

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



MONDAY, JANUARY 7, 2019

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, January 7, 2019 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 Rick Brown, ChristBridge Fellowship, Tomball

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 12, 2019 – **2nd Saturday at the Depot**

- January 16, 2019– First day to apply for Place on Ballot for the May 4, 2019 City General Election
- February 9, 2019 – **2nd Saturday at the Depot**
- February 15, 2019– Last day to apply for Place on Ballot for the May 4, 2019 City General Election
- February 19, 2019 – **Trailride Reception** – 12 Noon 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 17, 2018 Regular Tomball City Council Meeting

7.0 Old Business:

7.1 Adopt, on Second Reading, Ordinance No. 2018-42, 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” at 419 East Hufsmith Road; said property being approximately 5.86 acres, and being legally described as Lot 61 Block 1 Abandoned Animal Rescue Replat, within the City of Tomball, Harris County, Texas, generally located on the north side of East Hufsmith Road at Hospital Road 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.

7.2 Adopt, on Second Reading, Ordinance No. 2018-43, 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 0.32 acres of land, legally described Lots 1 & 2 Block 6 Main Street - 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 at the southwest corner of Barbara Street and Holderrieth Boulevard; 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 Consent Agenda: *[All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, the item in question will be removed from the Consent Agenda and will be considered separately. Information concerning Consent Agenda items is available for public review.]*

8.1 Approve Resolution No. 2019-01, 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 4, 2019; 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. 2019-01, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball Texas, Ordenando una Elección Regular de Funcionarios Municipales a Celebrarse el sábado 4 de mayo de 2019; 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 2019-01, 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 4 tháng Năm, 2019; 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2019-01, 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2019年5月4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

- 8.2 Approve Resolution No. 2019-02, 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 2019 for Publication of Matters Pertaining to the City of Tomball
- 9.0 New Business:
- 9.1 Conduct Public Hearing of the City Council of the City of Tomball to Consider the Advisability of the Creation of a Public Improvement District to make Certain Improvements over Certain Property located within the Corporate Limits of the City of Tomball (TPID 4 – Alexander Estates Subdivision)
- 9.2 Approve Resolution No. 2019-03, a Resolution Making Findings in Connection with the Proposed Public Improvement District Number Four, Related to the Advisability of the Improvements, the Nature of the Improvements, the Estimated Cost of the Improvements, the Boundaries of the Proposed District, the Method of Assessment and the Apportionment of Cost Between the District and the City as a Whole; and Making Other Findings Related to the District (TPID 4 - Alexander Estates Subdivision)
- 9.3 Approve Resolution No. 2019-04, a Resolution Authorizing the Establishment of the Public Improvement District Number Four in the City of Tomball, Texas; Authorizing Publication of This Resolution, Providing for the Preparation of a Service and Assessment Plan; and Making Other Provisions Related to the Subject (TPID 4 - Alexander Estates Subdivision)
- 9.4 Approve Execution of an Agreement for Professional Services with Gunda Corporation for E&P Project 2017-10033 for the Design of the Alley Improvements and Additional Parking Lot, in the Amount of \$111,394.00
- 10.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 3rd day of

January 2019 by 5:00 p.m., and remained posted for at least 72 continuous hours proceeding the scheduled time of said meeting.

Doris Speer

Doris Speer
City Secretary, TRMC

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: January 7, 2019

Topic:

- Led by Pastor Rick Brown, ChristBridge Fellowship, Tomball

Background:

Origination:

Recommendation:

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: January 7, 2019

Topic:

- January 12, 2019 – **2nd Saturday at the Depot**
- January 16, 2019– First day to apply for Place on Ballot for the May 4, 2019 City General Election
- February 9, 2019 – **2nd Saturday at the Depot**
- February 15, 2019– Last day to apply for Place on Ballot for the May 4, 2019 City General Election
- February 19, 2019 – ***Trailride Reception*** – 12 Noon 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:

Various

Recommendation:

N/A

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

City Secretary

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: January 7, 2019

Topic:
Approve the Minutes of the December 17, 2018 Regular Tomball City Council Meeting

Background:

Origination:
City Secretary

Recommendation:
Approve Minutes

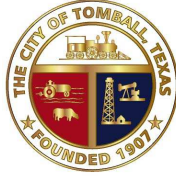
Party(ies) responsible for placing this item on agenda:
City Secretary

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

ATTACHMENTS:

Draft Minutes of the December 17, 2018 Regular Tomball City Council Meeting

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



**MONDAY, DECEMBER 17, 2018
6:00 P.M.**

1.0 Meeting was called to order 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
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Community Development – Craig Meyers
Planner – Amelia Lindley
Assistant City Secretary – Tracy Garcia
CSO Administrative Assistant – Sasha Luna
Fire Marshal – Joe Sykora
Community Events Coordinator – Denise Fiore
Community Center Manager – Rosalie Dillon
Warrant Officer/Bailiff – Ron McGullion
Executive Director-TEDC – Kelly Violette

2.0 The invocation was led by Pastor Kenny Rodgers, Anointed Faith Family Church

3.0 The pledges to the U. S. and Texas Flags were led by Joe Sykora.

4.0 No Public Comments were received.

5.0 Presentations:

- **Resale with a Purpose** presented donations of \$5,000 each to the City of Tomball Fire and Police Departments for their Christmas Projects.
- **Tomball Lions Club** presented donations of \$500 each to the City of Tomball Fire and Police Departments for their Christmas Projects.
- Mayor Fagan presented the **2018 Citizen of the Year Award** to Samuel and Latrell Shannon.

6.0 Reports and Announcements:

- December 24-25, 2018 – **Christmas Holidays** – City offices closed
- January 1, 2019 – **New Year's Day Holiday** – City offices closed
- 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 the **“Christmas on Commerce”** Event
 - Doris Speer presented Tracylynn Garcia with her designation of **Certified Public Manager** from The University of Houston and The William P. Hobby Center for Public Service of Texas State University
 - Rob Hauck advised that the City Secretary's Office has received the **“5 Star Exemplary Award”** from Texas Department of Vital Statistics, 8th Year and presented the plaque.
 - Billy Tidwell reported on the success of **Police Explorers Post #5451** at the Annual Conference in Grand Prairie and presented the Explorers to Council.

7.0 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Minutes of the December 3, 2018 Special Tomball City Council Meeting and the December 3, 2018 Regular Tomball City Council Meeting.

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve, on Second Reading, Resolution No. 2018-32-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and Industrial Reserve, LLC, to make direct incentives to, or expenditures for, assistance with infrastructure costs to be required or suitable for the promotion of new or expanded business development related to the

development and construction of a office/warehouse building to be located on approximately 1.9890 acres of land in the Jesse Pruitt Survey, Abstract 608, Harris County, Texas, and generally located at the northwest corner of Cherry Street and Theis Lane, Tomball, TX 77375. The estimated amount of expenditures for such Project \$44,650.00.

Motion carried unanimously.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve, on Second Reading, Resolution No. 2018-33-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and Shri Vanayak, LLC, to make direct incentives to, or expenditures for, assistance with infrastructure costs for the promotion of new or expanded business enterprise related to the construction of a Days Inn Hotel & Suite to be located at 15525 FM 2920 Road, Tomball, Texas. The estimated amount of expenditures for such Project is \$149,750.00.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2018-40, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity No Longer Require the Continued Existence of a Drainage Right-of-Way situated within The Tomball 2920 Subdivision, Harris County, Texas, and as Recorded in the Map Records of Harris County, Texas; Vacating, Abandoning, and Closing Said Drainage Right-of-Way; Providing for Severability; and Containing Other Provisions Relating to the Subject. 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.

- 8.4 Motion was made by Councilman Ford, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2018-41, an Ordinance of the City Council of the City of Tomball, Texas, Approving the 2018 Updated Service and Assessment Plan for the City of Tomball Public Improvement District Number Three (PID No. 3), for The Reserve at Spring Lake Subdivision. 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 New Business:

9.1 Consideration to Approve **Zoning Case P18-176**: Request by Lance Langenhoven for a Conditional Use Permit to operate an office showroom/warehouse facility at 419 East Hufsmith Road. The property is approximately 5.86 acres, legally described as Lot 61 Block 1 Abandoned Animal Rescue Replat, within the City of Tomball, Harris County, Texas, generally located on the north side of East Hufsmith at Hospital Road, and is zoned General Retail District.

- Mayor Fagan opened the Public Hearing on **Zoning Case P18-176** at 6:36 p.m.
- Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:36 p.m.
- Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2018-42 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. 2018-42, 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” at 419 East Hufsmith Road; said property being approximately 5.86 acres, and being legally described as Lot 61 Block 1 Abandoned Animal Rescue Replat, within the City of Tomball, Harris County, Texas, generally located on the north side of East Hufsmith Road at Hospital Road 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>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 9.2 Consideration to Approve **Zoning Case P18-168**: Request by Ahmad Adnan Aslam to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.32 acres of land legally described as Lots 1 & 2 Block 6 Main Street - Tomball, within the City of Tomball, Harris County, Texas, generally located at the southwest corner of Barbara Street and Holderrieth Boulevard, from the Single-Family 6 District to the Old Town & Mixed Use District.

- Mayor Fagan opened the Public Hearing on **Zoning Case P18-168** at 6:42 p.m.

Arlene Edwards - Expressed her opposition to the
203 Holderrieth, 77375 proposed zoning change.

- Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:48 p.m.
- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2018-43 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. 2018-43, 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 0.32 acres of land, legally described Lots 1 & 2 Block 6 Main Street - 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 at the southwest corner of Barbara Street and Holderrieth Boulevard; 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.

- 9.3 Consideration to Approve **Zoning Case P18-162**: Request by W D Hill to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.568 acres of land legally described as Lots 19 thru 24 Block 94 Tomball, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of Kane Street and Baker Drive, from the Single-Family 6 District to the Old Town & Mixed Use District.

- Mayor Fagan opened the Public Hearing on **Zoning Case P18-162** at 6:57 p.m.

Harry Byrd - Expressed his opposition to the
602 N. Hickory, 77375 proposed zoning change.

- Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:00 p.m.
- Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2018-44 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. 2018-44, 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 0.568 acres of land, legally described Lots 19 thru 24 Block 94 Tomball, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Old Town and Mixed Use District; said property being generally located at the northeast corner of Kane Street and Baker Drive; 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>Nay</u>
Councilman Stoll	<u>Nay</u>
Councilman Degges	<u>Nay</u>
Councilman Townsend	<u>Nay</u>
Councilman Klein Quinn	<u>Nay</u>

Motion FAILED unanimously.

- 9.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Agreement between City of Tomball and Pelican Reserve Pipeline/Tortuga Operating Company for Pipeline Relocation along the M121W Drainage Channel.

Motion carried unanimously.

- 9.5 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Consent to Assignment between Zion Road Properties, LLC and Continental Land Acquisitions, LLC, of the Development Agreement dated May 3, 2010 between the City of Tomball and Zion Road Properties, LLC to Finance Public Improvement District Number Three (Reserve at Spring Lake).

Motion carried unanimously.

- 9.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve an Amended Development Agreement with Bob Allen (Developer of Reserve at Spring Lake Subdivision) for Public Improvement District No. 3 (Reserve at Spring Lake), Containing the Same Terms Provided in Subsequent City of Tomball PIDs.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 7th day of January 2019.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: January 7, 2019

Topic:

Adopt, on Second Reading, Ordinance No. 2018-42, 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” at 419 East Hufsmith Road; said property being approximately 5.86 acres, and being legally described as Lot 61 Block 1 Abandoned Animal Rescue Replat, within the City of Tomball, Harris County, Texas, generally located on the north side of East Hufsmith Road at Hospital Road 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 10, 2018, after conducting a public hearing, the Planning & Zoning Commission recommended approval of the rezoning request with a 4-0 vote.

Origination:

Lance Langenhoven

Recommendation:

Adopt on Second Reading

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

City Secretary

ACTION TAKEN

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

Ordinance No. 2018-42

Staff Report

Notice of Public Hearing

Property Owner Notification

ORDINANCE NO. 2018-42

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" AT 419 EAST HUFSMITH ROAD; SAID PROPERTY BEING APPROXIMATELY 5.86 ACRES, AND BEING LEGALLY DESCRIBED AS LOT 61 BLOCK 1 ABANDONED ANIMAL RESCUE REPLAT, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, GENERALLY LOCATED ON THE NORTH SIDE OF EAST HUFSMITH ROAD AT HOSPITAL ROAD 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" on approximately 5.86 acres of land, legally described as Lot 61 Block 1 Abandoned Animal Rescue Replat, generally located on the north side of East Hufsmith Road at Hospital Road, in the City of Tomball, Harris County, Texas, (the "Property"), and

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

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

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

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

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

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

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

Section 2. A CUP to operate an “office showroom/warehouse” 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 17TH DAY OF DECEMBER 2018.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF JANUARY 2019.

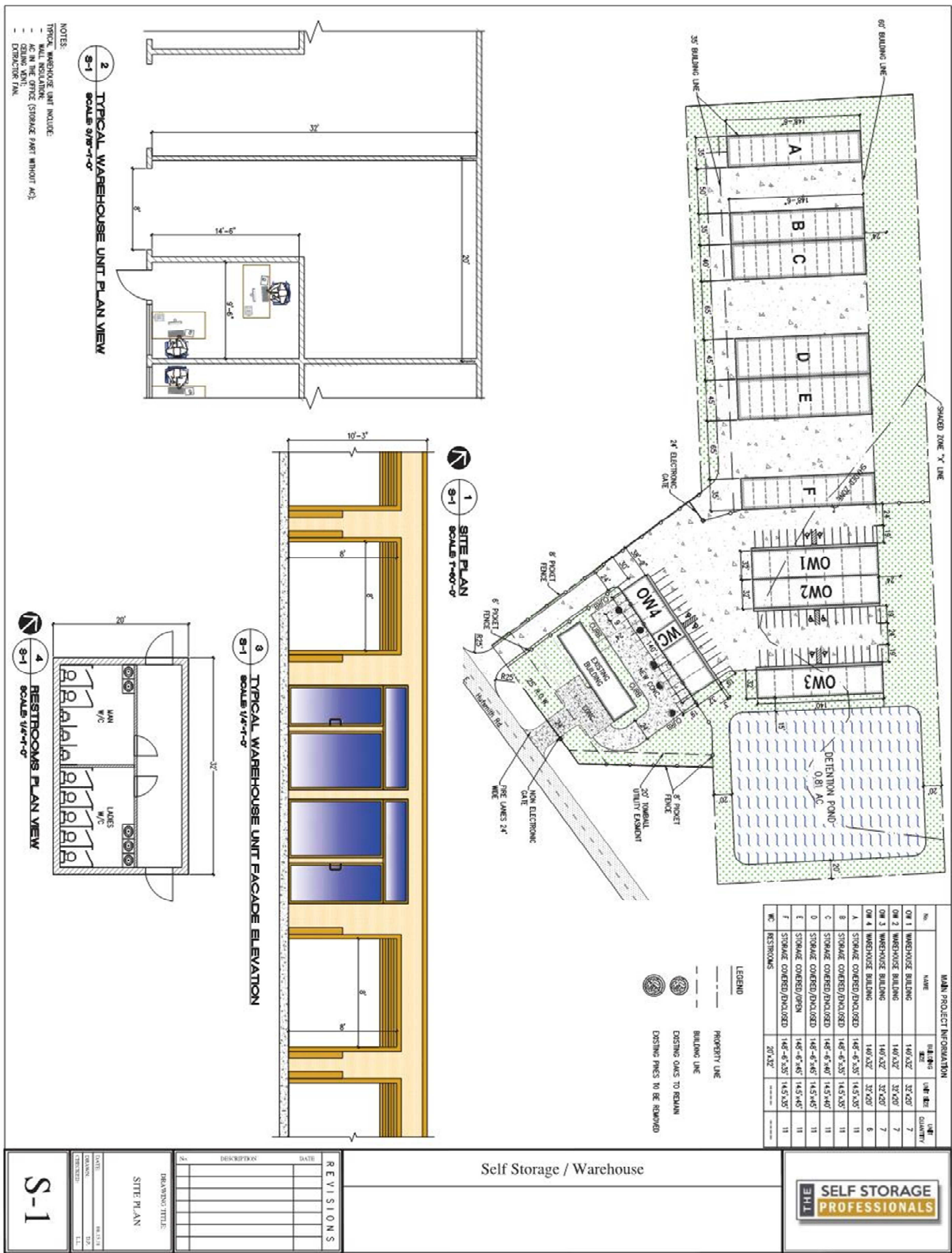
COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

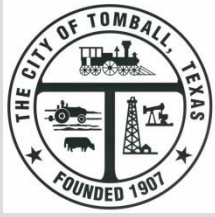
Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "A"





Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: December 10, 2018
City Council Public Hearing Date: December 17, 2018

Rezoning Case: P18-176
Property Owner(s): SATX ASSETS LLC SERIES 6 419 E HUFSMITH
Applicant(s): Lance Langenhoven
Legal Description: Lot 61 Block 1 Abandoned Animal Rescue Replat
Location: 419 East Hufsmith Road - North side of East Hufsmith Road at Hospital Road (Exhibit "A")
Area: 5.86 acres
Comp Plan Designation: Rural Residential (Exhibit "B")
Present Zoning and Use: General Retail District (Exhibit "C") / Office/general retail (Exhibit "D")
Proposed Use(s): Office/warehouse
Request: Conditional Use Permit (CUP) to allow the operation of an *office showroom/warehouse* facility

Adjacent Zoning & Land Uses:

North: Single-Family 20 Estate / Undeveloped land
South: Agricultural and Single-Family 9 / Undeveloped land and single-family residence
West: Agricultural and Single-Family 20 Estate / Single-family residence
East: Agricultural and Single-Family 20 Estate / Single-family residence

BACKGROUND

In January 2018, City Council approved a Conditional Use Permit to allow the operation of a *mini warehouse/self-storage* facility at the subject site. City Staff met with the applicant in September 2018 to further discuss the development of the site. The applicant expressed interest in office/warehouse space, as well as the already approved boat and recreational vehicle storage. The *office showroom/warehouse* land use is separate from the *mini warehouse/self-storage* land use and also requires the approval of a CUP.

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 Rural Residential. It does not appear that the request is consistent with the goals of the Future Land Use Map of the Comprehensive Plan. The Comprehensive Plan “encourage[s] new development that is compatible with existing adjacent neighborhoods”. The location of the subject site appears to be an appropriate transition from nonresidential to large lot residential. East of the railroad tracks, on the north side of East Hufsmith, which is designated by the City’s Major Thoroughfare Plan as a major arterial, there is a photography studio, baseball complex, undeveloped property and two single-family residences. Adjacent to the subject site is the Neal Street right-of-way, currently undeveloped, which creates a buffer or transition to the large lot residences to the west. The proposed use also should not generate an excessive amount of traffic.

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 thoroughfares 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.

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 21, 2018. A Notice of Public Hearing was published in the paper on November 28, 2018. 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 P18-176.

EXHIBITS

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

Exhibit "A"
Aerial Photo

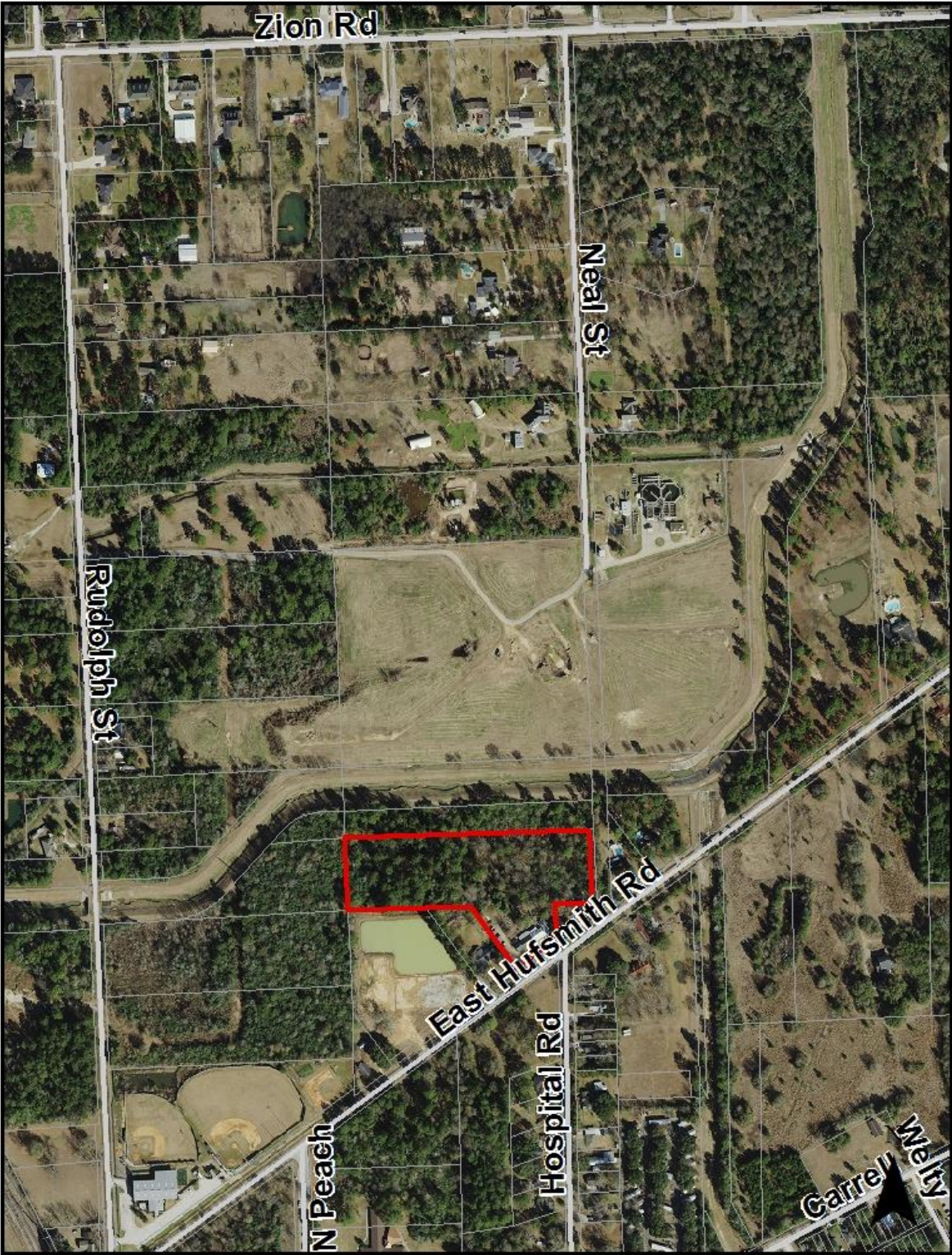


Exhibit "B"
Comprehensive Plan

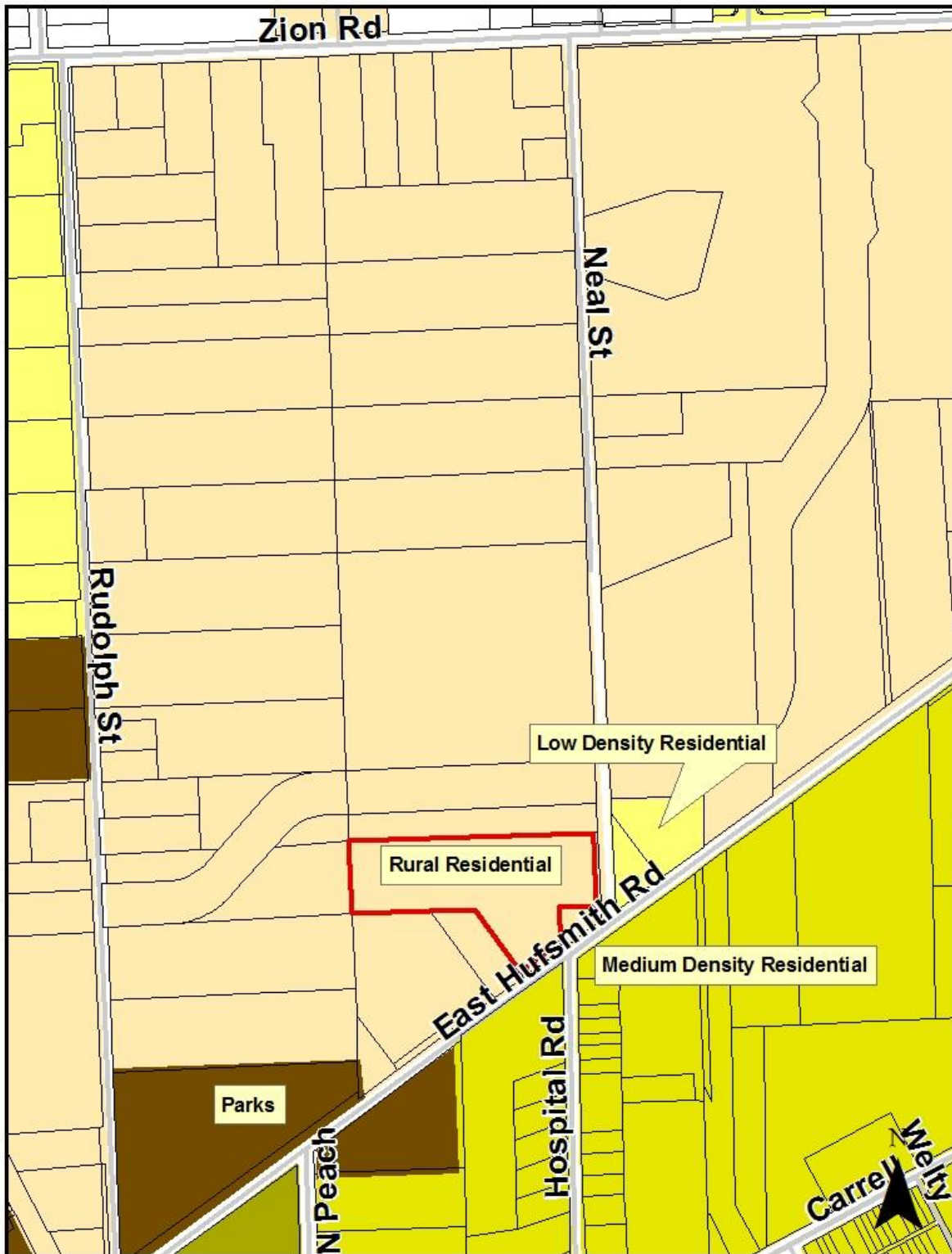
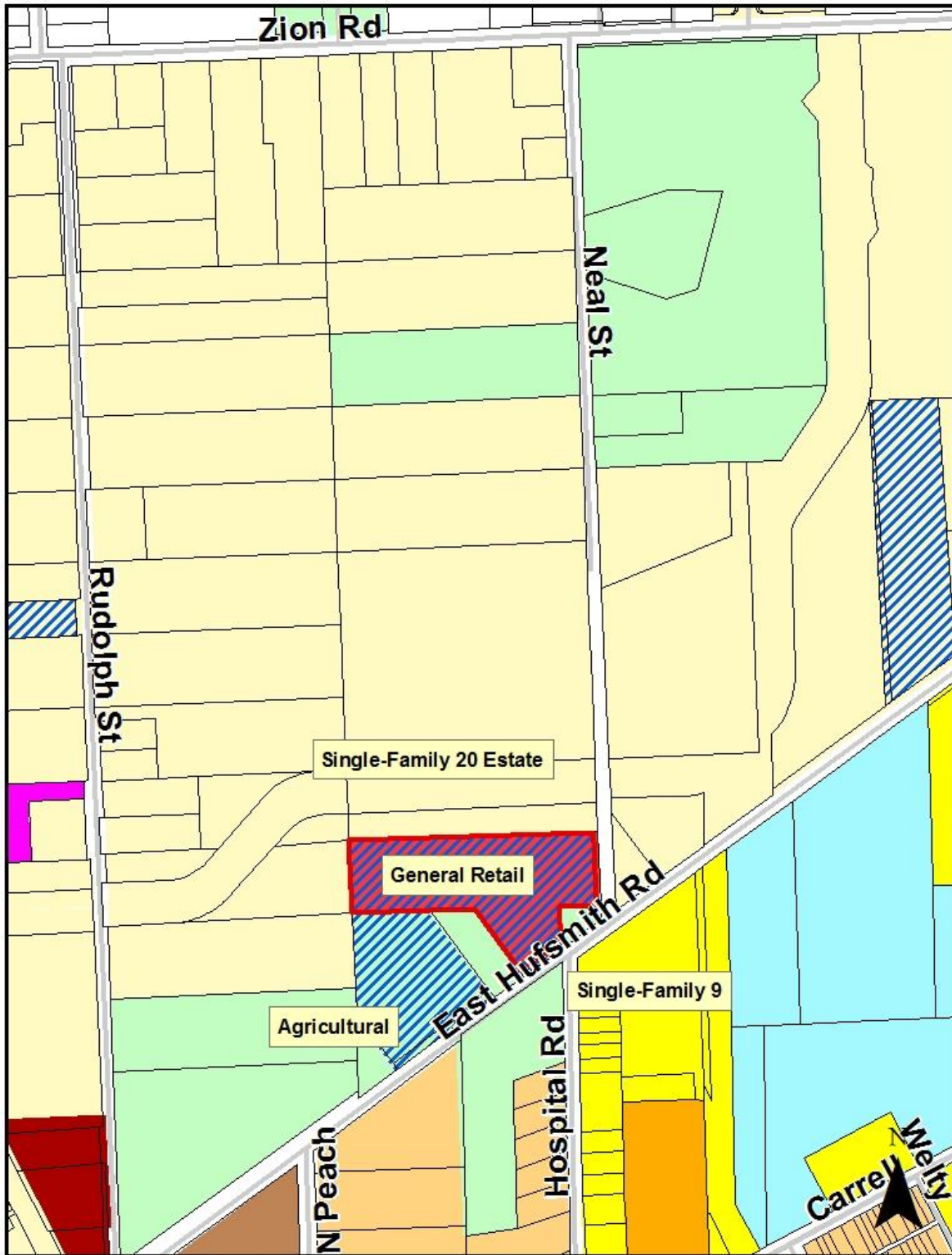


Exhibit "C"
Zoning Map



**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: _____
Mailing Address: EVERGREEN CIRCLE # 200 City: THE WOODLANDS State: TX
Zip: 77380
Phone: 832 483 8655 Fax: (____) _____ Email: lance@bpg-realty.com

Owner

Name: SATX ASSETS LLC, SERIES 6 Title: _____
Mailing Address: 1095 EVERGREEN CIR, # 200 City: WOODLANDS State: TX
Zip: 77380
Phone: 832 483 8655 Fax: (____) _____ Email: lance@bpg-realty.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: BOAT & RV STORAGE + SMALL-OFFICE WAREHOUSE.

Physical Location of Property: 419 E. HUFSMITH, TOMBALL, TX, 77375.
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: L7 61 BLK 1 ABANDONED ANIMAL RESCUE R/P
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

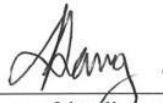
HCAD Identification Number: 1269440020001 Acreage: 5.86

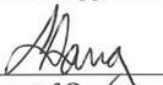
Current Use of Property: AWAITING CERTIFICATE OF OCCUPANCY + VACANT LAND.

Proposed Use of Property: RE-SALE SHOP, BOAT & RV STORAGE, SMALL-OFFICE WAREHOUSE.

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  30 OCT. 2018.
Signature of Applicant Date

X  30 OCT. 2018.
Signature of Owner Date

Letter stating reason for request

The underlying zoning for the property is General Retail. A CUP was approved for "mini-warehouse / Self-Storage".

After reviewing the site plan a number of times it was decided that the prudent course of action would be to add a small-office warehouse component to the project.

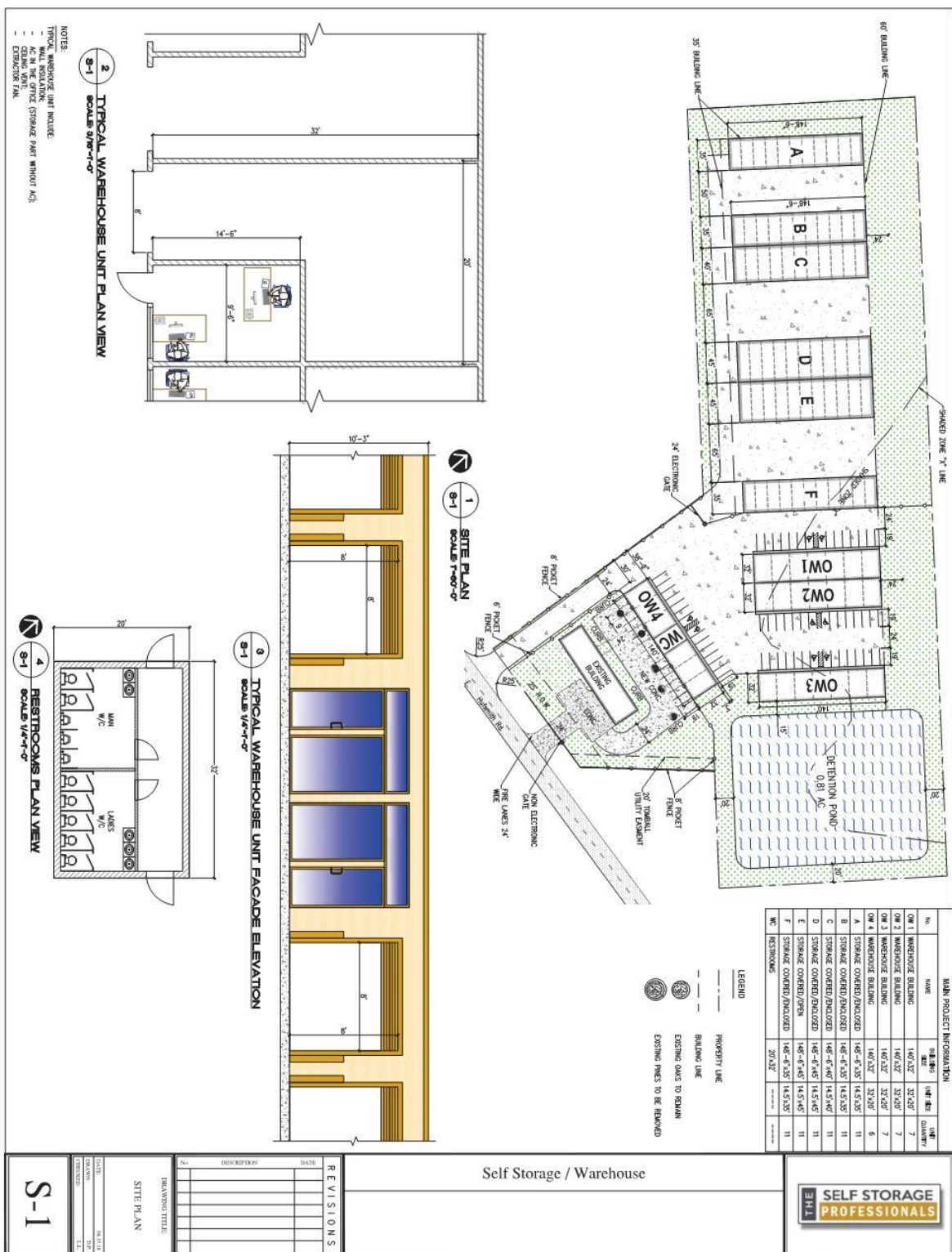
This would:

- Reduce the total boat & rv storage units somewhat & thus reduce the risk of oversupply
- Introduce a product that works very well alongside boat & rv storage

Other similar sites that offer both storage and small-office warehouse are:

- Community Storage: 4155 Louetta Rd, Spring, TX 77388 (storage + small-office warehouse)
- U-Haul: 24540 I-45, Spring, TX 77386 (storage + small-office warehouse)
- All Purpose Self Storage: 23410 Snook Ln, Tomball, TX 77375 (storage + small-office warehouse)

Figure “F” Concept Plan



**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 10, 2018
&
CITY COUNCIL
DECEMBER 17, 2018**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 10, 2018, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 17, 2018, 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 P18-162: Request by W D Hill to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .568 acres of land legally described as Lots 19 thru 24 Block 94 Tomball, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of Kane Street and Baker Drive, from the Single-Family 6 District to the Old Town & Mixed Use District.

Zoning Case P18-168: Request by Ahmad Adnan Aslam to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.32 acres of land legally described as Lots 1 & 2 Block 6 Main Street - Tomball, within the City of Tomball, Harris County, Texas, generally located at the southwest corner of Barbara Street and Holderrieth Boulevard, from the Single-Family 6 District to the Old Town & Mixed Use District.

Zoning Case P18-176: Request by Lance Langenhoven for a Conditional Use Permit to operate an *office showroom/warehouse* facility at 419 East Hufsmith Road. The property is approximately 5.86 acres, legally described as Lot 61 Block 1 Abandoned Animal Rescue Replat, within the City of Tomball, Harris County, Texas, generally located on the north side of East Hufsmith at Hospital Road, and is zoned General Retail 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.

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

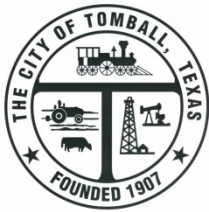
Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of **December 2018** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Elizabeth Jones

Elizabeth Jones

Administrative Assistant

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



Notice of Public Hearing

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

CASE NUMBER: P18-176

APPLICANT/OWNER: Request by Lance Langenhoven

LOCATION: Generally located on the north side of East Hufsmith at Hospital Road

PROPOSAL: A Conditional Use Permit to operate an *office showroom/warehouse* facility at 419 East Hufsmith Road. The property is approximately 5.86 acres, legally described as Lot 61 Block 1 Abandoned Animal Rescue Replat, within the City of Tomball, Harris County, Texas, and is zoned General Retail District.

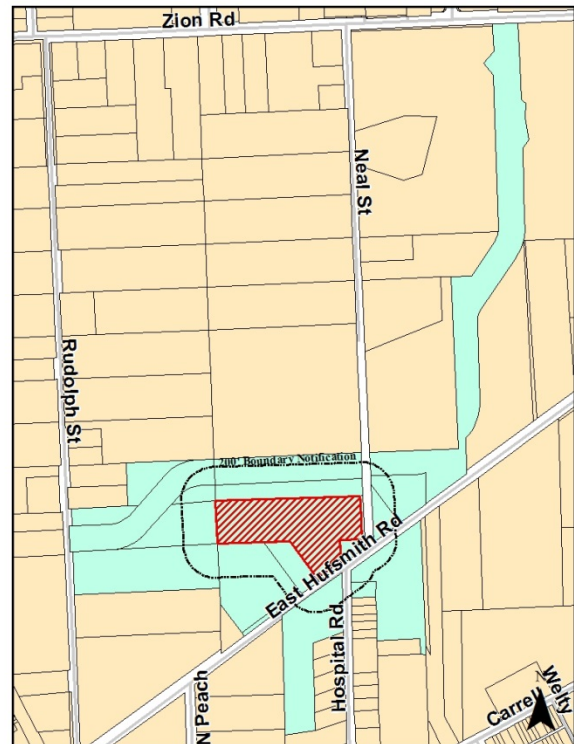
CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.



**Planning & Zoning Commission
Public Hearing:
Monday, December 10, 2018, 6:00 PM**

**City Council Public Hearing:
*Monday, December 17, 2018, 6:00 PM**

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

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: January 7, 2019

Topic:

Adopt, on Second Reading, Ordinance No. 2018-43, 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 0.32 acres of land, legally described Lots 1 & 2 Block 6 Main Street - 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 at the southwest corner of Barbara Street and Holderrieth Boulevard; 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 10, 2018, after conducting a public hearing, the Planning & Zoning Commission recommended approval of the rezoning request with a 4-0 vote.

Origination:

Ahmad Adnan Aslam

Recommendation:

Approval

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

Craig T. Meyers, Community Development Director

ACTION TAKEN

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

Ordinance No. 2018-43

Staff Report

Notice of Public Hearing

Property Owner Notification

Public Comment Forms

ORDINANCE NO. 2018-43

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 0.32 ACRES OF LAND, LEGALLY DESCRIBED LOTS 1 & 2 BLOCK 6 MAIN STREET - 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 AT THE SOUTHWEST CORNER OF BARBARA STREET AND HOLDERRIETH BOULEVARD; 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, Ahmad Adnan Aslam has requested that approximately 0.32 acres of land, legally described as Lots 1 & 2 Block 6 Main Street - Tomball, generally located at the southwest corner of Barbara Street and Holderrieth Boulevard, 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 the 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 17TH DAY OF DECEMBER 2018.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>NAY</u>
COUNCILMAN 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 7TH DAY OF JANUARY 2019.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: December 10, 2018
City Council Public Hearing Date: December 17, 2018

Rezoning Case: P18-168
Property Owner(s): Tomball and Magnolia Properties LLC
Applicant(s): Ahmad Adnan Aslam
Legal Description: Lots 1 & 2 Block 6 Main Street – Tomball
Location: Southwest corner of Barbara Street and Holderrieth Boulevard (Exhibit “A”)
Area: 0.32 acres
Comp Plan Designation: Mixed Use (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: Old Town & Mixed Use District / Single-family residence and undeveloped land

South: Old Town & Mixed Use District / Medical office building

West: Old Town & Mixed Use District / Undeveloped

East: General Retail District / Medical office building

BACKGROUND

City Staff received a Rezoning Application from the applicant in October 2018.

ANALYSIS

The subject property is 0.32 acres (approximately 14,000 square feet) and has frontage on both Barbara Street and Holderrieth Boulevard. The site is currently zoned Single-Family 6 District and has been used as a single-family dwelling. Surrounding land uses in the area include two medical office buildings to the south and east, undeveloped property to the north and west. There are also single-family residences in the area.

Surrounding properties are zoned Old Town & Mixed Use to the north, west and south and General Retail to the east. There are also properties in the area zoned Single-Family 6 District.

The Comprehensive Plan designates the property and all surrounding properties as Mixed Use. According to the Comprehensive Plan, the purpose of the Mixed Use designation is to “include a

mix of office, retail/commercial and high density residential uses”. The requested rezoning district would allow office, retail, commercial, and residential uses.

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 for the immediate area. According to Section 50-79 (Old Town & Mixed Use District), the Old Town & Mixed Use Zoning District is “suitable for a mixture of retail, commercial and other nonresidential uses, along with single-family homes and multifamily uses”. The proposed rezoning would add to the already well-blended mixture of single-family residences and office uses of the area.

- 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.**

Adequate utilities are available to serve this property and the existing streets adjacent to the property can accommodate traffic generated by a use permitted in the Old Town & Mixed Use District.

- 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. It 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 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 Future Land Use Map designates the property as Mixed Use. The proposed rezoning would be compatible with the Mixed Use designation because the uses permitted in the Old Town & Mixed Use District include a variety of retail, commercial, office and single-family and multifamily developments.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 21, 2018. The Notice of Public Hearing was published in the paper on November 28, 2018. 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 P18-168 for the following reasons:

1. The request is consistent with the goals of the Comprehensive Plan;
2. The request is in conformance with the Future Land Use Map;
3. The request is generally appropriate with the immediate zoning districts in the area;
4. The uses allowed in the Old Town & Mixed Use District would be appropriate with the general area and the City as a whole.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan

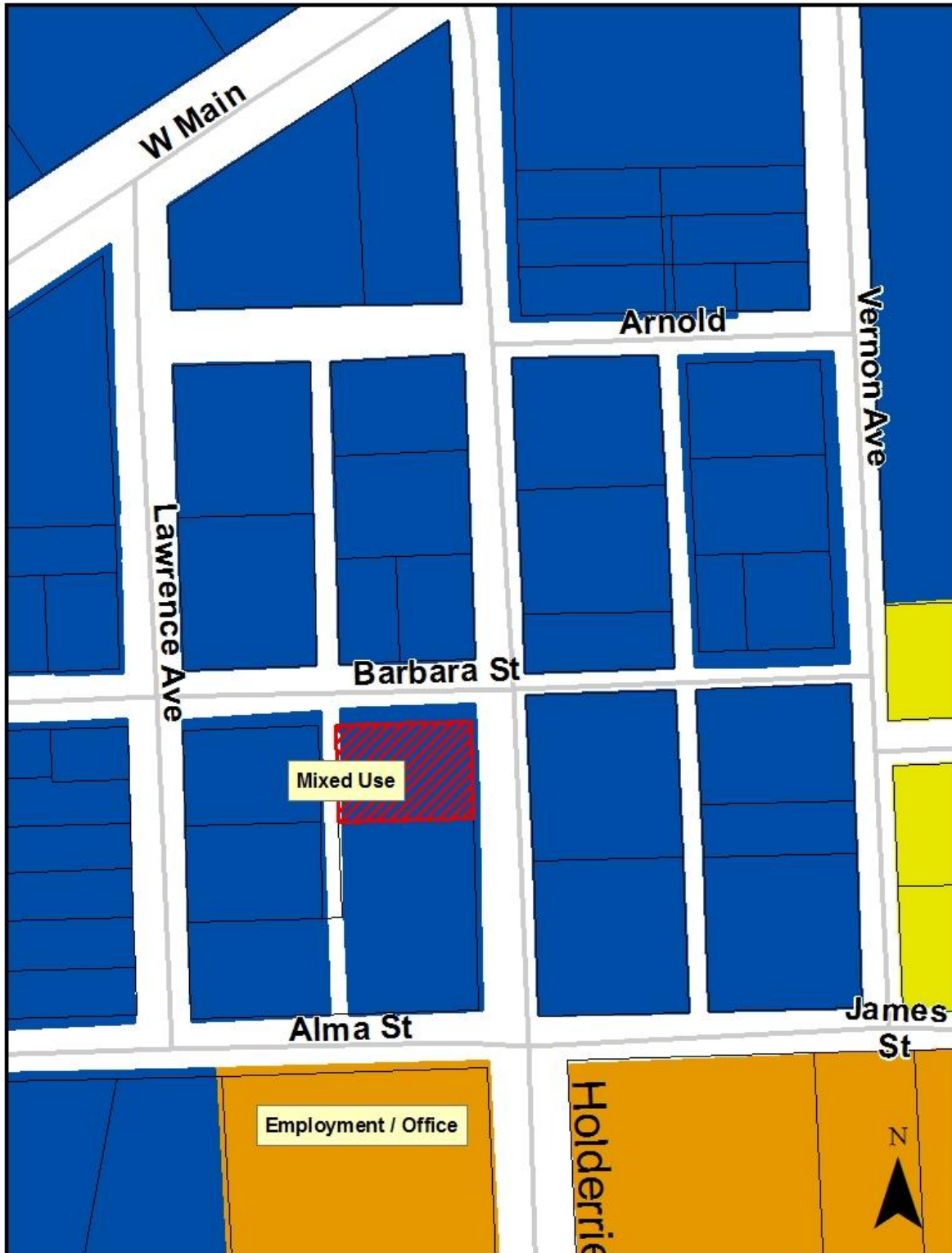
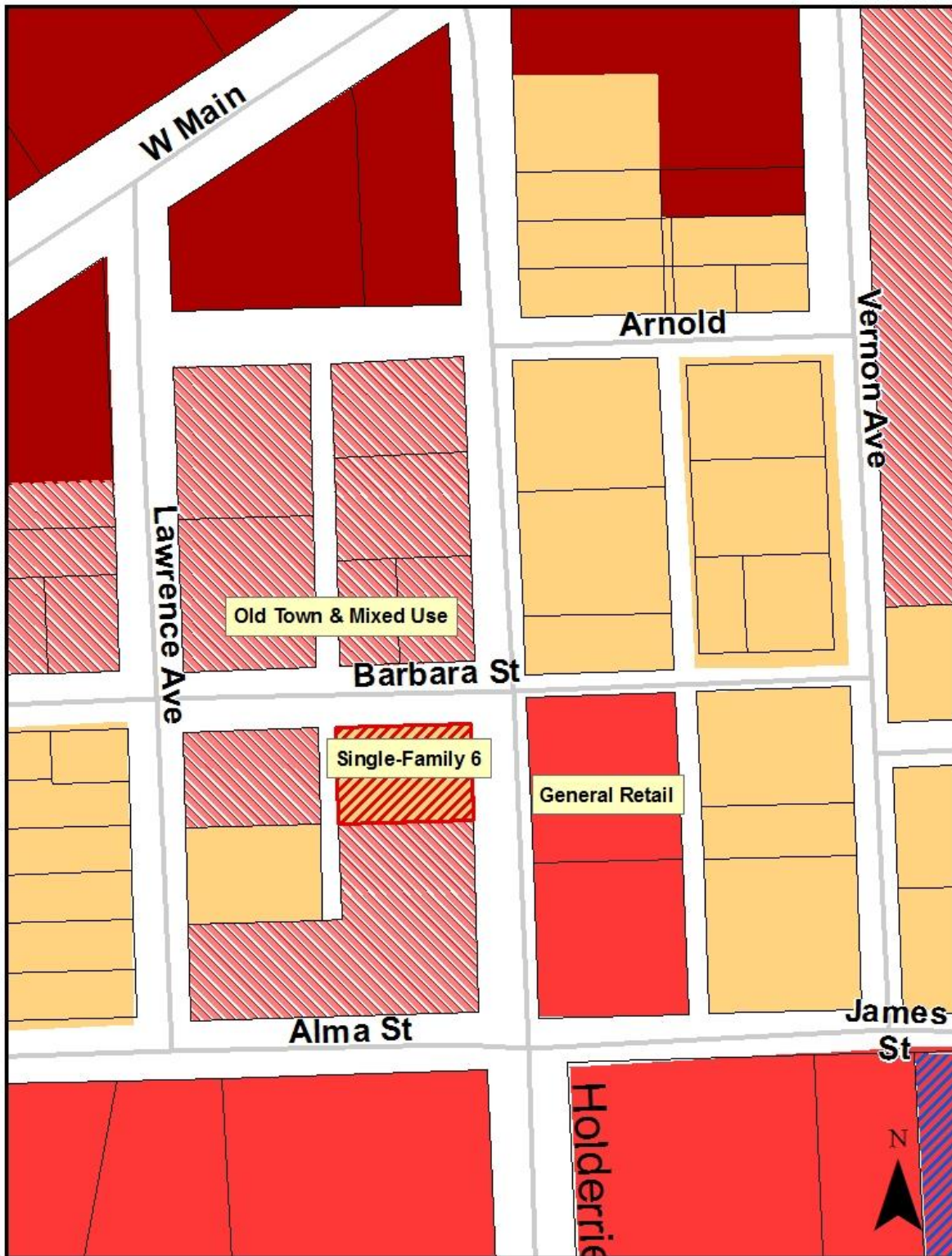


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



View from Holderrieth Boulevard



View from Barbara Street

Exhibit "E"
Application

Revised 5/19/15



18-168

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: AHMAD ADNAN ASLAM Title: MD
Mailing Address: 308 HALDENRIETH BLVD City: TOMBALL State: TX
Zip: 77375
Phone: (832) 524 2504 Fax: (281) 351 4915 Email: houston

Owner

Name: Tomball and Magnolia Properties LLC Title: _____
Mailing Address: 308 Haldenrieth Blvd City: Tomball State: TX
Zip: 77375
Phone: (832) 524 2504 Fax: (281) 351 4915 Email: houstonheartcenter@yahoo.com

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: Build office for expansion

Physical Location of Property: 300 Haldenrieth Blvd Tomball TX 77375
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Lots 1 & 2 Block 6 Main Street Tomball 0.3 AC
[Survey/Abstract No. and Tracts, or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-6

Current Use of Property: lot + and old home on the lot

Proposed Zoning District: OT and MU old town and mixed use district

Proposed Use of Property: office building

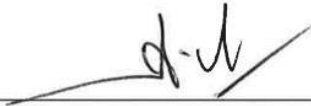
HCAD Identification Number: _____ Acreage: 0.32 AC

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.

<u>X</u>		<u>10/12/18</u>
Signature of Applicant		Date
<u>X</u>		<u>10/12/18</u>
Signature of Owner		Date

Community Development Department Planning Division
for our lot located at ~~911~~ 300 HOLDERRIETH BLVD
Tomball Tx 77375. LTS 142 Block 6 main
Street Tomball 0.3 AC. We respectfully
request to change zoning from SF-6 to
OT& MU so that we can build office
for expansion of our current office to
house our billing and other office staff. My
current office location is 308 Halderneth
Blvd. which is zoned as OT& MU

Sincerely 
Ahmad Adnan Aslam
on behalf of
Tomball and Magnolia Properties LLC
10/12/2018

Page 11 of 11
Page 15 of 22

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
DECEMBER 10, 2018
&
CITY COUNCIL
DECEMBER 17, 2018**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 10, 2018, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 17, 2018, 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 P18-162: Request by W D Hill to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .568 acres of land legally described as Lots 19 thru 24 Block 94 Tomball, within the City of Tomball, Harris County, Texas, generally located at the northeast corner of Kane Street and Baker Drive, from the Single-Family 6 District to the Old Town & Mixed Use District.

Zoning Case P18-168: Request by Ahmad Adnan Aslam to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.32 acres of land legally described as Lots 1 & 2 Block 6 Main Street - Tomball, within the City of Tomball, Harris County, Texas, generally located at the southwest corner of Barbara Street and Holderrieth Boulevard, from the Single-Family 6 District to the Old Town & Mixed Use District.

Zoning Case P18-176: Request by Lance Langenhoven for a Conditional Use Permit to operate an *office showroom/warehouse* facility at 419 East Hufsmith Road. The property is approximately 5.86 acres, legally described as Lot 61 Block 1 Abandoned Animal Rescue Replat, within the City of Tomball, Harris County, Texas, generally located on the north side of East Hufsmith at Hospital Road, and is zoned General Retail 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.

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

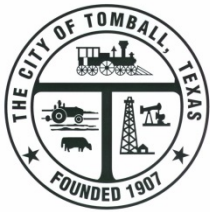
Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of **December 2018** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Elizabeth Jones

Elizabeth Jones

Administrative Assistant

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



Notice of Public Hearing

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

CASE NUMBER: P18-168

APPLICANT/OWNER: Request by Ahmad Adnan Aslam

LOCATION: Generally located at the southwest corner of Barbara Street and Holderrieth Boulevard

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.32 acres of land legally described as Lots 1 & 2 Block 6 Main Street - Tomball, within the City of Tomball, Harris County, Texas, from the Single-Family 6 District to the Old Town & Mixed Use District.

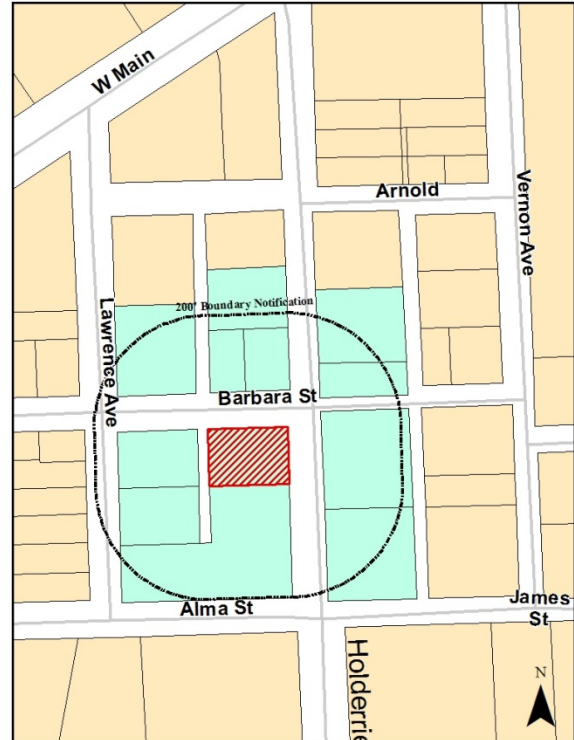
CONTACT: Amelia Lindley, Planner

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

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



**Planning & Zoning Commission
Public Hearing:
Monday, December 10, 2018, 6:00 PM**

**City Council Public Hearing:
*Monday, December 17, 2018, 6:00 PM**

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

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



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

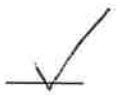
Name:

(please print)

Address:

Signature:

Date:



I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P18-168. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P18-168. (Please state reasons below)

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

Monday, December 10, 2018 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 17, 2018, 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.

Please reference the case number in the subject line.

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



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:

FRED FABIAN

(please print)

Address:

300 HOLDERRIETH BLV.

Signature:

FABIAN

Date:

11/26/18

☒

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P18-168. (Please state reasons below)

☐

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P18-168. (Please state reasons below)

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

Monday, December 10, 2018 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 17, 2018, 6:00 PM

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

COMMENTS:

the rest of the area around this
address is already rezoned, so makes no
sense to have one property within as single family

You may also comment via email to ALindley@tomballtx.gov.

Please reference the case number in the subject line.

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



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:

Tomball of Magnolia properties

Signature:

Date:

dl

11/24/18

☒

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P18-168. (Please state reasons below)

☐

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P18-168. (Please state reasons below)

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

Monday, December 10, 2018 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 17, 2018, 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.

Please reference the case number in the subject line.

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



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:

E. Wheeler B. Jr.

P.O. Box 340

Tomball tx 77377

E. Wheeler B. Jr.

11/24/18

☒ I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P18-168**. (Please state reasons below)

☐ I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P18-168**. (Please state reasons below)

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

Monday, December 10, 2018 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 17, 2018, 6:00 PM

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

COMMENTS:

None

You may also comment via email to ALindley@tomballtx.gov.

Please reference the case number in the subject line.

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

Regular City Council

Agenda Item

Data Sheet

Meeting Date: January 7, 2019

Topic:

Approve Resolution No. 2019-01, 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 4, 2019; 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. 2019-01, una Resolución y Orden del Consejo Municipal de la Ciudad de Tomball Texas, Ordenando una Elección Regular de Funcionarios Municipales a Celebrarse el sábado 4 de mayo de 2019; 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 2019-01, 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 4 tháng Năm, 2019; 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2019-01, 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2019年5月4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. 2019-01 orders the Regular City Officer's Election, which will be held on Saturday, May 4, 2019 for Mayor and Council Position 3.

The first day to file an Application for Place on Ballot is Wednesday, January 16, 2019; the last day to file an Application for Place on Ballot is Friday, February 15, 2019 at 5:00 p.m. Early Voting will be held April 22-26 and April 29-30, 2019.

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 9, 2018; early voting for the Runoff Election would begin Tuesday, May 29, and end June 5, 2018.

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 5, 2018 election are approximately \$15,000, 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 2017-2018 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. 2019-01

Funding:

Yes

Account Number:100-114-6371

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

City Secretary

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

ATTACHMENTS:

Resolution No. 2019-01 and Order

RESOLUTION NO. 2019-01

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 4, 2019; 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 4th day of May, 2019, 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

**MAYOR
COUNCIL POSITION 3**

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 3: 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 (12th) day and continuing through the fourth (4th) 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 23, 2019 and Tuesday, April 30, 2019.

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 4: 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 5: The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 6: 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 7: 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 8: The first day to file an application for place on ballot is January 18, 2019. All candidates for election for the Office of City Council, Position 2 and City Council, Position 4 must file their names with the City Secretary of the City of Tomball, Texas, by 5:00 P.M. on February 15, 2019 in order for their names to be included on the Official Ballot.

Section 9: Should a Runoff Election be required, the date of the Runoff Election is designated to be Saturday, June 8, 2019. Early voting for the Runoff Election will begin May 27, 2019 and end June 4, 2019. All terms, conditions, and provisions established for the May 4, 2019 Regular City Officers Election shall apply to the Runoff Election.

Section 10: The City Secretary is hereby authorized and instructed to give Notice of said election as required by law.

PASSED, APPROVED and RESOLVED this 7th day of January 2019.

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

RESOLUCIÓN NRO. 2019-01

UNA RESOLUCIÓN Y ORDEN DEL CONSEJO MUNICIPAL DE LA CIUDAD DE TOMBALL, TEXAS, QUE ORDENA UNA ELECCIÓN REGULAR DE FUNCIONARIO MUNICIPAL, A CELEBRARSE EN LA CIUDAD DE TOMBALL EL SÁBADO 4 DE MAYO DE 2019; QUE DESIGNA LOS LUGARES DE VOTACIÓN Y NOMBRA LOS FUNCIONARIOS ELECTORALES PARA DICHA ELECCIÓN; QUE INSTRUYE LA ENTREGA DEL AVISO DE DICHA ELECCIÓN; QUE DESIGNA LA FECHA PARA UNA ELECCIÓN DE DESEMPATE EN CASO DE SER NECESARIA; Y QUE DISPONE LOS DETALLES RELATIVOS A LA CELEBRACIÓN DE DICHA ELECCIÓN

* * * * *

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

Sección 1: Por la presente se ordena que se realice una Elección Regular en toda la Ciudad de Tomball, Texas, el primer sábado de mayo, el día 4 de mayo de 2019, elección en la cual los residentes que sean votantes habilitados votarán para elegir a los siguientes funcionarios en y para la mencionada Ciudad de Tomball, a saber:

POSICIÓN

ALCALDE CONSEJO, POSICIÓN 3

Sección 2: Los límites actuales de la Ciudad conformarán un precinto electoral, los lugares de votación estarán abiertos para votar desde las siete de la mañana (7:00 a.m.) hasta las siete de la tarde (7:00 p.m.) en el siguiente lugar de votación, y por la presente se designan a los siguientes funcionarios para llevar a cabo la elección en dicho lugar de votación:

LUGAR DE VOTACIÓN

Tomball City Hall
401 Market Street
Tomball, Texas 77375

FUNCIONARIOS ELECTORALES

Patsy Kinsey, Juez Presidente
Latrell Shannon, Juez Presidente Alterno.

Por la presente, se autoriza e instruye a la Secretaria de la Ciudad a entregar una copia de esta RESOLUCIÓN a los jueces en calidad de aviso por escrito de su designación según lo exige la Sección 32.009 del Código Electoral de Texas. Si fuera necesario y el Juez Presidente o el Juez Presidente Alterno no pudiera desempeñar sus funciones asignadas, el Secretario de la Ciudad está autorizado a escoger un Juez Presidente Actuante o Juez Presidente Alterno Actuante entre los Oficiales Electorales calificados.

El Juez Presidente estará autorizado para nombrar a no más de siete (7) funcionarios para colaborar en la celebración de dicha elección, pero bajo ninguna circunstancia el Juez Presidente nombrará menos de dos funcionarios. Dichos funcionarios electorales además actuarán como el Consejo de Boletas de Votación Anticipada para dicha elección; el Juez Presidente para dicho precinto electoral también actuará como Funcionario que preside el Consejo de Boletas de Votación Anticipada.

El Juez de la Elección será compensado con una tarifa por hora de \$14.00; los oficiales de votación anticipada y los funcionarios electorales serán compensados con una tarifa por hora de \$13.00 según lo dispone la Sección 32.091(a) del Título 3 del Código Electoral del Estado. El Juez de la Elección será compensado con una cantidad de \$25 por la entrega de equipamiento y suministros de la elección según lo dispone la Sección 32.091(a) del Título 3 del Código Electoral del Estado, si dicha entrega fuera necesaria. La Ciudad pagará por cualquier capacitación requerida para los jueces y los oficiales de la elección de la Ciudad. Los jueces y los oficiales también recibirán el reembolso de los gastos de transporte y se les pagarán las tarifas por hora establecidas por el tiempo de capacitación.

Sección 3: Por la presente se designa a la Secretaria de la Ciudad como Oficial de las Elecciones para la votación anticipada; la designación de uno o más suboficiales para la votación anticipada por la Secretaria de la Ciudad se realizará de acuerdo con la Sección 83.001 y siguientes del Código Electoral de Texas. Por la presente se designa el lugar de votación anticipada para dicha elección como:

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

Dichos oficiales mantendrán dicha oficina abierta durante el horario laboral regular de City Hall, es decir, de siete cuarenta y cinco de la mañana (7:45 a.m.) hasta las cinco de la tarde (5:00 p.m.) los lunes, miércoles y jueves, de siete cuarenta y cinco de la mañana (7:45 a.m.) hasta siete cuarenta y cinco de la tarde (7:45 p.m.) los martes, y de siete cuarenta y cinco de la mañana (7:45 a.m.) hasta las cuatro de la tarde (4:00 p.m.) los viernes, durante cada día de votación anticipada que no es un sábado, un domingo o un feriado oficial estatal, a partir del doceavo (12.º) día y siguiendo hasta el cuarto (4.º) día anteriores a la fecha de dicha elección. Según lo requiere la Sección 85.005(d) del Código Electoral, la votación anticipada en persona en el principal lugar de votación de la votación anticipada se realizará por un mínimo de 12 horas durante dos días de semana, si el periodo de votación anticipada consta de seis o más días de semana; por tanto, la votación anticipada en persona se realizará por 12 horas el martes 23 de abril de 2019 y el martes 30 de abril de 2019.

Dichos oficiales no le permitirán a nadie votar con anticipación en persona durante ningún día que no sea un día laboral regular para la oficina del oficial, y bajo ninguna circunstancia le permitirán a nadie votar con anticipación en persona en cualquier horario en el cual dicha oficina no está abierta al público. El lugar descrito anteriormente para la votación anticipada también es la dirección postal del oficial a la cual se deben enviar las solicitudes de boleta de votación y las boletas de votación por correo. El oficial de votación anticipada, de acuerdo a las disposiciones del Código Electoral de Texas, mantendrá una lista que incluye cada persona que vota con anticipación en persona y cada persona a la que se le envía una boleta de votación por correo. La lista tendrá una forma aprobada por el Secretario de Estado.

Sección 4: Todas las boletas de votación serán preparadas de acuerdo con el Código Electoral de Texas. Las boletas de votación de papel se usarán para la votación anticipada por correo y el Sistema de votación electrónico de registro directo (DRE) eSlate se usará para la votación anticipada en persona y para la votación del Día de Elección, las cuales forman parte del Sistema de votación DRE eSlate. Por la presente el Consejo Municipal adopta para uso en la votación anticipada y la votación del día de la elección el Sistema de votación electrónico de registro directo (DRE) eSlate según lo aprobó el Secretario de Estado. Por la presente se autorizan todos los gastos necesarios para la realización de la elección, la compra de materiales para la misma y el empleo de todos los funcionarios electorales.

Sección 5: Por medio de la presente se autoriza e instruye a la Secretaria de la Ciudad a proporcionar todos los suministros necesarios para llevar a cabo dicha elección.

Sección 6: El aviso de esta elección se otorgará de acuerdo con las disposiciones del Código Electoral de Texas y los resultados de dicho aviso se realizarán según lo dispone el mencionado Código. El Alcalde emitirá todas las órdenes y los escritos necesarios para dicha elección, y los resultados de dicha elección serán entregados a la Secretaria de la Ciudad después del cierre de los lugares de votación.

Sección 7: Dicha elección se llevará a cabo de acuerdo con las disposiciones de la Sección 11 del Artículo XI de la Constitución de Texas, que dispone que una municipalidad que tiene mandatos que superan los dos (2) años debe cubrir cualquier vacante dentro de los 120 días posteriores a que se produzca dicha vacante, el Código Electoral de Texas y la Ley Federal de Derecho al Voto de 1965 y sus enmiendas. Solo los residentes que sean votantes debidamente habilitados de la Ciudad de Tomball podrán votar.

Sección 8: El primer día para presentar la solicitud para obtener un lugar en la boleta de votación es el 18 de enero de 2019. Todos los candidatos para el Cargo de Alcalde y para la Posición 3 en el Consejo Municipal, deben presentar sus nombres ante la Secretaria de la Ciudad de la Ciudad de Tomball antes de las 5:00 P.M. del 15 de febrero de 2019 a fin de que sus nombres sean incluidos en la Boleta Oficial de Votación.

Sección 9: En caso de necesidad de una Elección de Desempate, se designa el sábado 8 de junio de 2019 como la fecha de la Elección de Desempate. La votación anticipada para la Elección de Desempate comenzará el 27 de mayo de 2019 y finalizará el 4 de junio de 2019. En la Elección de Desempate se aplicarán todos los términos, las condiciones y las disposiciones estipulados para la Elección Regular de Funcionarios Municipales del 4 de mayo de 2019.

Sección 10: Por la presente se autoriza e instruye a la Secretaria de la Ciudad a dar Aviso de dicha elección según lo requiere la ley.

PASADA, APROBADA Y ADOPTADA este día 7 de enero de 2019.

ATESTIGUA:

GRETCHEN FAGAN, Alcalde
Ciudad de Tomball

DORIS SPEER, Secretaria de la Ciudad
Ciudad de Tomball

NGHỊ QUYẾT SỐ 2019-01

NGHỊ QUYẾT VÀ LỆNH CỦA HỘI ĐỒNG THÀNH PHỐ TOMBALL, TEXAS, RA LỆNH TỔ CHỨC MỘT CUỘC BẦU CỬ VIÊN CHỨC THÀNH PHỐ THƯỜNG LỆ TẠI THÀNH PHỐ TOMBALL VÀO THỨ BẢY, NGÀY 4 THÁNG NĂM, 2019; ÁN ĐỊNH CÁC ĐỊA ĐIỂM BỎ PHIẾU VÀ BỔ NHIỆM CÁC VIÊN CHỨC TUYỂN CỬ CHO CUỘC BẦU CỬ ĐÓ; ÁN ĐỊNH NGÀY CHO CUỘC BẦU CỬ CHUNG CUỘC NẾU CẦN; VÀ CUNG CẤP CÁC CHI TIẾT LIÊN QUAN ĐẾN VIỆC TỔ CHỨC CUỘC BẦU CỬ ĐÓ

* * * * *

HỘI ĐỒNG THÀNH PHỐ CỦA THÀNH PHỐ TOMBALL, TEXAS QUYẾT ĐỊNH:

Mục 1: Theo đây ra lệnh tổ chức Cuộc Bầu Cử Thường Lệ trong và trên toàn Thành Phố Tomball khắp Thành Phố Tomball, Texas, vào thứ Bảy đầu tiên của tháng Năm, có nghĩa là ngày 4 tháng Năm, 2019. Trong cuộc bầu cử này, các viên chức sau đây sẽ được bầu chọn bởi các cử tri cư dân hội đủ điều kiện trong và cho Thành Phố Tomball, như sau:

VỊ TRÍ

THỊ TRƯỞNG ỦY VIÊN HỘI ĐỒNG, VỊ TRÍ 3

Mục 2: Ranh giới hiện tại của Thành Phố tạo thành một phân khu bầu cử, các quầy phiếu sẽ được mở cửa cho cử tri đến bỏ phiếu từ bảy (7) giờ sáng đến bảy (7) giờ tối, tại địa điểm bỏ phiếu sau đây, và theo đây chỉ định các viên chức để tiến hành cuộc bầu cử tại địa điểm nói trên:

ĐỊA ĐIỂM BỎ PHIẾU

Tomball City Hall
401 Market Street
Tomball, Texas 77375

CÁC VIÊN CHỨC TUYỂN CỬ

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

Thư Ký Thành Phố theo đây được ủy quyền và chỉ thị cung cấp một bản sao của NGHỊ QUYẾT này cho các trưởng ban điều hành cuộc bầu cử dưới dạng thông báo bằng văn bản về việc bổ nhiệm của họ theo qui định của Mục 32.009 của Bộ Luật Tuyển Cử Texas. Nếu Trưởng Ban Điều Hành hoặc Trưởng Ban Điều Hành Dự Khuyết không thể thực hiện các nhiệm vụ được giao, Thư Ký Thành Phố được phép bầu chọn một Quyền Trưởng Ban Điều Hành hoặc Quyền Trưởng Ban Điều Hành Dự Khuyết từ các Thư Ký Tuyển Cử hội đủ điều kiện, nếu cần thiết.

Trưởng Ban Điều Hành sẽ có thẩm quyền bổ nhiệm không quá bảy (7) thư ký để giúp tổ chức cuộc bầu cử nói trên, nhưng trong mọi trường hợp Trưởng Ban Điều Hành không bao giờ được bổ nhiệm ít hơn hai thư ký. Các viên chức phụ trách tuyển cử nói trên cũng là Ủy Ban Đặc Trách về Bỏ Phiếu Sớm cho cuộc bầu cử nói trên; Trưởng Ban Điều Hành của phân khu bầu cử đó cũng đảm nhận vị trí Viên Chức Điều Hành của Ủy Ban Đặc Trách về Bỏ Phiếu Sớm.

Trưởng Ban Điều Hành sẽ được trả thù lao theo giờ ở mức \$14.00; các thư ký phụ trách bỏ phiếu sớm và thư ký phụ trách tuyển cử được trả thù lao theo giờ ở mức \$13.00 như qui định trong Tiêu Đề 3, Mục 32.091(a) của Bộ Luật Tuyển Cử Tiểu Bang. Trưởng Ban Điều Hành sẽ được trả thù lao với số tiền là \$25 cho việc giao nhận thiết bị máy móc và vật tư cho cuộc bầu cử như qui định trong Tiêu Đề 3, Mục 32.091(a) của Bộ Luật Tuyển Cử Tiểu Bang, nếu việc giao nhận đó là cần thiết. Thành Phố sẽ đài thọ công việc huấn luyện cần thiết cho các trưởng ban điều hành và thư ký phụ trách tuyển cử của Thành Phố. Các trưởng ban điều hành và thư ký cũng sẽ được hoàn trả chi phí đi lại và sẽ được thanh toán ở mức chi phí theo giờ qui định cho thời gian tham gia huấn luyện.

Mục 3: Thư Ký Thành Phố theo đây được chỉ định làm Thư Ký phụ trách Tuyển Cử cho thủ tục bỏ phiếu sớm; việc chỉ định một phó thư ký hoặc các thư ký phụ trách bỏ phiếu sớm qua Thư Ký Thành Phố sẽ tuân thủ đúng Mục 83.001 và các phần sau đó của Bộ Luật Tuyển Cử Texas. Địa điểm bỏ phiếu sớm cho cuộc bầu cử theo đây được ấn định như sau:

City Hall
Thành Phố Tomball, Texas
401 Market Street
Tomball, Texas 77375.

Các thư ký nói trên sẽ mở cửa văn phòng trong giờ Tòa Thị Chính Thành Phố thường mở cửa làm việc, có nghĩa là từ bảy giờ bốn mươi lăm phút (7:45) sáng cho đến năm (5:00) giờ chiều ngày thứ Hai, thứ Tư và thứ Năm, từ bảy giờ bốn mươi lăm phút (7:45) sáng cho đến bảy giờ bốn mươi lăm phút (7:45) tối ngày thứ Ba, và từ bảy giờ bốn mươi lăm phút (7:45) sáng cho đến bốn (4) giờ chiều ngày thứ Sáu, vào mỗi ngày bỏ phiếu sớm không phải là ngày thứ Bảy, Chủ Nhật, hoặc một ngày nghỉ lễ chính thức của tiểu bang, bắt đầu từ ngày thứ mười hai (12) và tiếp tục cho đến ngày thứ tư (4) trước ngày tổ chức bầu cử. Theo qui định của Mục 85.005 (d), Bộ Luật Tuyển Cử, thủ tục đích thân tới bỏ phiếu sớm tại địa điểm bỏ phiếu sớm chính sẽ được tiến hành trong ít nhất 12 giờ vào hai ngày trong tuần, nếu thời hạn bỏ phiếu sớm có ít nhất sáu ngày trong tuần trở lên; do vậy, thủ tục đích thân tới bỏ phiếu sớm sẽ được tiến hành trong 12 giờ vào thứ Ba, ngày 23 tháng Tư, 2019 và thứ Ba, ngày 30 tháng Tư, 2019.

Các thư ký nói trên sẽ không cho phép bất kỳ người nào đích thân tới bỏ phiếu sớm vào bất kỳ ngày nào không phải là một ngày làm việc bình thường của văn phòng thư ký, và trong mọi trường hợp các thư ký sẽ không cho phép bất kỳ người nào đích thân tới bỏ phiếu sớm vào bất kỳ thời gian nào văn phòng đó không mở cửa cho công chúng. Địa điểm bỏ phiếu sớm mô tả trên đây cũng là địa chỉ bưu tín của thư ký nơi tiếp nhận đơn xin lá phiếu bầu và lá phiếu bỏ phiếu bằng thư. Chiếu theo các điều khoản của Bộ Luật Tuyển Cử Texas, thư ký phụ trách bỏ phiếu sớm sẽ lưu giữ một bản danh sách ghi tên từng cử tri đích thân tới bỏ phiếu sớm và mỗi người nhận được lá phiếu để bầu qua thư. Danh sách này sẽ được ghi theo mẫu được Tổng Trưởng Tiểu Bang phê chuẩn.

Mục 4: Tất cả các lá phiếu sẽ được biên soạn chiếu theo Bộ Luật Tuyển Cử Texas. Lá phiếu giấy sẽ được sử dụng cho thủ tục bỏ phiếu sớm và Hệ Thống Bỏ Phiếu eSlate Direct Recording Electronic (DRE) sẽ được sử dụng cho thủ tục đích thân tới bỏ phiếu sớm và bỏ phiếu vào Ngày Bầu Cử, cả hai đều thuộc Hệ Thống Bỏ Phiếu eSlate DRE. Hội Đồng Thành Phố theo đây thông qua việc sử dụng Hệ Thống Bỏ Phiếu eSlate Direct Recording Electronic (DRE) được Tổng Trưởng Tiểu Bang phê chuẩn cho thủ tục bỏ phiếu sớm và bỏ phiếu vào ngày bầu cử. Mọi chi phí cần thiết để tiến hành cuộc bầu cử, việc mua tài liệu cho cuộc bầu cử, và tuyển dụng tất cả các viên chức tuyển cử theo đây được phép thực hiện.

Mục 5: Thư Ký Thành Phố theo đây được phép và được chỉ thị cung cấp toàn bộ đồ dùng tuyển cử cần thiết để tiến hành cuộc bầu cử đó.

Mục 6: Cuộc bầu cử này sẽ được thông báo chiếu theo các điều khoản của Bộ Luật Tuyển Cử Texas và số phiếu bầu của cuộc bầu cử đó sẽ được gửi đi như qui định trong Bộ Luật nói trên. Thị Trưởng ban hành tất cả các lệnh và chỉ thị cần thiết cho cuộc bầu cử, và số phiếu bầu của cuộc bầu cử sẽ được gửi cho Thư Ký Thành Phố ngay sau khi các địa điểm bỏ phiếu đóng cửa.

Mục 7: Cuộc bầu cử nói trên sẽ được tổ chức chiếu theo các điều khoản qui định trong Điều Khoản XI, Mục 11 của Hiến Pháp Texas, qui định rằng chính quyền địa phương có nhiệm kỳ vượt quá hai (2) năm phải tuyển nhân sự cho bất kỳ vị trí trống nào trong vòng 120 ngày sau khi có vị trí trống đó, Bộ Luật Tuyển Cử Texas và Đạo Luật Quyền Bầu Cử Liên Bang 1965, bản tu chính. Chỉ có các cử tri cư dân hội đủ điều kiện của Thành Phố Tomball mới hội đủ điều kiện bỏ phiếu.

Mục 8: Ngày đầu tiên nộp đơn xin ghi tên trên lá phiếu là ngày 18 tháng Một, 2019. Tất cả các ứng cử viên tranh cử vào Chức Vụ Thị Trưởng và Ủy Viên Hội Đồng Thành Phố, Vị Trí Số 3, phải cung cấp tên cho Thư Ký Thành Phố của Thành Phố Tomball, Texas trễ nhất là 5 giờ chiều ngày 15 tháng Hai, 2019 để tên của các ứng cử viên đó được ghi vào Lá Phiếu Chính Thức.

Mục 9: Nếu cần tổ chức Cuộc Bầu Cử Chung Cuộc, ngày tổ chức Cuộc Bầu Cử Chung Cuộc được ấn định là thứ Bảy, ngày 8 tháng Sáu, 2019. Thủ tục bỏ phiếu sớm cho Cuộc Bầu Cử Chung Cuộc sẽ bắt đầu từ ngày 27 tháng Năm, 2019 và kết thúc vào ngày 4 tháng Sáu, 2019. Tất cả các điều khoản, điều kiện và qui định được thiết lập cho Cuộc Bầu Cử Viên Chức Thành Phố Thường Lệ ngày 4 tháng Năm, 2019 sẽ áp dụng cho Cuộc Bầu Cử Chung Cuộc.

Mục 10: Thư Ký Thành Phố theo đây được ủy quyền và chỉ thị đưa ra Thông Báo về cuộc bầu cử nói trên theo yêu cầu của luật pháp.

ĐƯỢC PHÊ CHUẨN, THÔNG QUA và QUYẾT ĐỊNH vào hôm nay ngày 7 tháng Một, 2019.

CHỨNG THỰC:

GRETCHEN FAGAN, Thị Trưởng
Thành Phố Tomball

DORIS SPEER, Thư Ký Thành Phố
Thành Phố Tomball

第2019-01號決議案

TEXAS州TOMBALL市市議會決議及命令之內容包括：於2019年5月4日（週六）在TOMBALL市舉行市政官員常規選舉；為上述選舉指定投票地點並任命選舉官員；就發出本選舉之通知作出指示；指定複選舉行日期（如果需要舉行複選）；以及就本選舉之舉行事宜作出具體規定。

* * * * *

TEXAS州TOMBALL市市議會決議如下：

第1條： 現命令於2019年5月4日（即5月第一個週六）在Texas州Tomball市舉行一項常規選舉，藉此由Tomball市合資格居民選民投票選出以下官員：

職位

市長 議會席
位3號

第2條： 本市之當前範圍可構成一選區；下列投票地點應於上午七時(7:00)至晚上七時(7:00)開放，以便選民進行投票；現任命以下人士擔任選舉官員，負責執行該投票地點之選舉：

投票地點

Tomball City Hall
401 Market Street
Tomball, Texas 77375

選舉官員

Patsy Kinsey, 主審法官
Latrell Shannon, 候補主審法官。

根據Texas州選舉法第32.009條之規定，現授權並指示市政秘書向選舉法官提供本決議之副本，作為其書面委任通知。若主審法官或候補首席選舉法官無法行使其職責，則市政秘書有權在必要時選擇一名合資格之選舉書記員擔任代理主審法官或代理候補主審法官。

主審法官有權任命不超過七(7)名書記員來協助舉行本次選舉，但在任何情況下，主審法官任命之書記員均不得少於兩人。上述選舉官員還應擔任本次選舉的提前投票選票委員會成員，本選區之主審法官還應擔任提前投票選票委員會首席官員。

依據州選舉法第3篇第32.091(a)條之規定，選舉法官應獲得時薪為\$14.00美元的報酬；提前投票書記員和選舉書記員應獲得時薪為\$13.00美元的報酬。依據州選舉法第3篇第32.091(a)條之規定，如需運送選舉設備及用品，選舉法官應獲得金額為\$25美元的報酬。本市選舉法官與書記員的一切必要培訓費用應由本市承擔。法官與書記員的差旅費用應亦予以報銷，且培訓期間應按照規定時薪獲得報酬。

第3條： 現任命市政秘書為提前投票的選舉書記員，並由市政秘書依照Texas州選舉法第83.001條及以下條款之規定，任命一名或多名提前投票書記員助手。本選舉之提前投票地點為：

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

上述書記員應確保上述辦公室於市政廳正常辦公時間開放：即從選舉日前十二(12)天至前四(4)天期間，於週一、週三及週四的上午七時四十五分(7:45)至下午五時(5:00)開放，週二的上午七時四十五分(7:45)至晚上七時四十五分(7:45)開放，週五的上午七時四十五分(7:45)至下午四時(4:00)開放，週六、週日及法定節假日除外。依據選舉法第85.005(d)條規定，若提前投票的舉行時間超出(含)六個工作日，則在主要提前投票地點舉行的親自出席提前投票應於其中2個工作日至少持續12小時；故此，將於2019年4月23日(週二)及2019年4月30日(週二)，舉行為時12小時的親自出席提前投票。

上述書記員不得允許任何人士於非書記員辦公室正常工作日進行親自出席提前投票，並且在任何情況下，都不得允許任何人士於非書記員辦公室面向公眾開放的時間進行親自出席提前投票。選票申請與郵寄選票亦可寄往上述提前投票地點，收件人為上述書記員。依據Texas州選舉法規定，提前投票書記員應記錄一份名單，上面載有每位參加親自出席提前投票的選民及每位寄送郵寄選票的選民。該名單應採用州務卿許可的形式記錄。

第4條： 所有選票都應依照Texas州選舉法製備。紙質選票應當用於郵寄方式的提前投票，eSlate直接記錄式電子投票系統(DRE)應當用於親自出席提前投票和選舉日投票。市議會依據州務卿之授權，現決定在提前投票和選舉日投票中採用eSlate直接記錄式電子投票系統(DRE)。舉行本次選舉、購買相關材料及僱傭所有選舉官員所需的一切支出亦在此予以批准。

第5條： 現授權並指示市政秘書佈置所有必要的選舉用品以舉行本次選舉。

第6條： 本選舉通知應依據Texas州選舉法之規定發出；上述通知的回執確認亦應依據上述選舉法規定執行。市長應簽發本選舉的所有必要命令及令狀；投票關閉后，應向市政秘書提交本選舉的選票報告。

第7條： 本次選舉應依照Texas州憲法第XI條第11款之規定舉行。Texas州憲法規定，若任期超過

兩(2)年的市政職位出現空缺，則應於120天內，根據Texas州選舉法與經修訂的1965年聯邦投票權法案，予以填補。唯有合資格的Tomball市居民選民有資格進行投票。

第8條： 自2019年1月18日起，可提交選票席位申請書。競選市長及市議員職位（議會席位3號）的所有候選人應於2019年2月15日下午5:00前將其姓名提交至Texas州Tomball市市政秘書，以便其姓名得以載入正式選票。

第9條： 如需舉行複選，則舉行日期定為2019年6月8日（週六）。複選提前投票將於2019年5月27日開始，直至2019年6月4日結束。為2019年5月4日市政官員常規選舉制定的所有條款、條件及規定同樣適用於複選。

第10條： 現授權並指示市政秘書根據法律規定發出關於本選舉的通知。

本決議已於2019年1月7日獲得通過、獲准及決議。

GRETCHEN FAGAN, 市長
Tomball市

見證：

DORIS SPEER, 市政秘書
Tomball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)
大會選舉的自治市的順序**

A General Election is hereby ordered to be held on May 4, 2019 for the purpose of: electing Mayor and Council Position 3.
(Por la presente se ordena que una elección general se lleve a cabo el 4 de mayo de 2019 con el propósito de: un Alcalde y un Concejal para la Posición 3.)
(Theo đây, chúng tôi yêu cầu tổ chức một Cuộc Tổng Tuyển Cử vào ngày 4 tháng Năm, 2019 để bầu chọn Thị Trưởng và Thành viên hội đồng vị trí số 3.)
換屆選舉現命令將於 2019 年 5 月 4 日的目的: 選出市長和理事會位置 3。

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 22, 2019 and ending on April 30, 2019.
(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 22 de abril de 2019 y culminando el 30 de abril de 2019.)
(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 22 tháng Tư, 2019 tới ngày 30 tháng Tư, 2019.)
自2019年4月22日起至2019年4月30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：

<u>Doris Speer</u>	
(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)	
<u>401 Market Street</u>	
(Address) (Dirección) (Địa chỉ) (地址)	
<u>Tomball, TX</u>	<u>77375</u>
(City) (Ciudad)	(Zip Code) (Código Postal)
(Thành phố) (市)	(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 19, 2019.
(Las solicitudes de boletas para votar por correo hechas en persona deberán recibirse para el fin del horario de oficina el 19 de abril de 2019.)
(Đơn xin lá phiếu bầu qua thư đích thân đến nộp phải được nhận không trễ quá cuối giờ làm việc ngày 19 tháng Tư, 2019.)
個人親自遞交郵寄選票申請收到日期不得晚於2019年4月19日下班時間。

Issued this the 4th day of February 2019.
(Emitido este día 4 de febrero de 2019.)
(Ban hành ngày 4 tháng Hai, 2019.)
本函於2019年2月4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 7, 2019

Topic:

Approve Resolution No. 2019-02, 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 2019 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, 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, but publications 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.

Distribution figures show home delivery of 19,274 copies, per the October 2017 audit from the Alliance for Audited Media in zip codes 77375 and 77377. A map is attached indicating locations where papers can be picked up, including City Hall, for a total of 19,474 copies of the paper being distributed each Wednesday.

Staff recommends designation of The Potpourri, Tomball Edition (Houston Community Newspapers) as the official newspaper for 2019.

Origination:

Home Rule Charter/City Secretary

Recommendation:

Designation of The Potpourri, Tomball Edition, as the official city newspaper for 2019.

Funding:

Yes

Account Number:Responsible Departments, Acct. 6335

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

City Secretary

ACTION TAKEN

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

Resolution No. 2019-02

Distribution Map - Bulk Delivery Locations

RESOLUTION NO. 2019-02

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 2019 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 2019 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 7TH DAY OF JANUARY 2019:

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

GRETCHEN FAGAN, Mayor

ATTEST:

Doris Speer, City Secretary

Tomball Potpourri - Single Copy Locations (9)



Regular City Council

Agenda Item

Data Sheet

Meeting Date: January 7, 2019

Topic:

Conduct Public Hearing of the City Council of the City of Tomball to Consider the Advisability of the Creation of a Public Improvement District to make Certain Improvements over Certain Property located within the Corporate Limits of the City of Tomball (TPID 4 – Alexander Estates Subdivision)

Background:

Our PID consultant, Hawes, Hill & Associates, LLP and our representative, Scott Bean, has been working with Doug Eibsen on creating TPID 4 in Tomball. A description of the PID is attached for your review.

Both Scott Bean and Doug Eibsen will be attending the meeting and will be available for any questions regarding TPID 4 - Alexander Estates Subdivision.

Origination:

Finance

Recommendation:

Conduct Public Hearing

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

Doris Speer - City Secretary

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

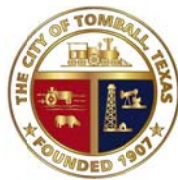
ATTACHMENTS:

Notice of Public Hearing - TPID 4 - Alexander Estates Subdivision

Petition for the Creation of TPID 4 - Alexander Estates Subdivision

NOTICE OF PUBLIC HEARING
CITY OF TOMBALL, TEXAS

MONDAY, JANUARY 7, 2019



6:00 P.M.

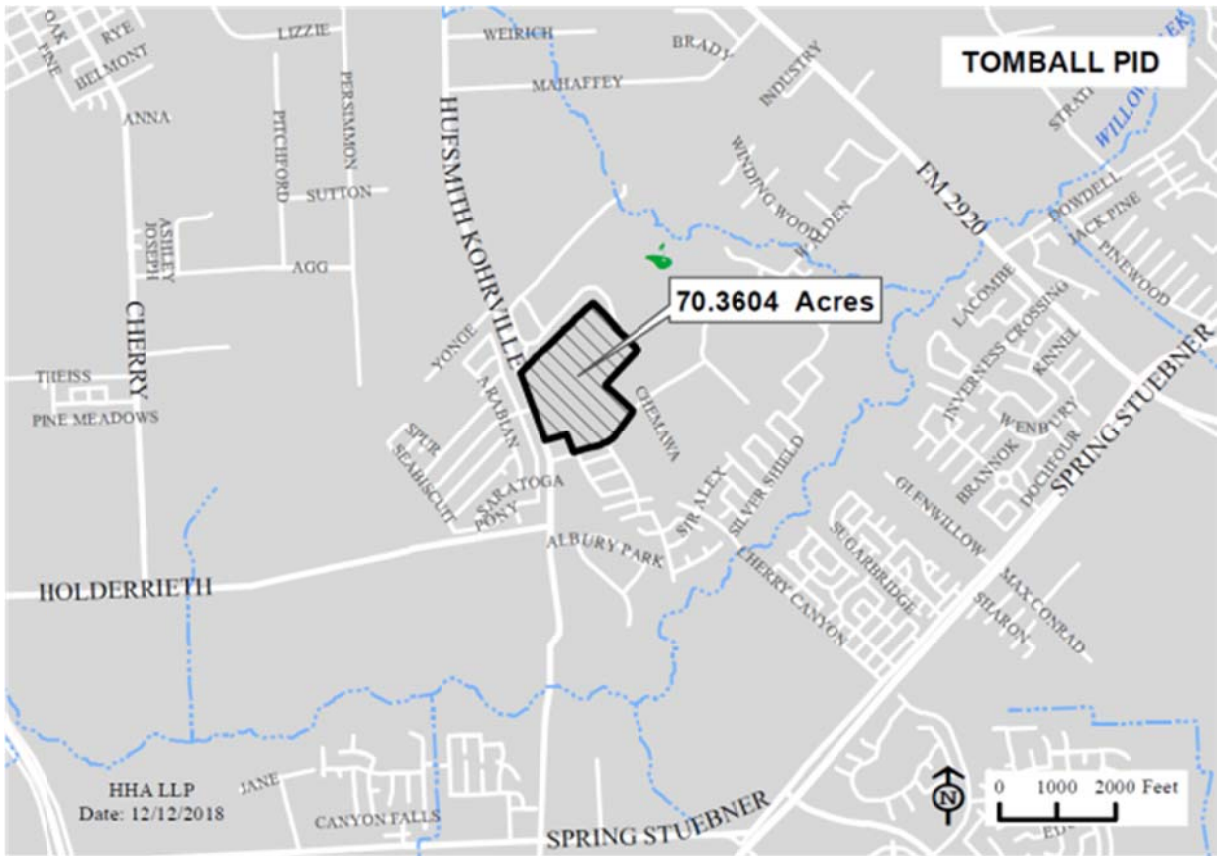
NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF TOMBALL TO
CONSIDER THE ADVISABILITY OF THE CREATION OF A PUBLIC IMPROVEMENT
DISTRICT TO MAKE CERTAIN IMPROVEMENTS OVER CERTAIN PROPERTY LOCATED
WITHIN THE CORPORATE LIMITS OF THE CITY OF TOMBALL.

In accordance with Chapter 372.005 Local Government Code, the City Secretary has received petitions that request the establishment of a public improvement district (PID). The petitions and a legal description of the property are on file and open for public inspection in the office of City Secretary. A Public Hearing on the advisability of the improvements will be held by the City Council as follows:

DATE & TIME: Monday, January 7, 2019, 6:00 p.m.
PLACE: City Council Chambers, 401 Market Street, Tomball, Texas 77375

GENERAL NATURE OF THE IMPROVEMENTS: The improvements are the construction of public utilities (water, sewer, gas & drainage), paving, landscaping, signage, and other public amenities, and related improvements within the PID. The estimated costs of the improvements, including financing, are \$8,500,000.00 over the life of the PID. The proposed method of assessment is by value, per lot, or per square foot of benefited property. The proposed apportionment of cost is 100% to the PID and 0% to the municipality as a whole.

BOUNDARIES: The boundaries of the proposed Public Improvement District are described in the below map. A full metes and bounds description is on file and open for public inspection in the office of the City Secretary.



Written and oral objections will be considered at the hearing. All interested persons are hereby notified of the described hearing, and of their right to appear and be heard on the matter.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 13th day of December 2018 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meetings.

Doris Speer
Doris Speer
City Secretary, TRMC, MMC

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.

PETITION FOR THE CREATION OF A
PUBLIC IMPROVEMENT DISTRICT

THE STATE OF TEXAS

COUNTY OF HARRIS

TO: THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

The undersigned petitioner (the "Petitioner"), acting pursuant to the provisions of Chapter 372, Texas Local Government Code, together with all amendments and additions thereto, petition this Honorable City Council to create a public improvement district ("District") in the territory described by metes and bounds in Exhibit A attached hereto (the "Land") within the City of Tomball, Texas (the "City"), and in support of this petition the Petitioner would present the following:

Section 1. Standing of Petitioner. The Petitioner is an owner of the Land within the District described below as determined by the current roll of the Harris County Appraisal District. The Petitioner, along with all other petitioners submitting petitions to the City in connection with the District, constitutes the owner of taxable property within the District sufficient to meet the requirements of Section 372.005(b), Texas Local Government Code.

Section 2. General nature of the proposed public improvements. The proposed public improvements include the construction of street paving, water, wastewater, gas and drainage facilities, parks and open spaces, public amenities, contingency provisions, engineering services, financing costs, and administrative and legal services for the proposed District.

Section 3. Estimated cost of the proposed public improvements. \$8,500,000.00

Section 4. Boundaries. The proposed boundaries are described in the boundary description attached as Exhibit A.

Section 5. Method of assessment. The proposed method of assessment shall be based upon (i) an equal apportionment per lot or per square foot of property benefiting from the public improvements, as determined by the City Council, (ii) the *ad valorem* taxable value of the property benefiting from the improvements, or (iii) any combination thereof.

Section 6. Apportionment of cost. 100 percent of the cost of the proposed improvements shall be paid by assessment of the property owners within the District.

Section 7. Management of the District. The management of the District will be the ultimate responsibility of the City Council of the City; provided that, to the extent allowed by law, the City may initially contract with a private sector company or a City established local government corporation to carry out all or a part of such City responsibilities, as well as the day-to-day management and administration of the District.

Section 8. Concurrence of the Petitioner. The Petitioner signing this petition concurs in and requests the establishment of the District.

Section 9. Advisory board. An advisory board may be established to develop and recommend an improvement plan to the City Council.

This petition shall be filed with the City Secretary in support of the creation of the District by the City Council as herein provided.

PETITIONER

BCDE, LTD.,
a Texas limited partnership

By: Eibsen & Associates, Inc., a Texas
Corporation, its General Partner

By:

Name:

Its:

EIBSEN & ASSOCIATES, INC.,
a Texas corporation

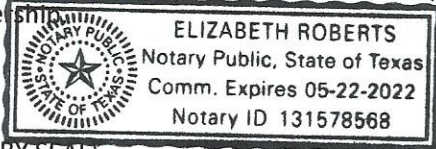
By:

Name:

Its:

THE STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 12 day of November, 2018, by Doug J. Eibsen, President, of Eibsen & Associates, Inc., a Texas corporation, general partner of BCDE, Ltd., a Texas limited partnership, on behalf of said limited partnership.

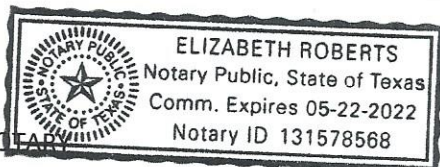


(NOTARY SEAL)

Elizabeth Roberts
Notary, State of Texas

THE STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 12 day of November, 2018, by Doug J. Eibsen, President, of Eibsen & Associates, Inc., a Texas corporation, on behalf of said corporation.



(NOTARY

Elizabeth Roberts
Notary, State of Texas

SEAL)

EXHIBIT "A"

Alexander Estates
70.3604 Acres

Elizabeth Smith Survey
Abstract Number 70

STATE OF TEXAS §

COUNTY OF HARRIS §

A **METES AND BOUNDS** description of a 70.3604 acre tract of land situated in the Elizabeth Smith Survey, Abstract Number 70, Harris County, Texas; being a portion of Unrestricted Reserve "C" of Tomball Greens Final Plat as shown on a plat filed for record under Film Code Number 440128 of the Harris County Map Records, being the remainder of a called 78.4754 acre tract conveyed to BCDE, LTD. by Special Warranty Deed With Vendor's Lien dated December 30, 2002 and filed for record under Clerk's File No. W332593 of the Harris County Official Public Records of Real Property and being all of a called 4.882 acres conveyed to Eibsen & Associates, Inc. by Warranty Deed dated March 31, 2014 and filed for record under Clerk's File No. 20140133968 of the Harris County Official Public Records of Real Property; said 70.3604 acres being more particularly described as follows with all bearings based on a call of South 59°56'55" West along the southeast line of said Unrestricted Reserve "C":

BEGINNING at a found 5/8-inch iron rod in the northeast right-of-way of Huffsmith-Kohrville Road (called 60-foot wide), for the south corner of Country Club Greens Partial Replat as shown on a plat filed for record under Film Code No. 519229 of the Harris County Map Records and the northwest corner of said Unrestricted Reserve "C" and the herein described tract;

THENCE, North 45°27'56" East, 399.99 feet, departing said northeast right-of-way of Huffsmith-Kohrville Road, along the southeast line of said Country Club Greens Partial Replat, the northwest line of said Unrestricted Reserve "C" to a set 3/4-inch iron rod (with cap stamped "Cotton Surveying");

THENCE, North 49°06'40" East, 1333.88 feet, continuing along the southeast line of said Country Club Greens Partial Replat, the southeast line of Country Club Greens Partial Replat – Phase Two as shown on a plat filed for record under Film Code No. 540231 of the Harris County Map Records, the southeast line of Final Plat Country Club Greens as shown on a plat filed for record under Film Code No. 453082 of the Harris County Map Records, the northwest line of said Unrestricted Reserve "C" and said 78.4754 acres to a point for the north corner of said Unrestricted Reserve "C", the west corner of Lot 25, Block 3 of said Country Club Greens Partial Replat – Phase Two, same being the north corner of the herein described tract, from which a found 5/8-inch iron rod (with cap stamped "Terra Surveying") bears North 86°46'38" East 0.32 feet;

THENCE, South 40°44'59" East, 1111.89 feet along a northeast line of said 78.4754 acres, said Unrestricted Reserve "C", a southwest line of said Country Club Greens Partial Replat – Phase Two, and a southwest line of said Final Plat Country Club Greens as shown on a plat filed for record under Film Code No. 453082 of the Harris County Map Records to a point in the north line of a called 13.00 acre tract conveyed to J.D. Slaughter by Warranty Deed dated January 28, 2011 and filed for record under Clerk's File No. 20110042996 of the Harris County Official Public Records of Real Property for an interior corner of said Unrestricted Reserve "C" and the south corner of said Country Club Greens Partial Replat – Phase Two, same being the most northerly east corner of the herein described tract, from which a found 5/8-inch iron rod bears South 62°31'41" East, 0.24 feet;

THENCE, South 45°07'42" West, 813.03 feet along the northeast line of said 13.00 acres to a set 3/4-inch iron rod (with cap stamped "Cotton Surveying") for the west corner of said 13.00 acres, same being an interior corner of the herein described tract;

Alexander Estates
70.3604 Acres

Elizabeth Smith Survey
Abstract Number 70

THENCE, South 44°36'57" East, 646.34 feet along the southwest line of said 13.00 acres to a point in the northwest right-of-way of Spell Road (called 60-foot wide) and the southeast line of said Unrestricted Reserve "C", for the south corner of said 13.00 acres and the most southerly east corner of the herein described tract, from which a found 3/4-inch iron rod bears North 09°17'51" East, 0.24 feet;

THENCE, South 37°14'37" West, 452.09 feet along the northwest right-of-way of said Spell Road and the southeast line of said Unrestricted Reserve "C" to a found 5/8-inch iron rod, beginning a non-tangent curve to the right;

THENCE, in a southwest direction, continuing along the northwest right-of-way of said Spell Road and the southeast line of said Unrestricted Reserve "C" and said 4.822 acres, with the arc of said non-tangent curve to the right, passing a found 5/8-inch iron rod (with cap stamped "J.G.T. 1494") at an arc length of 183.48 feet for the east corner of said 4.822 acres, having a radius of 579.03 feet, a central angle of 37°34'11", an arc length of 379.68 feet, and a chord bearing South 56°12'14" West, 372.91 feet to a found 5/8-inch iron rod (with cap stamped "J.G.T. 1494");

THENCE, South 75°09'52" West, continuing along the northwest right-of-way of said Spell Road, the southeast line of said 4.822 acres and said Unrestricted Reserve "C", passing a found 5/8-inch iron rod (with cap stamped "J.G.T. 1494") at a distance of 228.98 feet, continuing for a total distance of 463.49 feet to a found 3/4-inch iron (with cap stamped "Cotton Surveying") for the southwest corner of said 4.882 acres and the most southerly southwest corner of the herein described tract;

THENCE, North 17°58'51" West, 350.00 feet, departing the northwest right-of-way of said Spell Road and the southeast line of said 4.822 acres to a found 3/4-inch iron (with cap stamped "Cotton Surveying") for the northwest corner of said 4.822 acres and an interior corner of the herein described tract;

THENCE, South 75°09'52" West, along the northwest line of the remainder of a called 8.000 acres conveyed to Ruth A. Hughes-Deaton by Warranty Deed with Vendor's Lien dated August 31, 2006 and filed for record under Clerk's File No. 20060029232 of the Harris County Official Public Records of Real Property, passing a found 5/8-inch iron rod (with cap stamped "King 4503") at a distance of 4.83 feet, continuing for a total distance of 388.70 feet to a found 5/8-inch iron rod (with cap stamped "King 4503") in the northeast right-of-way of said Huffsmith-Kohrville Road and the southwest line of said Unrestricted Reserve "C", for the northwest corner of said 8.000 acres and the most westerly southwest corner of said 78.4754 acres and the herein described tract;

THENCE, North 17°59'55" West, 1235.43 feet along northeast right-of-way of said Huffsmith-Kohrville Road, the southwest line of said Unrestricted Reserve "C" to the **POINT OF BEGINNING**, CONTAINING 70.3604 acres of land in Harris County, Texas

Cotton Surveying Company
8701 New Trails Drive, Suite 200
The Woodlands, TX 77381-4241
(281) 363-4039


Acting By/Through Ronald L. Hauck
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rhauck@jonescarter.com
Texas Board of Professional Land Surveying
Registration No. 10046106



June 24, 2014

002426.4824-9705-9356.v2

Regular City Council
Agenda Item
Data Sheet

Meeting Date: January 7, 2019

Topic:

Approve Resolution No. 2019-03, a Resolution Making Findings in Connection with the Proposed Public Improvement District Number Four, Related to the Advisability of the Improvements, the Nature of the Improvements, the Estimated Cost of the Improvements, the Boundaries of the Proposed District, the Method of Assessment and the Apportionment of Cost Between the District and the City as a Whole; and Making Other Findings Related to the District (TPID 4 - Alexander Estates Subdivision)

Background:

Resolution 2019-03, once adopted, will approve the advisability of the improvements, the nature of the improvements, the estimated costs of the improvements, the boundaries of the proposed district, the method of the assessment, the apportionment of cost between the district and the city and making other findings for TPID 4 - Alexander Estates.

Origination:

Finance

Recommendation:

Approve Resolution No. 2019-03

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

Doris Speer, City Secretary

ACTION TAKEN

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

Resolution No. 2019-03 - TPID 4 - Alexander Estates Subdivision - Findings
Petition for the Creation of Alexander Estates - TPID 4

CITY OF TOMBALL RESOLUTION NO. 2019-03

A RESOLUTION MAKING FINDINGS IN CONNECTION WITH THE PROPOSED PUBLIC IMPROVEMENT DISTRICT NUMBER FOUR RELATED TO THE ADVISABILITY OF THE IMPROVEMENTS, THE NATURE OF THE IMPROVEMENTS, THE ESTIMATED COST OF THE IMPROVEMENTS, THE BOUNDARIES OF THE PROPOSED DISTRICT, THE METHOD OF ASSESSMENT AND THE APPORTIONMENT OF COST BETWEEN THE DISTRICT AND THE CITY AS A WHOLE; AND MAKING OTHER FINDINGS RELATED TO THE DISTRICT (TPID 4 – ALEXANDER ESTATES SUBDIVISION)

* * * * *

WHEREAS, the City of Tomball City Council is authorized to create a public improvement district pursuant to Ch. 372 of the Texas Local government Code (the “Code”) for the purpose described therein, and the City has received a petition from certain landowners within the City requesting the creation of a public improvement district; and

WHEREAS, notice of a public hearing to consider the advisability of establishing the proposed district was published in *The Potpourri* a local newspaper of general circulation on December 19, 2018; the place, City Council Chambers, Tomball, Texas, the general nature of the proposed improvements; the boundaries of the proposed district; and the proposed method of assessment; and the proposed apportionment of cost between the district and the City as a whole; and

WHEREAS, written notice of the public hearing to consider advisability of establishing the district was sent timely to the current address, so reflected on the tax rolls, of the owners of property subject to assessment under the proposed district; and

WHEREAS, the public hearing was held with all interested parties having been given the opportunity to be heard; NOW, THEREFORE,

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

Section 1. The City Council, having duly considered the petition submitted by property owners in the proposed district and the comments of those who made presentations at the public hearing on November 5, 2018, hereby finds as follows:

- (1) It will promote the interests of the City to create the Public Improvement District Number Four (the “District”) under the provisions of Chapter 372, Texas Local Government Code for the purposes herein described.
- (2) It is advisable that the proposed improvement project be provided in the District and the City exercise the powers granted by Chapter 372, Texas Local Government Code, in connection with the establishment of the District, including

the carrying out of the improvement project described below that will confer special benefits on property in the District and to levy and collect a special assessment on property in the District, based on the benefit conferred by such project, to pay all of the costs of such improvements.

- (3) The general nature of the public improvements in the District is set forth below.
 - (a) The improvements include engineering and construction of water, wastewater, gas, storm sewer facilities, detention, paving, common areas and amenities, and other improvements, creation and administration costs, and interest.
- (4) The estimated costs of the public improvements over the life of the PID are a total of \$8,500,000.00.
- (5) The boundaries of the District are fully described in Exhibit A and B attached hereto.
- (6) The proposed methods of assessment is as follows:
 - (a) The assessment for the Public Improvements is proposed to be by value, lot, or according to the square footage of property without regard to improvements on the property.
- (7) The proposed method of apportionment of the cost of the improvements between the District and the City as a whole is as follows:
 - (a) The District will bear 100 percent of the costs of the percentage of the Public Improvements that will be reimbursed by assessment on the property.

Section 2. This Resolution shall be passed finally on the date of its introduction and shall take effect immediately upon its passage and approval.

PASSED AND ADOPTED this ____ day of _____, 2019.

Gretchen Fagan, Mayor

Attest:

Doris Speer, City Secretary

EXHIBIT "A"

Alexander Estates
70.3604 Acres

Elizabeth Smith Survey
Abstract Number 70

STATE OF TEXAS §

COUNTY OF HARRIS §

A **METES AND BOUNDS** description of a 70.3604 acre tract of land situated in the Elizabeth Smith Survey, Abstract Number 70, Harris County, Texas; being a portion of Unrestricted Reserve "C" of Tomball Greens Final Plat as shown on a plat filed for record under Film Code Number 440128 of the Harris County Map Records, being the remainder of a called 78.4754 acre tract conveyed to BCDE, LTD. by Special Warranty Deed With Vendor's Lien dated December 30, 2002 and filed for record under Clerk's File No. W332593 of the Harris County Official Public Records of Real Property and being all of a called 4.882 acres conveyed to Eibsen & Associates, Inc. by Warranty Deed dated March 31, 2014 and filed for record under Clerk's File No. 20140133968 of the Harris County Official Public Records of Real Property; said 70.3604 acres being more particularly described as follows with all bearings based on a call of South 59°56'55" West along the southeast line of said Unrestricted Reserve "C":

BEGINNING at a found 5/8-inch iron rod in the northeast right-of-way of Huffsmith-Kohrville Road (called 60-feet wide), for the south corner of Country Club Greens Partial Replat as shown on a plat filed for record under Film Code No. 519229 of the Harris County Map Records and the northwest corner of said Unrestricted Reserve "C" and the herein described tract;

THENCE, North 45°27'56" East, 399.99 feet, departing said northeast right-of-way of Huffsmith-Kohrville Road, along the southeast line of said Country Club Greens Partial Replat, the northwest line of said Unrestricted Reserve "C" to a set 3/4-inch iron rod (with cap stamped "Cotton Surveying");

THENCE, North 49°06'40" East, 1333.88 feet, continuing along the southeast line of said Country Club Greens Partial Replat, the southeast line of Country Club Greens Partial Replat – Phase Two as shown on a plat filed for record under Film Code No. 540231 of the Harris County Map Records, the southeast line of Final Plat Country Club Greens as shown on a plat filed for record under Film Code No. 453082 of the Harris County Map Records, the northwest line of said Unrestricted Reserve "C" and said 78.4754 acres to a point for the north corner of said Unrestricted Reserve "C", the west corner of Lot 25, Block 3 of said Country Club Greens Partial Replat – Phase Two, same being the north corner of the herein described tract, from which a found 5/8-inch iron rod (with cap stamped "Terra Surveying") bears North 86°46'38" East 0.32 feet;

THENCE, South 40°44'59" East, 1111.89 feet along a northeast line of said 78.4754 acres, said Unrestricted Reserve "C", a southwest line of said Country Club Greens Partial Replat – Phase Two, and a southwest line of said Final Plat Country Club Greens as shown on a plat filed for record under Film Code No. 453082 of the Harris County Map Records to a point in the north line of a called 13.00 acre tract conveyed to J.D. Slaughter by Warranty Deed dated January 28, 2011 and filed for record under Clerk's File No. 20110042996 of the Harris County Official Public Records of Real Property for an interior corner of said Unrestricted Reserve "C" and the south corner of said Country Club Greens Partial Replat – Phase Two, same being the most northerly east corner of the herein described tract, from which a found 5/8-inch iron rod bears South 62°31'41" East, 0.24 feet;

THENCE, South 45°07'42" West, 813.03 feet along the northeast line of said 13.00 acres to a set 3/4-inch iron rod (with cap stamped "Cotton Surveying") for the west corner of said 13.00 acres, same being an interior corner of the herein described tract;

Alexander Estates
70.3604 Acres

Elizabeth Smith Survey
Abstract Number 70

THENCE, South 44°36'57" East, 646.34 feet along the southwest line of said 13.00 acres to a point in the northwest right-of-way of Spell Road (called 60-feet wide) and the southeast line of said Unrestricted Reserve "C", for the south corner of said 13.00 acres and the most southerly east corner of the herein described tract, from which a found 3/4-inch iron rod bears North 09°17'51" East, 0.24 feet;

THENCE, South 37°14'37" West, 452.09 feet along the northwest right-of-way of said Spell Road and the southeast line of said Unrestricted Reserve "C" to a found 5/8-inch iron rod, beginning a non-tangent curve to the right;

THENCE, in a southwest direction, continuing along the northwest right-of-way of said Spell Road and the southeast line of said Unrestricted Reserve "C" and said 4.822 acres, with the arc of said non-tangent curve to the right, passing a found 5/8-inch iron rod (with cap stamped "J.G.T. 1494") at an arc length of 183.48 feet for the east corner of said 4.822 acres, having a radius of 579.03 feet, a central angle of 37°34'11", an arc length of 379.68 feet, and a chord bearing South 56°12'14" West, 372.91 feet to a found 5/8-inch iron rod (with cap stamped "J.G.T. 1494");

THENCE, South 75°09'52" West, continuing along the northwest right-of-way of said Spell Road, the southeast line of said 4.822 acres and said Unrestricted Reserve "C", passing a found 5/8-inch iron rod (with cap stamped "J.G.T. 1494") at a distance of 228.98 feet, continuing for a total distance of 463.49 feet to a found 3/4-inch iron (with cap stamped "Cotton Surveying") for the southwest corner of said 4.882 acres and the most southerly southwest corner of the herein described tract;

THENCE, North 17°58'51" West, 350.00 feet, departing the northwest right-of-way of said Spell Road and the southeast line of said 4.822 acres to a found 3/4-inch iron (with cap stamped "Cotton Surveying") for the northwest corner of said 4.822 acres and an interior corner of the herein described tract;

THENCE, South 75°09'52" West, along the northwest line of the remainder of a called 8.000 acres conveyed to Ruth A. Hughes-Deaton by Warranty Deed with Vendor's Lien dated August 31, 2006 and filed for record under Clerk's File No. 20060029232 of the Harris County Official Public Records of Real Property, passing a found 5/8-inch iron rod (with cap stamped "King 4503") at a distance of 4.83 feet, continuing for a total distance of 388.70 feet to a found 5/8-inch iron rod (with cap stamped "King 4503") in the northeast right-of-way of said Huffsmith-Kohrville Road and the southwest line of said Unrestricted Reserve "C", for the northwest corner of said 8.000 acres and the most westerly southwest corner of said 78.4754 acres and the herein described tract;

THENCE, North 17°59'55" West, 1235.43 feet along northeast right-of-way of said Huffsmith-Kohrville Road, the southwest line of said Unrestricted Reserve "C" to the **POINT OF BEGINNING**, **CONTAINING** 70.3604 acres of land in Harris County, Texas

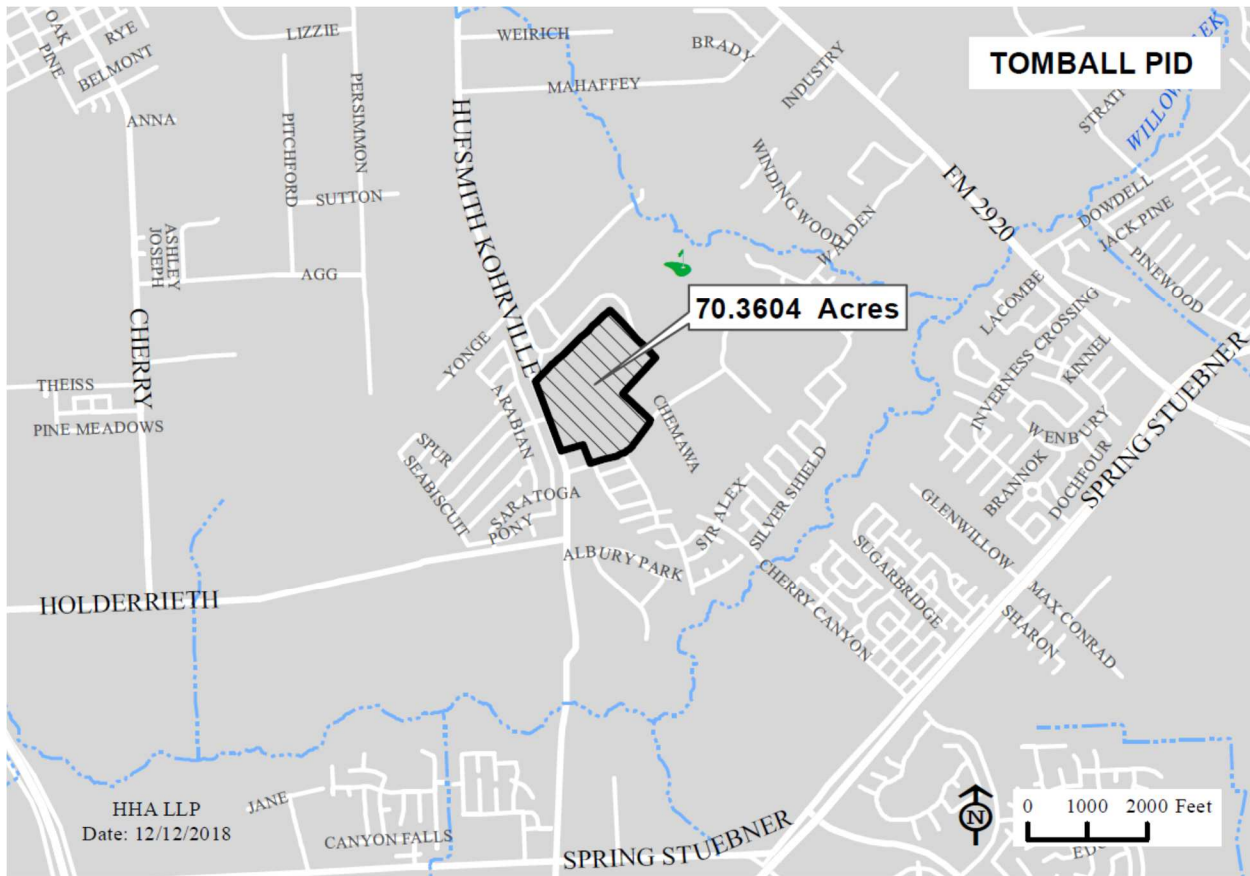
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Acting By/Through Ronald L. Hauck
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Texas Board of Professional Land Surveying
Registration No. 10046106



June 24, 2014

EXHIBIT B



PETITION FOR THE CREATION OF A
PUBLIC IMPROVEMENT DISTRICT

THE STATE OF TEXAS

COUNTY OF HARRIS

TO: THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

The undersigned petitioner (the "Petitioner"), acting pursuant to the provisions of Chapter 372, Texas Local Government Code, together with all amendments and additions thereto, petition this Honorable City Council to create a public improvement district ("District") in the territory described by metes and bounds in Exhibit A attached hereto (the "Land") within the City of Tomball, Texas (the "City"), and in support of this petition the Petitioner would present the following:

Section 1. Standing of Petitioner. The Petitioner is an owner of the Land within the District described below as determined by the current roll of the Harris County Appraisal District. The Petitioner, along with all other petitioners submitting petitions to the City in connection with the District, constitutes the owner of taxable property within the District sufficient to meet the requirements of Section 372.005(b), Texas Local Government Code.

Section 2. General nature of the proposed public improvements. The proposed public improvements include the construction of street paving, water, wastewater, gas and drainage facilities, parks and open spaces, public amenities, contingency provisions, engineering services, financing costs, and administrative and legal services for the proposed District.

Section 3. Estimated cost of the proposed public improvements. \$8,500,000.00

Section 4. Boundaries. The proposed boundaries are described in the boundary description attached as Exhibit A.

Section 5. Method of assessment. The proposed method of assessment shall be based upon (i) an equal apportionment per lot or per square foot of property benefiting from the public improvements, as determined by the City Council, (ii) the *ad valorem* taxable value of the property benefiting from the improvements, or (iii) any combination thereof.

Section 6. Apportionment of cost. 100 percent of the cost of the proposed improvements shall be paid by assessment of the property owners within the District.

Section 7. Management of the District. The management of the District will be the ultimate responsibility of the City Council of the City; provided that, to the extent allowed by law, the City may initially contract with a private sector company or a City established local government corporation to carry out all or a part of such City responsibilities, as well as the day-to-day management and administration of the District.

Section 8. Concurrence of the Petitioner. The Petitioner signing this petition concurs in and requests the establishment of the District.

Section 9. Advisory board. An advisory board may be established to develop and recommend an improvement plan to the City Council.

This petition shall be filed with the City Secretary in support of the creation of the District by the City Council as herein provided.

PETITIONER

BCDE, LTD.,
a Texas limited partnership

By: Eibsen & Associates, Inc., a Texas
Corporation, its General Partner

By:

Name:

Its:

EIBSEN & ASSOCIATES, INC.,
a Texas corporation

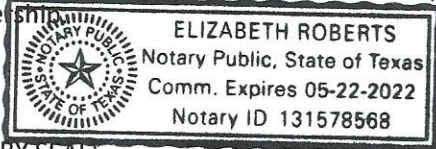
By:

Name:

Its:

THE STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 12 day of November, 2018, by Doug J. Eibsen, President, of Eibsen & Associates, Inc., a Texas corporation, general partner of BCDE, Ltd., a Texas limited partnership, on behalf of said limited partnership.

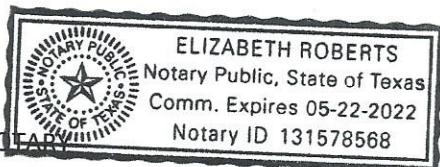


(NOTARY SEAL)

Elizabeth Roberts
Notary, State of Texas

THE STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 12 day of November, 2018, by Doug J. Eibsen, President, of Eibsen & Associates, Inc., a Texas corporation, on behalf of said corporation.



(NOTARY

Elizabeth Roberts
Notary, State of Texas

SEAL)

EXHIBIT "A"

Alexander Estates
70.3604 Acres

Elizabeth Smith Survey
Abstract Number 70

STATE OF TEXAS §

COUNTY OF HARRIS §

A **METES AND BOUNDS** description of a 70.3604 acre tract of land situated in the Elizabeth Smith Survey, Abstract Number 70, Harris County, Texas; being a portion of Unrestricted Reserve "C" of Tomball Greens Final Plat as shown on a plat filed for record under Film Code Number 440128 of the Harris County Map Records, being the remainder of a called 78.4754 acre tract conveyed to BCDE, LTD. by Special Warranty Deed With Vendor's Lien dated December 30, 2002 and filed for record under Clerk's File No. W332593 of the Harris County Official Public Records of Real Property and being all of a called 4.882 acres conveyed to Eibsen & Associates, Inc. by Warranty Deed dated March 31, 2014 and filed for record under Clerk's File No. 20140133968 of the Harris County Official Public Records of Real Property; said 70.3604 acres being more particularly described as follows with all bearings based on a call of South 59°56'55" West along the southeast line of said Unrestricted Reserve "C":

BEGINNING at a found 5/8-inch iron rod in the northeast right-of-way of Huffsmith-Kohrville Road (called 60-foot wide), for the south corner of Country Club Greens Partial Replat as shown on a plat filed for record under Film Code No. 519229 of the Harris County Map Records and the northwest corner of said Unrestricted Reserve "C" and the herein described tract;

THENCE, North 45°27'56" East, 399.99 feet, departing said northeast right-of-way of Huffsmith-Kohrville Road, along the southeast line of said Country Club Greens Partial Replat, the northwest line of said Unrestricted Reserve "C" to a set 3/4-inch iron rod (with cap stamped "Cotton Surveying");

THENCE, North 49°06'40" East, 1333.88 feet, continuing along the southeast line of said Country Club Greens Partial Replat, the southeast line of Country Club Greens Partial Replat – Phase Two as shown on a plat filed for record under Film Code No. 540231 of the Harris County Map Records, the southeast line of Final Plat Country Club Greens as shown on a plat filed for record under Film Code No. 453082 of the Harris County Map Records, the northwest line of said Unrestricted Reserve "C" and said 78.4754 acres to a point for the north corner of said Unrestricted Reserve "C", the west corner of Lot 25, Block 3 of said Country Club Greens Partial Replat – Phase Two, same being the north corner of the herein described tract, from which a found 5/8-inch iron rod (with cap stamped "Terra Surveying") bears North 86°46'38" East 0.32 feet;

THENCE, South 40°44'59" East, 1111.89 feet along a northeast line of said 78.4754 acres, said Unrestricted Reserve "C", a southwest line of said Country Club Greens Partial Replat – Phase Two, and a southwest line of said Final Plat Country Club Greens as shown on a plat filed for record under Film Code No. 453082 of the Harris County Map Records to a point in the north line of a called 13.00 acre tract conveyed to J.D. Slaughter by Warranty Deed dated January 28, 2011 and filed for record under Clerk's File No. 20110042996 of the Harris County Official Public Records of Real Property for an interior corner of said Unrestricted Reserve "C" and the south corner of said Country Club Greens Partial Replat – Phase Two, same being the most northerly east corner of the herein described tract, from which a found 5/8-inch iron rod bears South 62°31'41" East, 0.24 feet;

THENCE, South 45°07'42" West, 813.03 feet along the northeast line of said 13.00 acres to a set 3/4-inch iron rod (with cap stamped "Cotton Surveying") for the west corner of said 13.00 acres, same being an interior corner of the herein described tract;

Alexander Estates
70.3604 Acres

Elizabeth Smith Survey
Abstract Number 70

THENCE, South 44°36'57" East, 646.34 feet along the southwest line of said 13.00 acres to a point in the northwest right-of-way of Spell Road (called 60-feet wide) and the southeast line of said Unrestricted Reserve "C", for the south corner of said 13.00 acres and the most southerly east corner of the herein described tract, from which a found 3/4-inch iron rod bears North 09°17'51" East, 0.24 feet;

THENCE, South 37°14'37" West, 452.09 feet along the northwest right-of-way of said Spell Road and the southeast line of said Unrestricted Reserve "C" to a found 5/8-inch iron rod, beginning a non-tangent curve to the right;

THENCE, in a southwest direction, continuing along the northwest right-of-way of said Spell Road and the southeast line of said Unrestricted Reserve "C" and said 4.822 acres, with the arc of said non-tangent curve to the right, passing a found 5/8-inch iron rod (with cap stamped "J.G.T. 1494") at an arc length of 183.48 feet for the east corner of said 4.822 acres, having a radius of 579.03 feet, a central angle of 37°34'11", an arc length of 379.68 feet, and a chord bearing South 56°12'14" West, 372.91 feet to a found 5/8-inch iron rod (with cap stamped "J.G.T. 1494");

THENCE, South 75°09'52" West, continuing along the northwest right-of-way of said Spell Road, the southeast line of said 4.822 acres and said Unrestricted Reserve "C", passing a found 5/8-inch iron rod (with cap stamped "J.G.T. 1494") at a distance of 228.98 feet, continuing for a total distance of 463.49 feet to a found 3/4-inch iron (with cap stamped "Cotton Surveying") for the southwest corner of said 4.882 acres and the most southerly southwest corner of the herein described tract;

THENCE, North 17°58'51" West, 350.00 feet, departing the northwest right-of-way of said Spell Road and the southeast line of said 4.822 acres to a found 3/4-inch iron (with cap stamped "Cotton Surveying") for the northwest corner of said 4.822 acres and an interior corner of the herein described tract;

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THENCE, North 17°59'55" West, 1235.43 feet along northeast right-of-way of said Huffsmith-Kohrville Road, the southwest line of said Unrestricted Reserve "C" to the **POINT OF BEGINNING**, CONTAINING 70.3604 acres of land in Harris County, Texas

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Texas Board of Professional Land Surveying
Registration No. 10046106



June 24, 2014

002426.4824-9705-9356.v2

Regular City Council
Agenda Item
Data Sheet

Meeting Date: January 7, 2019

Topic:

Approve Resolution No. 2019-04, a Resolution Authorizing the Establishment of the Public Improvement District Number Four in the City of Tomball, Texas; Authorizing Publication of This Resolution, Providing for the Preparation of a Service and Assessment Plan; and Making Other Provisions Related to the Subject (TPID 4 - Alexander Estates Subdivision)

Background:

This Resolution, if approved, will establish Public Improvement District Number Four (Alexander Estates) in the City of Tomball, authorize publication of the resolution, and provide for the Service and Assessment Plan.

Origination:

Finance

Recommendation:

Approve Resolution No. 2019-04

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

Doris Speer, City Secretary

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

ATTACHMENTS:

Resolution No. 2019-04 - TPID 4 0 Alexander Estates - Creation
Petition for the Creation of Alexander Estates - TPID 4

CITY OF TOMBALL RESOLUTION NO. 2019-04

A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE PUBLIC IMPROVEMENT DISTRICT NUMBER FOUR IN THE CITY OF TOMBALL, TEXAS; AUTHORIZING PUBLICATION OF THIS RESOLUTION, PROVIDING FOR THE PREPARATION OF A SERVICE AND ASSESSMENT PLAN; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT (TPID 4 – ALEXANDER ESTATES SUBDIVISION)

* * * * *

WHEREAS, the City of Tomball City Council is authorized to create a public improvement district pursuant to Ch. 372 of the Texas Local Government Code (the “Code”) for the purpose described therein, and the City has received a petition from certain landowners within the City requesting the creation of a public improvement district; and

WHEREAS, the City Council held a public hearing on January 7, 2019, notice of which was published and mailed to property owners of the proposed district pursuant to Section 372.009 of the Code; and

WHEREAS, the City Council has made findings by resolution as to the advisability of the proposed improvement project, the nature of the improvements, the boundaries of the proposed public improvement district, the estimated cost, the method of assessment and the apportionment of cost between the improvement district and the City as a whole, as required by Chapter 372 of the Code; and

WHEREAS, the City Council has determined that it should proceed with the creation of the Public Improvement District Number Four and the provision of public improvements proposed to be provided thereby; NOW, THEREFORE,

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

Section 1. The facts recited in the preamble hereto are hereby found to be true and correct.

Section 2. The Public Improvement District Number Four (the “District”) is authorized to be and is hereby established as a public improvement district under the provisions of Chapter 372 of the Code over the land currently included within the boundaries of the City of Tomball, Texas, as more fully described in Exhibit A attached hereto, all in accordance with the findings made by the City Council in Section 1 of Resolution No. 2019-03, passed and approved on January 7, 2019.

Section 3. The City Secretary is hereby directed to give notice of the authorization for establishment of the District by publishing the resolution once in at least one local newspaper

of general circulation in the City. The authorization and establishment of the District shall be deemed to be effective upon the publication of the notice directed by this section.

Section 4. The City Council hereby directs the District Administrator to prepare a service and assessment plan for review and approval of the City Council in accordance with Chapter 372 of the Code.

Section 5. The District shall not provide any improvements until at least 20 days after authorization of the District takes effect. Such services shall not begin if during such period a petition is filed pursuant to section 372.010(c) of the Code.

Section 6. This Resolution shall be passed finally on the date of it's introduction and shall take effect immediately upon its passage and approval.

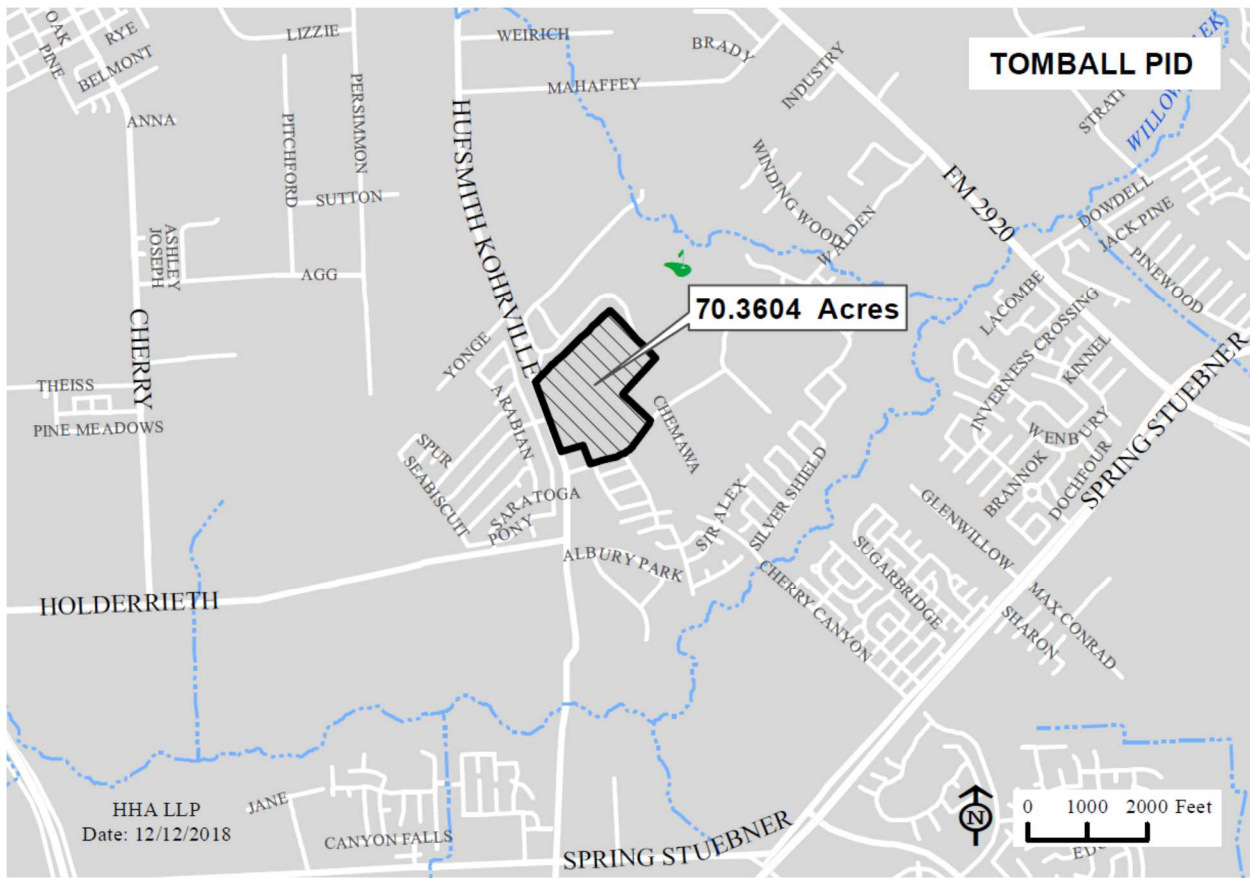
PASSED AND ADOPTED this _____ day of _____, 2019.

Gretchen Fagan, Mayor

Attest:

DORIS SPEER, City Secretary

EXHIBIT A



PETITION FOR THE CREATION OF A
PUBLIC IMPROVEMENT DISTRICT

THE STATE OF TEXAS

COUNTY OF HARRIS

TO: THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

The undersigned petitioner (the "Petitioner"), acting pursuant to the provisions of Chapter 372, Texas Local Government Code, together with all amendments and additions thereto, petition this Honorable City Council to create a public improvement district ("District") in the territory described by metes and bounds in Exhibit A attached hereto (the "Land") within the City of Tomball, Texas (the "City"), and in support of this petition the Petitioner would present the following:

Section 1. Standing of Petitioner. The Petitioner is an owner of the Land within the District described below as determined by the current roll of the Harris County Appraisal District. The Petitioner, along with all other petitioners submitting petitions to the City in connection with the District, constitutes the owner of taxable property within the District sufficient to meet the requirements of Section 372.005(b), Texas Local Government Code.

Section 2. General nature of the proposed public improvements. The proposed public improvements include the construction of street paving, water, wastewater, gas and drainage facilities, parks and open spaces, public amenities, contingency provisions, engineering services, financing costs, and administrative and legal services for the proposed District.

Section 3. Estimated cost of the proposed public improvements. \$8,500,000.00

Section 4. Boundaries. The proposed boundaries are described in the boundary description attached as Exhibit A.

Section 5. Method of assessment. The proposed method of assessment shall be based upon (i) an equal apportionment per lot or per square foot of property benefiting from the public improvements, as determined by the City Council, (ii) the *ad valorem* taxable value of the property benefiting from the improvements, or (iii) any combination thereof.

Section 6. Apportionment of cost. 100 percent of the cost of the proposed improvements shall be paid by assessment of the property owners within the District.

Section 7. Management of the District. The management of the District will be the ultimate responsibility of the City Council of the City; provided that, to the extent allowed by law, the City may initially contract with a private sector company or a City established local government corporation to carry out all or a part of such City responsibilities, as well as the day-to-day management and administration of the District.

Section 8. Concurrence of the Petitioner. The Petitioner signing this petition concurs in and requests the establishment of the District.

Section 9. Advisory board. An advisory board may be established to develop and recommend an improvement plan to the City Council.

This petition shall be filed with the City Secretary in support of the creation of the District by the City Council as herein provided.

PETITIONER

BCDE, LTD.,
a Texas limited partnership

By: Eibsen & Associates, Inc., a Texas
Corporation, its General Partner

By:

Name:

Its:

[Signature]
Douglas J. Eibsen

EIBSEN & ASSOCIATES, INC.,
a Texas corporation

By:

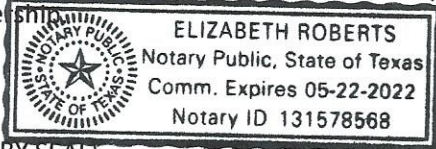
Name:

Its:

[Signature]
Douglas J. Eibsen

THE STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 12 day of November, 2018, by Doug J. Eibsen, President, of Eibsen & Associates, Inc., a Texas corporation, general partner of BCDE, Ltd., a Texas limited partnership, on behalf of said limited partnership.

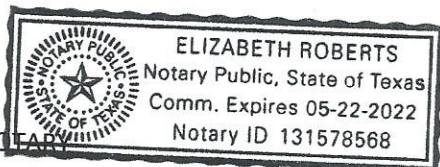


(NOTARY SEAL)

[Signature]
Notary, State of Texas

THE STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 12 day of November, 2018, by Doug J. Eibsen, President, of Eibsen & Associates, Inc., a Texas corporation, on behalf of said corporation.



(NOTARY SEAL)

[Signature]
Notary, State of Texas

SEAL)

EXHIBIT "A"

Alexander Estates
70.3604 Acres

Elizabeth Smith Survey
Abstract Number 70

STATE OF TEXAS §

COUNTY OF HARRIS §

A **METES AND BOUNDS** description of a 70.3604 acre tract of land situated in the Elizabeth Smith Survey, Abstract Number 70, Harris County, Texas; being a portion of Unrestricted Reserve "C" of Tomball Greens Final Plat as shown on a plat filed for record under Film Code Number 440128 of the Harris County Map Records, being the remainder of a called 78.4754 acre tract conveyed to BCDE, LTD. by Special Warranty Deed With Vendor's Lien dated December 30, 2002 and filed for record under Clerk's File No. W332593 of the Harris County Official Public Records of Real Property and being all of a called 4.882 acres conveyed to Eibsen & Associates, Inc. by Warranty Deed dated March 31, 2014 and filed for record under Clerk's File No. 20140133968 of the Harris County Official Public Records of Real Property; said 70.3604 acres being more particularly described as follows with all bearings based on a call of South 59°56'55" West along the southeast line of said Unrestricted Reserve "C":

BEGINNING at a found 5/8-inch iron rod in the northeast right-of-way of Huffsmith-Kohrville Road (called 60-foot wide), for the south corner of Country Club Greens Partial Replat as shown on a plat filed for record under Film Code No. 519229 of the Harris County Map Records and the northwest corner of said Unrestricted Reserve "C" and the herein described tract;

THENCE, North 45°27'56" East, 399.99 feet, departing said northeast right-of-way of Huffsmith-Kohrville Road, along the southeast line of said Country Club Greens Partial Replat, the northwest line of said Unrestricted Reserve "C" to a set 3/4-inch iron rod (with cap stamped "Cotton Surveying");

THENCE, North 49°06'40" East, 1333.88 feet, continuing along the southeast line of said Country Club Greens Partial Replat, the southeast line of Country Club Greens Partial Replat – Phase Two as shown on a plat filed for record under Film Code No. 540231 of the Harris County Map Records, the southeast line of Final Plat Country Club Greens as shown on a plat filed for record under Film Code No. 453082 of the Harris County Map Records, the northwest line of said Unrestricted Reserve "C" and said 78.4754 acres to a point for the north corner of said Unrestricted Reserve "C", the west corner of Lot 25, Block 3 of said Country Club Greens Partial Replat – Phase Two, same being the north corner of the herein described tract, from which a found 5/8-inch iron rod (with cap stamped "Terra Surveying") bears North 86°46'38" East 0.32 feet;

THENCE, South 40°44'59" East, 1111.89 feet along a northeast line of said 78.4754 acres, said Unrestricted Reserve "C", a southwest line of said Country Club Greens Partial Replat – Phase Two, and a southwest line of said Final Plat Country Club Greens as shown on a plat filed for record under Film Code No. 453082 of the Harris County Map Records to a point in the north line of a called 13.00 acre tract conveyed to J.D. Slaughter by Warranty Deed dated January 28, 2011 and filed for record under Clerk's File No. 20110042996 of the Harris County Official Public Records of Real Property for an interior corner of said Unrestricted Reserve "C" and the south corner of said Country Club Greens Partial Replat – Phase Two, same being the most northerly east corner of the herein described tract, from which a found 5/8-inch iron rod bears South 62°31'41" East, 0.24 feet;

THENCE, South 45°07'42" West, 813.03 feet along the northeast line of said 13.00 acres to a set 3/4-inch iron rod (with cap stamped "Cotton Surveying") for the west corner of said 13.00 acres, same being an interior corner of the herein described tract;

Alexander Estates
70.3604 Acres

Elizabeth Smith Survey
Abstract Number 70

THENCE, South 44°36'57" East, 646.34 feet along the southwest line of said 13.00 acres to a point in the northwest right-of-way of Spell Road (called 60-feet wide) and the southeast line of said Unrestricted Reserve "C", for the south corner of said 13.00 acres and the most southerly east corner of the herein described tract, from which a found 3/4-inch iron rod bears North 09°17'51" East, 0.24 feet;

THENCE, South 37°14'37" West, 452.09 feet along the northwest right-of-way of said Spell Road and the southeast line of said Unrestricted Reserve "C" to a found 5/8-inch iron rod, beginning a non-tangent curve to the right;

THENCE, in a southwest direction, continuing along the northwest right-of-way of said Spell Road and the southeast line of said Unrestricted Reserve "C" and said 4.822 acres, with the arc of said non-tangent curve to the right, passing a found 5/8-inch iron rod (with cap stamped "J.G.T. 1494") at an arc length of 183.48 feet for the east corner of said 4.822 acres, having a radius of 579.03 feet, a central angle of 37°34'11", an arc length of 379.68 feet, and a chord bearing South 56°12'14" West, 372.91 feet to a found 5/8-inch iron rod (with cap stamped "J.G.T. 1494");

THENCE, South 75°09'52" West, continuing along the northwest right-of-way of said Spell Road, the southeast line of said 4.822 acres and said Unrestricted Reserve "C", passing a found 5/8-inch iron rod (with cap stamped "J.G.T. 1494") at a distance of 228.98 feet, continuing for a total distance of 463.49 feet to a found 3/4-inch iron (with cap stamped "Cotton Surveying") for the southwest corner of said 4.882 acres and the most southerly southwest corner of the herein described tract;

THENCE, North 17°58'51" West, 350.00 feet, departing the northwest right-of-way of said Spell Road and the southeast line of said 4.822 acres to a found 3/4-inch iron (with cap stamped "Cotton Surveying") for the northwest corner of said 4.822 acres and an interior corner of the herein described tract;

THENCE, South 75°09'52" West, along the northwest line of the remainder of a called 8.000 acres conveyed to Ruth A. Hughes-Deaton by Warranty Deed with Vendor's Lien dated August 31, 2006 and filed for record under Clerk's File No. 20060029232 of the Harris County Official Public Records of Real Property, passing a found 5/8-inch iron rod (with cap stamped "King 4503") at a distance of 4.83 feet, continuing for a total distance of 388.70 feet to a found 5/8-inch iron rod (with cap stamped "King 4503") in the northeast right-of-way of said Huffsmith-Kohrville Road and the southwest line of said Unrestricted Reserve "C", for the northwest corner of said 8.000 acres and the most westerly southwest corner of said 78.4754 acres and the herein described tract;

THENCE, North 17°59'55" West, 1235.43 feet along northeast right-of-way of said Huffsmith-Kohrville Road, the southwest line of said Unrestricted Reserve "C" to the **POINT OF BEGINNING**, CONTAINING 70.3604 acres of land in Harris County, Texas

Cotton Surveying Company
8701 New Trails Drive, Suite 200
The Woodlands, TX 77381-4241
(281) 363-4039


Acting By/Through Ronald L. Hauck
Registered Professional Land Surveyor
No. 5343
rhauck@jonescarter.com
Texas Board of Professional Land Surveying
Registration No. 10046106



June 24, 2014

002426.4824-9705-9356.v2

Regular City Council

Agenda Item

Data Sheet

Meeting Date: January 7, 2019

Topic:

Approve Execution of an Agreement for Professional Services with Gunda Corporation for E&P Project 2017-10033 for the Design of the Alley Improvements and Additional Parking Lot, in the Amount of \$111,394.00

Background:

Gunda Corporation completed a study in 2017 to determine the feasibility and impact an Alley Improvement project would have on the utilities, citizens, and other determined aspects if implemented. The study was completed with findings presented to Council concurring the staff's recommendation to move forward with an improvement project as well as recommendations as to where additional parking would be suited. This Professional Services Agreement with Gunda would include planning for the project including surveys, design of the plans, bid services and construction oversight.

Staff is recommending awarding a Professional Services Agreement to Gunda Corporation for the design of the Alley Improvement project as well as the additional parking lot for a total amount of \$111,394.00.

Origination:

Public Works Department

Recommendation:

Staff recommends approval to execute an agreement with Gunda Corporation for E&P Project 2017-10031 for a total amount of \$111,394.00.

Funding:

Yes

Account Number:400-154-6409

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

Meagan Mageo, Project Coordinator

ACTION TAKEN

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

PSA - Gunda

**PROFESSIONAL SERVICES AGREEMENT
FOR
ENGINEERING SERVICES
RELATED TO
ENGINEERING & PLANNING PROJECT NO. 2017-10033
CITY OF TOMBALL
LIVABLE CENTER IMPLEMENTATION
ALLEY IMPROVEMENTS**

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

THIS AGREEMENT made on the _____ day of _____, 2018 entered into, and executed by and between the City of Tomball, Texas (the "City"), a municipal corporation of the State of Texas, and Gunda Corporation, LLC ("Engineer").

WITNESSETH:

WHEREAS, the City desires to implement certain Livable Center improvements in Old Town, City of Tomball, Alley Improvements (the "Project"); and

WHEREAS, the services of a professional engineering firm are necessary to project planning and feasibility investigations, and

WHEREAS, the Engineer represents that it is fully capable and qualified to provide professional services to the City related to professional engineering;

NOW, THEREFORE, the City and Engineer, in consideration of the mutual covenants and agreements herein contained, do mutually agree as follows:

**SECTION I
SCOPE OF AGREEMENT**

Engineer agrees to perform certain professional engineering services as defined in Attachment "A" attached hereto and made a part hereof for all purposes, hereinafter sometimes referred to as "Scope of Work," and for having rendered such services, the City agrees to pay Engineer compensation as stated in Section VII.

**SECTION II
CHARACTER AND EXTENT OF SERVICES**

Engineer shall do all things necessary to render the engineering services and perform the Scope of Work in a professional and workmanlike manner. It is expressly understood and agreed that Engineer is an Independent Contractor in the performance of the services agreed to herein. It is further understood and agreed that Engineer shall not have the authority to obligate or bind the City, or make representations or commitments on behalf of the City or its officers or employees without the express prior

approval of the City. The City shall be under no obligation to pay for services rendered not identified in Attachment "A" without prior written authorization from the City.

SECTION III OWNERSHIP OF WORK PRODUCT

Engineer agrees that the City shall have the right to use all exhibits, maps, reports, analyses and other documents prepared or compiled by Engineer pursuant to this Agreement. The City shall be the absolute and unqualified owner of all studies, exhibits, maps, reports, analyses, determinations, recommendations, computer files, and other documents prepared or acquired pursuant to this Agreement with the same force and effect as if the City had prepared or acquired the same.

SECTION IV TIME FOR PERFORMANCE

The time for performance of the Scope of Work is an estimated 120 calendar day duration for bid document preparation, beginning from the execution date of this Agreement. Upon written request of Engineer, the City may grant time extensions to the extent of any delays caused by the City or other agencies with which the work must be coordinated and over which Engineer has no control.

SECTION V COMPLIANCE AND STANDARDS

Engineer agrees to perform the work hereunder in accordance with generally accepted standards applicable thereto and shall use that degree of care and skill commensurate with the applicable profession to comply with all applicable state, federal, and local laws, ordinances, rules, and regulations relating to the work to be performed hereunder and Engineer's performance.

SECTION VI INDEMNIFICATION

To the fullest extent permitted by Texas Local Government Code Section 271.904, Engineer shall and does hereby agree to indemnify, hold harmless and defend the City, its officers, agents, and employees against liability for damage caused by or resulting from an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the Engineer, the Engineer's agent, consultant under contract, or another entity over which the Engineer exercises control.

SECTION VII ENGINEER'S COMPENSATION

For and in consideration of the services rendered by Engineer pursuant to this Agreement, the City shall pay Engineer only for the actual work performed under the Scope of Work, on the basis set forth in Attachment "A," up to an amount not to exceed \$111,394.00, including reimbursable expenses as identified in Attachment "A."

SECTION VIII TERMINATION

The City may terminate this Agreement at any time by giving written notice to Engineer. Upon receipt of such notice, Engineer shall discontinue all services in connection with the performance of this Agreement and shall proceed to promptly cancel all existing orders and contracts insofar as such orders or contracts are chargeable to the Agreement. As soon as practicable after receipt of notice of termination, Engineer shall submit a sworn statement, showing in detail the services performed under this Agreement to the date of termination. The City shall then pay Engineer for such services performed under this Agreement as those services bear to the total services called for under this Agreement, less such payments on account of the charges as have been previously made. Copies of all completed or partially completed designs, maps, studies, documents and other work product prepared under this Agreement shall be delivered to the City when and if this Agreement is terminated.

SECTION IX ADDRESSES, NOTICES AND COMMUNICATIONS

All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, to Engineer at the following address:

Gunda Corporation, LLC
11750 Katy Freeway, Ste 300
Houston, Texas 77079
Attn: Kyle A. Bertrand, P.E., Senior Project Manager

All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, to the City at the following address:

City of Tomball
501 W. Market Street
Tomball, Texas 77375
Attn: David Esquivel, PE, Assistant City Manager

SECTION X LIMIT OF APPROPRIATION

Prior to the execution of this Agreement, Engineer has been advised by the City and Engineer clearly understands and agrees, such understanding and agreement being of the absolute essence to this Agreement, that the City shall have available only those sums as expressly provided for under this Agreement to discharge any and all liabilities which may be incurred by the City and that the total compensation that Engineer may become entitled to hereunder and the total sum that the City shall become liable to pay to Engineer hereunder shall not under any conditions, circumstances, or interpretations hereof exceed the amounts as provided for in this Agreement.

SECTION XI

SUCCESSORS AND ASSIGNS

The City and Engineer bind themselves and their successors and assigns to the other party of this Agreement and to the successors and assigns of such other party, in respect to all covenants of this Agreement. Engineer shall not assign, sublet, or transfer its interest in this Agreement without the written consent of the City. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of the City or any public body which may be a party hereto.

SECTION XII MODIFICATIONS

This instrument, including Attachment "A," contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. To the extent there is a conflict between the provisions of this Agreement and the provisions of Attachment "A," this Agreement shall control. Any oral or written representations or modifications concerning this instrument shall be of no force and effect excepting a subsequent modification in writing signed by both parties hereto.

SECTION XIII ADDITIONAL SERVICES OF ENGINEER

If authorized in writing by the City, Engineer shall furnish, or obtain from others, Additional Services that may be required because of significant changes in the scope, extent or character of the portions of the Project designed or specified by the Engineer, as defined in Attachment "A." These Additional Services, plus reimbursable expenses, will be paid for by the Owner on the basis set forth in Attachment "A," up to the amount authorized in writing by the City.

SECTION XIV CONFLICTS OF INTEREST

Pursuant to the requirements of the Chapter 176 of the Texas Local Government Code, Engineer shall fully complete and file with the City Secretary a Conflict of Interest Questionnaire.

SECTION XV PAYMENT TO ENGINEER FOR SERVICES AND REIMBURSABLE EXPENSES

Invoices for Basic and Additional Services and reimbursable expenses will be prepared in accordance with Engineer's standard invoicing practices and will be submitted to the City by Engineer at least monthly. Invoices are due and payable thirty (30) days after receipt by the City.

SECTION XVI INSURANCE

Engineer shall procure and maintain insurance in accordance with the terms and conditions set forth in Attachment "B," for protection from workers' compensation claims, claims for damages because of bodily injury, including personal injury, sickness or disease or death, claims or damages because of injury to or destruction of property including loss of use resulting therefrom, and claims of errors and omissions.

**SECTION XVII
MISCELLANEOUS PROVISIONS**

A. This Agreement is subject to the provisions of the Texas Prompt Payment Act, Chapter 2250 of the Texas Government Code. The approval or payment of any invoice shall not be considered to be evidence of performance by Engineer or of the receipt of or acceptance by the City of the work covered by such invoice.

B. Venue for any legal actions arising out of this Agreement shall lie exclusively in the federal and state courts of Harris County, Texas.

C. This Agreement is for sole benefit of the City and Engineer, and no provision of this Agreement shall be interpreted to grant or convey to any other person any benefits or rights.

D. Contractor further covenants and agrees that it does not and will not knowingly employ an undocumented worker. An "undocumented worker" shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States, or (b) authorized by law to be employed in that manner in the United States.

IN WITNESS WHEREOF, the City of Tomball has lawfully caused this Agreement to be executed by the Assistant City Manager of said City and attested by the City Secretary and Gunda Corporation LLC, acting by and through its duly authorized officer/representative, does now sign, execute, and deliver this instrument.

EXECUTED on this _____ day of _____, 2018.

ENGINEER:

Gunda Corporation, LLC

By: 

Name: Rajesh Tanwani, PE

Title: Vice President

CITY OF TOMBALL, TEXAS

Robert S. Hauck, City Manager

ATTEST:

Doris Speer, City Secretary

ATTACHMENT “A”

PART A - SCOPE OF SERVICES ENGINEERING & PLANNING PROJECT NO. 2017-10033 CITY OF TOMBALL LIVABLE CENTER IMPLEMENTATION ALLEY IMPROVEMENTS

Description of Project

We understand that City of Tomball would like to implement certain recommendations identified in a previous study prepared by Gunda relative to Tomball Livable Centers Study. In this regard, the City would like to reconstruct alley ways to better facilitate vehicular and pedestrian use and provide sidewalks to complete pedestrian connectivity north and south of the alleyways. Alleys under consideration include North Walnut to North Elm and South Walnut to South Elm (location map attached). It is anticipated that the alleyways will be reconstructed utilizing reinforced concrete pavement with some decorative paver inserts and surface drainage.

In addition, a new parking lot will be designed and constructed at the southeast corner of Commerce Street and North Cherry Street. It is anticipated, this parking lot will be constructed of reinforced concrete paving with curb and gutter, surface drainage, adjacent sidewalk, and on-street improvements.

It is assumed for purpose of this scope of services that all work included herein shall be included in a single bid package for construction and construction phase services. If multiple bid packages are ultimately prepared, additional fees may be required and will be addressed in writing prior to commencement by Gunda.

Scope of Services

Reference Standards and Criteria

- “City of Tomball Engineering & Planning Department, Infrastructure Design Manual,” hereinafter referred to as “City Design Manual.” If manual has not been published at the time of contracting, the Engineer shall identify applicable standards and criteria to be utilized for City concurrence.
- Technical Paper No. 100 – “Storm Sewer Design Applications for the City of Houston, Texas, Capital Improvement Plan Projects” is encouraged by the City of Tomball for storm projects.

A. General Services (GUNDA Corporation)

- The Engineer shall reference the City’s Project Title and City’s Project File Numbers on all correspondence and submittals.
- The Engineer shall manage the efforts of the project team members and Consultants, assign manpower, delegate responsibilities, review work progress, monitor conformance to the scope regarding the budget and schedule, and otherwise direct the progress of the work.
- Periodic meetings shall be held to review the progress of the engineering effort, or to address other issues which may arise. The Director shall initiate meetings that include the Engineer and his Consultants, and if necessary, the Director and other applicable parties. The Engineer shall prepare and deliver meeting record memorandum of decisions and action items to the City within 3 working days after each meeting.

- The Engineer shall notify the Director immediately of any deviation from the Scope of Engineering Services and Fee agreed to in this Scope of Services. The Engineer shall not perform services outside of the Contract scope without an Amendment to this Contract.
- Submit invoices on City's standard form to document and present the current status of each milestone noted to record activities and deliverables completed within the month, and to note activities planned for next month.

B. Engineering Design and Bidding Services (GUNDA Corporation)

- The Engineer shall prepare necessary engineering plans, specifications, and engineer's opinion of probable construction costs, necessary for bidding and construction of the proposed pedestrian sidewalks described above. Plans and specifications prepared by the Engineer shall be in general conformance with applicable City of Tomball guidelines, standard details, documentation, and procedures for public infrastructure. In addition, if required, the Engineer shall:
 - Obtain required signatures from other governmental agencies, public utilities, and private utilities, which may impact the Project prior to final approval by the Engineering & Planning Department. Governmental agencies include, but are not limited to, Harris County and Harris County Flood Control District. Utility signatures include, but are not limited to, SBC, Reliant Energy Entex, Inc., Reliant Energy HL&P Company, AT&T, and cable TV.
 - Obtain necessary approvals (permits, license agreements, etc.) from TxDOT, HCFCD, Harris County, railroad and pipeline companies prior to final approval by the Engineering & Planning Department.

The following is intended to provide a general guideline of expected deliverables and milestones for accomplishing the project goal as well as assessing project schedule and completeness.

- **30% Planning**
 - Engineer shall meet onsite with City Engineer following preparation of the topographic and boundary surveys. Preliminary alignments to be designed shall be marked in the field and obtained by the surveyor for use in preparing the final construction documents.
- **90% Drawings and Draft Specifications**
 - Engineer submits 3 sets of completed construction drawings including all necessary plan sheets and details.
 - Engineer submits sets of draft construction specifications including as a minimum:
 - Table of Contents
 - Document 00410 (Bid Form) with all bid items, but excluding quantities
 - Section 01110 (Summary of Work)
 - Completed technical specifications (Division 0 through 16, as required)
 - All supplemental and non-standard technical specifications included in Divisions 2 through 16 identified.
 - A detailed construction cost estimate.
 - Engineer submits documentation that drawings were submitted to private utilities for final review.

- The Engineer shall prepare, as necessary, Construction Sequencing and TCP plans and details in accordance with general traffic engineering principles and practices governing traffic control during construction as prescribed by the guidelines of the “Texas Manual on Uniform Traffic Control Devices” (TMUTCD) and/or City of Tomball requirements.
- The Engineer shall prepare a storm water pollution prevention plan (SWPPP) and details for construction activities in accordance with City of Tomball and/or other jurisdictional guidelines, including preparation of the notice of Intent Form as appropriate.
- **Final Drawings and Specifications (100% Design)**
 - Engineer submits completed sets of bid-ready construction drawings, with all review comments resolved. (Signed and sealed construction drawings with all required signatures; and completed construction specifications).
 - Engineer submits sheet-by-sheet quantity takeoff and documentation.
 - Engineer assists with acquiring permit approval, as applicable, from TxDOT, HCFCD, Railroads, U.S. Army Corps of Engineers, and Harris County Public Infrastructure Department.
 - Engineer documents submittals of plans to Texas Department of Licensing and Regulations for ADA requirements, if applicable.
- The Engineer shall assist the City in preparation and conducting the pre-bid conference for the project, including preparation of meeting minutes.
- The Engineer shall prepare necessary addenda to address issues or clarifications necessary for completion of the bidding process.
- The Engineer shall furnish a tabulation of bids received with a written recommendation for the award of a construction contract, and submit within 24-hours after the bid opening.

C. Construction Support Services (GUNDA Corporation)

- The Engineer shall make site visits during times when the contractor is actively performing major construction activities. The site visits should be a minimum of one visit per site location bi-weekly, after the contractor has mobilized and is working.
- The Engineer shall attend and/or lead construction progress meetings on behalf of the City, review contractor submittals, respond to contractor questions, and provide approval/disapproval recommendations to the City.
- An Engineer and/or Inspector shall provide part time project site representation and inspection of construction activities on as-needed basis to facilitate construction of the sidewalks.

D. Additional Services

Unless otherwise authorized or modified by the Director, the Engineer shall perform Additional Services in accordance with the following:

Land Survey Services (Windrose)

Professional Land Surveying services shall be performed in accordance with the City Design Manual and tied to the Texas State Plane Coordinate System; all coordinates shown or displayed on any drawings must be true State plane coordinates.

- Route Topographical Survey - Record all topographic features and improvements within the public right-of-way, permanent right-of-way, any contiguous easements to the right-of-way, and any construction right-of-way of the Project, and on all intersecting streets for a distance of 20 feet beyond the intersection of the right-of-way lines. For paving projects, extend the topographic survey at intersecting streets to 150 feet beyond the end of new pavement. Locate sufficient monumentation to determine lot lines, lot street address (unless instructed otherwise by the City), tract lines, and rights-of-way. Identify visible underground structures (by type, type of service, size, invert elevations, and depth) including manholes, inlets, and junction boxes. In general, do not open SWBT, HL&P, and other private utility manholes and junction boxes.”
- Boundary Survey ROW Verification– Field survey of road rights-of-way and property monuments along the proposed route shall be conducted for verification and/or establishment of property boundaries within the estimated project limits. Final resolution of these lines will be reflected on the construction documents and include necessary deed research and review of other pertinent recorded data available.
- Survey Control Map - A survey control map sheet drawn to scale of 1 inch = 100 feet shall show location and give a description of the vertical and horizontal City of Tomball and/or survey control monuments used for the Project. The sheet shall show both the survey base line and the Project alignment and give bearings and distances of all control lines. The beginning point, all P.I. points, and end point of both the Project alignment and the survey base line shall list the City of Tomball survey control system coordinates and be tied into existing topography. All pertinent property monuments found shall be shown on the map with station-offset references made to the Project alignment. Project benchmarks, swing-tie (three-point tie) sketches, benchmark loops, and traverse shall be provided, as necessary. The survey control map sheet shall be signed, sealed, and dated by the registered surveyor responsible for the survey.

Material Testing (Tolunay Engineering Group)

See attached proposal.

PART B – BASIS OF COMPENSATION AND REIMBURSABLE EXPENSES

ENGINEERING & PLANNING PROJECT NO. 2017-10033 CITY OF TOMBALL LIVABLE CENTER IMPLEMENTATION ALLEY IMPROVEMENTS

The following represents the estimated maximum compensation for the scope of services documented in Attachment A, Part A of this agreement. If services beyond those specifically identified are determined necessary during the project, Engineer shall not proceed with those services until such time written approval of the scope and any additional fees are approved by the City of Tomball.

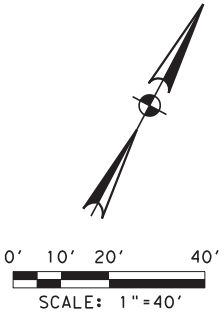
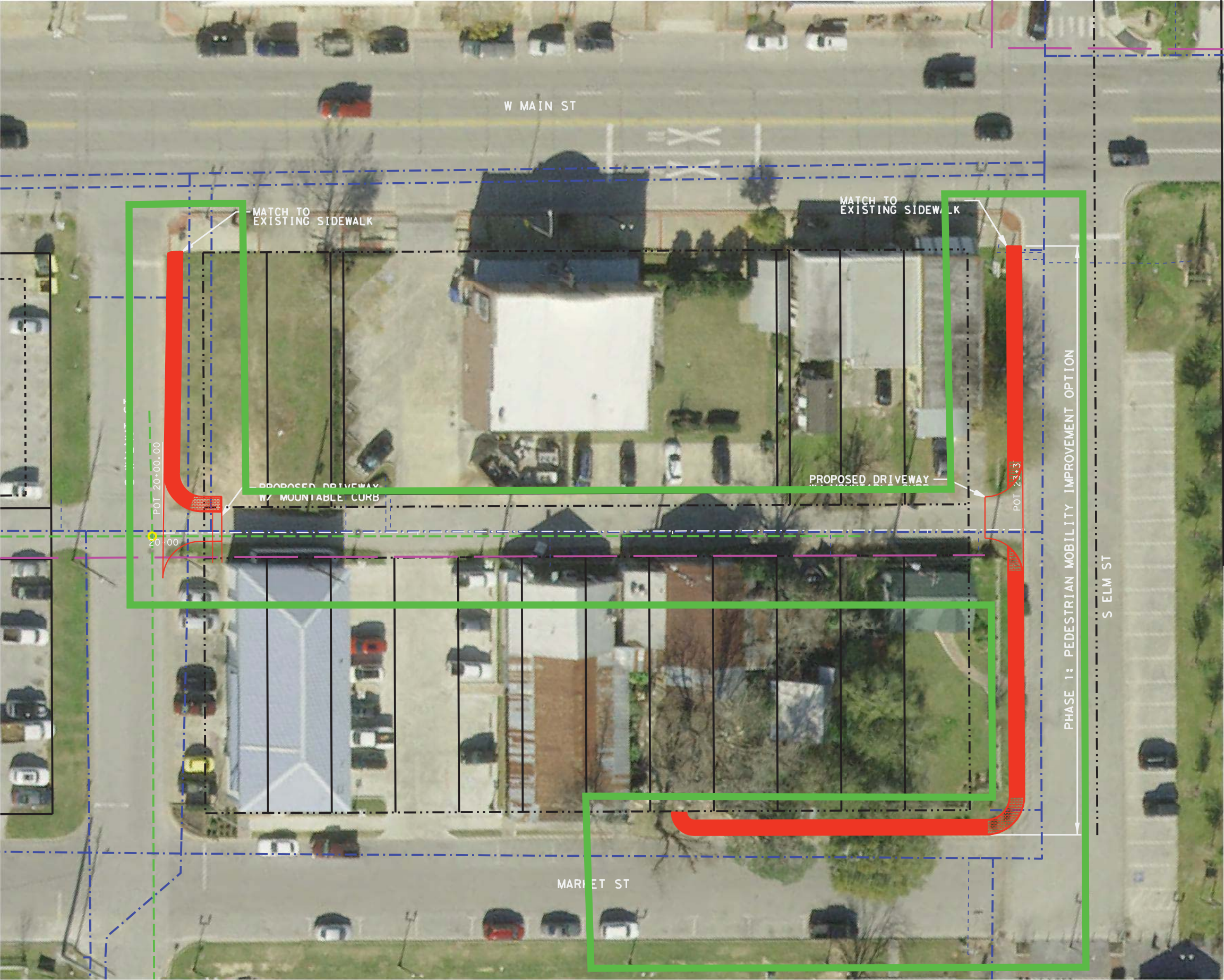
Services to be Provided	Base Cost	Sub Markup @ 10%	Totals
A & B - Engineering Basic Services	\$ 44,810.00	\$ -	\$ 44,810.00
C - Construction Phase Services	\$ 13,450.00	\$ -	\$ 13,450.00
D - Additional Services		\$ -	
Boundary & Topographic Survey for Design (Windrose)			
North Alley	\$ 6,695.00	\$ 670.00	\$ 7,365.00
South Alley	\$ 6,695.00	\$ 670.00	\$ 7,365.00
Parking	\$ 4,012.00	\$ 402.00	\$ 4,414.00
Additional Survey if Needed	\$ 3,000.00	\$ 300.00	\$ 3,300.00
Materials Testing during Construction & Geotech (TEG)	\$ 15,327.00	\$ 1,533.00	\$ 16,860.00
Storm Water Pollution Prevention	\$ 3,500.00	\$ -	\$ 3,500.00
Traffic Control Plan	\$ 3,500.00	\$ -	\$ 3,500.00
TDLR Coordination & Inspection	\$ 4,080.00	\$ -	\$ 4,080.00
Reimbursable Expenses	\$ 2,750.00	\$ -	\$ 2,750.00
(including TDLR Plan Review & Inspection Fees) (Cost + 10%)			
Recommended Total Consultant Fees Budget			\$ 111,394.00

The recommended budget for this scope of services is: \$111,394.00 (Not to Exceed)

Notes: 1. Reimbursable Expenses shall be invoiced and paid based on cost of service provided plus 10% markup. These services include travel, deliveries, postage, graphical reproduction, etc...

ATTACHMENT “B”

INSURANCE



LEGEND

- EXISTING WATER LINE
- EXISTING GAS LINE
- EXISTING SANITARY SEWER LINE
- EXISTING RIGHT OF WAY LINE

No.	Date	Revisions	App.
			
QUALITY CONTROL		APPROVED	
DATE		DATE	
			
TO ARRANGE FOR LINES TO BE TURNED OFF OR MOVED, CALL CENTERPOINT AT 713-207-2222.			
NOTICE: For your safety, you are required by Texas Law to call 811 at least 48 hours before you dig so that underground line can be marked. This Verification does not fulfill your obligation to call 811.			
NOTE: CITY SIGNATURES VALID FOR ONE YEAR ONLY AFTER DATE OF SIGNATURES			
CITY OF TOMBALL			
APPROVED BY:			
CITY ENGINEER		DATE	
EXHIBIT 4B: PROPOSED SIDEWALK LAYOUT SOUTH OF MAIN ST			
DRAWING SCALE:		DATE: 9/27/2018	
SHEET 5 OF 5		JOB NO.: 18007-01	

COMMERCE

N CHERRY STREET

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WINDROSE

LAND SURVEYING | PLATTING

December 5, 2018

Mr. Kyle Bertrand, P.E.
Gunda Corporation
6161 Savoy, Suite 550
Houston, Texas 77036
P: (713) 541-3530
F: (713) 541-0032
C: (832) 444-5918
(E) kbertrand@gundacorp.com

Re: "City of Tomball-North of West Main Street Sidewalks" Approx. 500 feet of proposed sidewalk, situated in the William Hurd Survey, Abstract No. 378, located on the North side of W. Main Street between Walnut Street and Elm Street, City of Tomball, City Limits, Harris County, Texas. In Keymap 288L

Surveying Services

Service	Price	Timeframe
Establish 3 (three) Horizontal & Vertical Control Monuments Project Control and ROW Location	\$ 1,500.00	15-17 Business Days
Prepare Survey Control/Abstract Map Show Baseline, Stations, Control monuments, benchmarks and boundary/ROW monumentation	\$ 1,750.00 Tax Included	
Cat. 6, Cond. II Topographic & Utility Survey Full R.O.W. + 20' Extended through intersections 50' x-sections, FEMA Datum, NAVD 1988, 2001 Adj.	\$ 2,725.00	
Total Project Budget	\$ 5,975.00	

Notes:

- A.) Pricing above is based on the acceptance of all services listed. In the event that only partial services are requested, existing pricing may become null and void and a new proposal will be issued.
- B.) Surveyor is not responsible for abstracting subject property. Surveyor will review and show all existing encumbrances as reflected in current title commitment provided by client and is subject to the limitations and restrictions of that commitment. Should a title commitment not be provided by client, abstracting can be obtained by Windrose Surveying and Land Services, LLC ("WSLS") at a pass-through cost to the client (Average abstracting fee is \$575.00).
- C.) Timeframes as indicated above are based on the acceptance and execution of this proposal within 5 business days from the date of issuance. Proposals accepted after said 5-day period may be subject to delay and will not receive priority over existing projects already in process.
- D.) Review of any oil, gas & mineral leases or rights as located within a current title commitment are beyond the scope of this contract and will not be reflected or noted on the final survey. If any oil, gas, or mineral leases or rights are located within a current title commitment, and review is requested, it will be deemed an additional service and will be billed on a Time and Materials Basis. (See attached rate sheet)
- E.) All Horizontal Survey Control shall be referenced to the Texas State Plane Coordinate System, South Central Zone, NAD83.

- F.) Survey Control Map shall be prepared and drawn to scale of 1 inch = 100 feet shall show location and give a description of the vertical and horizontal City of Tomball and/or survey control monuments used for the Project. The sheet shall show both the survey base line and the Project alignment and give bearings and distances of all control lines. The beginning point, all P.I. points, and end point of both the Project alignment and the survey base line shall list the City of Tomball survey control system coordinates and be tied into existing topography. All pertinent property monuments found shall be shown on the map with station-offset references made to the Project alignment. Project benchmarks, swing-tie (three-point tie) sketches, benchmark loops, and traverse shall be provided, as necessary. The survey control map sheet shall be signed, sealed, and dated by the registered surveyor responsible for the survey.
- G.) Topographic Survey will be performed on an approximate 50' x-sections within the subject area. Topographic survey will show all improvements, elevations, striping, observable utilities and trees located within the East ½ of Walnut Street and the West ½ of Elm Street, and all of alley way or within 20 feet of said ROW lines at 50' x-sections within the project area.
- H.) Vertical Topographic information will be based on the nearest existing or FEMA published Benchmark, NAVD 1988, 2001 Adjusted and a minimum of 2 (two) temporary benchmarks will be established on-site at the time of survey. Additional future TBM's will be set if necessary, at additional cost.
- I.) Utility information shown on the survey is based on visible above ground improvements and evidence found on-site at the time survey, coupled with markings from Digtess, and available record drawings from the City of Tomball, Harris County, TxDOT, Applicable M.U.D., energy, and telephone companies at the time of survey.
- J.) Surveyor is liable to show only that information which is marked and available at the time of survey. Surveyor is not responsible for other utility lines or plans that may exist or discovered during future investigation or uncovered during ongoing construction phases.
- K.) It is the contractor's responsibility to contact Digtess or other utility location service, for location of underground utilities, prior to construction.

WLS Billing Statement:

- WLS invoice is due Net 30-days from date of delivery, if payment is not received within 30-days, a 10% late charge fee will be assessed.

CLIENT INITIALS _____

- Survey timeframes based on no inclement weather & no eccentricities with the property.
- Fee includes a one-time delivery fee of two hard copies. Additional deliveries & reproductions will be invoiced directly to the client.
- Windrose Surveying and Land Services, LLC. will avail itself of all lien laws under the Texas Property Code, if invoices are not paid on the terms agreed. The client will be responsible for any fees associated with recovering full payment.

Thank you for allowing Windrose Land Services to offer our professional services. If this proposal is acceptable, we will consider your signature below as authorization to proceed and a personal guarantee of payment for services

provided. Only written requests will be acted upon by this office and if outside the scope of work, terms will be agreed upon prior to commencing. Please do not hesitate to call with any questions or comments.

Sincerely,



John Buhner
Survey Manager
Email: John.buhner@windroseservices.com
Firm Registration No. 10108800
Attachments:
Provisions of the Authorization for Professional Services

By: (Signature)

(Print Name & Title)

Name of Company

Authorization Date

File Location: <W:\Proposals\Gunda Corp\City of Tomball Sidewalks & Parking\proposal-sidewlks north of Main.doc>



WINDROSE

LAND SURVEYING | PLATTING

December 5, 2018

Mr. Kyle Bertrand, P.E.
Gunda Corporation
6161 Savoy, Suite 550
Houston, Texas 77036
P: (713) 541-3530
F: (713) 541-0032
C: (832) 444-5918
(E) kbertrand@gundacorp.com

Re: "City of Tomball-South of West Main Street Sidewalks" Approx. 500 feet of proposed sidewalk, situated in the William Hurd Survey, Abstract No. 378, located on the South side of W. Main Street between Walnut Street and Elm Street, City of Tomball, City Limits, Harris County, Texas. In Keymap 288L

Surveying Services

Service	Price	Timeframe
Establish 3 (three) Horizontal & Vertical Control Monuments Project Control and ROW Location	\$ 1,500.00	15-17 Business Days
Prepare Survey Control/Abstract Map Show Baseline, Stations, Control monuments, benchmarks and boundary/ROW monumentation	\$ 1,750.00 Tax Included	
Cat. 6, Cond. II Topographic & Utility Survey Full R.O.W. + 20' Extended through intersections 50' x-sections, FEMA Datum, NAVD 1988, 2001 Adj.	\$ 2,725.00	
Total Project Budget	\$ 5,975.00	

Notes:

- A.) Pricing above is based on the acceptance of all services listed. In the event that only partial services are requested, existing pricing may become null and void and a new proposal will be issued.
- B.) Surveyor is not responsible for abstracting subject property. Surveyor will review and show all existing encumbrances as reflected in current title commitment provided by client and is subject to the limitations and restrictions of that commitment. Should a title commitment not be provided by client, abstracting can be obtained by Windrose Surveying and Land Services, LLC ("WSLS") at a pass-through cost to the client (Average abstracting fee is \$575.00).
- C.) Timeframes as indicated above are based on the acceptance and execution of this proposal within 5 business days from the date of issuance. Proposals accepted after said 5-day period may be subject to delay and will not receive priority over existing projects already in process.
- D.) Review of any oil, gas & mineral leases or rights as located within a current title commitment are beyond the scope of this contract and will not be reflected or noted on the final survey. If any oil, gas, or mineral leases or rights are located within a current title commitment, and review is requested, it will be deemed an additional service and will be billed on a Time and Materials Basis. (See attached rate sheet)
- E.) All Horizontal Survey Control shall be referenced to the Texas State Plane Coordinate System, South Central Zone, NAD83.

- F.) Survey Control Map shall be prepared and drawn to scale of 1 inch = 100 feet shall show location and give a description of the vertical and horizontal City of Tomball and/or survey control monuments used for the Project. The sheet shall show both the survey base line and the Project alignment and give bearings and distances of all control lines. The beginning point, all P.I. points, and end point of both the Project alignment and the survey base line shall list the City of Tomball survey control system coordinates and be tied into existing topography. All pertinent property monuments found shall be shown on the map with station-offset references made to the Project alignment. Project benchmarks, swing-tie (three-point tie) sketches, benchmark loops, and traverse shall be provided, as necessary. The survey control map sheet shall be signed, sealed, and dated by the registered surveyor responsible for the survey.
- G.) Topographic Survey will be performed on an approximate 50' x-sections within the subject area. Topographic survey will show all improvements, elevations, striping, observable utilities and trees located within the East ½ of Walnut Street and the West ½ of Elm Street, portion of Market Street, and all of alley way or within 20 feet of said ROW lines at 50' x-sections within the project area.
- H.) Vertical Topographic information will be based on the nearest existing or FEMA published Benchmark, NAVD 1988, 2001 Adjusted and a minimum of 2 (two) temporary benchmarks will be established on-site at the time of survey. Additional future TBM's will be set if necessary, at additional cost.
- I.) Utility information shown on the survey is based on visible above ground improvements and evidence found on-site at the time survey, coupled with markings from Digtess, and available record drawings from the City of Tomball, Harris County, TxDOT, Applicable M.U.D., energy, and telephone companies at the time of survey.
- J.) Surveyor is liable to show only that information which is marked and available at the time of survey. Surveyor is not responsible for other utility lines or plans that may exist or discovered during future investigation or uncovered during ongoing construction phases.
- K.) It is the contractor's responsibility to contact Digtess or other utility location service, for location of underground utilities, prior to construction.

WLS Billing Statement:

- WLS invoice is due Net 30-days from date of delivery, if payment is not received within 30-days, a 10% late charge fee will be assessed.

CLIENT INITIALS _____

- Survey timeframes based on no inclement weather & no eccentricities with the property.
- Fee includes a one-time delivery fee of two hard copies. Additional deliveries & reproductions will be invoiced directly to the client.
- Windrose Surveying and Land Services, LLC. will avail itself of all lien laws under the Texas Property Code, if invoices are not paid on the terms agreed. The client will be responsible for any fees associated with recovering full payment.

Thank you for allowing Windrose Land Services to offer our professional services. If this proposal is acceptable, we will consider your signature below as authorization to proceed and a personal guarantee of payment for services provided. Only written requests will be acted upon by this office and if outside the scope of work, terms will be agreed upon prior to commencing. Please do not hesitate to call with any questions or comments.

Sincerely,



John Buhner
Survey Manager
Email: John.buhner@windroseservices.com
Firm Registration No. 10108800
Attachments:
Provisions of the Authorization for Professional Services

By: (Signature)

(Print Name & Title)

Name of Company

Authorization Date

File Location: <W:\Proposals\Gunda Corp\City of Tomball Sidewalks & Parking\proposal-sidewlks South of Main.doc>



WINDROSE

LAND SURVEYING | PLATTING

December 5, 2018

Mr. Kyle Bertrand, P.E.
Gunda Corporation
6161 Savoy, Suite 550
Houston, Texas 77036
P: (713) 541-3530
F: (713) 541-0032
C: (832) 444-5918
(E) kbertrand@gundacorp.com

Re: "City of Tomball-Parking Lot" Approx. 0.12 acres, situated in the William Hurd Survey, Abstract No. 378, being all of Lots 13 & 14, in Block 8, of Tomball, located at the southeast corner of N. Cherry St. and Commerce St., City of Tomball, City Limits, Harris County, Texas. In Keymap 288L

Surveying Services

Service	Price	Time Frame
Cat. 1A, Cond. II Boundary & Improvement Survey To facilitate topographic survey & platting Survey price includes necessary GPS tie to the Texas State Plane Coordinate System (CORS)	\$ 1,350.00 + Tax	15-17 Business Days
Cat. 6, Cond. I Topographic & Utility Survey 25' x 25' Grid, FEMA Datum, NAVD 1988, 2001 Adjusted	\$ 1,975.00	

Notes:

- A.) Pricing above is based on the acceptance of all services listed. In the event that only partial services are requested, existing pricing may become null and void and a new proposal will be issued.
- B.) Surveyor is not responsible for abstracting subject property. Surveyor will review and show all existing encumbrances as reflected in current title commitment provided by client and is subject to the limitations and restrictions of that commitment. Should a title commitment not be provided by client, abstracting can be obtained by Windrose Surveying and Land Services, LLC ("WSLS") at a pass-through cost to the client (Average abstracting fee is \$575.00).
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- E.) All Horizontal Survey Control shall be referenced to the Texas State Plane Coordinate System, South Central Zone, NAD83.
- F.) Topographic Survey will be performed on an approximate 25' x 25' grid where available, including all visible grade breaks and changes in elevation. Topographic survey will show all improvements and elevations within 15 feet of the property lines and will include all improvement, elevations, striping, & observable utilities, located within East ½ of N. Cherry St. and the South ½ of Commerce St., and portion of alley way at 25' x-sections within the subject area.

- G.) Vertical Topographic information will be based on the nearest existing or FEMA published Benchmark, NAVD 1988, 2001 Adjusted and a minimum of 2 (two) temporary benchmarks will be established on-site at the time of survey. Additional future TBM's will be set if necessary, at additional cost.
- H.) Utility information shown on the survey is based on visible above ground improvements and evidence found on-site at the time survey, coupled with markings from Digtess, and available record drawings from the City of Tomball, Harris County, TxDOT, Applicable M.U.D., energy, and telephone companies at the time of survey.
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Sincerely,



John Buhner
Survey Manager
Email: John.buhner@windroseservices.com
Firm Registration No. 10108800
Attachments:
Provisions of the Authorization for Professional Services

By: (Signature)

(Print Name & Title)

Name of Company

Authorization Date

File Location: <W:\Proposals\Gunda Corp\City of Tomball Sidewalks & Parking\proposal-parking lot.doc>



December 6, 2018
TEG Proposal No: 18-CP041

Gunda Corporation
32731 Egypt Lane, Suite 500
Magnolia, Texas 77354

Attention: Mr. Kyle A. Bertrand, P.E.

**PROPOSAL FOR CONSTRUCTION MATERIALS TESTING
CITY OF TOMBALL ALLEY PROJECT
CITY OF TOMBALL, TEXAS**

Tolunay Engineering Group, Inc. (TEG) appreciates the opportunity to submit this proposal to provide construction materials testing services for the mentioned project. This proposal outlines a scope of services, unit rates, and an estimated cost of services.

Scope of Services

The scope of services covered in this proposal includes, but is not limited to the following:

- Observe proof-roll, subgrade
- Field density /moisture compaction testing materials; backfill, fill, subgrade
- Gradation tests and depth checks, stabilized subgrade
- Concrete monitoring & testing, paving
- Related laboratory testing, report preparation and sample pick-up services

Estimated Cost of Services

We estimate the cost of services to be approximately **\$8,827.00**. Our estimates are based on time and materials. Actual billings may vary with construction progress.

Proposal Acceptance

If this proposal meets your approval, please sign and return Page 2 or send us your standard contract agreement. We can begin work with your verbal authorization.



Closing Remarks

Again, we would like to express our appreciation for the opportunity to submit this proposal and look forward to serving you on this project.

Sincerely,

Tolunay Engineering Group, Inc.

TBPE Firm No. F-18154

A handwritten signature in blue ink, appearing to read "K. Rosenbaum".

Kyle Rosenbaum
Project Manager

A handwritten signature in blue ink, appearing to read "M. S. Islam".

Mohammed S. Islam, P.E.
Principal

Accepted by: _____
Name: _____
Date: _____

Enclosures: Estimated Cost of Services

Tolunay Engineering Group, Inc.

ESTIMATED COST OF SERVICES CITY OF TOMBALL ALLEY PROJECT CITY OF TOMBALL, TX

Date: December 6, 2018

Proposal No: 18-CP041

<u>Description of Hourly Services</u>	<u>Quantity</u>	<u>Unit Fee</u>	<u>Unit</u>		<u>Total</u>
Engineering Technician	120	\$ 56.00	hour	\$	<u>6,720.00</u>
<i>subtotal</i>				\$	6,720.00

Description of Laboratory Unit Test Services

Soils, Concrete

Moisture/Density Relationship	2	\$ 160.00	each	\$	320.00
Atterberg Limits	2	\$ 50.00	each	\$	100.00
Compressive Strength, Concrete Test Cylinders.	24	\$ 18.00	each	\$	<u>432.00</u>
<i>subtotal</i>				\$	832.00

Equipment Charges

Vehicle Charges	15	\$ 85.00	day	\$	<u>1,275.00</u>
<i>subtotal</i>				\$	1,275.00
<i>Total Estimate</i>				\$	<u>8,827.00</u>

Note: -This is an estimate, and actual billings may vary with construction progress.

December 6, 2018
Proposal No.: 18-P113

Gunda Corporation
32731 Egypt Lane, Suite 500
Magnolia, Texas 77354

Attn: Mr. Kyle A. Bertrand, P.E.

**PROPOSAL FOR GEOTECHNICAL STUDY
ALLEYWAYS, SIDEWALKS AND PARKING LOT
AT W. MAIN STREET
CITY OF TOMBALL, TEXAS**

Dear Mr. Bertrand:

We appreciate the opportunity to submit our proposal to conduct a geotechnical study for the proposed reconstruction of two alleyways as reinforced concrete, sidewalks and a small parking in the City of Tomball, Texas (Key Map 288 G & H). The alleyways and sidewalk are located at north and south of W. Main Street between Walnut and Elm Streets, and the parking lot is located at the intersection of Commerce and N. Cherry Streets. We anticipate that parking lot will be concrete paving. The project information was provided by you via e-mail transmittal on December 5, 2018 that included site plans and project alignment.

Based on a review of the google map, we anticipate that borings will be drilled by a truck rig. Some borings may require drilling using hand auger equipment due to access restrictions.

Scope of Services

Our scope of services covered in the geotechnical proposal consists of field exploration, laboratory testing, and the preparation of a geotechnical engineering report.

Field Exploration. We will drill fourteen (14) 6-ft deep borings to evaluate the subsurface soil and groundwater conditions. The borings will be drilled in general accordance with ASTM D 1452 standard. Cohesive subsurface soils will be sampled with a 3-in. diameter, thin-walled tube (ASTM D 1587). Granular soils will be sampled with a split-barrel sampler while performing Standard Penetration Test (ASTM D 1586).

We will transport representative portions of the recovered samples to our soil mechanics laboratory for testing. We will backfill the open boreholes with soil cuttings and cement/bentonite grout after final water level reading upon completion of drilling.

Laboratory Testing. We will perform soil mechanics laboratory tests to measure physical and engineering properties of selected representative soil samples. The testing will generally include measurement of the shear strength, total unit weight, in situ moisture content,

plasticity characteristics and amount of material finer than the No. 200 sieve. All laboratory tests will be performed in general accordance with appropriate ASTM standards. We will keep the samples for 30 days after completion of laboratory testing. We will discard the samples after that time, unless instructed otherwise.

Engineering Report. We will prepare an engineering report that will present our findings and provide geotechnical design recommendations including:

- Subsurface stratigraphy
- Groundwater condition
- Pavement subgrade preparation
- Pavement thickness

Budget

Our lump sum cost for the above described services is **\$6,500** and will not be exceeded without your prior written authorization. The cost for the geotechnical study assumes that ingress/egress is provided and the site is accessible to our drilling equipment.

Schedule

We can typically mobilize the field crew within about two to three days after authorization depending on the availability of drilling equipment. The fieldwork can be completed in one to two days. We will issue our report within about two weeks after completion of the drilling. We can furnish verbal preliminary information upon completion of the fieldwork and laboratory testing.

Acceptance of Proposal

If you accept our proposal, please sign below and return one copy to our office. The general terms of the proposal are presented in the attached Exhibit A. We can begin work with your verbal authorization.

Closing Remarks

Again, we would like to express our appreciation for the opportunity to submit this proposal and look forward to serving you on this project.

Sincerely,

TEG-TOLUNAY ENGINEERING GROUP, INC.
TBPE Firm Registration No. F-18154



Mohammed S. Islam, P.E.



Zeki A. Tolunay, P.E.

Accepted by: _____

Name: _____

Date: _____

Attachment: Terms for Geotechnical Engineering Services