floods, accidents, delays in transportation or other causes beyond its reasonable control.

**EXPERIMENTAL WORK:** Work performed at customer's request such as sketches, drawings, design, testing, fabrication and materials shall be charged at current rates.

**SKETCHES, ENGINEERING DRAWINGS, MODELS** and all preparatory work created or furnished by Vactor, shall remain its exclusive property; and no use of same shall be made nor may ideas obtained therefrom be used except with the consent of and on terms acceptable to Vactor.

**TAXES:** The pricing attached does not include Federal, State or local taxes which are the buyer's responsibility. However, Vactor/Guzzler Manufacturing, Inc. shall be responsible for Federal Excise Tax (F.E.T.) unless it is separately stated on the invoice and added to the selling price. If F.E.T. is not separately stated on the invoice it has not been included in the price and Vactor/Guzzler will pay any F.E.T. due itself and bear the cost of the tax. Any refunds or adjustments to the F.E.T. in such cases belong to Vactor/Guzzler.

**PRODUCT IMPROVEMENTS:** Vactor reserves the right to change manufacturing specifications and procedure in accordance with its product improvement policy.

**MOUNTING PRICES:** Mounting prices assume normally factory installation on a truck chassis suitable for the unit purchased. Relocation of batteries, fuel tanks, mufflers, air tanks, etc. will be an additional charge, billed at the standard factory labor rate.

**WARRANTY:** Vactor warrants its products to be free from defects in material and workmanship, subject to the limitations and conditions set forth in its current published warranty. Other than those expressly stated herein. THERE ARE NOT OTHER WARRANTIES OF ANY KIND EXPRESS OR IMPLIED, AND SPECIFICALLY EXCLUDED BUT NOT BY WAY OF LIMITATION, ARE THE IMPLIED WARRANTIES OF FITNESS FOR A PARTICULAR PURPOSE AND MERCHANTABILITY.

**IT IS UNDERSTOOD AND AGREED THE SELLER'S LIABILITY WHETHER IN CONTRACT, IN TORT, UNDER ANY WARRANTY IN NEGLIGENCE OR OTHERWISE SHALL NOT EXCEED THE RETURN OF THE AMOUNT OF THE PURCHASE PRICE PAID BY THE PURCHASER AND UNDER NO CIRCUMSTANCES SHALL SELLER BE LIABLE FOR SPECIAL, INDIRECT, INCIDENTAL OR CONSEQUENTIAL DAMAGES. THE PRICES STATED FOR THE EQUIPMENT IS A CONSIDERATION IN LIMITING SELLER'S LIABILITY. NO ACTION REGARDLESS OF FORM, ARISING OUT OF THE TRANSACTION OF THE AGREEMENT MAY BE BROUGHT BY PURCHASER MORE THAN ONE YEAR AFTER THE CAUSE OF ACTION HAS ACCURED.**

**SELLER'S MAXIMUM LIABILITY SHALL NOT EXCEED AND BUYER'S REMEDY IS LIMITED TO EITHER (I) REPAIR OR REPLACEMENT OF THE DEFECTIVE PART OF PRODUCT, OR AT SELLER'S OPTION (II) RETURN OF THE PRODUCT AND REFUND OF THE PURCHASE PRICE AND SUCH REMEDY SHALL BE BUYER'S ENTIRE AND EXCLUSIVE REMEDY.**

This agreement shall be construed according to the laws of the State of Illinois. Failure at anytime by Vactor to exercise any right of the Company may have under this agreement shall not constitute a waiver-thereof nor prejudice Vactor's right to enforce it thereafter.

This order, including the above terms and conditions, contains the complete and final agreement between the parties hereto and no other agreement in any way modifying any of said terms and conditions will be binding on Vactor unless in writing and agreed to by an authorized representative of Vactor.

I agree with the above terms and conditions:

\_\_\_\_\_

Date: \_\_\_\_\_

# Regular City Council

## Agenda Item

### Data Sheet

Meeting Date: January 6, 2020

#### **Topic:**

Approve Resolution No. 2020-01, a Resolution and Order of the City Council of the City Of Tomball, Texas, Ordering the General City Election, to be Held in the City of Tomball on Saturday, May 2, 2020; Designating the Polling Places and Appointing Election Officials for Such Election; Directing the Giving of Notice of Such Election; and Providing Details Relating to the Holding of Such Election.

*Aprobar la Resolución Nro. 2020-01, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball Texas, Ordenando una Elección Regular de Funcionarios Municipales a Celebrarse el sábado 2de mayo de 2020; Designando los Lugares de Votación y Nombrando a los Oficiales Electorales de tal Elección; Instruyendo que se Notifique Sobre esta Elección; Designando la Fecha de una Elección de Desempate de ser Necesaria; y Proporcionando Detalles Referentes a la Celebración de Tal Elección.*

Chấp thuận Nghị Quyết số 2020-01, một Nghị Quyết và Sắc Lệnh của Hội Đồng Thành Phố Tomball, Texas, Yêu Cầu một Cuộc Bầu Cử Viên Chức Thường Lệ sẽ được tổ chức tại Thành Phố Tomball vào Thứ Bảy, ngày 2 tháng Năm, 2020; Chỉ định các Địa Điểm Bỏ Phiếu và Chỉ Định các Viên Chức Bầu Cử cho Cuộc Bầu Cử đó; Hướng Dẫn việc Đưa Ra Thông Báo của Cuộc Bầu Cử đó; Chỉ Định Ngày Bầu Cử Chung Cuộc nếu cần; và Đưa Ra các Chi Tiết có Liên Quan đến việc Tổ Chức Cuộc Bầu Cử đó

批准決議案編號2020-01, 為一德克薩斯州, Tomball市市議會決議及指示, 特指示一市府官員普選, 其將於2020年5月2日, 星期六在Tomball市召開; 並已為此選舉指定投票所地點以及指派選舉官員; 指導發出本選舉之選舉通知; 如需要, 將指定決選日期; 以及提供所有與召開本選舉相關的細節

#### **Background:**

Resolution No. 2020-01 orders the Regular City Officer's Election, which will be held on Saturday, May 2, 2020 for Council Position 1 and Council Position 5.

The first day to file an Application for Place on Ballot is Wednesday, January 15, 2020; the last day to file an Application for Place on Ballot is Friday, February 14, 2020 at 5:00 p.m. Early Voting will be held April 20-24 and April 27-28, 2020.

The Resolution also designates the polling places, appoints the election officers, authorizes the use of the eSlate Voting System, and authorizes two 12-hour days of early voting on Tuesday, April 23, and Tuesday, April 30, 2019.

Should a Runoff Election be required, the date of the Runoff Election is designated to be Saturday, June 6, 2020; early voting for the Runoff Election would begin Tuesday, May 26, and end June 2, 2020.

The contract between Hart Intercivic and the City includes training, equipment testing, programming, on-site support, tallying, maintenance/repairs, software upgrades and certification services for the City's general election and the special election. The anticipated expenses for the May 2, 2020 election are approximately \$16,000, including the contracted services with Hart Intercivic for programming and Election Day support/finalizing the election. Additional expenses will be incurred for the general election if a runoff election is required; however, funds budgeted for elections in the FY 2019-2020 budget should be sufficient to cover anticipated costs.

As in previous years, a provision has been included in Section 2 to authorize the City Secretary to select an Acting Presiding or Acting Alternate Presiding Judge from the qualified pool of Election Clerks if either the

Presiding Judge or the Alternate Presiding Judge is unable to perform his/her assigned duties for whatever reason.

**Origination:**

Doris Speer, City Secretary

**Recommendation:**

Approve Resolution No. 2020-01

**Funding:**

Yes

Account Number:100-114-6371

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

City Secretary

| ACTION TAKEN                                                         |                                                                                                      |       |
|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-------|
| Approval<br><input type="checkbox"/> Yes <input type="checkbox"/> No | Readings Passed<br><input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> | Other |

**ATTACHMENTS:**

Resolution No. 2020-01 and Order

**RESOLUTION NO. 2020-01**

**A RESOLUTION AND ORDER OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, ORDERING A REGULAR CITY OFFICER'S ELECTION, TO BE HELD IN THE CITY OF TOMBALL ON SATURDAY, MAY 2, 2020; DESIGNATING THE POLLING PLACES AND APPOINTING ELECTION OFFICIALS FOR SUCH ELECTION; DIRECTING THE GIVING OF NOTICE OF SUCH ELECTION; DESIGNATING THE DATE FOR A RUNOFF ELECTION IF NEEDED; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION**

\* \* \* \* \*

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

**Section 1:** It is hereby ordered that a Regular Election be held in and throughout the City of Tomball, Texas on the second Saturday in May, the 2nd day of May, 2020, at which election the following officers shall be elected by the resident qualified voters in and for the said City of Tomball, to-wit:

**POSITION**

**COUNCIL POSITION 1  
COUNCIL POSITION 5**

**Section 2:** The present boundaries of the City constituting one election precinct, the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place, and the following are hereby appointed officers to conduct the election at said polling place:

**POLLING PLACE**

Tomball City Hall  
401 Market Street  
Tomball, Texas 77375

**ELECTION OFFICERS**

Patsy Kinsey, Presiding Judge  
Latrell Shannon, Alternate Presiding Judge.

The City Secretary is hereby authorized and directed to provide a copy of the RESOLUTION to the judges as written notice of their appointment as required by Section 32.009 of the Texas Election Code. If either the Presiding Judge or the Alternate Presiding Judge is unable to perform his/her assigned duties, the City Secretary is authorized to select an Acting Presiding or Acting Alternate Presiding Judge from the qualified Election Clerks, as needed.

The Presiding Judge shall have the authority to appoint no more than seven (7) clerks to assist in the holding of such election, but in no event shall the Presiding Judge appoint less than two clerks. Said election



officers shall also serve as the Early Voting Ballot Board for such election; the Presiding Judge of such election precinct shall also serve as the Presiding Officer of the Early Voting Ballot Board.

The Election Judge shall be compensated at an hourly rate of \$14.00; early voting clerks and election clerks shall be compensated at an hourly rate of \$13.00 as provided by Title 3, Section 32.091(a) of the State Election Code. The Election Judge shall be compensated in the amount of \$25 for the delivery of election equipment and supplies as provided by Title 3, Section 32.091(a) of the State Election Code, if such delivery is necessary. The City will pay for any required training of the City's election judges and clerks. Judges and clerks will also be reimbursed for travel and will be paid at the set hourly rates for training time.

**Section 4:** The City Secretary is hereby appointed the Elections Clerk for early voting; the appointment of a deputy clerk or clerks for early voting by the City Secretary shall be in accordance with Section 83.001 *et seq.* of the Texas Election Code. The place for early voting for such election is hereby designated as:

City Hall  
City of Tomball, Texas  
401 Market Street  
Tomball, Texas 77375.

Said clerks shall keep said office open during the hours that the City Hall is regularly open for business, that is, from seven forty-five o'clock (7:45) a.m. until five o'clock (5:00) p.m. on Monday, Wednesday, and Thursday, from seven forty-five o'clock (7:45) a.m. until seven forty-five o'clock (7:45) p.m. on Tuesday, and from seven forty-five o'clock (7:45) a.m. until four o'clock (4:00) p.m. on Friday, on each day for early voting which is not a Saturday, a Sunday, or an official state holiday, beginning on the twelfth (12<sup>th</sup>) day and continuing through the fourth (4<sup>th</sup>) day preceding the date of such election. As required under Section 85.005 (d), Election Code, early voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours on two weekdays, if the early voting period consists of six or more weekdays; therefore, early voting by personal appearance shall be conducted for 12 hours on Tuesday, April 21, 2020 and Tuesday, April 28, 2020.

Said clerks shall not permit anyone to vote early by personal appearance on any day which is not a regular working day for the clerk's office, and under no circumstances shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public. The above-described place for early voting is also the clerk's mailing address to which ballot applications and ballots voted by mail may be sent. The early voting clerk, in accordance with the provisions of the Texas Election Code, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

**Section 5:** All ballots shall be prepared in accordance with Texas Election Code. Paper ballots shall be used for early voting by mail and the eSlate Direct Recording Electronic (DRE) Voting System shall be used for early voting by personal appearance and voting on Election Day, both of which are part of the eSlate DRE Voting System. The City Council hereby adopts for use in early and election day voting the eSlate Direct Recording Electronic (DRE) Voting System as approved by the Secretary of State. All expenditures necessary

for the conduct of the election, the purchase of materials therefore, and the employment of all election officials is hereby authorized.

**Section 6:** The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

**Section 7:** Notice of this election shall be given in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary after the closing of the polls.

**Section 8:** Said election shall be held in accordance with the provisions of Article XI, Section 11 of the Constitution of Texas, which provides that a municipality having terms exceeding two (2) years must fill any vacancy within 120 days after such vacancy occurs, the Texas Election Code and the Federal Voting Rights Act of 1965, as amended. Only duly qualified resident electors of the City of Tomball shall be qualified to vote.

**Section 9:** The first day to file an application for place on ballot is January 15, 2020. All candidates for election for the Office of City Council, Position 1 and City Council, Position 5 must file their names with the City Secretary of the City of Tomball, Texas, by 5:00 P.M. on February 14, 2020 in order for their names to be included on the Official Ballot.

**Section 10:** Should a Runoff Election be required, the date of the Runoff Election is designated to be Saturday, June 6, 2020. Early voting for the Runoff Election will begin May 26, 2020 and end June 2, 2020. All terms, conditions, and provisions established for the May 2, 2020 Regular City Officers Election shall apply to the Runoff Election.

**Section 11:** The City Secretary is hereby authorized and instructed to give Notice of said election as required by law.

**PASSED, APPROVED and RESOLVED** this 6th day of January 2020.

\_\_\_\_\_  
GRETCHEN FAGAN, Mayor  
City of Tomball

ATTEST:

\_\_\_\_\_  
DORIS SPEER, City Secretary  
City of Tomball

## **RESOLUCIÓN Nro. 2020-01**

**RESOLUCIÓN Y ORDEN DEL CONSEJO MUNICIPAL DE LA CIUDAD DE TOMBALL, TEXAS, ORDENANDO LA CELEBRACIÓN DE UNA ELECCIÓN REGULAR DE FUNCIONARIOS MUNICIPALES PARA EL SÁBADO 2 DE MAYO DE 2020; DESIGNANDO LOS LUGARES DE VOTACIÓN Y NOMBRANDO A LOS OFICIALES ELECTORALES DE TAL ELECCIÓN; INSTRUYENDO QUE SE NOTIFIQUE SOBRE ESTA ELECCIÓN; DESIGNANDO LA FECHA DE UNA ELECCIÓN DE DESEMPATE DE SER NECESARIA; Y PROPORCIONANDO DETALLES REFERENTES A LA CELEBRACIÓN DE TAL ELECCIÓN.**

\* \* \* \* \*

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

**Sección 1:** Por la presente se ordena que se celebre una Elección Regular en y en toda la Ciudad de Tomball el segundo sábado de mayo, es decir el 2 de mayo de 2020, elección en la cual los residentes votantes calificados de la mencionada Ciudad de Tomball elegirán a los siguientes funcionarios municipales, a saber:

### **CARGO**

**CONCEJAL, POSICIÓN 1**

**CONCEJAL, POSICIÓN 5**

**Sección 2:** Los límites actuales de la Ciudad constituyen un precinto electoral, las casillas electorales abrirán desde las siete en punto (7:00) de la mañana hasta las siete en punto (7:00) de la tarde en el siguiente lugar de votación, y quienes figuran a continuación son por la presente designados oficiales a cargo de la conducción de la elección en el mencionado lugar de votación:

### **LUGAR DE VOTACIÓN**

Tomball City Hall  
401 Market Street  
Tomball, Texas 77375

### **OFICIALES ELECTORALES**

Patsy Kinsey, Juez Presidente  
Latrell Shannon, Juez Presidente Alterno

Por la presente se autoriza e instruye a la Secretaria de la Ciudad para que proporcione una copia de la RESOLUCIÓN a los jueces como aviso escrito de su nombramiento como lo requiere la Sección 32.009 del Código Electoral de Texas. Si el Juez Presidente o el Juez Presidente alterno no pueden desempeñar sus funciones asignadas, la secretaria de la ciudad está autorizada a seleccionar un Juez presidente Actuante o un Juez Alterno Actuante de entre los funcionarios electorales calificados, según sea necesario.

El Juez Presidente tendrá la autoridad de nombrar a no más de siete (7) funcionarios para que asistan en la conducción de tal elección, pero en ningún caso el Juez Presidente deberá nombrar menos de dos funcionarios. Tales oficiales electorales integrarán también el Consejo de Boletas de Votación Anticipada de tal elección; el Juez Presidente de tal precinto electoral cumplirá además la función de Oficial Presidente del Consejo de Boletas de Votación Anticipada.

El Juez Electoral debe ser remunerado a razón de \$14.00 por hora; los funcionarios de votación anticipada y los funcionarios electorales deben ser remunerados a razón de \$13.00 por horas según lo dispone el Título 3, Sección 32.091(a) del Código Electoral del Estado. El Juez Electoral debe recibir una remuneración de \$25 por hacer entrega del equipo y los suministros para la elección según lo dispone el Título 3, Sección 32.091(a) del Código Electoral del Estado, en el caso de que dicha entrega sea necesaria. La Ciudad pagará cualquier capacitación necesaria de los jueces y funcionarios electorales de la Ciudad. Además se reembolsará a los jueces y funcionarios por gastos de viaje y se les pagará a la tarifa por hora establecida para el tiempo de capacitación.

**Sección 4:** Por la presente se designa a la Secretaria de la Ciudad como Oficial de Votación Anticipada; el nombramiento de funcionarios de votación anticipada por parte de la Secretaria de la Ciudad deberá ser hacerse conformidad con la Sección 83.001 *et seq.* del Código Electoral de Texas. Por la presente se designa el lugar de votación anticipada para dicha elección de la siguiente manera:

City Hall  
City of Tomball, Texas  
401 Market Street  
Tomball, Texas 77375.

Los funcionarios mencionados deberán mantener dicha oficina abierta durante el horario en que City Hall normalmente esta abierto, es decir, desde las siete y cuarenta y cinco (7:45) a.m. hasta las cinco en punto (5:00) p.m. los días lunes, miércoles y jueves; desde las siete y cuarenta y cinco (7:45) a.m. hasta las siete y cuarenta y cinco (7:45) p.m. los martes; y desde las siete y cuarenta y cinco (7:45) a.m. hasta las cuatro en punto (4:00) p.m. los viernes, todos los días de votación anticipada que no sean sábado, domingo ni día feriado oficial del estado, comenzando el décimo segundo (12vo) día anterior a la elección y culminando el cuarto (4to) día anterior a la fecha de tal elección. Según lo requiere la Sección 85.005 (d) del Código electoral, la votación anticipada en

persona en el lugar central de votación anticipada debe realizarse por al menos 12 horas dos días hábiles si el período de votación anticipada es de seis días hábiles o más; por lo tanto, la votación anticipada en persona se realizará por 12 horas el día martes 21 de abril de 2020 y el martes 28 de abril de 2020.

Los funcionarios mencionados no deberán permitir a nadie votar por anticipado en persona en ningún día que no sea un día de trabajo normal de la oficina del oficial, y bajo ninguna circunstancia deberán permitir que nadie vote por anticipado en persona en cualquier hora en que tal ofician no esté abierta al público. El lugar de votación anticipada mencionado arriba es también la dirección postal del oficial a la cual pueden enviarse las solicitudes de boletas de votación por correo y los votos emitidos por correo. De acuerdo con las disposiciones del Código Electoral de Texas, el oficial de votación anticipada debe mantener una lista con los nombres de cada persona que vota por anticipado en persona y cada persona a quien se le envía una boleta de votación para votar por correo. Esta lista debe ser mantenida de una forma aprobada por el Secretario de Estado.

**Sección 5:** Todas las boletas de votación deberán ser preparadas de acuerdo con el Código Electoral de Texas. La votación anticipada por correo será mediante el uso de boletas de papel y para la votación anticipada en persona y para la votación el día de elección se usará el Sistema de Votación Electrónico de Registro Directo (DRE) eSlate, siendo ambos parte del Sistema de Votación DRE eSlate. Por la presente el Consejo Municipal adopta el Sistema de Votación Electrónico de Registro Directo (DRE) eSlate para ser usado durante la votación anticipada y durante el día de elección según éste fue aprobado por el Secretario de Estado. Por la presente se autorizan todos los gastos necesarios para la conducción de la elección, la compra de los materiales para la misma, y la contratación de todos los oficiales electorales.

**Sección 6:** Por la presente se autoriza e instruye a la Secretaria de la Ciudad para que proporcione todos los suministros electorales necesarios para la conducción de tal elección.

**Sección 7:** Se deberá dar aviso de esta elección de acuerdo con lo dispuesto en el Código Electoral de Texas y la entrega de tal aviso deberá hacerse según lo dispuesto por dicho Código. La Alcaldesa deberá expedir todas las órdenes y escritos necesarios para tal elección y los resultados de tal elección deben ser entregados a la Secretaria de la Ciudad después que cierran las casillas de votación.

**Sección 8:** Dicha elección deberá ser celebrada de acuerdo con las disposiciones del Artículo XI, Sección 11 de la Constitución de Texas, la cual determina que una municipalidad con mandatos de más de dos (2) años debe llenar una vacante en un plazo de 120 días a partir de cuando se genera la vacante; deberá ser celebrada además de acuerdo con el Código Electoral de Texas y con la Ley Federal de Derechos de Votación de 1965, según enmendada. Solamente los votantes residentes debidamente calificados de la Ciudad de Tomball estarán calificados para votar.

**Sección 9:** El primer día para presentar una solicitud para un lugar en la boleta de votación es el 15 de enero de 2020. Todos los candidatos para el cargo de Concejal Municipal, Posición 1 y Concejal Municipal, Posición 5, deben presentar sus nombres ante la Secretaria de la Ciudad de Tomball para las 5:00 P.M. del 14 de febrero de 2020 para que sus nombres sean incluidos en la Boleta Oficial de Votación.

**Sección 10:** En el caso de que sea necesaria una Elección de Desempate, la fecha de la Elección de Desempate será el sábado 6 de junio de 2020. La votación anticipada de la Elección de Desempate comenzará el 26 de mayo de 2020 y terminará el 2 de junio de 2020. Todos los términos, condiciones y disposiciones establecidas para la Elección Regular de Funcionarios Municipales del 2 de mayo de 2020 se aplicarán a la Elección de Desempate.

**Sección 11:** Por la presente se instruye y autoriza a la Secretaria de la Ciudad a que haga la notificación de dicha elección según lo exige la ley.

**PASADA, APROBADA y RESUELTA** este día 6 de enero de 2020.

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GRETCHEN FAGAN, Alcaldesa  
Ciudad de Tomball

ATESTIGUA:

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DORIS SPEER, Secretaria de la Ciudad  
Ciudad de Tomball



## **NGHỊ QUYẾT SỐ 2020-01**

**MỘT NGHỊ QUYẾT VÀ LỆNH CỦA HỘI ĐỒNG THÀNH PHỐ  
THÀNH PHỐ TOMBALL, TEXAS, YÊU CẦU MỘT CUỘC BẦU  
CỬ VIÊN CHỨC THÀNH PHỐ THƯỜNG LỆ TỔ CHỨC VÀO  
THỨ BẢY, NGÀY 2 THÁNG NĂM, 2020; CHỈ ĐỊNH CÁC ĐỊA  
ĐIỂM BỎ PHIẾU VÀ BỔ NHIỆM CÁC VIÊN CHỨC PHỤ TRÁCH  
BẦU CỬ CHO CUỘC BẦU CỬ NÀY; HƯỚNG DẪN ĐƯA RA  
THÔNG BÁO CỦA CUỘC BẦU CỬ; CHỈ ĐỊNH NGÀY CHO  
CUỘC BẦU CỬ CHUNG CUỘC NẾU CẦN; VÀ ĐƯA RA CÁC CHI  
TIẾT CÓ LIÊN QUAN ĐẾN VIỆC TỔ CHỨC BẦU CỬ**

\* \* \* \* \*

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

**Mục 1:** Theo đây ra yêu cầu một Cuộc Bầu Cử Thường Lệ được tổ chức trong  
toàn Thành Phố Tomball, Texas vào ngày Thứ Bảy thứ hai trong tháng Năm, 2 tháng  
Năm, 2020, để cử tri có đủ điều kiện đi bầu cho các chức vụ dưới đây trong và cho Thành  
Phố Tomball nói trên, gồm có:

### **VỊ TRÍ**

**NGHỊ VIÊN THÀNH PHỐ VỊ TRÍ 1  
NGHỊ VIÊN THÀNH PHỐ VỊ TRÍ 5**

**Mục 2:** Các ranh giới hiện tại của Thành Phố lập nên một phân khu bầu cử,  
phòng phiếu sẽ mở cửa cho cử tri đi bầu từ bảy giờ (7:00) sáng cho đến bảy giờ (7:00)  
chiều tại địa điểm bỏ phiếu sau đây, và theo đó cũng là danh sách các viên chức được bổ  
nhiệm phụ trách tiến hành cuộc bầu cử tại địa điểm bỏ phiếu đã chọn:

### **ĐỊA ĐIỂM BỎ PHIẾU**

Tomball City Hall  
401 Market Street  
Tomball, Texas 77375

### **CÁC VIÊN CHỨC PHỤ TRÁCH CUỘC BẦU CỬ**

Patsy Kinsey, Trưởng Ban Điều Hành  
Latrell Shannon, Trưởng Ban Điều Hành Dự Khuyết

Thư Ký Thành Phố theo đây được cho phép và được chỉ thị giao một bản sao của  
NGHỊ QUYẾT cho các trưởng ban điều hành như bản thông báo về việc bổ nhiệm của họ

như đã được yêu cầu trong Mục 32.009 của Bộ Luật Bầu Cử Texas. Nếu Trưởng Ban Điều Hành Bầu Cử hoặc Trưởng Ban Điều Hành Dự Khuyết đều không thể thực hiện các nhiệm vụ được chỉ định, Thư Ký Thành Phố được phép chọn ra một Quyền Trưởng Ban hoặc Quyền Trưởng Ban Dự Khuyết từ các Thư Ký Phụ Trách Cuộc Bầu Cử hội đủ điều kiện, nếu cần.

Trưởng Ban Điều Hành sẽ có quyền bổ nhiệm không quá bảy (7) thư ký để giúp việc tổ chức cuộc bầu cử nói trên, nhưng Trưởng Ban Điều Hành không được bổ nhiệm ít hơn hai thư ký. Các viên chức bầu cử nói trên cũng sẽ nằm trong Ban Thực Hiện Bỏ Phiếu Sớm cho cuộc bầu cử trên; Trưởng Ban Điều Hành của phân khu bầu cử cũng sẽ làm Viên Chức Điều Hành của Ban Thực Hiện Bỏ Phiếu Sớm.

Trưởng Ban Điều Hành sẽ được trả lương giờ ở mức \$14.00; các thư ký phụ trách bỏ phiếu sớm và các thư ký cuộc bầu cử sẽ được trả lương giờ ở mức \$13.00 như đã được chỉ định trong Tiêu Đề 3, Mục 32.091(a) Bộ Luật Bầu Cử Tiểu Bang. Trưởng Ban Điều Hành sẽ được trả thêm \$25 cho việc phân phối các dụng cụ và thiết bị cho cuộc bầu cử như đã được chỉ định trong Tiêu Đề 3, Mục 32.091(a) Bộ Luật Bầu Cử Tiểu Bang, nếu cần. Thành Phố sẽ trả cho bất kỳ buổi huấn luyện cần thiết nào của các trưởng ban và thư ký phụ trách cuộc bầu cử của Thành Phố. Các trưởng ban và thư ký sẽ được hoàn lại tiền đi lại và sẽ được trả lương giờ cho thời gian huấn luyện.

**Mục 4:** Thư Ký Thành Phố theo đây được chỉ định làm Thư Ký cho Cuộc Bầu Cử bỏ phiếu sớm; việc bổ nhiệm một thư ký phụ tá hoặc các thư ký cho kỳ bỏ phiếu sớm của Thư Ký Thành Phố chiếu theo Mục 83.001 et seq. của Bộ Luật Bầu Cử Texas. Địa điểm thực hiện bỏ phiếu sớm cho cuộc bầu cử trên được thiết định ở:

City Hall  
City of Tomball, Texas  
401 Market Street  
Tomball, Texas 77375

Các thư ký nói trên sẽ mở cửa phòng phiếu trong thời gian Tòa Thị Chính mở cửa thường lệ, đó là từ bảy giờ bốn mươi lăm (7:45) sáng cho đến năm giờ (5:00) chiều ngày Thứ Hai, Thứ Tư, và Thứ Năm, từ bảy giờ bốn mươi lăm (7:45) sáng cho đến 7 giờ bốn mươi lăm (7:45) chiều vào ngày Thứ Ba, và từ bảy giờ bốn mươi lăm (7:45) sáng cho đến bốn giờ (4:00) chiều vào ngày Thứ Sáu, trừ ngày Thứ Bảy, Chủ Nhật, hoặc ngày lễ chính thức của Tiểu Bang, bắt đầu từ ngày thứ mười hai (12) cho đến ngày thứ tư (4) trước ngày bầu cử chính thức. Như đã được yêu cầu trong Mục 85.005 (d), Bộ Luật Bầu Cử, thủ tục đích thân đến bỏ phiếu sớm tại địa điểm bỏ phiếu sớm chính sẽ được tiến hành ít nhất 12 tiếng vào hai ngày trong tuần, nếu thời gian bỏ phiếu sớm từ sáu ngày trở lên; do đó, thủ tục đích thân đến bỏ phiếu sớm sẽ được tiến hành trong 12 tiếng vào Thứ Ba, ngày 21 tháng Tư, 2020 và Thứ Ba, ngày 28 tháng Tư, 2020.

Các thư ký đã nói ở trên sẽ không cho ai đích thân đến bỏ phiếu sớm vào các ngày khác ngày làm việc thường lệ của văn phòng thư ký, và trong bất kỳ trường hợp nào

không cho phép ai đích thân đến bỏ phiếu vào lúc văn phòng này không mở cửa cho công chúng. Địa điểm mô tả ở trên cho thủ tục bỏ phiếu sớm cũng là địa chỉ thư từ của thư ký để gửi các đơn xin lá phiếu và các lá phiếu bầu gửi bằng thư. Thư ký phụ trách bỏ phiếu sớm, chiếu theo các điều khoản trong Bộ Luật Bầu Cử Texas, sẽ giữ danh sách mỗi người đích thân đến bỏ phiếu sớm và mỗi cá nhân gửi lá phiếu bầu qua thư. Danh sách này sẽ được giữ theo mẫu đã được Tổng Thư Ký Tiểu Bang chấp thuận.

**Mục 5:** Tất cả các lá phiếu sẽ được chuẩn bị chiếu theo Bộ Luật Bầu Cử Texas. Các lá phiếu giấy sẽ được dùng cho thủ tục bỏ phiếu qua thư và Hệ Thống Bỏ Phiếu Ghi Điện Tử Trực Tiếp eSlate (DRE) sẽ được sử dụng cho thủ tục đích thân đến bỏ phiếu sớm và bỏ phiếu ngày Bầu Cử, cả hai đều thuộc Hệ Thống Bỏ Phiếu DRE eSlate. Hội Đồng Thành Phố theo đây thông qua việc sử dụng Hệ Thống Bỏ Phiếu Ghi Điện Tử Trực Tiếp eSlate (DRE) cho ngày bỏ phiếu sớm và bỏ phiếu chính thức như đã được Tổng Thư Ký Tiểu Bang chấp thuận. Tất cả các chi phí cần thiết cho việc tiến hành cuộc bầu cử, tiền mua các tài liệu theo đó, và việc mướn các viên chức phụ trách bầu cử tại đây được cấp phép.

**Mục 6:** Thư Ký Thành Phố theo đây được cấp phép và chỉ thị cung cấp các dụng cụ bầu cử cần thiết để tiến hành cuộc bầu cử trên.

**Mục 7:** Thông báo của cuộc bầu cử này sẽ được ban hành chiếu theo các điều khoản của Bộ Luật Bầu Cử Texas và việc thông báo kết quả này nên được làm theo chỉ thị của Bộ Luật nói trên. Thị trưởng sẽ ban hành tất cả các yêu cầu và lệnh cần thiết cho cuộc bầu cử, và kết quả của cuộc bầu cử sẽ được gửi cho Thư Ký Thành Phố sau khi đóng cửa phòng phiếu.

**Mục 8:** Cuộc bầu cử nói trên sẽ được tổ chức chiếu theo quy định của Điều XI, Mục 11 của Hiến pháp Tiểu Bang Texas, trong đó quy định rằng viên chức cơ quan thành phố có đã làm việc nhiệm kỳ hơn hai (2) năm phải tìm người vào vị trí trống trong vòng 120 ngày sau khi có vị trí trống xảy ra, theo Bộ Luật Bầu Cử Texas và Đạo Luật Về Quyền Bầu Cử Liên Bang năm 1965, được sửa đổi. Chỉ có các cử tri thường trú hội đủ điều kiện của Thành Phố Tomball sẽ được bỏ phiếu.

**Mục 9:** Ngày đầu tiên nộp đơn cho vị trí trên lá phiếu là ngày 15 tháng Giêng, 2020. Tất cả các ứng cử viên cho cuộc bầu cử Văn Phòng Nghị Viên Hội Đồng Thành Phố, Vị Trí 1 và Vị Trí 5, phải đệ trình tên lên cho thư ký thành phố của Thành Phố Tomball, Texas, vào lúc 5 giờ chiều ngày 14 tháng Hai, 2020 để cho tên của họ được bao gồm trong Lá Phiếu Chính Thức.

**Mục 10:** Nếu cần thiết tổ chức một Bầu Cử Chung Cuộc, ngày Bầu Cử Chung Cuộc được chỉ định là Thứ Bảy 8 Tháng Sáu, 2020. Thủ tục Bỏ phiếu sớm cho cuộc Bầu Cử Chung Cuộc sẽ bắt đầu vào ngày 26 Tháng Năm, 2020 và kết thúc ngày 2 tháng Sáu, 2020. Tất cả các điều khoản, điều kiện, và các quy định được đưa ra cho Cuộc Bầu Cử Viên Chức Thành Phố Thường Lệ ngày 2 tháng Năm, 2020 cũng sẽ áp dụng cho Cuộc Bầu Cử Chung Cuộc.

**Mục 11:** Thư Ký Thành Phố theo đây được cấp phép và hướng dẫn để ban hành Thông Báo về cuộc bầu cử trên theo yêu cầu của luật pháp.

**THÔNG QUA, CHẤP THUẬN, và RA NGHỊ QUYẾT** ngày   6   tháng Giêng, 2020.

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GRETCHEN FAGAN, Thị Trưởng  
Thành Phố Tomball

CHÚNG THỰC:

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DORIS SPEER, Thư Ký Thành Phố  
Thành Phố Tomball

決議案編號 2020-01

TOMBALL市市議會決議及指示將於2020年5月2日星期六召開市政府官員普選；  
指定該選舉之投票地點及委派選舉工作官員；指揮該選舉公告之發佈；指定  
如有需要的二次決選日期；以及提供舉行該選舉的相關細節

\* \* \* \* \*

由德克薩斯州TOMBALL市議會決議的適用條款如下：

**第一條：** 特此指示德克薩斯州Tomball市在2020年5月2日，星期六舉行普選，在該項選舉中將  
由符合資格的選民選舉Tomball市下列官員，即是：

席位

市議會席位1

市議會席位5

**第二條：** 構成一個選舉區目前的市政區界限，下列投票所開放投票的時間將為上午七時  
(7:00)至下午七時(7:00)，在此指派於指定之投票所辦理投票事宜的官員如下：

投票所

Tomball市政廳  
401 Market Street  
Tomball, Texas 77375

執行選舉官員

Patsy Kinsey, 主理法官  
Latrell Shannon, 替代主理法官

依照德克薩斯州選舉法32.009條規定，在此授權并指派市府秘書向法官們提交此**決議書**副本作為  
其任命之書面通知。如果主理法官或替代主理法官均無法執行其委派職責，在需要時授權市府秘書於符  
合資格的選舉書記中選擇一位代理主理或代理替代主理法官。

主理法官將有權委派不超過七名書記協助舉辦此項選舉，但在任何情況下主理法官不得委派兩名  
一下的書記。提述之選舉官員也將擔任此項選舉的提前投票選票委員會的工作；該選區的主理法官亦同  
時擔任提前投票選票委員會的主理法官。

依照州選舉條例第三綱領，第 32.091 (a) 條規定，選舉法官之酬薪為每小時\$14.00；提前投票書記及選舉書記之酬薪為每小時\$13.00。依照州選舉條例第三綱領，第 32.091 (a) 條規定，如送交工作是必要的，選舉法官在送交選舉設備及用品之酬薪為每小時\$25.00。市政府將支付市政府選舉法官及書記任何必要的培訓。法官及書記們出差參加培訓時將可按既定的鐘點計費報銷。

**第四條：** 市府秘書在此委派提前投票之選舉書記；市府秘書應將依照德克薩斯州選舉條例第83.001條及該條款下列相關條款規定委派提前投票之代表書記或書記。此項選舉的提前投票地點在此指定於：

市政廳  
德州Tomball市  
401 Market Street  
Tomball, Texas 77375

提述之書記在市政廳正常辦公時間保持該投票所之開放，開放時間即為：週一，週三及週四上午七時四十五分(7:45)至下午五時(5:00)、週二上午七時四十五分(7:45)至下午七時四十五分(7:45)、週五上午七時四十五分(7:45)至下午四時(4:00)，提前投票的每日開放時間將從此項選舉前的第12日起至選舉前的第四日止，週六，週日或國定假日除外。依照選舉條例第85.005 (d) 條規定，如果提前投票期間含6或6個以上的平常工作日，主要的提前投票所則需在2020年4月21日，星期二及2020年4月28日，星期二開放每日12小時供個人出席的提前投票；

提述之書記不得允許任何人在書記辦公室非正常工作日內進行個人出席提前投票，在該辦公室未對外開放時，在任何情況之下絕不允許任何人進行個人出席提前投票。上述提前投票地點亦為辦理選票申請及郵寄選票書記辦公室的通訊地址。依據德州選舉條例規定，提前投票書記應保存每位進行個人出席提前投票和寄發郵寄選民的名冊。名冊應保持州務卿批核之格式。

**第五條：** 所有選票均依照的州選舉條例進行準備。郵寄提前投票將使用紙張選票，個人出席提前投票和選舉日投票將使用eSlate 直接記錄電子 (DRE)投票系統，兩者均為eSlate DRE 投票系統之部分。州務卿已核準市議會在此通過提前投票及選舉日使用eSlate直接記錄電子 (DRE) 投票系統。所有舉辦選舉、材料採購、以及選舉人員的僱聘之必要支出在此業經授權。

**第六條：** 在此授權并指示市府秘書提供舉辦此次選舉的所有必要選舉用品。

**第七條：** 此項選舉公告的發佈依照德克薩斯州選舉條例之規章，公告回執亦應按上述條例進行。市長將開具所有有關此項選舉必要的命令及令狀，每項選舉回執在投票所關閉后應提交市府秘書。

**第八條：** 提述之選舉將依據德克薩斯州憲法第11章，第11條之規定辦理，德克薩斯州選舉條例及1965年聯邦投票權法案修正案規定市行政單位超過兩年的任期，必須在空缺發生的120日內填補該項空缺，唯有Tomball市正式合格的居民選民才能取得投票資格。

**第九條：** 開始申請參選選票席位的第一天為2020年1月15日。所有競選市議會席位1及市議員辦公室市議會席位5之候選人必須在2020年2月14日，下午5:00前提交申請候選人姓名才能將其姓名列於正式選票上。

**第十條：** 如果需要進行二次決選，二次決選定於2020年6月6日。二次決選的提前投票將於2020年5月26日開始并於2020年6月2日結束。2020年5月2日市府官員普選制定之所有的任期，條件及條款均將適用於二次決選。

**第十一條：** 在此依法授權及指示市府秘書發佈上述選舉公告。

於2020年1月\_\_6\_\_日通過，核準并決議。

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GRETCHEN FAGAN, 市長  
Tomall市

此證：

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DORIS SPEER, 市府秘書  
Tomall市



**ORDER OF GENERAL  
ELECTION FOR MUNICIPALITIES  
(ORDEN DE ELECCIÓN GENERAL PARA MUNICIPIOS)  
(LỆNH YÊU CẦU TỔ CHỨC TỔNG TUYỂN CỬ CHO CÁC CHÍNH QUYỀN THÀNH PHỐ)  
市議會普選命令**

A General Election is hereby ordered to be held on May 2, 2020 for the purpose of: electing Council Position 1 and Council Position 5.

*(Por la presente se ordena que una elección general se lleve a cabo el 2 de mayo de 2020 con el propósito de: elegir un Concejal para la Posición 1 y un Concejal para la Posición 5.)*

(Theo đây, chúng tôi yêu cầu tổ chức một Cuộc Tổng Tuyển Cử vào ngày 2 tháng Năm, 2020 để bầu chọn Thành viên hội đồng vị trí số 1 và Thành viên hội đồng vị trí số 5.) 現訂於2020年5月3日舉行以下選舉：市議員席位 1 和市議員席位 5。

Early voting by personal appearance will be conducted each weekday at: 401 Market Street, Tomball, Texas 77375, between the hours of 7:45 a.m. and 5:00 p.m., Monday, Wednesday, and Thursday, between the hours of 7:45 a.m. and 7:45 p.m. on Tuesday, and between the hours of 7:45 a.m. and 4:00 p.m. on Friday, beginning on April 20, 2020 and ending on April 28, 2020.

*(La votación anticipada en persona se llevará a cabo de lunes a viernes en: 401 Market Street, Tomball, Texas 77375, entre las 7:45 a.m. y las 5:00 p.m. el lunes, miércoles y jueves, entre las 7:45 a.m. y las 7:45 p.m. el martes, y entre las 7:45 a.m. y 4.00 p.m. el viernes, comenzando el 20 de abril de 2020 y culminando el 28 de abril de 2020.)*

(Thủ tục đích thân tới bỏ phiếu sớm sẽ diễn ra vào tất cả các ngày thường tại 401 Market Street, Tomball, Texas 77375, từ 7 giờ 45 sáng tới 5 giờ chiều, thứ Hai, thứ Tư và thứ Năm, từ 7 giờ 45 sáng tới 7 giờ 45 tối thứ Ba, và từ 7 giờ 45 sáng tới 4 giờ chiều thứ Sáu, bắt đầu từ ngày 20 tháng Tư, 2020 tới ngày 28 tháng Tư, 2020.)

自2020年4月20日起至2020年4月28日止，個人親自提前投票將於以下日期在401 Market Street, Tomball, Texas 77375進行：週一、週三和週四上午 7:45 至下午 5:00；週二上午 7:45 至晚 7:45；週五上午 7:45 至下午 4:00。

Applications for ballot by mail shall be mailed to: *(Las solicitudes de boletas para votar por correo deben enviarse a:)*

(Quý vị có thể gửi đơn xin lá phiếu bầu qua đường bưu điện tới cho: ) (郵寄選票申請應寄至以下地址：)

Doris Speer

(Name of Early Voting Clerk) *(Nombre de la Secretaria de Votación Anticipada)*

(Tên của Thư Ký phụ trách Bỏ Phiếu Sớm) (提前投票工作人員姓名)

401 Market Street

(Address) *(Dirección)* (Địa chỉ) (地址)

Tomball, TX

77375

(City) *(Ciudad)* (Thành phố) (市) (Zip Code) *(Código Postal)* (Số Zip Code) (郵遞區號)

Applications for ballot by mail presented in person must be received no later than the close of business on April 17, 2020.

*(Las solicitudes de boletas para votar por correo hechas en persona deberán recibirse para el fin del horario de oficina el 17 de abril de 2020.)* (Đơn xin lá phiếu bầu qua thư đích thân đến nộp phải được nhận không trễ quá cuối giờ làm việc ngày 17 tháng Tư, 2020.) 個人親自遞交郵寄選票申請收到日期不得晚於2020年4月17日下班時間。

Issued this the 3rd day of February 2020. *(Emitido este día 3 de febrero de 2020.)*

*(Ban hành ngày 3 tháng Hai, 2020.)* 本函於2020年2月3日簽發。

\_\_\_\_\_  
Signature of Mayor *(Firma del Alcalde)* (Chữ ký của Thị Trưởng) (市長簽名)

# Regular City Council

## Agenda Item

### Data Sheet

Meeting Date: January 6, 2020

#### **Topic:**

Approve Resolution No. 2020-02, a Resolution of the City Council of the City of Tomball, Texas, Designating The Potpourri, Tomball Edition (Houston Community Newspapers/Houston Chronicle) as the Official Newspaper for 2020 for Publication of Matters Pertaining to the City of Tomball

#### **Background:**

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

The Potpourri, Tomball Edition (Houston Community Newspapers/Houston Chronicle) is the only "local" paper to meet all of the requirements of the City's Charter and state law. The Houston Chronicle's legal section would meet the requirements, however, publication rates are much higher in the Houston Chronicle than in the weekly edition of the Potpourri. The Community Impact newspaper does not meet the state's legal requirements.

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

The Potpourri has an Internet site and we have enjoyed an excellent relationship with the Potpourri over the years. The Potpourri's publication date is on Wednesday.

Staff recommends designation of The Potpourri, Tomball Edition (Houston Community Newspapers) as the official newspaper for 2020.

#### **Origination:**

Home Rule Charter/City Secretary

#### **Recommendation:**

Designation of The Potpourri, Tomball Edition, as the official city newspaper for 2020.

#### **Funding:**

Yes

Account Number: Responsible Departments, Acct. 6335

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

City Secretary

#### **ACTION TAKEN**

| <b>Approval</b><br><input type="checkbox"/> Yes <input type="checkbox"/> No | <b>Readings Passed</b><br><input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> | <b>Other</b> |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|--------------|
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|--------------|

**ATTACHMENTS:**

Resolution No. 2020-02

**RESOLUTION NO. 2020-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
TOMBALL, TEXAS, DESIGNATING THE POTPOURRI, TOMBALL  
EDITION (HOUSTON COMMUNITY NEWSPAPERS/HOUSTON  
CHRONICLE) AS THE OFFICIAL CITY NEWSPAPER FOR 2020 FOR  
PUBLICATION OF MATTERS PERTAINING TO THE CITY OF  
TOMBALL.**

\* \* \* \* \*

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the City of Tomball and its governing body hereby designates The Potpourri, Tomball Edition (Houston Community Newspapers/Houston Chronicle) to be named the official newspaper for 2020 for the City of Tomball, Texas, for the publication of ordinances, notices, and other matters required by law or ordinance to be published, and that this resolution shall take effect upon its passage.

**PASSED AND APPROVED BY A VOTE OF \_\_\_ TO \_\_\_ AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 6TH DAY OF JANUARY 2020:**

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

\_\_\_\_\_  
GRETCHEN FAGAN, Mayor

ATTEST:

\_\_\_\_\_  
Doris Speer, City Secretary

# Regular City Council

## Agenda Item

### Data Sheet

Meeting Date: January 6, 2020

**Topic:**

Appoint Member to Resident Position 2 Vacancy on the Tourism Advisory Committee, for Unexpired Term Expiring December 5, 2021

**Background:**

The Tourism Advisory Committee (TAC) consists of nine (9) positions. City residents were appointed to Positions 1, 2, and 3.

Mary Harvey, who has served on the TAC since its creation as a resident member, submitted her resignation for Position 2, creating a vacancy. This term expires December 5, 2021.

We have an application for appointment to a Resident position from Chris McCall (attached). Mr. McCall has expressed his continued interest in appointment to the Tourism Advisory Committee.

Mayor Fagan recommends the appointment of Mr. McCall to fill the unexpired term for Resident Position 2.

**Origination:**

City Secretary

**Recommendation:**

Appointment of Chris McCall to vacated Resident Position 2, expiring December 5, 2021.

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

City Secretary

| ACTION TAKEN                                                         |                                                                                                      |       |
|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-------|
| Approval<br><input type="checkbox"/> Yes <input type="checkbox"/> No | Readings Passed<br><input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> | Other |

**ATTACHMENTS:**

Chris McCall - Application for TAC



## CITY OF TOMBALL

### APPLICATION FOR THE TOURISM ADVISORY COMMITTEE

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

Please Type or Print Clearly:

Date: 07/22/19

Name: CHRIS MCCALL

Phone: \_\_\_\_\_

Address: 503 HICKS ST.

Phone: \_\_\_\_\_ (Home)

City/State/Zip TOMBALL, TEXAS 77375

Phone: \_\_\_\_\_ (Work)

Email: \_\_\_\_\_

Cell: \_\_\_\_\_

I have lived in Tomball 1 years.

I am X am not \_\_\_\_\_ a U.S. Citizen

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

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

Occupation: RETIRED

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Professional and/or Community Activities: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional Pertinent Information/References: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\*\*\*\*\*

**I AM INTERESTED IN SERVING ON THE TOURISM ADVISORY COMMITTEE.**

Lin M. Ball 07/22/19  
Signature of Applicant

Please return this application to:

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