

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



MONDAY, NOVEMBER 19, 2018

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, November 19, 2018 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Pastor Dustin Reitzel, Woodlands Church Northpointe Campus

3.0 Pledges to U.S. and Texas Flags

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

5.0 Presentations:

- The Government Finance Officers Association has again awarded the City of Tomball the **Certificate of Achievement for Excellence in Financial Reporting**

for its Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended September 30, 2017 (28th Year)

6.0 Reports and Announcements

- November 22-23, 2018 – **Thanksgiving Holidays – City offices closed**
- December 1, 2018 – "**Christmas on Commerce**" – a 2nd Saturday at the Depot Event
- December 7-9, 2018 – **Tomball German Christmas Market**
- December 24-25, 2018 – **Christmas Holidays** – City offices closed
- January 1, 2019 – **New Year's Day Holidays** – City offices closed
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Mike Baxter – Report on the success of **Depot Day**, the **Freight Train Food Truck Festival**, and the **8th Annual Tomball Bluegrass Festival**

7.0 Approve the Minutes of the November 5, 2018 Regular Tomball City Council Meeting

8.0 Old Business:

- 8.1 Adopt, on Second Reading, Ordinance No. 2018-36, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Amending Section 8-122, Definitions, and Section 8-124, Keeping Restricted, of Article III, Livestock, of Chapter 8, Animals, to Add a Definition of *Agricultural Science Project Center*, and to Exclude the Regulations of Section 8-124 From Applying to Agricultural Science Project Centers; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Making Findings of Fact; and Providing for Other Related Matters

9.0 New Business:

- 9.1 Appoint an Alternate Member to Fill an Unexpired Term of a Regular Member on the Board of Adjustments, Term Expiring March 2, 2019
- 9.2 Consideration To Approve **Zoning Case P18-161**: Request By Timothy Hertel, On Behalf Of DFLEX POWER, LLC, To Amend Chapter 50 (Zoning) Of The Tomball Code Of Ordinances By Rezoning Approximately 3 Acres Of Land Legally Described As Tract 253A Tomball Outlots, Within The City Of Tomball, Harris County, Texas, Generally Located On The West Side Of Pitchford Road At 902 Pitchford Road, From The Agricultural District To The Light Industrial District.
- Conduct Public Hearing On **Zoning Case P18-161**
 - Adopt, On First Reading, Ordinance No. 2018-37, 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 3 Acres Of Land, Legally Described Tract 253a Tomball Outlots, Within The City Of Tomball, Harris County, Texas, From The Agricultural District To The Light Industrial District; Said Property Being Generally Located On The West Side Of Pitchford Road At 902 Pitchford Road; Providing For The Amendment Of The Official Zoning Map Of The City; Providing For Severability; Providing For A Penalty Of An Amount

Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters

- 9.3 Consideration To Approve **Zoning Case P18-166**; Request By Great Oak School To Amend Chapter 50 (Zoning) Of The Tomball Code Of Ordinances By Rezoning Approximately 10 Acres Of Land Legally Described As Lot 1 Block 1 Welling Owens Quadraplexes, Within The City Of Tomball, Harris County, Texas, Generally Located On The East Side Of Lovett Street, South Of Carrell Street, From The Planned Development 2 District To The Office District.
- Conduct Public Hearing On **Zoning Case P18-166**
 - Adopt, On First Reading, Ordinance No. 2018-38, 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 10 Acres Of Land, Legally Described Lot 1 Block 1 Welling Owens Quadraplexes, Within The City Of Tomball, Harris County, Texas, From The Planned Development District To The Office District; Said Property Being Generally Located On The East Side Of Lovett Street, South Of Carrell Street; Providing For The Amendment Of The Official Zoning Map Of The City; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters.
- 9.4 Consideration To Approve **Zoning Case P18-167**; Request By Great Oak School For A Conditional Use Permit To Operate A *School, Other Than Public Or Denominational* On Approximately 10 Acres Of Land Legally Described As Lot 1 Block 1 Welling Owens Quadraplexes, Within The City Of Tomball, Harris County, Texas. The Property Is Generally Located On The East Side Of Lovett Street, South Of Carrell Street, And Is Zoned Office District.
- Conduct Public Hearing On **Zoning Case P18-167**
 - Adopt, On First Reading, Ordinance No. 2018-39, 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 Great Oak School To Operate A “School, Other Than Public Or Denominational”; Said Property Being Approximately 10 Acres, And Being Legally Described As Lot 1 Block 1 Welling Owens Quadraplexes, Within The City Of Tomball, Harris County, Texas, Generally Located On The East Side Of Lovett Street, South Of Carrell Street And Zoned Office 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.
- 9.5 Approve Tomball Independent School District's Project Facility Guidelines for an Agricultural Science Project Center at 30330 Quinn Road
- 9.6 Authorize a Substitute Position Authority, on a Temporary Basis, to Cover Vacancy Created by the Long-Term Absence of Tomball Fire Captain, James Jones, Who has been Assigned to Military Reserve Duty
- 9.7 Approve Resolution No. 2018-30, a Resolution of the City of Tomball, Texas

regarding Release of an Approximately 119-Acre Tract of Land located at the Southwest Corner of FM 2920 and Telge Road, from the Extraterritorial Jurisdiction of the City of Houston, Texas (Trendmaker Homes)

9.8 Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.071 – Consultation with the City Attorney regarding a Matter that the Attorney’s Duty Requires to be Discussed in Closed Session.
- Sec. 551.074 – Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee.

10.0 Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 15th day of November 2018 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: November 19, 2018

Topic:

- Led by Pastor Dustin Reitzel, Woodlands Church Northpointe Campus

Background:

Origination:

Recommendation:

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: November 19, 2018

Topic:

- The Government Finance Officers Association has again awarded the City of Tomball the **Certificate of Achievement for Excellence in Financial Reporting** for its Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended September 30, 2017 (28th Year)

Background:

Origination:

GFOA

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
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Regular City Council
Agenda Item
Data Sheet

Meeting Date: November 19, 2018

Topic:

- November 22-23, 2018 – **Thanksgiving Holidays – City offices closed**
- December 1, 2018 – "*Christmas on Commerce*" – a 2nd Saturday at the Depot Event
- December 7-9, 2018 – **Tomball German Christmas Market**
- December 24-25, 2018 – **Christmas Holidays** – City offices closed
- January 1, 2019 – **New Year's Day Holidays** – City offices closed
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Mike Baxter – Report on the success of **Depot Day**, the *Freight Train Food Truck Festival*, and the **8th Annual Tomball Bluegrass Festival**

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: November 19, 2018

Topic:
Approve the Minutes of the November 5, 2018 Regular Tomball City Council Meeting

Background:

Origination:
City Secretary

Recommendation:
Approve Minutes

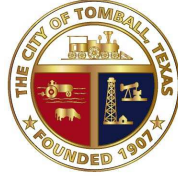
Party(ies) responsible for placing this item on agenda:
City Secretary

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

ATTACHMENTS:

Draft Minutes of the November 5, 2018 Regular Tomball City Council Meeting

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



**MONDAY, NOVEMBER 5, 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
City Attorney – Loren B. Smith
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Finance Director – Glenn Windsor
HR Director – Lisa Coe
Director of Community Development – Craig Meyers
Planner – Amelia Lindley
Assistant City Secretary – Tracy Garcia
Events Coordinator – Denise Fiore
Community Center Manager – Rosalie Dillon
Senior Accountant – Christine Brookshire
Asst. Fire Chief – Jonathon Fontenot
Fire Marshal – Joe Sykora
Police Officer-Investigations – David White

2.0 The invocation was led by Pastor Bryan Donahoo, Graceview Baptist Church.

3.0 Pledges to the U. S. and Texas Flags were led by Randy Parr.

4.0 No public comments were received.

5.0 Presentations:

- Randy Parr presented the 2018 Achievement of Excellence – Silver Award to Joe Sykora, Jason Herrman, and Scott Mullins of the City of Tomball Fire Marshal’s Office.

6.0 Reports and Announcements:

- November 10, 2018 – **“Depot Day”**, a National Model Railroad Month Celebration at the Depot-Tomball; 10:00 a.m.-5:00 p.m.
- November 12, 2018 – Special Planning & Zoning Commission Meeting – 5:00 p.m.; Possible Quorum of Council
- November 16, 2018 – **Christmas Tree Lighting** at the Depot – 7:00 p.m.
- November 17, 2018 – **Tomball Holiday Parade**
- November 22-23, 2018 – **Thanksgiving Holidays** – City offices closed
- December 1, 2018 – **“Christmas on Commerce” – a 2nd Saturday at the Depot** Event
- December 7-9, 2018 – **Tomball German Christmas Market**
- 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:
 - Lisa Coe reported on the success of the **4th “Annual Paces for Pink” 5K Run**. Mayor Fagan presented a check to Lee Ann Kroon, Executive Director-TOMAGWA, for \$13,187.60.

7.0 Motion was made by Councilman Townsend, second by Councilman Degges, to approve the Minutes of the October 15, 2018 Special Tomball City Council Meeting and the October 15, 2018 Regular Tomball City Council Meeting

Motion carried unanimously.

8.0 Old Business:

- 8.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2018-34, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Code of Ordinances by Amending Section 50-82(B) (“Use Charts”) by Creating a Land Use for “Coffee Roasting”; 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

Aye

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

Motion carried unanimously.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Degges, to adopt, on Second Reading, Ordinance No. 2018-35, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Persimmon Global Logistics to Operate a “Coffee Roasting” Facility; Said Property being Approximately 4.0230 Acres, and being Legally Described as Lot 1 Block 1 Vasquez-Phoenix, Harris County, Texas, Generally Located at the Southwest Corner of Lizzie Lane and South Persimmon Road and Zoned Commercial; 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.

9.0 New Business Consent Agenda:

Councilman Townsend requested the removal of Item 9.3 from the Consent Agenda.

- 9.1 Approve Request by the Spring/Woodlands-based Rumble Cats Classic Car Club for Use of the Depot Festival Area for Its Third Annual Rumble Cats Classic Car Club Show - The “Rally in the Alley” Car Show, to be held on Saturday, March 2, 2019, from 10 a.m. to 5 p.m.
- 9.2 Approve Request by The Houston Repertoire Ballet (HRB) for Financial Support for Eight Performances and Two Dress Rehearsals of "The Nutcracker" Ballet, to be held December 7-9, 2018 at the Tomball High School Theatre, in the Amount of \$15,500.00
- 9.4 Approve Tomball Sister City Organization Request for Support, Funding, and Road Closures, in the Amount of \$160,000.00, for the 2018 Tomball German Christmas

Market, to be held December 7-9, 2018, and the 2019 Tomball German Heritage Festival, to be held March 29-31, 2019

Motion was made by Councilman Stoll, second by Councilman Townsend, to approve New Business Consent Agenda Items 9.1, 9.2 and 9.4.

Motion carried unanimously.

10.0 New Business:

- 9.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Spring Creek County Historical Association Request for \$30,000.00 for Fiscal 2018-2019 Annual Operations.

Motion carried unanimously.

- 10.1 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to read Ordinance No. 2018-36 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2018-36, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Amending Section 8-122, Definitions, and Section 8-124, Keeping Restricted, of Article III, Livestock, of Chapter 8, Animals, to Add a Definition of Agricultural Science Project Center, and to Exclude the Regulations of Section 8-124 From Applying to Agricultural Science Project Centers; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof; Making Findings of Fact; and Providing for Other Related Matters.

Motion to AMEND was made by Councilman Stoll, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2018-36, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Amending Section 8-122, Definitions, and Section 8-124, Keeping Restricted, of Article III, Livestock, of Chapter 8, Animals, to Add a Definition of Agricultural Science Project Center, and to Exclude the Regulations of Section 8-124 From Applying to Agricultural Science Project Centers; 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, by amending Section 8-122 – Definitions to state “*Agricultural Science Project Center* shall mean a facility that adheres to school project facility guidelines as approved by the City Council and is designed to meet the Supervised Agricultural Experiences (SAE) requirement of agricultural education

as stated by the Texas Administrative Code” and Section 8-124 – Keeping restricted, to state “With the exception of Agricultural Science Project Centers that are approved by City Council, the following restrictions shall apply to all livestock kept within the city”. 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 to AMEND carried unanimously.

- 10.2 Mayor Fagan opened the 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 8 – Timber Trail Subdivision) at 6:26 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:27 p.m.

- 10.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2018-28, a Resolution Making Findings in Connection with the Proposed Public Improvement District Number Eight 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 8 – Timber Trail Subdivision).

Motion carried unanimously.

- 10.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2018-29, a Resolution Authorizing the Establishment of the Public Improvement District Number Eight 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 8 – Timber Trail Subdivision).

Motion carried unanimously.

- 10.5 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Development Agreement between the City of Tomball and Tomball

Grand Junction, LLC for the Construction of Improvements in Tomball Public Improvement District Number Eight (TPID 8), Timber Trail Subdivision.

Motion carried unanimously.

- 10.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2018-31, a Resolution of the City Council of the City of Tomball, Texas, authorizing the City Manager or the Assistant City Manager to Commit Additional Funds in Accordance with the Agreement for the Community Development Block Grant for Drainage Improvements in the Most-Impacted Areas.

Motion carried unanimously.

- 10.7 Motion was made by Councilman Townsend, second by Councilman Ford, to approve the Amendment to the ESD #15 Service Contract to Reimburse the City for, in Addition to the Provisions of the Amended Agreement dated October 1, 2017, an Additional Three Full-Time Firefighter Positions at Station 5.

Motion carried unanimously.

- 10.8 Motion was made by Councilman Townsend, second by Councilman Degges, to award the Purchase of Three (3) Chevrolet Colorado Extended Cab (2WD), One (1) Chevrolet Colorado Crew (4x4), One (1) Multi-Passenger Van (PD), One (1) PD SUV (Civilian), Four (4) Police Interceptors, and One (1) Mini-Excavator through the State Buyboard Cooperative Purchasing Contract, in the Amount of \$271,521.00.

Motion carried unanimously.

- 10.9 Motion was made by Councilman Ford, second by Councilman Stoll, to approve Reject Bids received for Project No. 2018-19, City of Tomball Broussard Community Park Site Improvements Phase II, and Authorize Rebidding the Project.

Motion carried unanimously.

- 10.10 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Execution of a Professional Service Agreement for E&P Project No. 2018-10028 with Randall Scott Architects to Provide a Comprehensive Facility Needs Assessment and Facility Master Planning for the City, for an Amount of \$75,000.00.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 19th day of November 2018.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 19, 2018

Topic:

Adopt, on Second Reading, Ordinance No. 2018-36, an Ordinance Amending the Code of Ordinances of the City of Tomball, Texas by Amending Section 8-122, Definitions, and Section 8-124, Keeping Restricted, of Article III, Livestock, of Chapter 8, Animals, to Add a Definition of *Agricultural Science Project Center*, and to Exclude the Regulations of Section 8-124 From Applying to Agricultural Science Project Centers; 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:

Tomball Independent School District desires to construct an Agricultural Science Project Center at their high school campus in Tomball. In order to do so, Section 8 of the Tomball Code of Ordinances needs to be amended to accommodate their desired facility. Proposed amendments to Section 8 include adding a definition for Agricultural Science Project Centers and amending restrictions on livestock kept within the city limits of Tomball.

Origination:

Jim Ross, Tomball Independent School District

Recommendation:

Adopt, on Second Reading, Ordinance No. 2018-36

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. 2018-36

TISD Project Facility Guidelines

Facility Conceptual Plan

TISD Ag Science Project Center Photos

ORDINANCE NO. 2018-36

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS BY AMENDING SECTION 8-122, DEFINITIONS, AND SECTION 8-124, KEEPING RESTRICTED, OF ARTICLE III, LIVESTOCK, OF CHAPTER 8, ANIMALS, TO ADD A DEFINITION OF *AGRICULTURAL SCIENCE PROJECT CENTER*, AND TO EXCLUDE THE REGULATIONS OF SECTION 8-124 FROM APPLYING TO AGRICULTURAL SCIENCE PROJECT CENTERS; 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, the City Council of the City of Tomball, Texas finds that it is in the best interest of the health, safety and welfare of its citizens to define Agricultural Science Project Centers and to except such centers from the application of the regulations contained in Section 8-124 of the Code of Ordinances; and

WHEREAS, the City Council desires to Agricultural Science Project Centers in the manner set forth in this ordinance; now, therefore

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

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

Section 2. Section 8-122, Definitions, of Article III, Livestock, of Chapter 8, Animals, of the City of Tomball Code of Ordinances is hereby amended to add the language underscored below as follows:

“Section 8-122. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural Science Project Center shall mean a facility that adheres to school project facility guidelines as approved by the City Council and is designed to meet the Supervised Agricultural Experiences (SAE) requirement of agricultural education as stated by the Texas Administrative Code.

Livestock means and includes any horse, mule, jack, jenny, cow, cattle, hog, sheep, goat or similar animal; but shall not include potbelly pigs and pygmy goats.

Potbelly pigs means and includes Vietnamese miniature potbelly pigs meeting the published breed definition for registration by a recognized association for breeding such Vietnamese miniature potbelly pigs and weighing less than 200 pounds and standing no taller than 36 inches at the shoulders.

Pygmy goat means and includes a miniature domestic goat meeting the National Pygmy Goat Association's Breeding Standards."

Section 3. Section 8-124, Keeping Restricted, of Article III, Livestock, of Chapter 8, Animals, of the City of Tomball Code of Ordinances is hereby amended to add the language underscored below and delete the language struckthrough below as follows:

"Section 8-124. – Keeping restricted.

With the exception of Agricultural Science Project Centers that are approved by City Council, the following restrictions shall apply to all livestock kept within the city:

- (1) All livestock kept on land which is immediately adjacent to a single-family residence or a single-family residential platted lot shall be kept in a stable, shed or pen, or a fenced pasture, which stable, shed, pen or fenced pasture shall be at least 100 feet distant from every such single-family residence or single-family residential platted lot.
- (2) No livestock shall be kept in any pasture or on any lot which is less than one acre (43,560 square feet) in area. The maximum number of animals kept per one-acre area shall not exceed one per acre.
- (3) For the purposes of determining whether or not the property contains one acre in area, any areas containing a single-family residence or other building, swimming pool or structure, shall not be taken into consideration. The one acre must be devoted entirely to pasture land.
- (4) If a single-family residence is constructed adjacent to an area where livestock are being kept, the owner of the livestock shall have 60 days in which to comply with the terms of this section. If a tract or parcel of land adjacent to an area where livestock are being

kept is platted in single-family residential lots, the owner of the livestock shall have 60 days in which to comply with the terms of this section.”

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 5. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$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 5th DAY OF NOVEMBER 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 19th DAY OF NOVEMBER 2018.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Tomball Independent School District Project Facility Guidelines

STATEMENT OF PURPOSE

The purpose of the Tomball ISD Project facility located at 19229 North Pointe Ridge Lane, Tomball Texas 77377. is to provide an extension of the **classroom** to be utilized for students' Supervised Agricultural Experience Program (SAEP).

In order for all parties to best utilize the Agricultural Science facilities and to insure the safety of the students, animals, and others on the property, the following regulations must be followed. To ensure compliance, Tomball ISD employees, including Agricultural Science teachers and school administrators, will monitor compliance of facility rules and the operations of the facility.

Students who do not have a place to raise projects are eligible for space in the project facility. Agricultural Science teachers will assign all stalls and stalls will not be changed without their approval.

Eligible students will be allowed project space according to the following priorities:

1. Exhibitors at the Tomball ISD Project Show

If space is not available for a particular animal project, the following priorities will be in place to determine the assignment of project space:

1. Students who have been members of the FFA in high school for the longest time
2. Students in the higher grade level (Ranked from seniors down to freshmen)
3. The names of eligible students exhibiting at the same level, members of FFA for the same number of years, and in the same grade level will be placed in a box and randomly drawn by the Agricultural Science teachers to determine the order of priority for the remaining available spaces.

All students' projects are under the direct supervision of their Agricultural Science teacher. The student is to respect the value of the Tomball ISD Agricultural Science Facility. Any defacing of property or equipment will mean dismissal from the complex **IMMEDIATELY**.

Neither Tomball ISD, any Tomball ISD Agricultural Science teacher, the FFA Chapter, nor any school official is responsible for any loss or damage to any person, property, or any project animal while it is on school property or any other property.

It is the policy of Tomball ISD not to discriminate on the basis of race, color, national origin, sex or handicap in its vocational programs, services or activities as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

PROJECT FACILITY RULES

A. Use of Facilities

1. As a Tomball ISD facility supporting school-related activities, the most recent TISD Student Handbook will be followed.
2. For security purposes, the facility should be used between **4:30 a.m. and 10:00 p.m. only**.
3. All users must drive and park in designated areas; must abide by fire code.
4. The Project Facility is for High School FFA animals only. No 4-H or Jr. FFA projects will be allowed on the facility.
5. No breeding animals are allowed at the facility.
6. All manure and feedstuffs must be properly disposed of in the approved designated areas.
7. Animals are to be washed in designated areas only. Wash racks may not be used as a holding pen while cleaning your pen out.
8. Feed Storage at the facility will be limited to steers. For all projects not provided feed storage space, the student will have to bring in feed from home for each feeding.
9. The safety, sanitation, and appearance of the barn are a priority.
10. Cleanliness of the Project Facility is the direct responsibility of every student with a project.
11. All broken or stolen equipment is to be reported immediately. All equipment is to be cleaned and returned to the proper storage area after each use. All wheelbarrows WILL be emptied after each use.
12. No glass containers are allowed at the barn complex. Broken glass can cause severe damage to a student or project.
13. Passageways, including door openings, are not to be cluttered with boxes, equipment or animals. Both routine and emergency traffic must be able to move efficiently.
14. Any accident or safety hazard is to be reported to a teacher immediately.
15. If an animal gets sick at any time, an Agricultural Science teacher must be notified immediately and the animal moved to a quarantined area specified by the teachers.
16. The use of power equipment such as tractors, bobcats, other front-end loader, etc. owned by students is **NOT** allowed at the facility.
17. No pets are allowed on the project facility grounds.
18. **No modifications will be made to electricity, carpentry, plumbing, or anything else related to the project facility without approval from the appropriate Ancillary Service Department.**
19. Any student who does not abide by the rules of the project facility will be subject to the following disciplinary action:

1st offense – Written warning by an Agricultural Science teacher and parent notification

2nd offense – Written warning by the Agricultural Science teacher which will be passed on to the administrator* of the campus which the student attends. They will meet with student and one legal guardian,

3rd offense – Removal of animal from facility*

Upon being evicted, the student has 7 days to remove the animal and clean out his/her pen. After 7 days, the animal becomes the property of TISD.

*A fee, determined by a TISD administrator, may be charged for any offense that requires time, materials, or actions to correct.

B. Student Responsibilities

1. The student must be a paid TISD FFA member in good standing to utilize the facility. **Only the student's immediate family may enter to feed or assist the student. No guests, other than those approved by the ag teacher such as veterinarians, hoof trimmers, etc. should enter.**
2. Students wishing to utilize the facility must attend a mandatory meeting with at least one parent/guardian. Failure to attend this meeting will result in not being able to use the facility.
3. Students and parents will follow the Key and Access Policy in Section E.
4. All students will share the responsibility of the community areas. Teachers will assign specific duties if necessary. At certain times of the year, teachers may schedule a work day which is mandatory for all students having a project in the facility. Failure to attend these work days could result in eviction. If sick, the student must give the agriculture teachers prior notice and bring a doctor's note when he/she returns to school.
5. If a student is evicted from the facility, he/she will not be allowed back on the premises.
6. No student may leave a vehicle or trailer at the project facility overnight unless given prior approval from an Agricultural Science teacher.
7. Due to feed storage space, students feeding any project other than steers will have to bring in feed from home for each feeding.
8. Any valuables should be brought to and from home as needed. The school district and employees are not responsible for theft and damage.
9. Students will not be permitted to bring in tack not approved by the Agricultural Science teacher.
10. All students will provide their own shavings/bedding, but must get approval before bringing it in. The agriculture teachers must know the exact brand and type of material that will be used. If the material is not an approved material, it will be removed at the cost to the student (\$25).
11. Only the owner of a project may provide feed, water, other care, or move the project unless that owner has given written permission to another student or family member and secured the approval of an Agricultural Science teacher.
12. No student shall administer any medication to an animal without prior approval from an Agricultural Science teacher.
13. Students must get prior approval from an Agricultural Science teacher to take his/her animal off the premises. If an animal emergency occurs and immediate attention is necessary, the student must show proof the animal was under veterinary care.
14. Any complaint or questions concerning the facility and the rules applied to its use should be presented to the student's Agricultural Science teacher. If not resolved, the complaint or questions should be presented, in order, to: campus Career and Technical Education (CTE) administrator, campus principal, Assistant Superintendent for Administrative Services.

C. Timelines for Removal of Projects

1. If a student becomes ineligible to show or moves out of TISD, the student has 7 days to remove his/her project and clean out his/her pen.
2. If a student is assigned to the Alternative Education Program (AEP) then he/she becomes ineligible to show the project and the animal must be removed within 7 days.
3. If an animal has not been removed within 7 days and other arrangements have not been made with the Agricultural Science teachers, the project becomes the property of TISD* (C.1, C.2, C.6).
4. After exhibiting the animal at the designated show, students have 7 days to remove the animal(s) (if necessary, unless buyer specification) and clean out the pen. If a student does not do this within the 7 days, a fine of \$50.00 will be assessed and the student will not be allowed to stall an animal at the facility anymore.
5. If death of an animal occurs while on the project facility, an Agricultural Science teacher must be contacted and the animal removed IMMEDIATELY. The student has 7 days to clean out the pen.
6. If a student abuses his/her animal project, he/she may be eligible for legal prosecution and the abused animal(s) will become the property of TISD*, and be removed from the facility immediately.

***Property of TISD means the animal will be removed and sold by the Agricultural Science teachers. Any money received will go directly back into the AG activity account.**

D. Costs for Facility Use

1. All students must pay a non-refundable pen rent that is due prior to the animal arriving at the facility. They are as follows:

Steer = \$ 300.00 per project per year
Swine = \$ 150.00 per project per year
Lamb = \$ 75.00 per project per year
Chickens = \$ 30.00 per pen of 25 per year
Turkey = \$ 100.00 per pen of 15 per year
Rabbits = \$10.00 per pen of 4 per year

Since this is non-refundable, the Agricultural Science teachers suggest that the student purchase an insurance policy on their project in case of an unexpected death of the project.

2. There may be a fee charged to correct problems created by any violation of a facility rule (A.20).
3. There is a \$25 charge for removal of shavings/beddings that have not been approved (B.10).
4. Failure to remove an animal and clean the pen within 7 days after any request for removal (See Section C) will result in a charge of \$50.
5. Failure to return a gate key within the designated time period will result in a charge of \$100 or the cost to replace the lock-key system.

E. Key and Access Policy for the Project Facility

1. Program teachers will be issued a building master for facility wide access through the campus key issuance procedure/policy. High School principals needing a key will follow the same process.
2. Students will enter the facility through the main front gate off the parking lot. This will be the only entrance keyed for student access without a teacher present*. This will prevent any vehicles from entering the barn or unloading area without a teacher present. Feed storage and student equipment rooms will also be keyed alike to limit the number of keys issued. **Only students with steers will be able to access and enter these areas.**
3. Student keys will be issued by the campus key control staff member. These keys shall be signed for on a TISD Key Issuance Form. Lost keys will be replaced at a charge of \$100 per key. A small key cabinet with 60 numbered keys will be provided by the maintenance department for these student keys. If more are needed, they will be provided in sequential numbering.
4. Program teachers will be given instruction and access to facility security cameras with the principal's approval. If a copy of any video is needed, a request will be made via work request through the campus, giving the date and specific times needed. A CD will be made and delivered to the campus.

*Students who need vehicle access when a teacher is not available must make prior arrangements to check out a gate key from one of the agriculture teachers. Within 48 hours the gate key must be returned to a teacher and logged back in. Failure to return the gate key in 48 hours, unless prior approval has been given, will result in the student being charged with the cost of replacing the lock and keys with a new lock-key system.

**TOMBALL INDEPENDENT SCHOOL DISTRICT
PROJECT FACILITY
AGREEMENT**

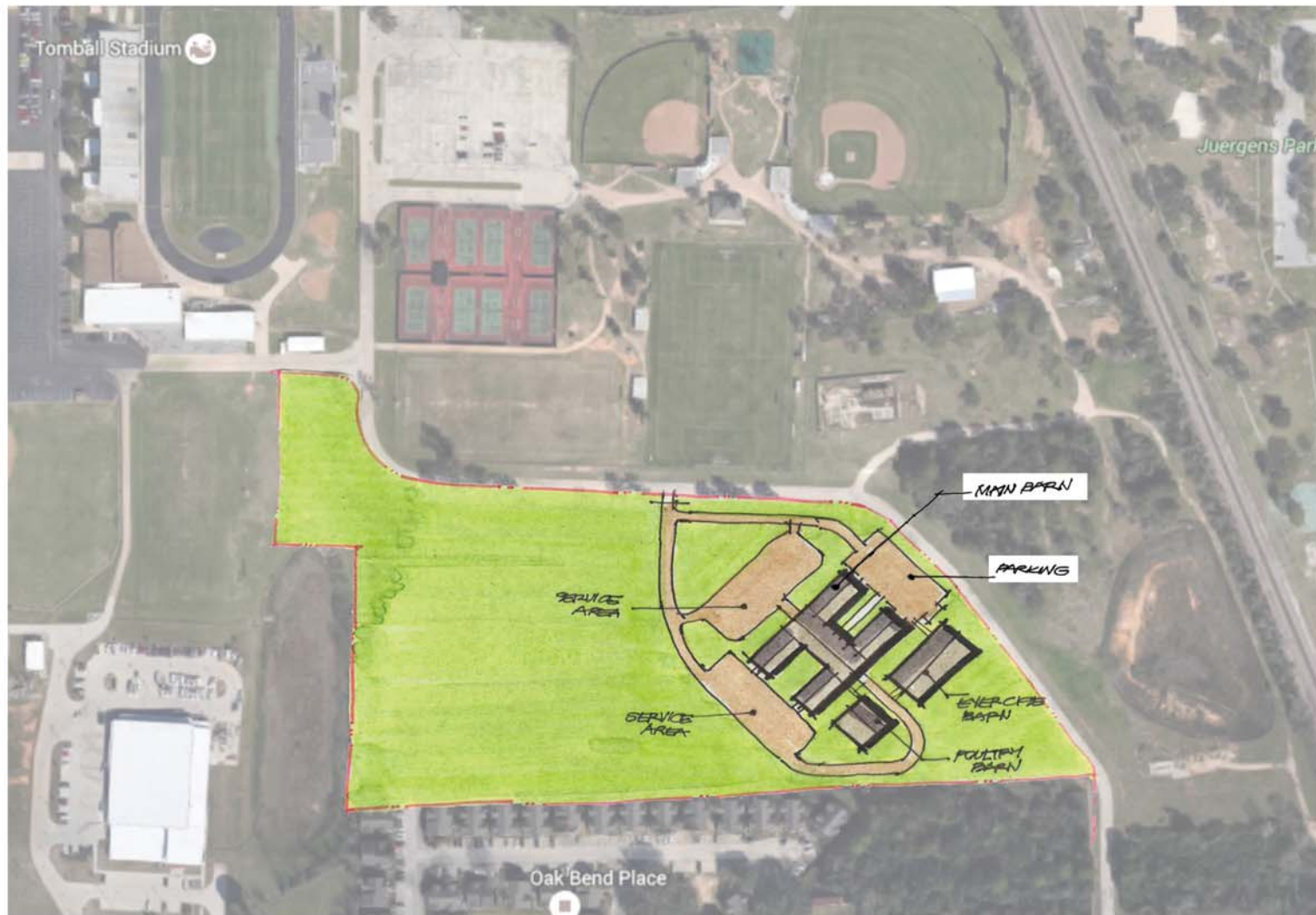
We, _____ and _____
(Printed Name of Student) (Printed Name of Parent/Guardian)

understand that housing animals at this facility is a privilege granted by the District and can be revoked. We agree to the outlined rules. We also understand that failure to abide by the rules set forth in this document may result in my animal(s) being removed from the facility at my expense, which may include shipping the animal and loss of privileges to house animals at the facility.

_____ Effective Date	_____ Expiration Date
_____ Student's Signature	_____ Date
_____ Parent/Guardian Signature	_____ Date
_____ Teacher Signature	_____ Date

It is the policy of Tomball ISD not to discriminate on the basis of race, color, national origin, gender, age or disability in its education programs or access to the facility.

Concept Layout // Tomball Project Barn

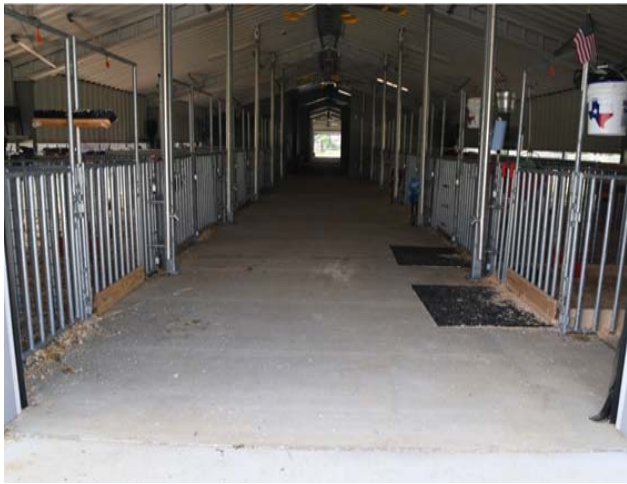


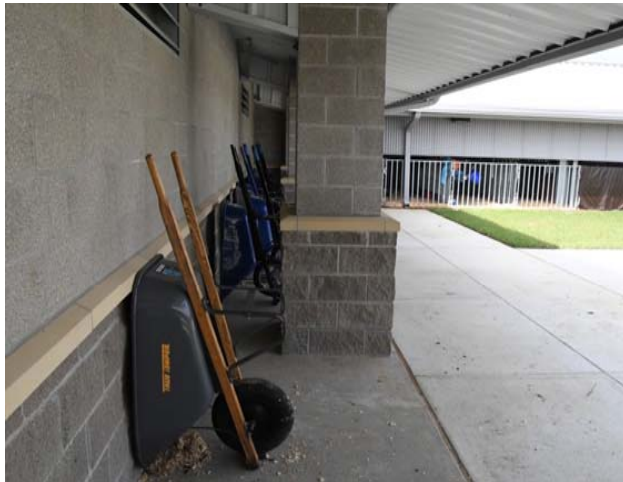
- RESPECTFUL OF EXISTING RESIDENTIAL DEVELOPMENT
- BUILDING ORIENTATION ENHANCES ANIMAL COMFORT LEVEL DUE TO PREVAILING SE WINDS ON SITE
- BARN VISUALLY ACCESSIBLE TO STREET

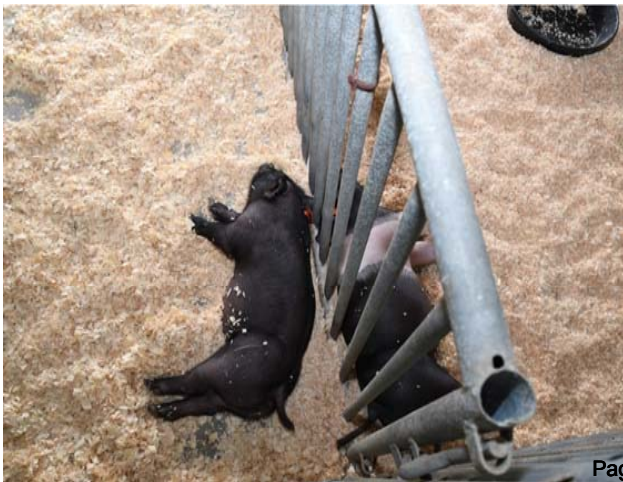


Conceptual Layout of New Project Barn









Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 19, 2018

Topic:

Appoint an Alternate Member to Fill an Unexpired Term of a Regular Member on the Board of Adjustments, Term Expiring March 2, 2019

Background:

On October 30, 2018, Board Member Brett Tynes resigned from Position 5 of the Board of Adjustments. Alternate Members Susan Harris and Cindy Phillips both desire to fill the vacant position.

Origination:

Mayor Gretchen Fagan

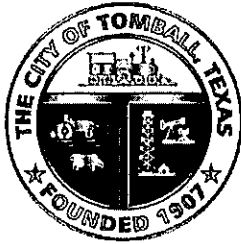
Recommendation:**Party(ies) responsible for placing this item on agenda:**

Craig T. Meyers, P.E., Community Development Director

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

ATTACHMENTS:

Susan Harris Application
Cindy Phillips Application
Brett Tynes Resignation



CITY OF TOMBALL

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

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

Please Type or Print Clearly:

Name: Susan Harris

Address: [REDACTED]

City/State/Zip Tomball Texas 77355

Email: [REDACTED]

Date: 5/16/07

Cell Phone: 832 704-0911

(Home) Phone: 281 401 7580

(Work) Cell: _____

I have lived in Tomball 4 years.

I am ☒ am not ___ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: RN at Tomball Regional Medical Center
Director Rehab, Bariatric Coordinator, community
Care Champion

Professional and/or Community Activities: Please see Attached CV

Additional Pertinent Information/References:

Barbara Tagore
Dr. Brian Johnson
Alan Pletcher references

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

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

Decision-Making Boards and Commissions

- ☒ Planning & Zoning Commission
☒ Board of Adjustments

Meeting Information

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

Separate Legal Entities

- ☐ Tomball Economic Development Corporation

☐ Tomball Regional Health Foundation

Meeting Information

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

Ad Hoc/Advisory Committees

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

Meeting Information

As called

Non-profit Corporation Boards

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

Meeting Information

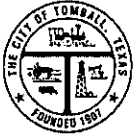
As called

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

Mr. Harris
Signature of Applicant

Please return this application to:

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



Board Member Election on Disclosure

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

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

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

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

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

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

☐ ~~home address~~

☐ ~~home telephone number~~

☐ ~~personal email address~~

☒ cell or pager numbers not paid for by the City

☒ emergency contact information

☐ ~~information that reveals whether I have family members.~~

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

Jana Harris
Board Member's Signature

5/18/17
Date

Susan Harris
Board Member's Printed Name

Susan Harris RN, BSN, MBA

Tomball, Texas 77375
Cell: 832-704-0911

Professional Summary

A dedicated hospital nurse with many years of experience, who still provides compassionate leadership in a large community hospital, while charged with managing hospital personnel, admissions, and maintaining the highest quality of care for our patients. A nurse who is committed to continuous staff development and education. A leader who understands the importance setting the proper tone for all our staff and our physicians.

Education

Masters of Business Administration – Magna cum Laude
Jones International University
Colorado Springs, CO, USA

Bachelor of Nursing (BSN)–cum Laude
University of Texas 2011
Arlington, Texas, U.S.A.

Associate Degree in Nursing (ADN)
Felician College 1980
Lodi, New Jersey, U.S.A.

Professional Experience

Director of Rehab- April 2016- present.

Director of Nursing on a Rehab unit. Plans, directs, and administers services to develop and maintain efficient and safe care for the patient. Responsible for budgets, equipment, interdepartmental interaction, staffing, training and public relations/marketing. Responsible to assure that staff is committed to and implement the Community Cares initiatives for patient, staff and physician satisfaction. Collaborates with Rehab Program Director and Medical Director to coordinate nursing care with therapy care.

Community Cares Champion- June 2016- present.

Actively educating and working with staff to increase HCAHPS scores and ensure that the patient experience outstanding whether they are a visitor, family of a patient, or the patient themselves.

Bariatric Coordinator- February 2015- present

Developing a new service line from the ground up, including policies, certifications, and education for staff. Developing seminars, and support groups for patients before and after surgery. Working closely with marketing to reach out to the community on the new Bariatric Service line.

Occupational Health Nurse- April 2015- July 2015

Worked as an interim occupational health nurse giving TB tests and vaccines, screening new employees, monitoring employees that are injured on the job or on workman's compensation, and doing drug screens.

Lead Hospital Supervisor- March 2013- 2016

Tomball Regional Medical Center

Manager of the Hospital Supervisors, and the Hospital Float Pool. Developing and expanding the Nursing Float Pool. Educating and insuring credentials and licensure of the float pool and Hospital Supervisors. Insuring the highest quality of performance of the float pool and hospital supervisor staff. Maintaining adequate staff on the nursing units, while decreasing the usage of agency nurses.

Hospital Supervisor- April 2007 – March 2013

Tomball Regional Medical Center – Tomball, Texas

Provided skilled supervision of the day to day operations of the hospital according to the policies and guidelines set by the hospital administration. Monitoring nursing and support departments to maintain the highest quality of care for our patients and that the needs of the hospital were met.

Day Surgery Staff Nurse- January 2005 to May 2007

Northeast Medical Center Hospital- Humble, Texas

Worked in day surgery evaluating patients prior to surgery, preparing them for surgery that day and recovering them until they are discharged.

Hospital Supervisor- February 1983 to January 2005

Northeast Medical Center Hospital- Humble Texas

Provided administrative and clinical leadership to the nursing and support departments of the hospital.

Staff Nurse- May 1980 to February 1983

Northwest Medical Center Hospital- Houston, Texas

Staff RN working in Labor and Delivery for one year then transferring to a surgical floor for the next two.

Leadership

Development/Service

2017- Voted One of the Houston Chronicle's Top 150 Nurses in the Houston Area

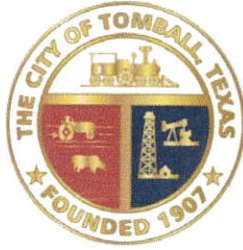
**2015- Clinical Director of the year
Tomball Regional Medical Center**

Member

American Rehab nurses Association 2016- present
Texas Nursing Association 2015- present
American Nurses Association 2015- present
Tomball Professional Business Women's Club- 2015- present

Certification/Training

- NIMS emergency management training 2012 (CMOC)
(Catastrophic Medical Operations Center)
- BLS Certified 2017
- ACLS certified 2017
- PALS certified 2016
- TNCC certified 2014



CITY OF TOMBALL

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Please Type or Print Clearly:

Date: 10/13/2017

Name: CINDY Phillips

Phone: [REDACTED]

Address: [REDACTED]

(Home)
Phone: 832-465-7520

City/State/Zip Tomball, Tx 77375

Cell: [REDACTED]

Email: [REDACTED]

I have lived in Tomball 9 years.

I am ☒ am not ☐ a U.S. Citizen

NOTE: DTAC Board does not require Tomball residency

Occupation: SELF Employed own Phillips Cleaning Services
llc, MANAGEMENT Co.

Professional and/or Community Activities: ON the BOARD for GTACC,
CAPTAIN for SHIELD BEARERS, MEMBER OF
TOASTMASTERS.

Additional Pertinent Information/References: Derek Townsend, Rick Brown, George Shackleton, Tina Roquemore, Bruce Hillegeist.

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Decision-Making Boards and Commissions

() Planning & Zoning Commission

☒ Board of Adjustments

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Second Monday each month, 6 p.m.

To Be Announced; Evenings

Separate Legal Entities

() Tomball Economic Development Corporation

() Tomball Regional Health Foundation

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Ad Hoc/Advisory Committees

() Downtown Tomball Advisory Committee

DTAC does not require Tomball residency

Meeting Information

As called

Non-profit Corporation Boards

() Tomball Legacy Fund, Inc.

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

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As called

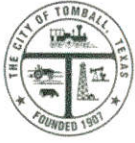
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Signature of Applicant

Please return this application to:

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City of Tomball
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Tomball, TX 77375



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

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

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

___ home address

___ home telephone number

___ personal email address

___ cell or pager numbers not paid for by the City

___ emergency contact information

___ information that reveals whether I have family members.

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

Board Member's Signature

Date

Board Member's Printed Name

-----Original Message-----

From: Brett Tynes [<mailto:btynes@hiddenval.com>]

Sent: Tuesday, October 30, 2018 3:02 PM

To: Amelia Lindley

Subject: BOA Resignation-Brett Tynes effective 11-5-18

Amelia:

Per our phone conversation today, it is with regret that I have to resign my Chairmanship position, effective 11-5-18, with the City of Tomball - Board of Adjustments.

As you know, I perform disaster recovery work all over the country, and my duties will require me to relocate, thereby necessitating my resignation.

City staff and fellow board members are great assets for the city, and I'll miss all of you!!!

Take Care.... I hope to be back someday soon.

Brett Tynes
281-386-6653 cell

Sent from my iPhone

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 19, 2018

Topic:

Consideration To Approve **Zoning Case P18-161**: Request By Timothy Hertel, On Behalf Of DFLEX POWER, LLC, To Amend Chapter 50 (Zoning) Of The Tomball Code Of Ordinances By Rezoning Approximately 3 Acres Of Land Legally Described As Tract 253A Tomball Outlots, Within The City Of Tomball, Harris County, Texas, Generally Located On The West Side Of Pitchford Road At 902 Pitchford Road, From The Agricultural District To The Light Industrial District.

- Conduct Public Hearing On **Zoning Case P18-161**
- Adopt, On First Reading, Ordinance No. 2018-37, 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 3 Acres Of Land, Legally Described Tract 253a Tomball Outlots, Within The City Of Tomball, Harris County, Texas, From The Agricultural District To The Light Industrial District; Said Property Being Generally Located On The West Side Of Pitchford Road At 902 Pitchford Road; Providing For The Amendment Of The Official Zoning Map Of The City; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters

Background:

On Monday, November 12, 2018, after conducting a public hearing, the Planning and Zoning Commission recommended Approval of the rezoning request with three votes Aye and two votes Nay.

Origination:

Timothy Hertel, on Behalf of DFLEX POWER, LLC

Recommendation:

Approval

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

Craig T. Meyers P.E., Community Development Director

ACTION TAKEN

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

Ordinance No. 2018-37
Notice of Public Hearing
Property Owner Notification
P18-161 Response Forms
P18-161 Staff Report

ORDINANCE NO. 2018-37

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 3 ACRES OF LAND, LEGALLY DESCRIBED TRACT 253A TOMBALL OUTLOTS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE LIGHT INDUSTRIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE WEST SIDE OF PITCHFORD ROAD AT 902 PITCHFORD ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, Timothy Hertel has requested that approximately 3 acres of land, legally described as Tract 253A Tomball Outlots, generally located on the west side of Pitchford Road at 902 Pitchford Road, 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 Light Industrial 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 Agricultural District to the Light Industrial District subject to the regulations, restrictions, and conditions hereafter set forth.

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

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

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other 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 19TH DAY OF NOVEMBER 2018.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 3RD DAY OF DECEMBER 2018.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
NOVEMBER 12, 2018
&
CITY COUNCIL
NOVEMBER 19, 2018**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, November 12, 2018, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 19, 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 P18-161: Request by Timothy Hertel, on behalf of DFLEX POWER, LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3 acres of land legally described as Tract 253A Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the west side of Pitchford Road at 902 Pitchford Road, from the Agricultural District to the Light Industrial District.

Zoning Case P18-166: Request by Great Oak School to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land legally described as Lot 1 Block 1 Welling Owens Quadrplexes, within the City of Tomball, Harris County, Texas, generally located on the east side of Lovett Street, south of Carrell Street, from the Planned Development 2 District to the Office District.

Zoning Case P18-167: Request by Great Oak School for a Conditional Use Permit to operate a *School, other than public or denominational* on approximately 10 acres of land legally described as Lot 1 Block 1 Welling Owens Quadrplexes, within the City of Tomball, Harris County, Texas. The property is generally located on the east side of Lovett Street, south of Carrell Street, and is zoned Office 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

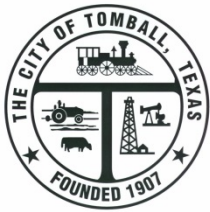
Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **8th** day of **November 2018** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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: P18-161

APPLICANT/OWNER: Request by Timothy Hertel, on behalf of DFLEX POWER, LLC

LOCATION: Generally located on the west side of Pitchford Road at 902 Pitchford Road

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3 acres of land legally described as Tract 253A Tomball Outlots, within the City of Tomball, Harris County, Texas, from the Agricultural District to the Light Industrial District.

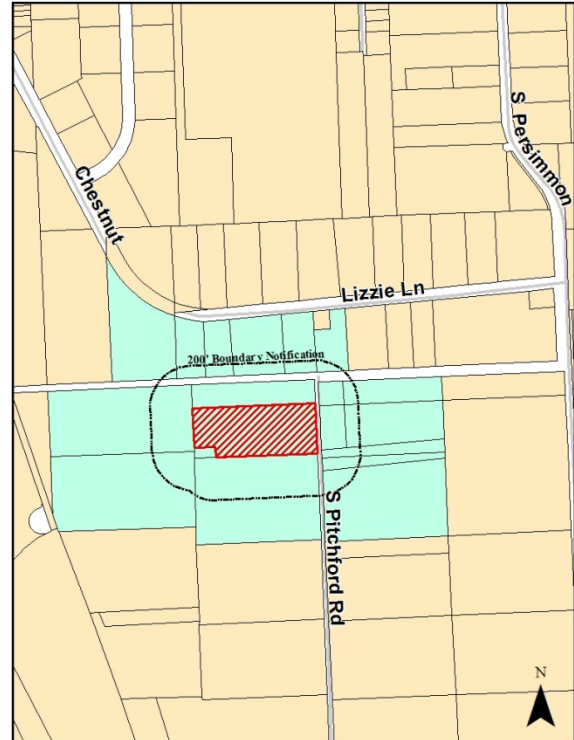
CONTACT: Amelia Lindley, Planner

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, November 12, 2018, 6:00 PM**

**City Council Public Hearing:
*Monday, November 19, 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

CASE NUMBER: P18-161

Name:

SAM & LATRELL SHANNON

(please print)

Address:

833 LIZZIE LN.

TOMBALL, TX 77375

Signature:

Sam & Latrell Shannon

Date:

11-9-2018

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P18-161. (Please state reasons below)

X

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P18-161. (Please state reasons below)

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

Monday, November 12, 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, November 19 2018, 6:00 PM

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

COMMENTS:

We have questions regarding exactly what this proposed plant will be doing? Will there be a noise factor? Will it be giving off any toxins in the air? Has D-FLEX Power filled out an application with CenterPoint Energy for an INTERCONNECT? Is there a plan for INTERFACING with Center Point? Is this D-FLEX Power's first attempt in the generating arena? If not, where are their other plants?

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

P18-161
CASE NUMBER

Name:

CATHERINE & JERRY CARRINGTON

(please print)

Address:

810 LIZZIE LANE

TOMBALL, TX. 77375

Signature:

Catherine Carrington

Date:

11-9-2018

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P18-161**. (Please state reasons below)

☒ I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P18-161**. (Please state reasons below)

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

Monday, November 12, 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, November 19 2018, 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

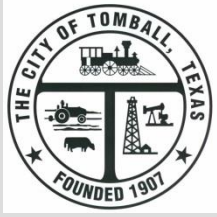
COMMENTS:

I need a clear and better understanding of how this generating plant will be set-up and operated and we have concern about noise.

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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: November 12, 2018
City Council Public Hearing Date: November 19, 2018

Rezoning Case: P18-161
Property Owner(s): Victor Johnson
Applicant(s): Timothy Hertel, DFLEX POWER, LLC
Legal Description: Tract 253A Tomball Outlots
Location: West side of Pitchford Road at 902 Pitchford Road (Exhibit “A”)
Area: 3 acres
Comp Plan Designation: Business/Industrial (Exhibit “B”)
Present Zoning and Use: Agricultural District (Exhibit “C”) / Single-family residence (Exhibit “D”)
Request: Rezone from the Agricultural District to the Light Industrial District

Adjacent Zoning & Land Uses:

North: Agricultural District / Drainage ditch

South: Agricultural District / Centerpoint Energy access, mostly undeveloped

West: Agricultural District / Undeveloped

East: Agricultural District / Undeveloped

BACKGROUND

City Staff met with the applicant in August 2018 to discuss the development of a power generation plant on the subject site.

ANALYSIS

The property is currently zoned Agricultural District. All adjacent properties are also zoned Agricultural District. The land uses in the area include a City of Tomball drainage ditch, and nursery and a Center Point Energy substation. The remaining properties in the area are undeveloped.

The Comprehensive Plan designates the property as Business/Industrial. Surrounding properties are also designated as Business/Industrial. According to the Comprehensive Plan, the Business/Industrial “designation indicates where industrial and intensive employment activities should occur”. The request appears to be consistent with the City’s Comprehensive Plan.

ZONING CONSIDERATIONS

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

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

There are not many established land uses along Pitchford Road. The uses that are existing include a nursery, a Center Point Energy substation and a few single-family residences further south on Pitchford Road. There are single-family residences to the north of the property on Lizzie Lane, however, Lizzie Lane does not intersect Pitchford Road and the City of Tomball drainage ditch is between the site and the residences, creating a buffer.

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

Utilities will need to be extended at the developer's expense in order to serve the subject site. Pitchford Road is currently not constructed to City of Tomball requirements, and would therefore require a right-of-way dedication as well as upgrades to the road surface.

- 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 not a lot of vacant land in the City zoned Light Industrial. There does not appear to be any special circumstances which may make a substantial part of any vacant land unavailable for development.

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

Development in the Light Industrial District is mainly focused in the Business and Technology Park. There has not been a lot of other development activity in the Light Industrial District.

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

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 Business/Industrial which is intended for industrial and intensive employment activities including unenclosed assembly, warehousing, distribution facilities, and office/showrooms. The request appears to be consistent with the Future Land Use Map.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on October 26, 2018. The Notice of Public Hearing was published in the paper on October 31, 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 P18-161 for the following reasons:

1. The request is in conformance with the Future Land Use Map;
2. The request is generally appropriate with the surrounding land uses in the area;

EXHIBITS

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

Exhibit “A”
Aerial Photo



Exhibit "B"
Comprehensive Plan

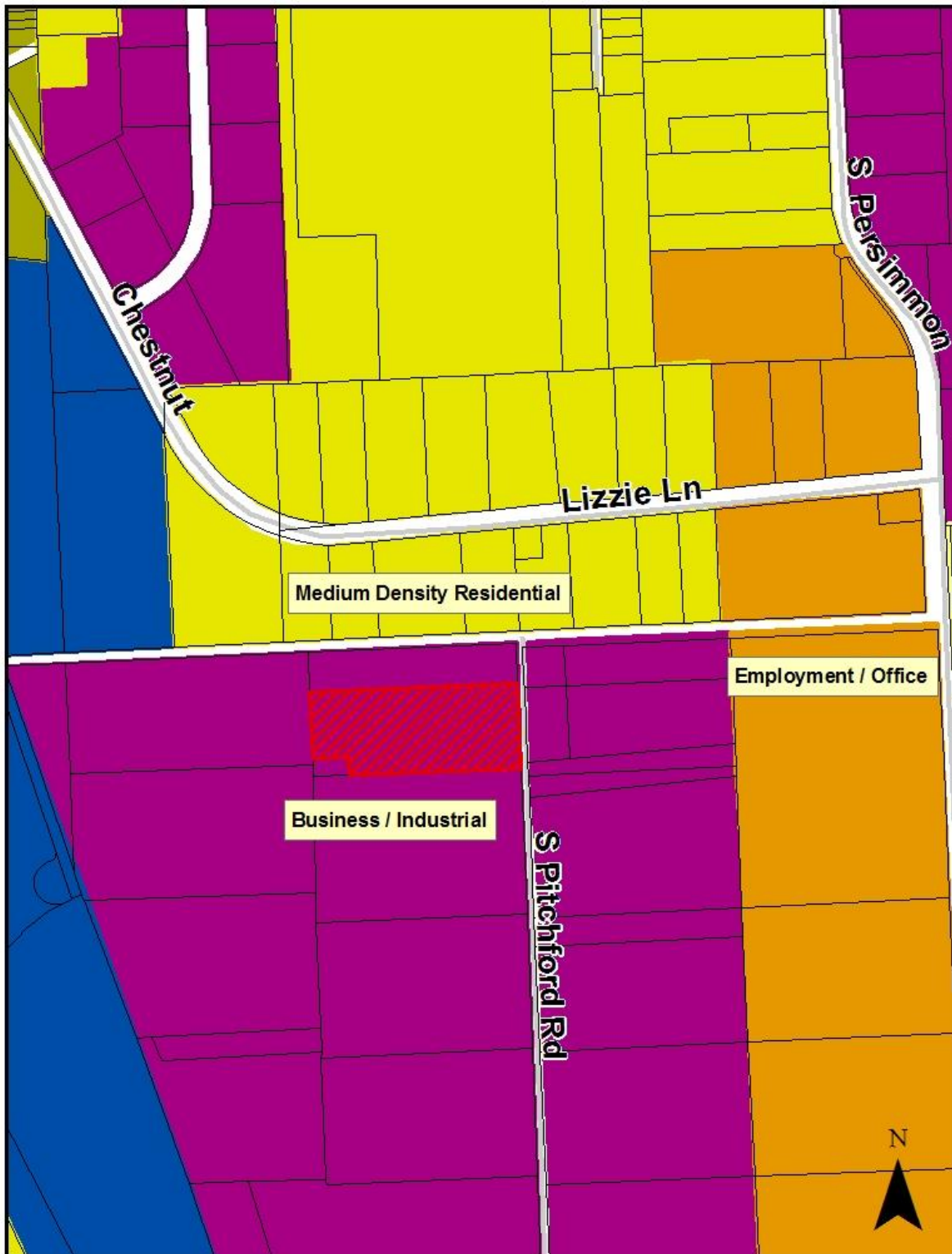
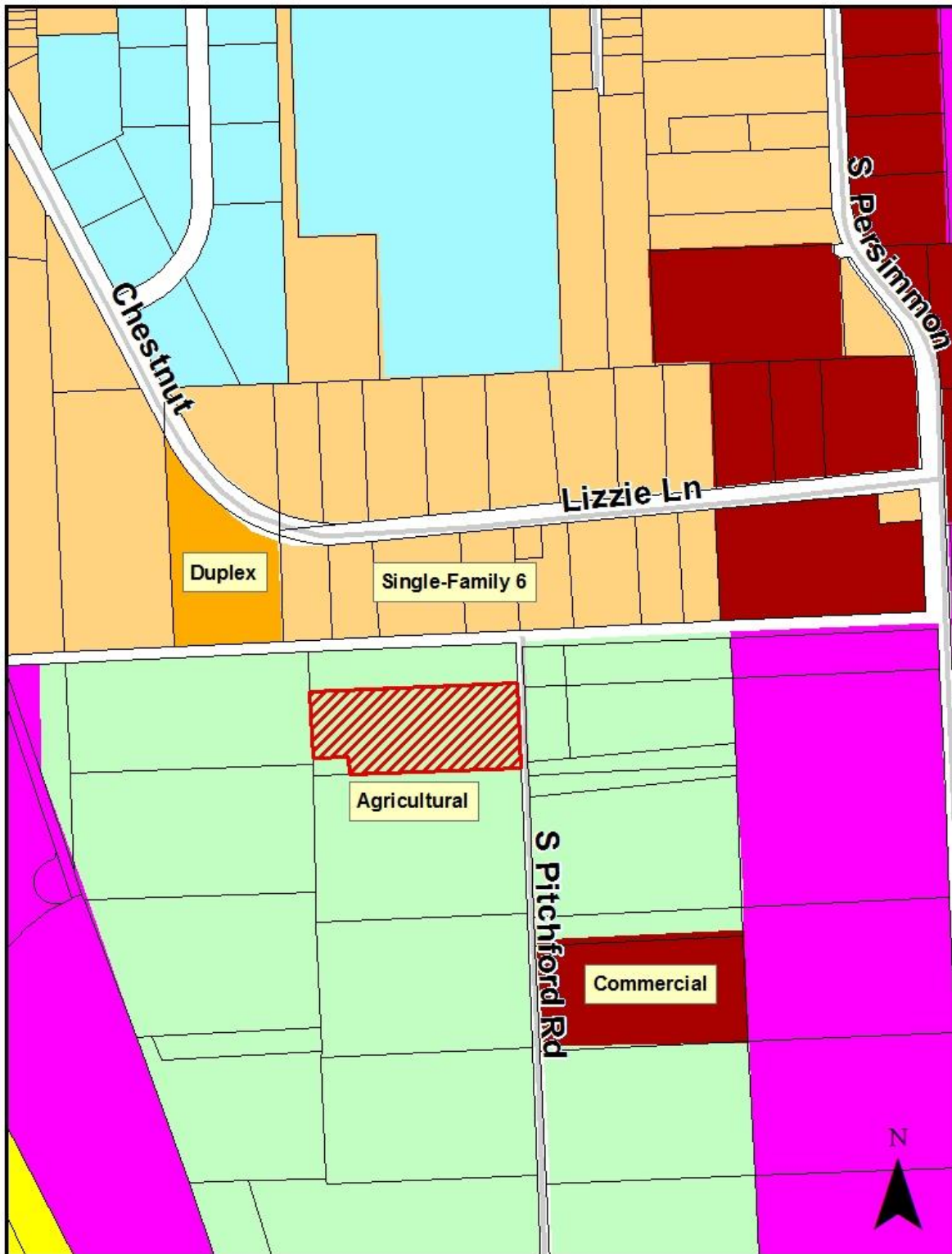


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E" Application

DocuSign Envelope ID: 3F744DB3-69B4-455D-A193-D52B243901BC

Revised 5/19/15



18-161

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: Timothy Hertel Title: Partner
Mailing Address: 11 Desert Rose Pl City: Spring State: TX
Zip: 77382
Phone: (804) 621-3061 Fax: (NA) NA Email: tim.hertel@dflexpower.com

Owner

Name: Victor Johnson Title: Owner
Mailing Address: 902 Pitchford Road City: Tomball State: Texas
Zip: 77375
Phone: (832) 515-5357 Fax: () Email: heat2treat@yahoo.com

Engineer/Surveyor (if applicable)

Name: Mira Ruiz (Ward, Getz & Associate) Title: Associate
Mailing Address: 2500 Tanglewilde City: Houston State: TX
Zip: 77063
Phone: (713) 357-6563 Fax: () Email: mruiz@wga-llp.com

Description of Proposed Project: Tomball Substation Electricity Balancing Station

Physical Location of Property: 902 Pitchford Road Tomball, Texas 77375

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

Legal Description of Property: TR 253A/Tomball Outlots

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

Current Zoning District: Agricultural (AG)

Current Use of Property: Residential

Proposed Zoning District: Light Industrial (LI)

Proposed Use of Property: Electricity Generating Unit

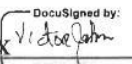
HCAD Identification Number: 0352880000360 **Acreage:** 3.0026

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.

☒  10/2/2018
Signature of Applicant Date

☒  10/2/2018 6:23:21 PM CDT
Signature of Owner Date

CITY OF TOMBALL
281-351-5484

REC#: 01047719 10/03/2018 10:47 AM
OPER: LC TERM: 005
REF#: W1005

TRAN: 130.0000 PLANNING AND ZONING
902 PITCHFORD RD
TIMOTHY HERTEL
100-5441
REZONING APPLICATIO 440.00CR

TENDERED: 440.00 CHECK
APPLIED: 440.00-

CHANGE: 0.00



Exhibit B: Conceptual Site Plan

DFLEX POWER, LLC

10/16/2024 10:16:16 AM



Exhibit C: Boundary Survey

DFLEX POWER, LLC

Harris County Appraisal District



PUBLICATION DATE:
12/22/2017

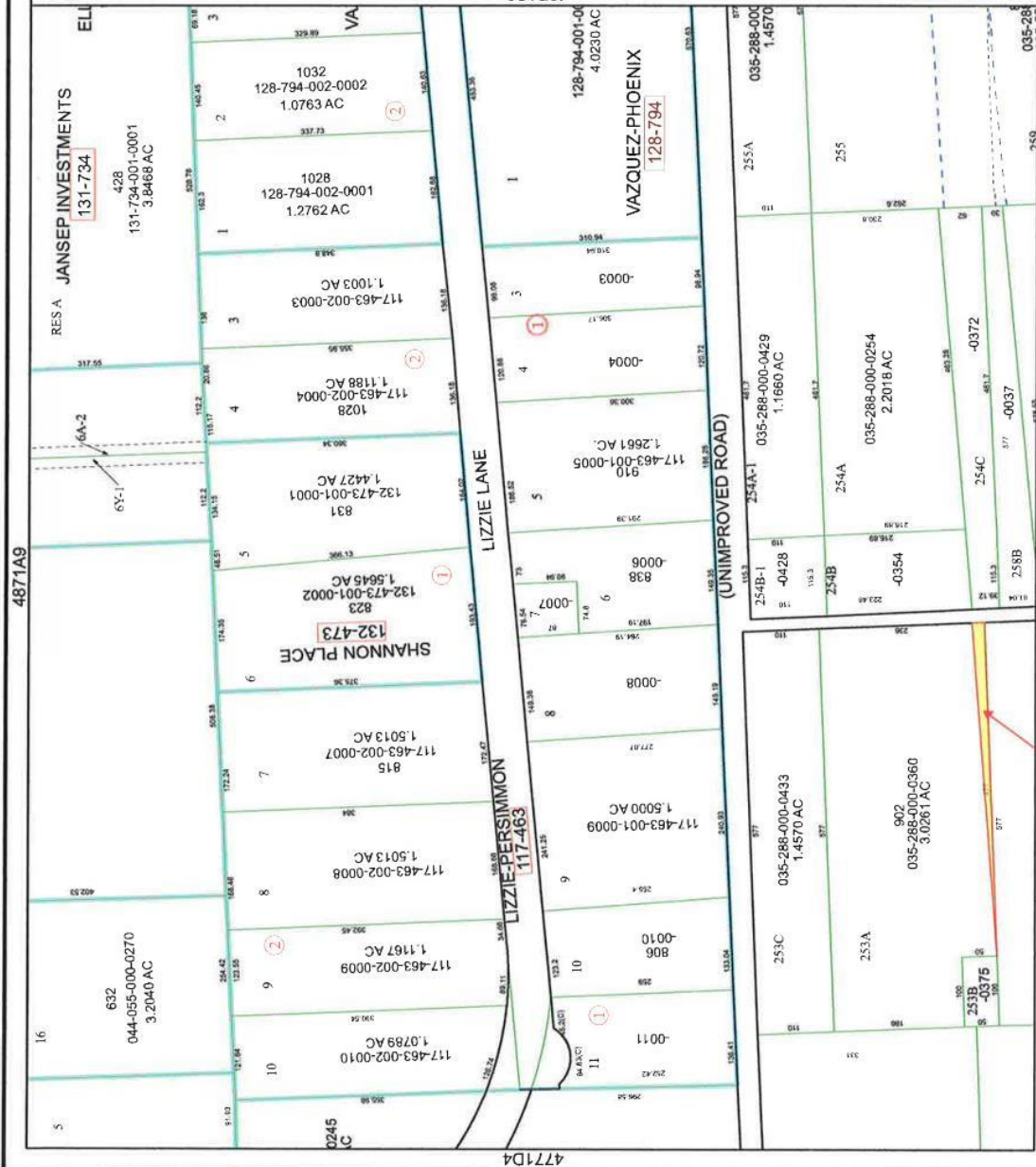
Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes only and may not have been prepared for or be suitable for legal, engineering or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

MAP LOCATION



FACET 4871C

1	2	3	4
5	6	7	8
9	10	11	12



Piece in question. Did HLP actually acquire this a while back? Waiting on City Planning Letter to find out.



DFLEX POWER, LLC ("DFlex")
Request for Rezoning
10/3/2018

TO: City of Tomball Texas
501 James St
Tomball, TX 77375
(281) 290-1405

To Whom it May Concern,

Please find attached an application from DFlex to change the zoning of the land parcel located at 902 Pitchford Rd. , Tomball, TX 77375 from Agricultural (AG) to Light Industrial (LI). This change is in keeping with the city's Future Land Use plans (revised Aug 19, 2016) and will provide the proper classification for our intended use.

We are filing this request to help facilitate the development and construction of an electrical power station that will have great benefit to the local community. The station will effectively act as a power stabilizing facility for the local area, helping maintain the reliability of Tomball's electrical power supply while also allowing the community to construct distributed renewable generation facilities without significant upgrades to existing infrastructure.

Further, the facility will have direct economic benefit to the local community in the form of property taxes and natural gas purchases.

We are excited and committed to working with your local planning commission to making this project a success for the City of Tomball and appreciate your consideration of this application.

Regards,

DFLEX POWER, LLC

A handwritten signature in black ink, appearing to read "Tim Hertel".

Print: TIM HERTEL, PARTNER

DFLEX POWER, LLC



Exhibit A: Completed Application Form

DFLEX POWER, LLC

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 19, 2018

Topic:

Consideration To Approve **Zoning Case P18-166**: Request By Great Oak School To Amend Chapter 50 (Zoning) Of The Tomball Code Of Ordinances By Rezoning Approximately 10 Acres Of Land Legally Described As Lot 1 Block 1 Welling Owens Quadraplexes, Within The City Of Tomball, Harris County, Texas, Generally Located On The East Side Of Lovett Street, South Of Carrell Street, From The Planned Development 2 District To The Office District.

- Conduct Public Hearing On **Zoning Case P18-166**
- Adopt, On First Reading, Ordinance No. 2018-38, 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 10 Acres Of Land, Legally Described Lot 1 Block 1 Welling Owens Quadraplexes, Within The City Of Tomball, Harris County, Texas, From The Planned Development District To The Office District; Said Property Being Generally Located On The East Side Of Lovett Street, South Of Carrell Street; 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, November 12, 2018, after conducting a public hearing, the Planning and Zoning Commission voted unanimously to recommend Approval of the rezoning request.

Origination:

Great Oak School

Recommendation:

Approval

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

Craig T. Meyers P.E., Community Development Director

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
--	--	-------

ATTACHMENTS:

Ordinance No. 2018-38
Notice of Public Hearing
Property Owner Notification
P18-166 Response Forms
P18-166 Staff Report

ORDINANCE NO. 2018-38

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 10 ACRES OF LAND, LEGALLY DESCRIBED LOT 1 BLOCK 1 WELLING OWENS QUADRUPLXES, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE PLANNED DEVELOPMENT DISTRICT TO THE OFFICE DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF LOVETT STREET, SOUTH OF CARRELL STREET; 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, Great Oak School has requested that approximately 10 acres of land, legally described as Lot 1 Block 1 Welling Owens Quadruplexes, generally located on the east side of Lovett Street, south of Carrell Street, 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 Office 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 Planned Development District to the Office District subject to the regulations, restrictions, and conditions hereafter set forth.

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

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

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other 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 19TH DAY OF NOVEMBER 2018.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 3RD DAY OF DECEMBER 2018.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
NOVEMBER 12, 2018
&
CITY COUNCIL
NOVEMBER 19, 2018**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, November 12, 2018, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 19, 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 P18-161: Request by Timothy Hertel, on behalf of DFLEX POWER, LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3 acres of land legally described as Tract 253A Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the west side of Pitchford Road at 902 Pitchford Road, from the Agricultural District to the Light Industrial District.

Zoning Case P18-166: Request by Great Oak School to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land legally described as Lot 1 Block 1 Welling Owens Quadrplexes, within the City of Tomball, Harris County, Texas, generally located on the east side of Lovett Street, south of Carrell Street, from the Planned Development 2 District to the Office District.

Zoning Case P18-167: Request by Great Oak School for a Conditional Use Permit to operate a *School, other than public or denominational* on approximately 10 acres of land legally described as Lot 1 Block 1 Welling Owens Quadrplexes, within the City of Tomball, Harris County, Texas. The property is generally located on the east side of Lovett Street, south of Carrell Street, and is zoned Office 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

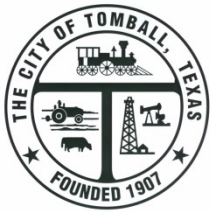
Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **8th** day of **November 2018** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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: P18-166

APPLICANT/OWNER: Great Oak School

LOCATION: Generally located on the east side of Lovett Street, south of Carrell Street

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land legally described as Lot 1 Block 1 Welling Owens Quadraplexes, within the City of Tomball, Harris County, Texas, from the Planned Development 2 District to the Office District.

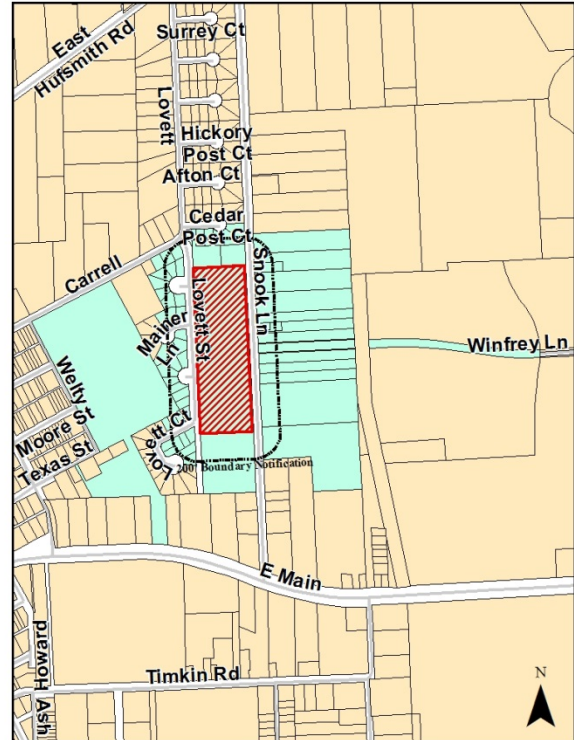
CONTACT: Amelia Lindley, Planner

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, November 12, 2018, 6:00 PM**

**City Council Public Hearing:
*Monday, November 19, 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:

Dorma Rushing

23511 Lovett St
Tomball, TX 77375

Dorma Rushing

11/12/18



I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P18-166. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P18-166. (Please state reasons below)

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

Monday, November 12, 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, November 19, 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:

LYNDA EVANS

922 Bolton Ct

Tomball Tx

Lynda Evans

11-9-18

☒

I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P18-166. (Please state reasons below)

☐

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P18-166. (Please state reasons below)

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

Monday, November 12, 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, November 19, 2018, 6:00 PM

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

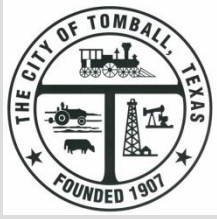
COMMENTS:

I really hope that this 'Rezoning' is going to get rid of the red + the white shawty, drug houses will be condemned.

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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: November 12, 2018
City Council Public Hearing Date: November 19, 2018

Rezoning Case: P18-166
Property Owner(s): 23730 Lovett LLC
Applicant(s): Great Oak School
Legal Description: Lot 1 Block 1 Welling Owens Quadruplexes
Location: East side of Lovett Street, south of Carrell Street (Exhibit "A")
Area: 10 acres
Comp Plan Designation: High Density Residential (Exhibit "B")
Present Zoning and Use: Planned Development District (Exhibit "C") / Undeveloped (Exhibit "D")
Request: Rezone from the Planned Development 2 District to the Office District for the construction of a *school, other than public or denominational*

Adjacent Zoning & Land Uses:

North: Single-Family 9 and Commercial District / Single-family residence and undeveloped land

South: Commercial District / Office/warehouse lease spaces

West: Single-Family 9 and Single-Family 6 District / Single-family residences

East: Commercial District / Snook Lane, multiple non-residential uses, undeveloped land

BACKGROUND

City Staff first met with the applicant in March 2018 to discuss the development of a *school, other than public or denominational*. After multiple discussions, the applicant submitted a Rezoning Application requesting a rezoning to the Office District, as well as a Conditional Use Permit Application for the proposed use.

ANALYSIS

The subject property is 10 acres and has frontage on both Lovett Street and Snook Lane. Properties on Snook Lane in this area are zoned Commercial and there are multiple commercial establishments including a storage facility and office/warehouse facilities. Lovett Street is zoned Single-family 9 and Single-family 6 and has multiple single-family dwellings.

The property is zoned Planned Development 2 and was approved in 2008, when zoning was originally adopted, for the construction of townhomes. The property was platted in 2014, however, there were no plans submitted for the City's review afterward.

The Comprehensive Plan designates the property as High Density Residential. Properties in the area are also designated High Density Residential as well as Medium Density Residential and Mixed Use. The High Density Residential category includes various housing products such as patio homes, townhomes, duplexes and apartments, among others. This category "may also include such supporting land uses as neighborhood shops and services, parks and recreational amenities, religious institutions, and schools". At first glance, it may appear the proposed rezoning request does not meet the intent of the Future Land Use Map, however, many uses allowed in the Office District would include neighborhood shops and services, religious institutions and schools.

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 Office District appear to be appropriate for the immediate area. According to Section 50-75 (Office District), the purpose of the Office Zoning District is to provide "a transition district between residential uses and more intense uses". In the immediate area, the Office District would act as a buffer from the commercial uses on Snook Lane and the residences on Lovett Street.

- 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 the proposed development.

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

There is not a lot of vacant land in the City zoned Office District. In fact, less than 1% of the property in Tomball is zoned Office. There does not appear to be any special circumstances which may make a substantial part of any vacant land unavailable for development.

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

There has not been steady development in the Office District in the City. There has not been any request to the Office District in the vicinity of the proposed change.

- 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 High Density Residential. As mentioned above, the proposed rezoning would be compatible with the High Density Residential classification because the Office District includes land uses that would be supporting land uses for the residential development.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on October 26, 2018. The Notice of Public Hearing was published in the paper on October 31, 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 P18-166 for the following reasons:

1. The Office District is the least intense non-residential zoning district and would create a buffer between the intense commercial uses on Snook Lane and the single-family residences on Lovett Street;
2. The request is consistent with the goals of the Comprehensive Plan;
3. There is not a large amount of undeveloped land zoned Office District in the City;
4. The uses allowed in the Office 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

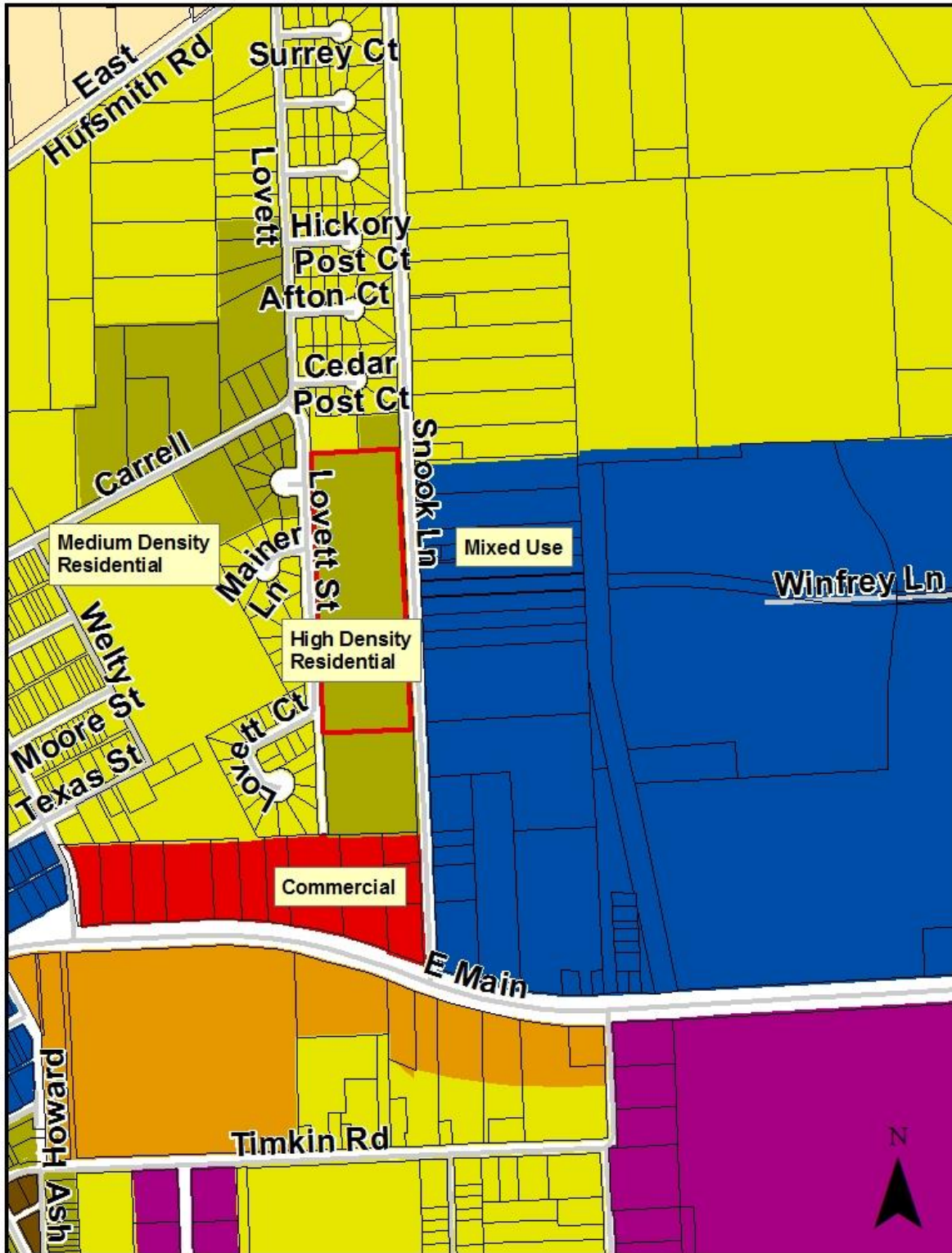
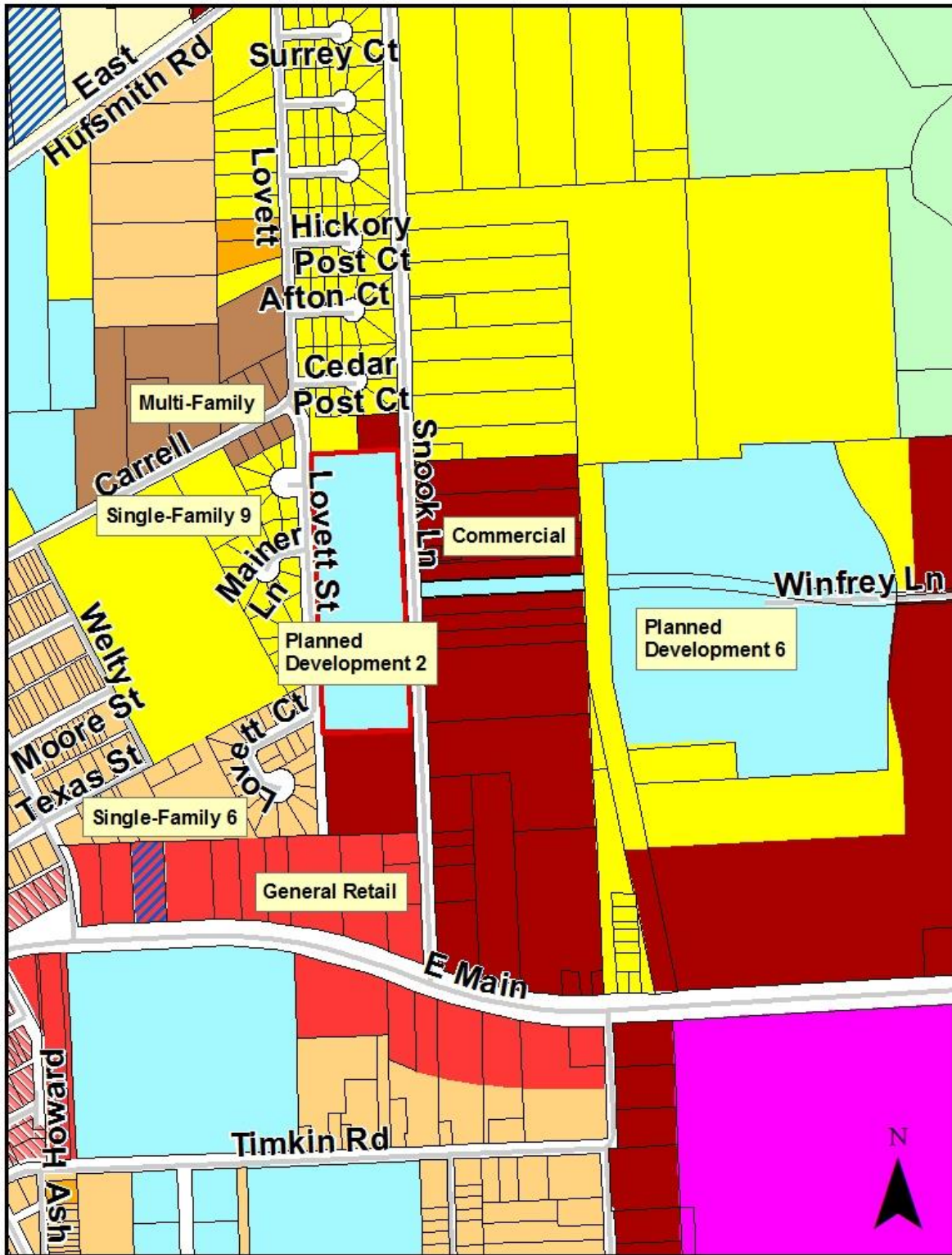


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Exhibit "E"
Application

Revised 5/19/15



APPLICATION FOR REZONING
Community Development Department
Planning Division

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

Applicant
Name: GREAT OAK SCHOOL Title: _____
Mailing Address: 715 CARRELL ST. City: TOMBALL State: TX
Zip: 77375
Phone: (281) 516-7296 Fax: () _____ Email: ZULANA@GREAT OAK SCHOOL.ORG

Owner
Name: 23730 LOVETT LLC Title: _____
Mailing Address: 888 AVENUE D, STE. B City: KATY State: TX
Zip: 77493
Phone: (281) 391-7365 Fax: (713) 355-4809 Email: SGHUNT@HFPLLC.NET

Engineer/Surveyor (if applicable)
Name: ODYSSEY ENGINEERING GROUP Title: _____
Mailing Address: 2500 TANGLEWILDE ST City: HOUSTON State: TX
Zip: 77063 #480
Phone: (281) 306-0240 Fax: () _____ Email: MGLBERT@ODYSSEYEG.COM

Description of Proposed Project: PRIVATE SCHOOL CAMPUS

Physical Location of Property: 23730 LOVETT ST, TOMBALL, TX 77375
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: OUTLOT 104, 103 & 98, ALSO 15.01057, ABSTRACT 383
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: PLANNED DEVELOPMENT DISTRICT

Current Use of Property: NOT USED - WOODED

Proposed Zoning District: OFFICE DISTRICT WITH CONDITIONAL USE

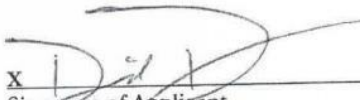
Proposed Use of Property: PRIVATE SCHOOL PERMIT

HCAD Identification Number: 3148539 **Acres:** 10

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

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

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

X  _____ 10-9-18
Signature of Applicant Date

X By: *Stephen Hunt, manager* _____ 10/10/18
Signature of Owner Date



Great Oak School is a private, not for profit Waldorf school. We are the largest Waldorf school in Houston, second largest in Texas. Currently we serve 100 students from preschool through seventh grade, with plans to add eighth grade in 2019-2020. We have 70 families, out of which 15 live in Tomball and more keep moving to Tomball to be closer to the school.



Waldorf education is an educational philosophy founded in Germany in 1919 that focuses on the whole child through a rigorous and developmentally appropriate curriculum. Our students learn by doing and experiencing the world. Beginning in preschool children garden, chop vegetables, knead bread, make soup and play. We teach German, Spanish, knitting and the pentatonic flute in first grade. In third grade kids begin learning a string instrument. Our education style produces confident, caring and creative kids.

Great Oak School has been leasing space from the Episcopal Church of the Good Shepherd at 715 Carrell Street for the last ten years. We love our location in Tomball but are outgrowing our current space. Our kindergartens are full, our pre-school has a waiting list and the church is out of classrooms. We decided to purchase the Lovett property to ensure our school has room to grow, just like our kids.



The Lovett property is an ideal setting for our future campus. As at our current location, we love the beauty of the property with trees and greenery. Modeled after the Austin Waldorf School, our plan for the new campus is to integrate the buildings among the trees and keep the campus aesthetically pleasing and engaging. Large playgrounds, gardens and many trees provide an engaging aesthetic that naturally calms children and prepares them to learn.

Great Oak School requests the Lovett property be rezoned from planned development district to office district with conditional use permit to accommodate our future growth. We're excited about the new property and we're excited about our future in Tomball.

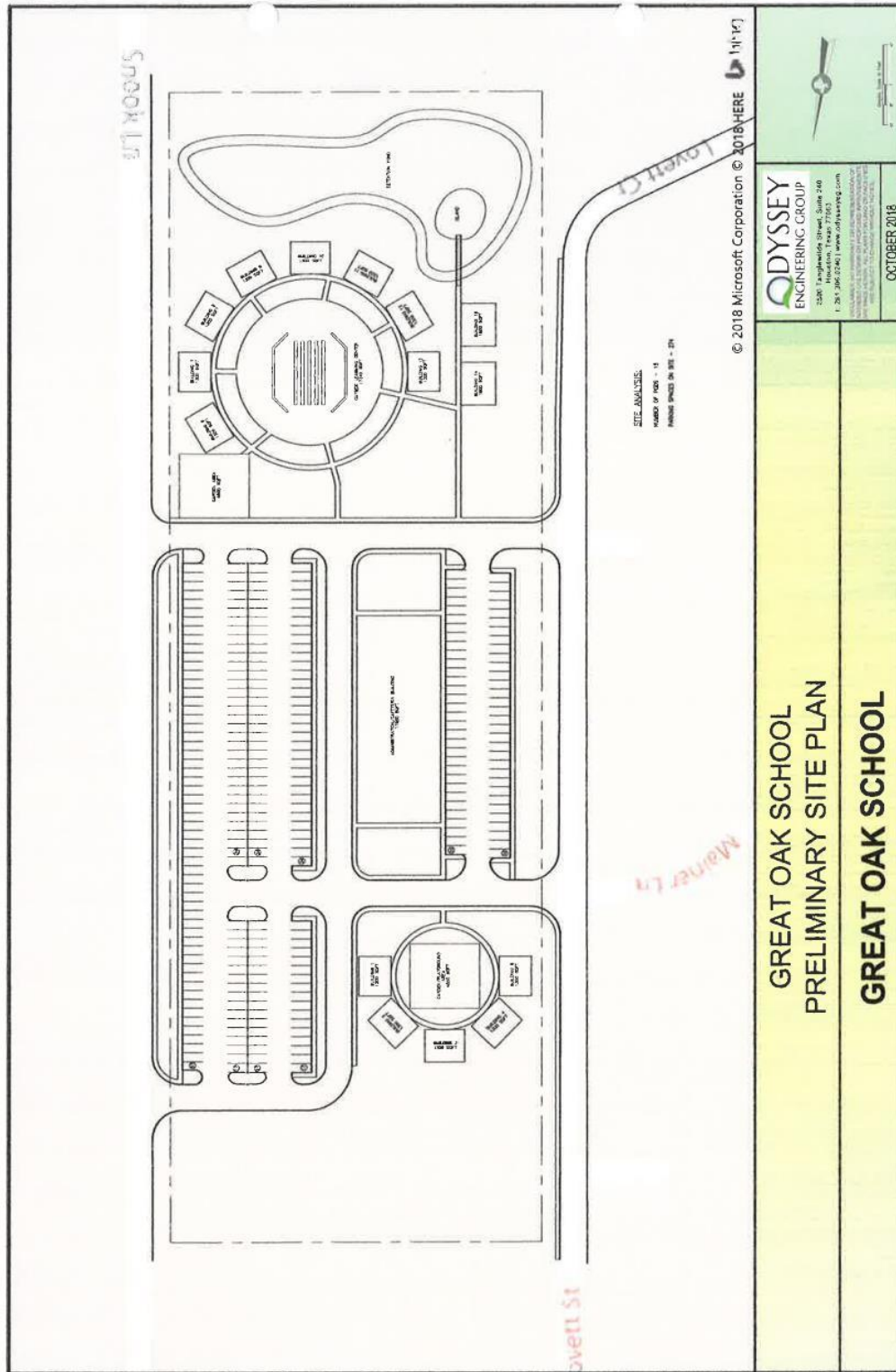
Thank you,

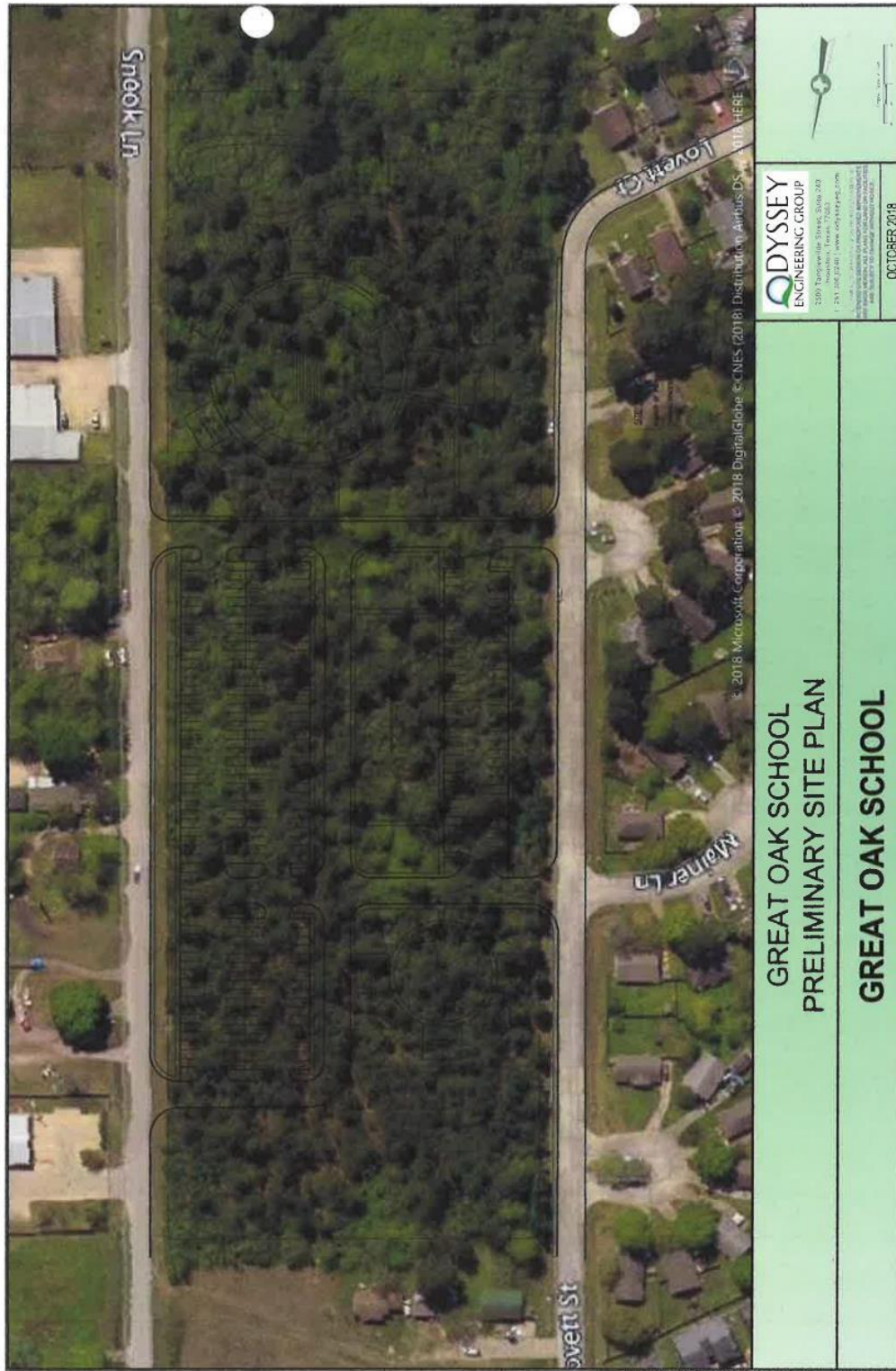
Dave Tegtmeier

Dad of Owen and Elliot

On Behalf of Great Oak School's Board of Trustees

715 CARRELL STREET • TOMBALL, TX 77375 • 281.516.7296 • GREATOAKSCHOOL.ORG





GREAT OAK SCHOOL PRELIMINARY SITE PLAN

GREAT OAK SCHOOL

QDYSEY
ENGINEERING GROUP

2309 Tinsleyville Street, Suite 240
Houston, Texas 77057
Tel: 281.240.8800
www.qdysey.com

THIS DOCUMENT IS THE PROPERTY OF QDYSEY ENGINEERING GROUP. IT IS TO BE USED FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF QDYSEY ENGINEERING GROUP.

OCTOBER 2018



RWD
F

20130037896
01/25/2013 ER \$40.00

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORD: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

RIGHT-OF-WAY AGREEMENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

For and in consideration of Ten and No/100 Dollars (\$10.00) in hand paid, the receipt and sufficiency of which is hereby acknowledged, the undersigned WOODFOREST NATIONAL BANK (the "Grantor", whether one or more) does hereby GRANT, BARGAIN, SELL and CONVEY to TORTUGA OPERATING COMPANY, INC., its successors and assigns (the "Grantee"), the right, privilege, and unobstructed easement to lay, construct, reconstruct, replace, renew, operate, maintain, repair, change the size of, and remove one or more pipelines for the transportation of oil, petroleum, or any of its products, gas, water, and any other substances thereof, over, though, upon, under and across the right-of-way ranging from thirty (30') to fifty feet (50') in width, on lands of Grantor in the Harris County, Texas, as more particularly described in the metes and bounds attached as Exhibit "B" (the "Easement").

The Grantee shall have all of the rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted. It is further agreed as follows:

1. Grantor is the owner of the 10 acres described by metes and bounds in attached Exhibit "A" by and through the deed recorded at Clerk's File No. 2011-0253517 of the Real Property Records of Harris County, Texas.
2. Grantor and Grantee agree that this new right-of way agreement modifies and replaces the existing 1944 right-of-way agreement recorded at Volume 1352, page 638 of the Real Property Records of Harris County, Texas, only as to the ten (10) acres described by metes and bounds in the attached Exhibit "A" and that the existing 1944 right-of-way agreement remains in full force and effect as to the other properties effected by such agreement.
3. As a consequence of this modification, Grantee is releasing its right to use, occupy, or possess any portion of the ten (10) acres described by metes and bounds in the attached Exhibit "A" other than the Easement area described in attached Exhibit "B".
4. Grantor agrees that Grantee may abandon in place any pipelines located on the ten (10) acres described by metes and bounds in the attached Exhibit "A" and that it shall be the sole responsibility of the Grantor, its successors and assigns, to remove and dispose of such abandoned pipeline facilities.
5. It is further agreed that Grantor shall have the right to use and enjoy the surface of said Easement described herein, provided such use shall not interfere with the use by Grantee of the Easement for the purposes for which the Easement is granted. Grantor shall not

GF # 126010
06/Kojak
Stewart Title of Montgomery County

ER 040 - 66 - 1483

ER 040 - 66 - 1484

GRANTOR
WOODFOREST NATIONAL BANK 10R

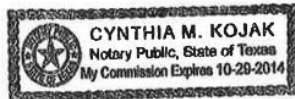
By *Michael H. Richmond*
Michael H. Richmond, Vice-Chairman

GRANTEE
TORTUGA OPERATING COMPANY, INC 1EE

By *Peter L. Turbett*
Peter L. Turbett, President

STATE OF TEXAS
COUNTY OF ~~HARRIS~~ *Montgomery*

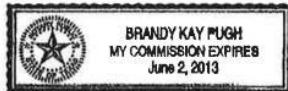
This instrument was acknowledged before me on this 24th January, 2013, by
Michael H. Richmond, Vice-Chairman of WOODFOREST NATIONAL BANK.



Cynthia M. Kojak
Notary Public in and for the State of Texas

STATE OF TEXAS
COUNTY OF HARRIS

This instrument was acknowledged before me on this 20th day of December, 2012, by
Peter L. Turbett, President of TORTUGA OPERATING COMPANY, INC.



Brandy Kay Pugh
Notary Public in and for the State of Texas

RETURN TO:
WOODFOREST NATIONAL BANK
P. O. Box 7889
The Woodlands, Texas 77387-7889

EXHIBIT A

METES AND BOUNDS

AUGUST 18, 2005

FIELD NOTES FOR A 10.0010 ACRE TRACT OF LAND, BEING THE SAME 10.0000 ACRE TRACT OF LAND DESCRIBED UNDER HARRIS COUNTY CLERK'S FILE NUMBER J148539, BEING OUT OF AND A PART OF OUTLOT 104, OUTLOT 103 AND OUTLOT 98 OF FIVE ACRE TRACTS TOM BALL TOWNSITE, RECORDED IN VOLUME 2, PAGE 65, MAP RECORDS, HARRIS COUNTY, TEXAS, AND OUT OF AND A PART OF A 15.01057 ACRE TRACT OF LAND DESCRIBED UNDED UNDER HARRIS COUNTY CLERK'S FILE NUMBER H288237, SITUATED IN THE RALPH HUBBARD SURVEY, ABSTRACT NUMBER 383, HARRIS COUNTY TEXAS. BEARINGS AND COORDINATES ARE REFERRED TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, DEFINED IN THE TEXAS NATURAL RESOURCES CODE, SECTION 20.071, ET. SEQ. AND ARE BASED ON THE PUBLISHED POSITION (2001 Adj.) of NOAA/NGS STATION: COOPERATIVE CORS STATION WLA 1, TO CONVERT THE SURFACE DISTANCE TO GRID DISTANCE, MULTIPLY BY A COMBINATION SCALE FACTOR OF 0.999951143, SAID 3.6213 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMINGING: AT A CALLED AND FOUND 5/8 INCH IRON ROD HAVING COORDINATES OF $X = 3,042,811.469$ And $Y = 13,983,738.467$ IN THE WEST RIGHT OF WAY LINE OF SNOOK LANE, BASED ON 60' WIDTH, IN THE NORTH LINE OF THE JESSE PRUITT SURVEY, ABSTRACT NUMBER 829, OF THE SAID COUNTY AND STATE AND THE SOUTH LINE OF THE SAID RALPH HUBBARD SURVEY, THE SOUTHEAST CORNER OF THE SAID 15.01057 ACRE TRACT OF LAND, THE SOUTHEAST CORNER OF A 3.6230 ACRES OF LAND DESCRIBED UNDER HARRIS COUNTY CLERK'S FILE NUMBER N468840, IN THE SOUTH LINE OF THE SAID OUTLOT 104 AND THE NORTHEAST CORNER OF A 0.04360 ACRES OF LAND DESCRIBED UNDER HARRIS COUNTY CLERK'S FILE NUMBER J153120, AND FROM SAID CORNER A FOUND 2 INCH IRON PIPE FOR THE SOUTHEAST CORNER OF THE SAID RALPH HUBBARD SURVEY AND AN L CORNER OF THE SAID JESSE PRUITT SURVEY BEARS NORTH $87^{\circ} 28' 00''$ EAST, A DISTANCE OF 69.00 FEET;

THENCE: SOUTH $87^{\circ} 28' 00''$ WEST, A DISTANCE OF 378.01 FEET, WITH THE SOUTH LINE OF THE SAID 15.01057 ACRE TRACT OF LAND, THE SOUTH LINE OF THE SAID OUTLOT 104, THE SOUTH LINE OF THE SAID 3.6230 ACRE TRACT OF LAND, THE NORTH LINE OF THE SAID 0.04360 ACRE TRACT OF LAND, THE NORTH LINE OF A 6.83 ACRE TRACT OF LAND, TRACT 5, DESCRIBED IN A DEED RECORDED IN VOLUME 3519 PAGE 548 OF THE DEED RECORDS OF THE SAID COUNTY AND STATE, THE NORTH LINE OF A 1.8778 ACRE TRACT OF LAND DESCRIBED UNDER HARRIS COUNTY CLERK'S FILE NUMBER M816193 AND THE COMMON LINE OF THE SAID SURVEYS, TO A CALLED AND FOUND 5/8 INCH IRON ROD IN THE EAST RIGHT OF WAY LINE OF 30 FOOT DEDICATED ROAD EASEMENT OF THE SAID SUBDIVISION, THE SOUTHWEST CORNER OF THE SAID OUTLOT 104 AND THE SOUTHWEST CORNER OF THE SAID 15.01057 ACRE TRACT OF LAND AND FROM SAID CORNER A FOUND 5/8 INCH IRON ROD BEARS NORTH $44^{\circ} 52' 21''$ WEST, A DISTANCE OF 0.11 FEET;

THENCE: NORTH $02^{\circ} 21' 45''$ WEST, A DISTANCE OF 420.18 FEET, WITH THE EAST LINE OF THE SAID 30 FOOT DEDICATED ROAD EASEMENT, THE WEST LINE OF SAID OUTLOT 104 AND THE WEST LINE OF THE SAID 15.01057 ACRE TRACT OF LAND TO A SET 3/4 INCH IRON ROD WITH A PLASTIC CAP FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, THE NORTHWEST CORNER OF THE SAID 3.6230 ACRE TRACT OF LAND, AND ALSO BEING THE PLACE OF BEGINNING AND FROM SAID CORNER A FOUND 1 INCH IRON PIPE BEARS NORTH $19^{\circ} 41' 33''$ WEST, A DISTANCE OF 0.47 FEET;

ER 040 - 66 - 1485

ER 040 - 66 - 1486

THENCE: NORTH 02° 21' 46" WEST, A DISTANCE OF 1164.82 FEET, CONTINUING WITH THE EAST LINE OF THE SAID 30 FOOT DEDICATED ROAD EASEMENT, THE WEST LINE OF SAID OUTLOT 98, THE WEST LINE OF SAID OUTLOT 103, THE WEST LINE OF SAID OUTLOT 104 AND THE WEST LINE OF THE SAID 15.01057 ACRE TRACT OF LAND, TO A CALLED AND FOUND 5/8 INCH IRON ROD FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE SOUTHWEST CORNER OF A 1.3997 ACRES OF LAND DESCRIBED UNDER HARRIS COUNTY CLERK'S FILE NUMBER 6487619;

THENCE: NORTH 87° 31' 57" EAST, A DISTANCE OF 372.95 FEET, WITH THE SOUTH LINE OF THE SAID 1.3997 ACRE TRACT OF LAND TO A SET 3/4 INCH IRON ROD WITH A PLASTIC CAP IN THE WEST RIGHT OF WAY LINE OF SAID SNOOK LANE, IN THE EAST LINE OF THE SAID 15.01057 ACRE TRACT OF LAND FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT AND THE SOUTHEAST CORNER OF THE SAID 1.3997 ACRE TRACT OF LAND;

THENCE: SOUTH 02° 28' 22" EAST, A DISTANCE OF 1164.58 FEET, WITH THE WEST RIGHT OF WAY LINE OF SAID SNOOK LANE AND THE EAST LINE OF THE SAID 15.01057 ACRE TRACT OF LAND TO A CALLED AND FOUND 5/8 INCH IRON ROD FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT AND THE NORTHEAST CORNER OF THE SAID 3.8230 ACRE TRACT OF LAND;

THENCE: SOUTH 87° 31' 39" WEST, A DISTANCE OF 375.19 FEET, WITH THE NORTH LINE OF THE SAID 3.8230 ACRE TRACT OF LAND TO THE PLACE OF BEGINNING AND CONTAINING 10.0010 ACRES OF LAND.

VOLUME 200768



ER 040 - 66 - 1488

EXHIBIT B

DESCRIPTION

30 FOOT AND 50 FOOT PIPELINE EASEMENT

OUT OF A 10.0010 ACRE TRACT OF LAND

RALPH HUBBARD SURVEY A-383,

HARRIS COUNTY, TEXAS

COMMENCING at the southwesterly corner of the said 10.0010 acre tract of land described under Harris County Film Code Number 20110253517, said corner being on the easterly R.O.W. line of Lovett Street and also being the southwesterly corner of the herein described 30 foot and 50 foot pipeline easements:

THENCE N. 02°21'45"W. a distance of 1164.62 feet along the easterly line of the said Lovett Street and westerly line of the said 30 foot pipeline easement to the northwesterly corner of the herein described tract;

THENCE N.87°31'57"E. a distance of 175 feet along the northerly line of the said 10.0010 acre tract of land and the said 50 foot pipeline easement to the most northerly northeast corner of the herein described tract;

THENCE S02°28'03"E., a distance of 50 feet along a easterly line of the said 50 feet pipeline easement to the most northerly southeast corner of the said 30 feet and 50 foot pipeline easements;

THENCE S. 87°31'57" W., a distance of 145.09 feet along the southerly line of the said 50 foot pipeline easement to an interior corner of the said 30 foot and 50 foot pipeline easements;

THENCE S.02°21'45"E., a distance of 1064.62 feet along the easterly line of the said 30 foot pipeline easement to an interior corner of the said 30 foot and 50 foot pipeline easements;

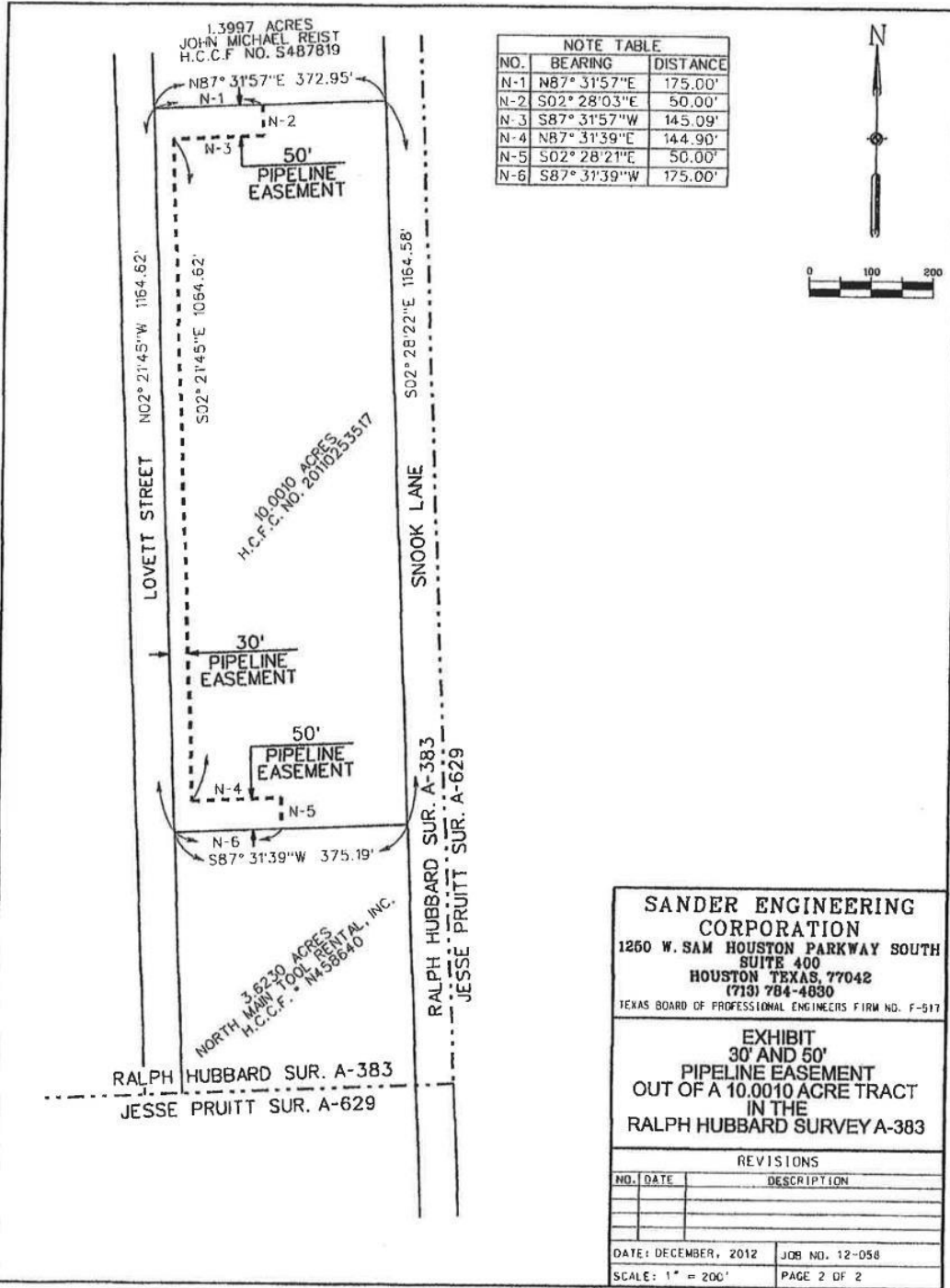
THENCE N.87°31'39"E., a distance of 144.90 feet along a northerly line of the said 50 feet pipeline easement to the most southerly northeast corner of the herein described tract;;

THENCE S.02°28'21"E., a distance of 50 feet along an easterly line of the said 50 foot pipeline easement to the most southerly southeast corner of the herein described tract;

THENCE S.87°31'39"E W., a distance of 175 feet along the southerly line of the said 10.0010 acre tract of land and the 50 foot pipeline easement to the POINT OF BEGINNING and containing 49,438 square feet of land.

ER 040 - 66 - 1489

P:\12-058-PIPELINE-ESMT\12-058.dgn
12/5/2012



ER 040 - 66 - 1490

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Pages 8
01/25/2013 15:18:48 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees 40.00

RECORDERS MEMORANDUM

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

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

THE STATE OF TEXAS

COUNTY OF HARRIS

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



Stan Stanart
COUNTY CLERK
HARRIS COUNTY, TEXAS

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 19, 2018

Topic:

Consideration To Approve **Zoning Case P18-167**: Request By Great Oak School For A Conditional Use Permit To Operate A *School, Other Than Public Or Denominational* On Approximately 10 Acres Of Land Legally Described As Lot 1 Block 1 Welling Owens Quadruplexes, Within The City Of Tomball, Harris County, Texas. The Property Is Generally Located On The East Side Of Lovett Street, South Of Carrell Street, And Is Zoned Office District.

- Conduct Public Hearing On **Zoning Case P18-167**
- Adopt, On First Reading, Ordinance No. 2018-39, 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 Great Oak School To Operate A “School, Other Than Public Or Denominational”; Said Property Being Approximately 10 Acres, And Being Legally Described As Lot 1 Block 1 Welling Owens Quadruplexes, Within The City Of Tomball, Harris County, Texas, Generally Located On The East Side Of Lovett Street, South Of Carrell Street And Zoned Office 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, November 12, 2018, after conducting a public hearing, the Planning and Zoning Commission voted unanimously to recommend Approval of the Conditional Use Permit with conditions set forth by City Staff.

Origination:

Great Oak School

Recommendation:

Approval

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

Craig T. Meyers P.E., Community Development Director

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
--	--	-------

ATTACHMENTS:

Ordinance No. 2018-39
Notice of Public Hearing
Property Owner Notification
P18-167 Response Forms

ORDINANCE NO. 2018-39

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 GREAT OAK SCHOOL TO OPERATE A "SCHOOL, OTHER THAN PUBLIC OR DENOMINATIONAL"; SAID PROPERTY BEING APPROXIMATELY 10 ACRES, AND BEING LEGALLY DESCRIBED AS LOT 1 BLOCK 1 WELLING OWENS QUADRUPLEXES, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, GENERALLY LOCATED ON THE EAST SIDE OF LOVETT STREET, SOUTH OF CARRELL STREET AND ZONED OFFICE 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, Great Oak School, has requested a CUP to operate a "school, other than public or denominational" on approximately 10 acres of land, legally described as Lot 1 Block 1 Welling Owens Quadruplexes, generally located on the east side of Lovett Street, south of Carrell Street, in the City of Tomball, Harris County, Texas, (the "Property"), and

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

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

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

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

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

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

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

Section 2. A CUP to operate a “school, other than public or denominational” at the Property and subject to the terms and conditions set forth below is hereby granted to Great Oak School.

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”);
- 2) The development shall limit driveway entrances/exits on Lovett Street to no more than two and shall design the development so the main entrance to the school is accessed from Snook Lane;
- 3) A 15 foot landscape buffer shall be installed and maintained on the development adjacent to Lovett Street.

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 19TH DAY OF NOVEMBER 2018.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGS	_____

COUNCILMAN TOWNSEND _____
COUNCILMAN QUINN _____

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 3RD DAY OF DECEMBER 2018.

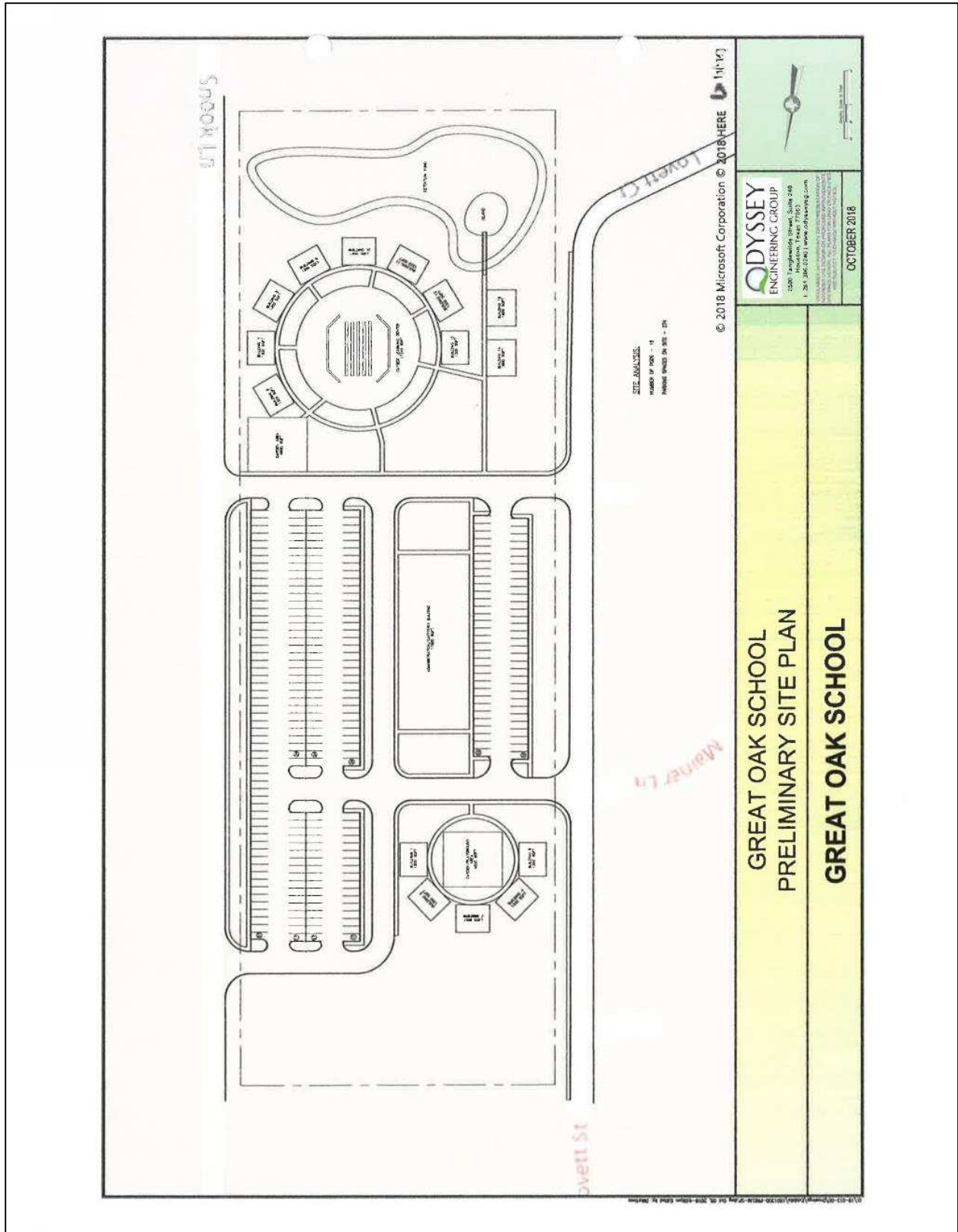
COUNCILMAN FORD _____
COUNCILMAN STOLL _____
COUNCILMAN DEGGES _____
COUNCILMAN TOWNSEND _____
COUNCILMAN QUINN _____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "A"



**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
NOVEMBER 12, 2018
&
CITY COUNCIL
NOVEMBER 19, 2018**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, November 12, 2018, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, November 19, 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 P18-161: Request by Timothy Hertel, on behalf of DFLEX POWER, LLC, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 3 acres of land legally described as Tract 253A Tomball Outlots, within the City of Tomball, Harris County, Texas, generally located on the west side of Pitchford Road at 902 Pitchford Road, from the Agricultural District to the Light Industrial District.

Zoning Case P18-166: Request by Great Oak School to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 10 acres of land legally described as Lot 1 Block 1 Welling Owens Quadrplexes, within the City of Tomball, Harris County, Texas, generally located on the east side of Lovett Street, south of Carrell Street, from the Planned Development 2 District to the Office District.

Zoning Case P18-167: Request by Great Oak School for a Conditional Use Permit to operate a *School, other than public or denominational* on approximately 10 acres of land legally described as Lot 1 Block 1 Welling Owens Quadrplexes, within the City of Tomball, Harris County, Texas. The property is generally located on the east side of Lovett Street, south of Carrell Street, and is zoned Office 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

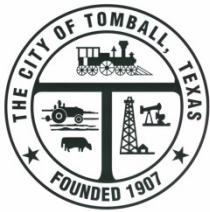
Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **8th** day of **November 2018** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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: P18-167

APPLICANT/OWNER: Great Oak School

LOCATION: Generally located on the east side of Lovett Street, south of Carrell Street

PROPOSAL: Conditional Use Permit to operate a *School, other than public or denominational* on approximately 10 acres of land legally described as Lot 1 Block 1 Welling Owens Quadruplexes, within the City of Tomball, Harris County, Texas, and is zoned Office District.

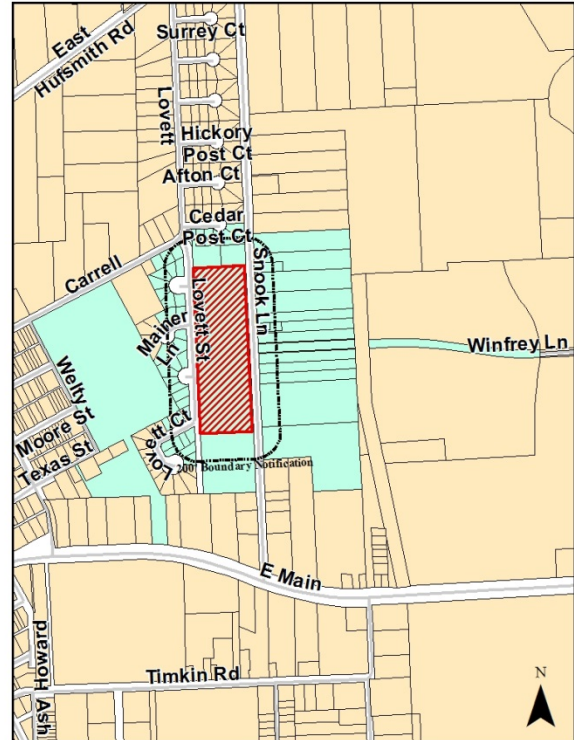
CONTACT: Amelia Lindley

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, November 12, 2018, 6:00 PM**

**City Council Public Hearing:
*Monday, November 19, 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:

Dorma Rushing

23511 Lovett St
Tomball, TX 77375

Dorma Rushing

11/12/18

☒

I am **FOR** the requested Conditional Use Permit as explained on the attached public notice for Zoning Case P18-167. (Please state reasons below)

☐

I am **AGAINST** the requested Conditional Use Permit as explained on the attached public notice for Zoning Case P18-167. (Please state reasons below)

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

Monday, November 12, 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, November 19, 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:

LYNDA EVANS

(please print)

Address:

922 Bolton Ct

Tomball TX

Signature:

Lynda Evans

Date:

11-9-18

I am **FOR** the requested Conditional Use Permit as explained on the attached public notice for Zoning Case P18-167. (Please state reasons below)

I am **AGAINST** the requested Conditional Use Permit as explained on the attached public notice for Zoning Case P18-167. (Please state reasons below)

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

Monday, November 12, 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, November 19, 2018 6:00 PM

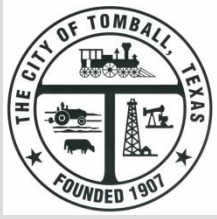
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

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.



Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: November 12, 2018
City Council Public Hearing Date: November 19, 2018

Rezoning Case: P18-167
Property Owner(s): 23730 Lovett LLC
Applicant(s): Great Oak School
Legal Description: Lot 1 Block 1 Welling Owens Quadruplexes
Location: East side of Lovett Street, south of Carrell Street (Exhibit "A")
Area: 10 acres
Comp Plan Designation: High Density Residential (Exhibit "B")
Present Zoning and Use: Planned Development 2 (Exhibit "C") / Undeveloped property (Exhibit "D")
Proposed Use(s): Great Oak School
Request: Conditional Use Permit (CUP) to allow for the operation of a "school, other than public or denominational"

Adjacent Zoning & Land Uses:

North: Single-Family 9 and Commercial District / Single-family residence and undeveloped land
South: Commercial District / Office/warehouse lease spaces
West: Single-Family 9 and Single-Family 6 District / Single-family residences
East: Commercial District / Snook Lane, multiple non-residential uses, undeveloped land

BACKGROUND

City Staff first met with the applicant in March 2018 to discuss the development of a *school, other than public or denominational*. After multiple discussions, the applicant submitted a Rezoning Application requesting a rezoning to the Office District, as well as a Conditional Use Permit Application for the proposed use.

According to Section 50-2 (Definitions), a *school, other than public or denominational* "means a school under the sponsorship of a private agency or corporation, other than a public or religious agency, which offers a curriculum that is generally equivalent to public elementary and/or secondary schools".

Great Oak School has operated in Tomball for approximately 10 years at The Episcopal Church of the Good Shepherd; however, the school is not affiliated with the church. Great Oak School is looking to purchase property in Tomball for the construction of a new school facility.

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 Future Land Use Map identifies the subject site as High Density Residential. The High Density Residential category includes various housing products such as patio homes, townhomes, duplexes and apartments, among others. This category “may also include such supporting land uses as neighborhood shops and services, parks and recreational amenities, religious institutions, and schools”. At first glance, it may appear the proposed use does not meet the Future Land Use Map classification, however, schools are included in the High Density Residential designation and therefore, the proposed use meets the intent of the Comprehensive Plan.

- 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 50-75 (Office District), the purpose of the Office District is to provide “a transition district between residential uses and more intense uses”. Uses in the Office District “shall not include uses that create excessive amounts of traffic, noise, trash or late-night business operations”. Any traffic generated by a development in the Office District “shall not be encouraged to travel through residential areas”. A school typically does not generate excessive noise or late-night operations. Traffic impacts can be addressed by adding a condition of approval to the CUP ordinance. It appears the proposed use is consistent with the purpose and intent of the Office District regulations.

- 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. It appears the proposed use will meet all supplemental standards.

- 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. Properties in the immediate area on Snook Lane are office/warehouse, storage, services and parts shop, and undeveloped. Properties on Lovett Street are residential; however, it is not uncommon for schools to be located in close proximity to residences. Chapter 50 (Zoning) outlines enhanced requirements for nonresidential uses that abut residential zoning districts. These include increased setbacks for buildings, landscape buffers and opaque screening.

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.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on October 26, 2018. A sign was placed on the property and Notice of Public Hearing was published in the paper on October 31, 2018. Any public comment forms received by City Staff will be presented in the Planning & Zoning Commission and City Council packets or delivered during the time of the public meeting.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P18-167 for the following reasons:

1. The proposed use is appropriate for the location and surrounding uses;
2. The proposed use meets the intent of the Office Zoning District and would create a transition district between Commercial on Snook Lane and Single-Family 6 and Single-Family 9 on Lovett Street;
3. The proposed use meets the goals of the Comprehensive Plan.

City Staff also recommends the following conditions:

1. The site shall be developed and operated in substantial compliance with the concept plan (Exhibit "F");
2. The development shall limit driveway entrances/exits on Lovett Street to no more than two and shall design the development so the main entrance to the school is accessed from Snook Lane;
3. A 15 foot landscape buffer shall be installed and maintained on the development adjacent to Lovett Street.

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

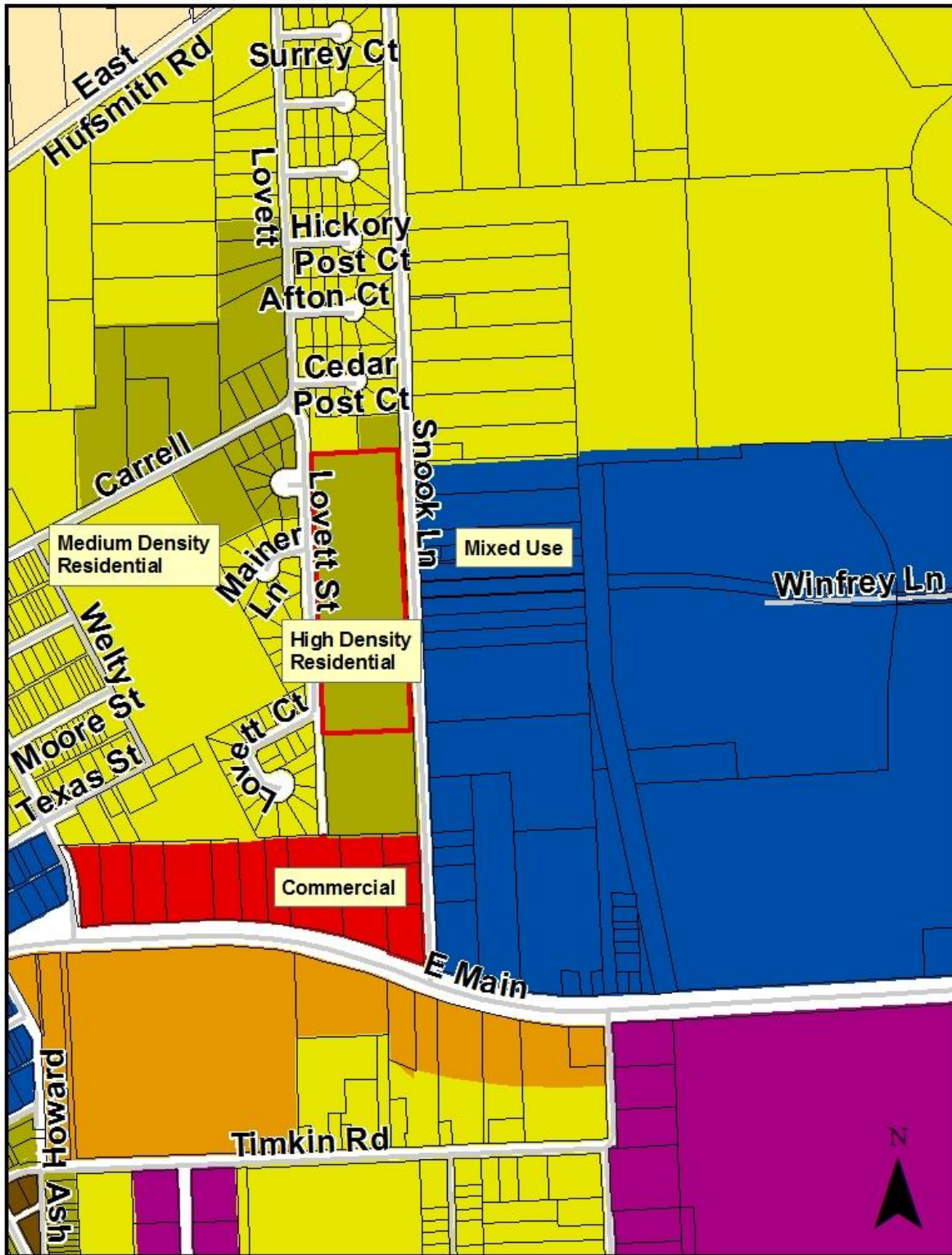
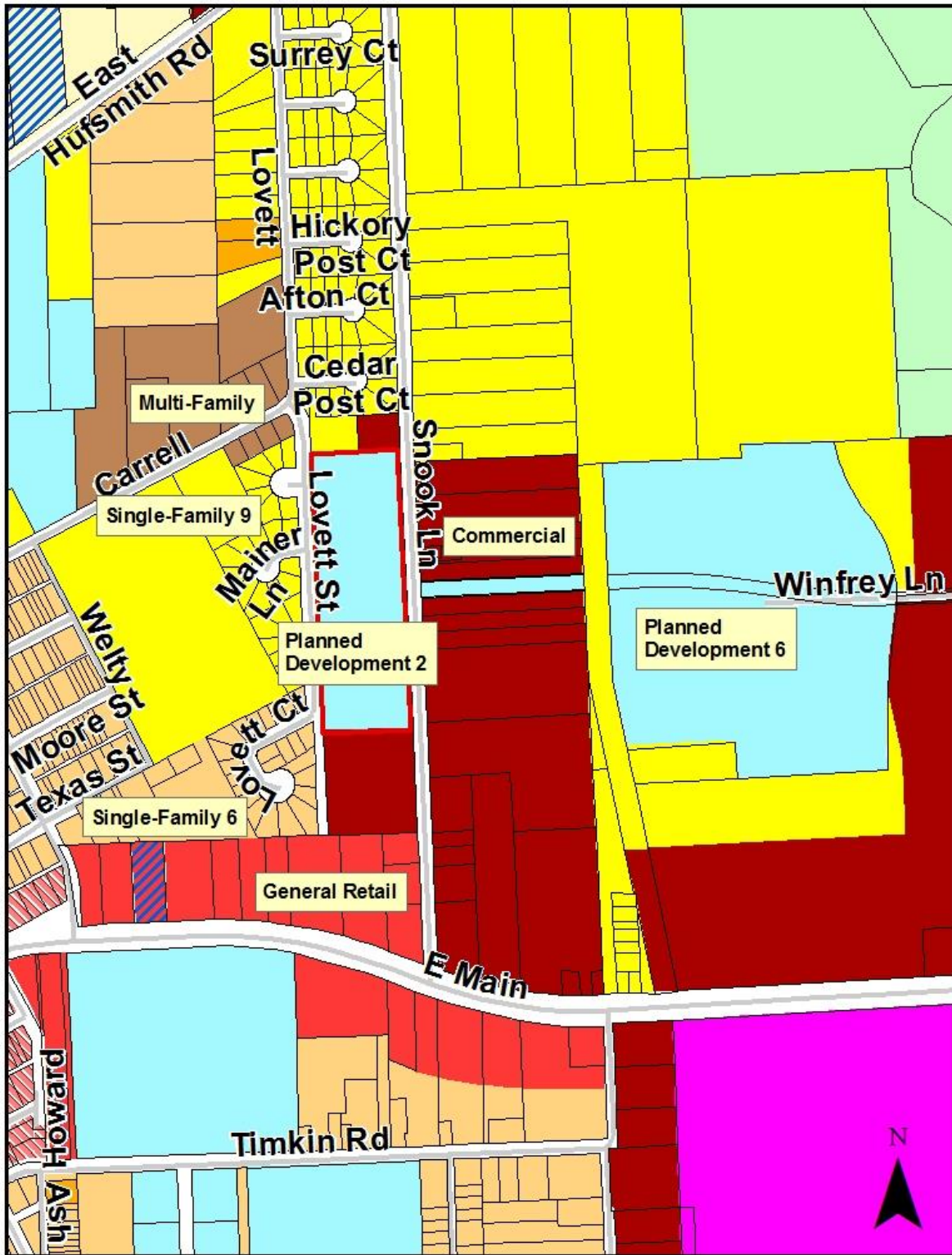


Exhibit "C"
Zoning Map

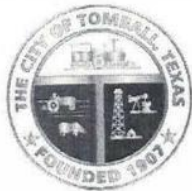


**Exhibit “D”
Site Photo**



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: GREAT OAK SCHOOL Title: _____
Mailing Address: 715 CARRELL ST. City: TOMBALL State: TX
Zip: 77375
Phone: (281) 516-7296 Fax: () _____ Email: ZUZANA@GREAT OAK SCHOOL.ORG

Owner

Name: 23730 LOVETT LLC Title: _____
Mailing Address: 888 AVENUE D, STE. B City: KATY State: TX
Zip: 77493
Phone: (281) 391-7365 Fax: (713) 355 4809 Email: SGHVNT@HFPLLC.NET

Engineer/Surveyor (if applicable)

Name: ODYSSEY ENGINEERING GROUP Title: _____
Mailing Address: 2500 TANGLEWILDE ST City: HOUSTON State: TX
Zip: 77063 # 480
Phone: (281) 306-0240 Fax: () _____ Email: MGILBERT@ODYSSEYEG.COM
X109

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

www.tomballtx.gov

Description of Proposed Project: PRIVATE SCHOOL CAMPUS
Physical Location of Property: 23730 LOVETT ST, TOMBALL, TX 77375
[General Location - approximate distance to nearest existing street corner]
Legal Description of Property: OUTLOT 104, 103 & 98, ALSO 15.01057 ABSTRACT 383
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
HCAD Identification Number: 3148539 Acreage: 10
Current Use of Property: NOT USED - WOODED
Proposed Use of Property: PRIVATE SCHOOL

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

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

X [Signature] 10-9-18
Signature of Applicant Date
X By: Stephen Hunt, manager 10/10/18
Signature of Owner Date



Great Oak School is a private, not for profit Waldorf school. We are the largest Waldorf school in Houston, second largest in Texas. Currently we serve 100 students from preschool through seventh grade, with plans to add eighth grade in 2019-2020. We have 70 families, out of which 15 live in Tomball and more keep moving to Tomball to be closer to the school.



Waldorf education is an educational philosophy founded in Germany in 1919 that focuses on the whole child through a rigorous and developmentally appropriate curriculum. Our students learn by doing and experiencing the world. Beginning in preschool children garden, chop vegetables, knead bread, make soup and play. We teach German, Spanish, knitting and the pentatonic flute in first grade. In third grade kids begin learning a string instrument. Our education style produces confident, caring and creative kids.

Great Oak School has been leasing space from the Episcopal Church of the Good Shepherd at 715 Carrell Street for the last ten years. We love our location in Tomball but are outgrowing our current space. Our kindergartens are full, our pre-school has a waiting list and the church is out of classrooms. We decided to purchase the Lovett property to ensure our school has room to grow, just like our kids.



The Lovett property is an ideal setting for our future campus. As at our current location, we love the beauty of the property with trees and greenery. Modeled after the Austin Waldorf School, our plan for the new campus is to integrate the buildings among the trees and keep the campus aesthetically pleasing and engaging. Large playgrounds, gardens and many trees provide an engaging aesthetic that naturally calms children and prepares them to learn.

Great Oak School requests the Lovett property be rezoned from planned development district to office district with conditional use permit to accommodate our future growth. We're excited about the new property and we're excited about our future in Tomball.

Thank you,

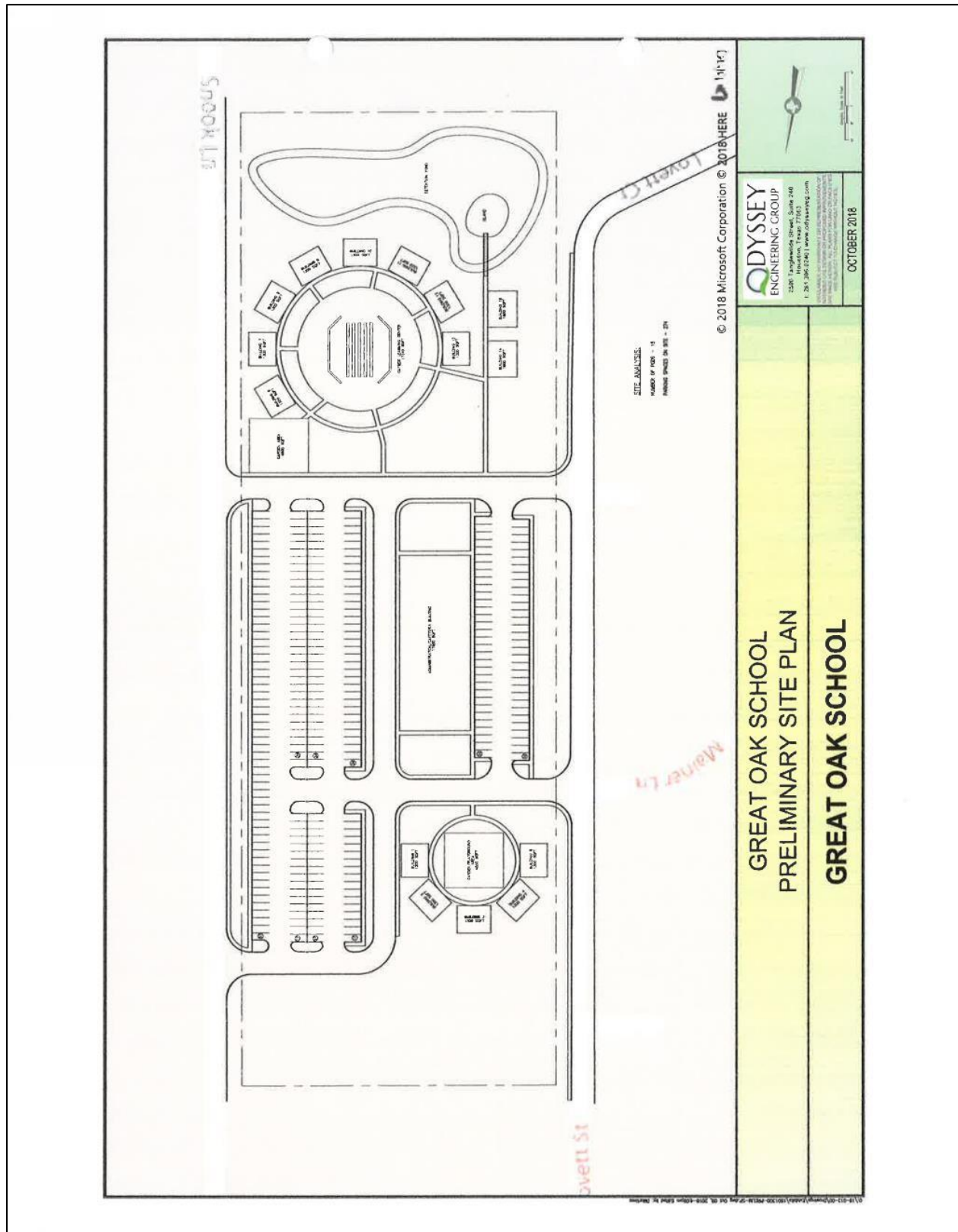
Dave Tegtmeier

Dad of Owen and Elliot

On Behalf of Great Oak School's Board of Trustees

715 CARRELL STREET • TOMBALL, TX 77375 • 281.516.7296 • GREATOAKSCHOOL.ORG

Figure "F"
Concept Plan



Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 19, 2018

Topic:

Approve Tomball Independent School District's Project Facility Guidelines for an Agricultural Science Project Center at 30330 Quinn Road

Background:

Ordinance No. 2018-36 amends Section 8 of the Tomball Municipal Code by adding a definition of Agricultural Science Project Centers and amending restrictions on livestock kept within the city limits of Tomball. Also, the ordinance requires that City Council approve school project facility guidelines (attached).

Origination:

Tomball ISD

Recommendation:

Approval.

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

Craig T. Meyers, P.E., Community Development Director

ACTION TAKEN

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

TISD Project Facility Guidelines

Tomball Independent School District Project Facility Guidelines

STATEMENT OF PURPOSE

The purpose of the Tomball ISD Project facility located at 30330 Quinn Road, Tomball Texas 77375 is to provide an extension of the **classroom** to be utilized for students' Supervised Agricultural Experience Program (SAEP).

In order for all parties to best utilize the Agricultural Science facilities and to ensure the safety of the students, animals, and others on the property, the following regulations must be followed. To ensure compliance, Tomball ISD employees, including Agricultural Science teachers and school administrators, will monitor compliance of facility rules and the operations of the facility.

Students who do not have a place to raise projects are eligible for space in the project facility. Agricultural Science teachers will assign all stalls and stalls will not be changed without their approval.

Eligible students will be allowed project space according to the following priorities:

1. Exhibitors at the Tomball ISD Project Show

If space is not available for a particular animal project, the following priorities will be in place to determine the assignment of project space:

1. Students who have been members of the FFA in high school for the longest time
2. Students in the higher grade level (Ranked from seniors down to freshmen)
3. The names of eligible students exhibiting at the same level, members of FFA for the same number of years, and in the same grade level will be placed in a box and randomly drawn by the Agricultural Science teachers to determine the order of priority for the remaining available spaces.

All students' projects are under the direct supervision of their Agricultural Science teacher. The student is to respect the value of the Tomball ISD Agricultural Science Facility. Any defacing of property or equipment will mean dismissal from the complex **IMMEDIATELY**.

Neither Tomball ISD, any Tomball ISD Agricultural Science teacher, the FFA Chapter, nor any school official is responsible for any loss or damage to any person, property, or any project animal while it is on school property or any other property.

It is the policy of Tomball ISD not to discriminate on the basis of race, color, national origin, sex or handicap in its vocational programs, services or activities as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

PROJECT FACILITY RULES

A. Use of Facilities

1. As a Tomball ISD facility supporting school-related activities, the most recent TISD Student Handbook will be followed.
2. For security purposes, the facility should be used between **4:30 a.m. and 10:00 p.m. only**.
3. All users must drive and park in designated areas; must abide by fire code.
4. The Project Facility is for High School FFA animals only. No 4-H or Jr. FFA projects will be allowed on the facility.
5. No breeding animals are allowed at the facility.
6. All manure and feedstuffs must be properly disposed of in the approved designated areas.
7. Animals are to be washed in designated areas only. Wash racks may not be used as a holding pen while cleaning your pen out.
8. Feed Storage at the facility will be limited to steers. For all projects not provided feed storage space, the student will have to bring in feed from home for each feeding.
9. The safety, sanitation, and appearance of the barn are a priority.
10. Cleanliness of the Project Facility is the direct responsibility of every student with a project.
11. All broken or stolen equipment is to be reported immediately. All equipment is to be cleaned and returned to the proper storage area after each use. All wheelbarrows WILL be emptied after each use.
12. No glass containers are allowed at the barn complex. Broken glass can cause severe damage to a student or project.
13. Passageways, including door openings, are not to be cluttered with boxes, equipment or animals. Both routine and emergency traffic must be able to move efficiently.
14. Any accident or safety hazard is to be reported to a teacher immediately.
15. If an animal gets sick at any time, an Agricultural Science teacher must be notified immediately and the animal moved to a quarantined area specified by the teachers.
16. The use of power equipment such as tractors, bobcats, other front-end loader, etc. owned by students is **NOT** allowed at the facility.
17. No pets are allowed on the project facility grounds.
18. **No modifications will be made to electricity, carpentry, plumbing, or anything else related to the project facility without approval from the appropriate Ancillary Service Department.**
19. Any student who does not abide by the rules of the project facility will be subject to the following disciplinary action:

1st offense – Written warning by an Agricultural Science teacher and parent notification

2nd offense – Written warning by the Agricultural Science teacher which will be passed on to the administrator* of the campus which the student attends. They will meet with student and one legal guardian,

3rd offense – Removal of animal from facility*

Upon being evicted, the student has 7 days to remove the animal and clean out his/her pen. After 7 days, the animal becomes the property of TISD.

*A fee, determined by a TISD administrator, may be charged for any offense that requires time, materials, or actions to correct.

B. Student Responsibilities

1. The student must be a paid TISD FFA member in good standing to utilize the facility. **Only the student's immediate family may enter to feed or assist the student. No guests, other than those approved by the ag teacher such as veterinarians, hoof trimmers, etc. should enter.**
2. Students wishing to utilize the facility must attend a mandatory meeting with at least one parent/guardian. Failure to attend this meeting will result in not being able to use the facility.
3. Students and parents will follow the Key and Access Policy in Section E.
4. All students will share the responsibility of the community areas. Teachers will assign specific duties if necessary. At certain times of the year, teachers may schedule a work day which is mandatory for all students having a project in the facility. Failure to attend these work days could result in eviction. If sick, the student must give the agriculture teachers prior notice and bring a doctor's note when he/she returns to school.
5. If a student is evicted from the facility, he/she will not be allowed back on the premises.
6. No student may leave a vehicle or trailer at the project facility overnight unless given prior approval from an Agricultural Science teacher.
7. Due to feed storage space, students feeding any project other than steers will have to bring in feed from home for each feeding.
8. Any valuables should be brought to and from home as needed. The school district and employees are not responsible for theft and damage.
9. Students will not be permitted to bring in tack not approved by the Agricultural Science teacher.
10. All students will provide their own shavings/bedding, but must get approval before bringing it in. The agriculture teachers must know the exact brand and type of material that will be used. If the material is not an approved material, it will be removed at the cost to the student (\$25).
11. Only the owner of a project may provide feed, water, other care, or move the project unless that owner has given written permission to another student or family member and secured the approval of an Agricultural Science teacher.
12. No student shall administer any medication to an animal without prior approval from an Agricultural Science teacher.
13. Students must get prior approval from an Agricultural Science teacher to take his/her animal off the premises. If an animal emergency occurs and immediate attention is necessary, the student must show proof the animal was under veterinary care.
14. Any complaint or questions concerning the facility and the rules applied to its use should be presented to the student's Agricultural Science teacher. If not resolved, the complaint or questions should be presented, in order, to: campus Career and Technical Education (CTE) administrator, campus principal, Assistant Superintendent for Administrative Services.

C. Timelines for Removal of Projects

1. If a student becomes ineligible to show or moves out of TISD, the student has 7 days to remove his/her project and clean out his/her pen.
2. If a student is assigned to the Alternative Education Program (AEP) then he/she becomes ineligible to show the project and the animal must be removed within 7 days.
3. If an animal has not been removed within 7 days and other arrangements have not been made with the Agricultural Science teachers, the project becomes the property of TISD* (C.1, C.2, C.6).
4. After exhibiting the animal at the designated show, students have 7 days to remove the animal(s) (if necessary, unless buyer specification) and clean out the pen. If a student does not do this within the 7 days, a fine of \$50.00 will be assessed and the student will not be allowed to stall an animal at the facility anymore.
5. If death of an animal occurs while on the project facility, an Agricultural Science teacher must be contacted and the animal removed IMMEDIATELY. The student has 7 days to clean out the pen.
6. If a student abuses his/her animal project, he/she may be eligible for legal prosecution and the abused animal(s) will become the property of TISD*, and be removed from the facility immediately.

***Property of TISD means the animal will be removed and sold by the Agricultural Science teachers. Any money received will go directly back into the AG activity account.**

D. Costs for Facility Use

1. All students must pay a non-refundable pen rent that is due prior to the animal arriving at the facility. They are as follows:

Steer = \$ 300.00 per project per year
Swine = \$ 150.00 per project per year
Lamb = \$ 75.00 per project per year
Chickens = \$ 30.00 per pen of 25 per year
Turkey = \$ 100.00 per pen of 15 per year
Rabbits = \$10.00 per pen of 4 per year

Since this is non-refundable, the Agricultural Science teachers suggest that the student purchase an insurance policy on their project in case of an unexpected death of the project.

2. There may be a fee charged to correct problems created by any violation of a facility rule (A.20).
3. There is a \$25 charge for removal of shavings/beddings that have not been approved (B.10).
4. Failure to remove an animal and clean the pen within 7 days after any request for removal (See Section C) will result in a charge of \$50.
5. Failure to return a gate key within the designated time period will result in a charge of \$100 or the cost to replace the lock-key system.

E. Key and Access Policy for the Project Facility

1. Program teachers will be issued a building master for facility wide access through the campus key issuance procedure/policy. High School principals needing a key will follow the same process.
2. Students will enter the facility through the main front gate off the parking lot. This will be the only entrance keyed for student access without a teacher present*. This will prevent any vehicles from entering the barn or unloading area without a teacher present. Feed storage and student equipment rooms will also be keyed alike to limit the number of keys issued. **Only students with steers will be able to access and enter these areas.**
3. Student keys will be issued by the campus key control staff member. These keys shall be signed for on a TISD Key Issuance Form. Lost keys will be replaced at a charge of \$100 per key. A small key cabinet with 60 numbered keys will be provided by the maintenance department for these student keys. If more are needed, they will be provided in sequential numbering.
4. Program teachers will be given instruction and access to facility security cameras with the principal's approval. If a copy of any video is needed, a request will be made via work request through the campus, giving the date and specific times needed. A CD will be made and delivered to the campus.

*Students who need vehicle access when a teacher is not available must make prior arrangements to check out a gate key from one of the agriculture teachers. Within 48 hours the gate key must be returned to a teacher and logged back in. Failure to return the gate key in 48 hours, unless prior approval has been given, will result in the student being charged with the cost of replacing the lock and keys with a new lock-key system.

**TOMBALL INDEPENDENT SCHOOL DISTRICT
PROJECT FACILITY
AGREEMENT**

We, _____ and _____
(Printed Name of Student) (Printed Name of Parent/Guardian)

understand that housing animals at this facility is a privilege granted by the District and can be revoked. We agree to the outlined rules. We also understand that failure to abide by the rules set forth in this document may result in my animal(s) being removed from the facility at my expense, which may include shipping the animal and loss of privileges to house animals at the facility.

_____ Effective Date	_____ Expiration Date
_____ Student's Signature	_____ Date
_____ Parent/Guardian Signature	_____ Date
_____ Teacher Signature	_____ Date

It is the policy of Tomball ISD not to discriminate on the basis of race, color, national origin, gender, age or disability in its education programs or access to the facility.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 19, 2018

Topic:

Authorize a Substitute Position Authority, on a Temporary Basis, to Cover Vacancy Created by the Long-Term Absence of Tomball Fire Captain, James Jones, Who has been Assigned to Military Reserve Duty

Background:

Fire Captain James Jones, a United States Military Reservist, has been called to active military duty and is not expected to return for a period of one-year. This creates a critical vacancy that should be filled in order to maintain current services levels, while controlling overtime and fatigue that will result with the use of current staff to cover the absence on an overtime basis.

As a means of alleviating the personnel shortfall, saving City funds, and ensuring quality service is maintained, it is requested that a substitute position authority be granted, on a temporary basis, authorizing the City Manager to add one additional firefighter position to the City's Table of Organization, in order to fill the long-term vacancy created by the absence of Captain Jones. This substitute position authority will end upon the return of Captain Jones, and the Table of Organization will then be adjusted through attrition.

Origination:

City Manager

Recommendation:

Authorize the City Manager to temporarily add one additional firefighter position to the City's Table of Organization.

Funding:

Yes

Funds will be transferred from Account: 100-142-6003 to Account:

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

Robert S. Hauck

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
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Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 19, 2018

Topic:

Approve Resolution No. 2018-30, a Resolution of the City of Tomball, Texas regarding Release of an Approximately 119-Acre Tract of Land located at the Southwest Corner of FM 2920 and Telge Road, from the Extraterritorial Jurisdiction of the City of Houston, Texas (Trendmaker Homes)

Background:

Trendmaker Homes, under contract to purchase a 119-acre tract located at the southwest corner of FM 2920 and Telge Road, behind the Jack-in-the-Box, has petitioned the City of Houston to grant the release of this property into the City of Tomball's extraterritorial jurisdiction (ETJ) and have indicated that they will pursue an annexation into the City of Tomball in the near future.

The first step towards a possible future annexation is the release of the property from the City of Houston's ETJ.

The property owners have requested this resolution of support from the City of Tomball.

The Annexation Application, and a survey of the property are attached for reference.

Origination:

Trendmaker Homes

Recommendation:

Approve Resolution No. 2018-30

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. 2018-30

Application for Release from the City of Houston

Application for Annexation into the City of Tomball

Map

Availability of Utilities

RESOLUTION NO. 2018-30

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TOMBALL, TEXAS REGARDING RELEASE OF AN APPROXIMATELY
119-ACRE TRACT OF LAND LOCATED AT THE SOUTHWEST
CORNER OF FM 2920 AND TELGE ROAD, FROM THE
EXTRATERRITORIAL JURISDICTION OF THE CITY OF HOUSTON,
TEXAS (TRENDMAKER HOMES)**

* * * * *

WHEREAS, a tract of land consisting of approximately 119 acres out of the William Hurd Survey, Abstract No. 377, Harris County, Texas, located at the southwest corner of FM 2920 and Telge Road (the "Property"), is situated in the extraterritorial jurisdiction of the City of Houston; and

WHEREAS, the City of Houston has indicated it will release the Property from its extraterritorial jurisdiction provided that the City of Tomball agrees to accept the Property into its extraterritorial jurisdiction; and

WHEREAS, the City Council of the City of Tomball finds it to be in the best interest of the City of Tomball to indicate such intentions; now, therefore,

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

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

SECTION 2: That the City Council agrees that it will accept the Property into the Tomball extraterritorial jurisdiction if released by the City of Houston from its extraterritorial jurisdiction.

PASSED, APPROVED AND ADOPTED this 19th day of November 2018.

Gretchen Fagan, Mayor
City of Tomball, Texas

ATTEST:

Doris Speer City
Secretary



Trendmaker Homes 119 Acre FM 2920/Telge Rd Tract ETJ Release Petition

Dear Ms. Staunton:

Trendmaker Home Inc. is under contract to purchase a 119 acre tract located in northwest Harris County at the intersection of FM 2920 and Telge Rd with the intent to develop this property as a single-family community. The City of Tomball (COT) has both water and sewer utility services in close proximity to the property and we are in discussions with them on providing utility services to this development. In order to provide utility service, COT will need to annex the property to be within their City limits which we are in the process of filing the necessary forms to start this process and we are on the Nov. 5th Council Meeting agenda to get the initial annexation consent from the COT. The property is located within the boundary of the City of Houston's ETJ and the COH would need to release this property in order for it to get annexed into COT. The intent of the letter is to petition the COH to grant this ETJ release contingent on the COT annexing the property. Accompanying this letter are the following documents:

- Development plan and serviceability letter from Costello Engineers
- Survey and legal description of the property
- Discovery Exhibits for the property

I will be providing the formal consent from the COT once received. Please let me know if there is any additional information needed to consider this request at this time.

Regards,

Daniel Gillham

Land Development Manager

281-675-3722

Daniel.Gillham@TrendmakerHomes.Com



October 25, 2018

City of Houston Planning and Development Department
611 Walker Street, 6th Floor
Houston, TX 77002

Attn: Ms. Misty Staunton

Re: Trendmaker Homes 119 Acre Tract ETJ Release Petition

Ms. Staunton,

This letter is being written in support of Trendmaker Homes' petition to release a 119 ac tract from the City of Houston ("the CoH") Extraterritorial Jurisdiction ("ETJ") so that it may be annexed into the City Limits of the City of Tomball. The tract in question is located near the southwest intersection of Telge Road and FM 2920, and is more accurately described by the survey and legal description included in the petition. The nearest COH city limit is over 11 miles away, and the nearest City of Tomball city limit is approximately 1,000 feet away.

The primary reason for petitioning this release is the CoH's inability to serve the tract with water and sewer services. According to GIMs, the nearest CoH water and sewer facilities are located near the intersection of Grant Road and SH 249. Those facilities are **over 11 miles away** from the subject property. The City of Tomball ("Tomball") has water and sewer facilities in place and available to serve this tract near the corner of Tomball Cemetery Road and FM 2920, **less than 2,000 feet** from the tract. Furthermore, there are no special purpose Districts nearby the subject tract with facilities and capacity to serve the tract with water and sewer.

Upon the release of the tract, single family residential development will proceed in accordance with all applicable regulatory agency criteria, including Harris County Engineering, Harris County Flood Control District ("HCFCD"), the City of Tomball, and the Texas Commission on Environmental Quality. Of most concern to the City of Houston will likely be detention and drainage. The development of this tract will include a detention pond that must be designed in accordance with HCFCD criteria, and must be reviewed and approved by HCFCD prior to the start of construction.

We appreciate your consideration of Trendmaker Homes' petition, and would be happy to address any further engineering concerns associated with the future development of this property. Please do not hesitate to contact me directly if you have questions arising from this letter.

Sincerely,
COSTELLO, INC.
TBPE Firm No. 280

A blue ink handwritten signature, appearing to read "D. O'Neal", written over a horizontal line.

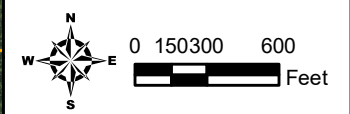
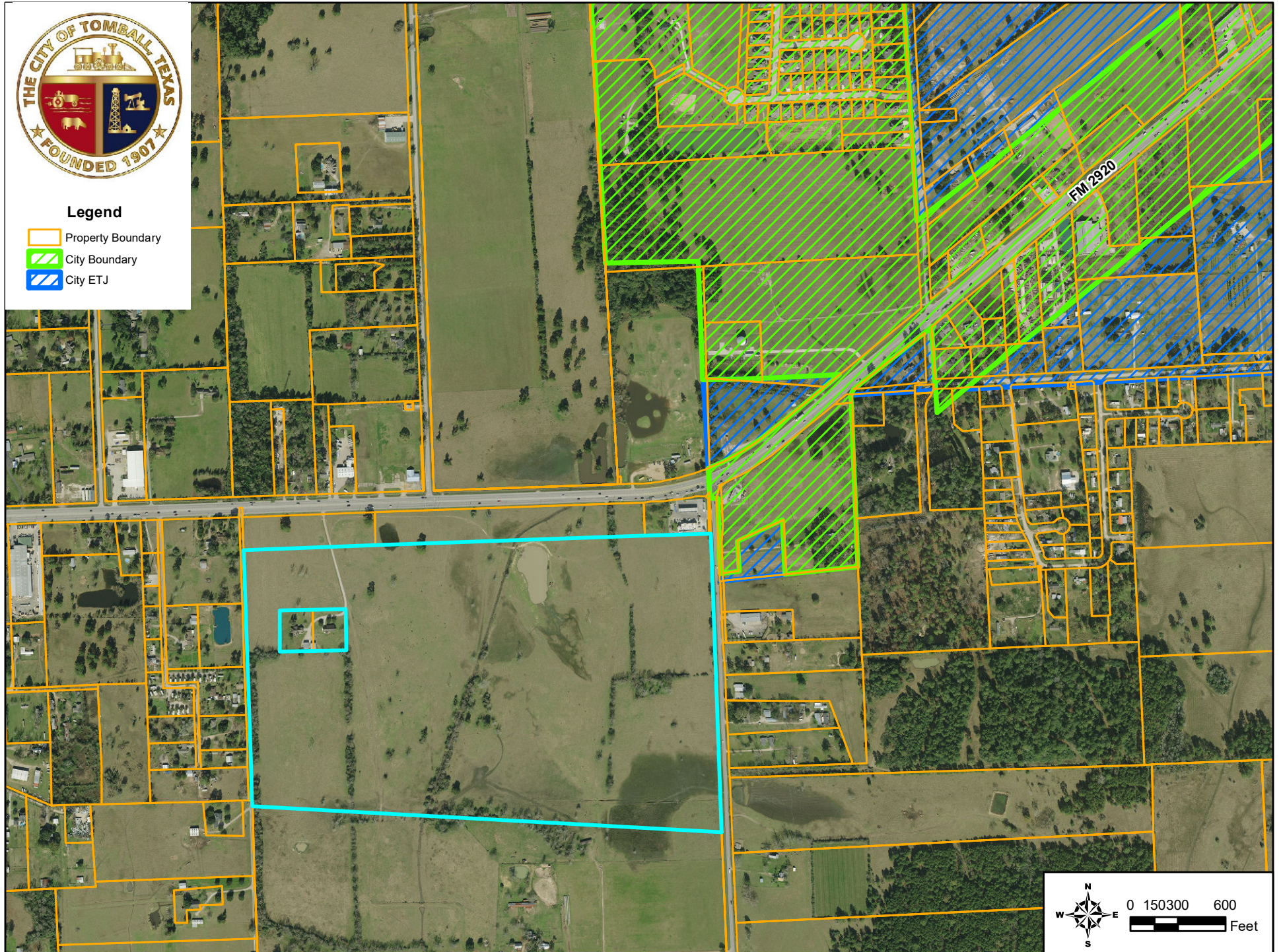
Dustin O'Neal, P.E.
President

Q:\Harris\0012 (Martens-Hillegeist Tracts)\ETJ Release Letter.docx



Legend

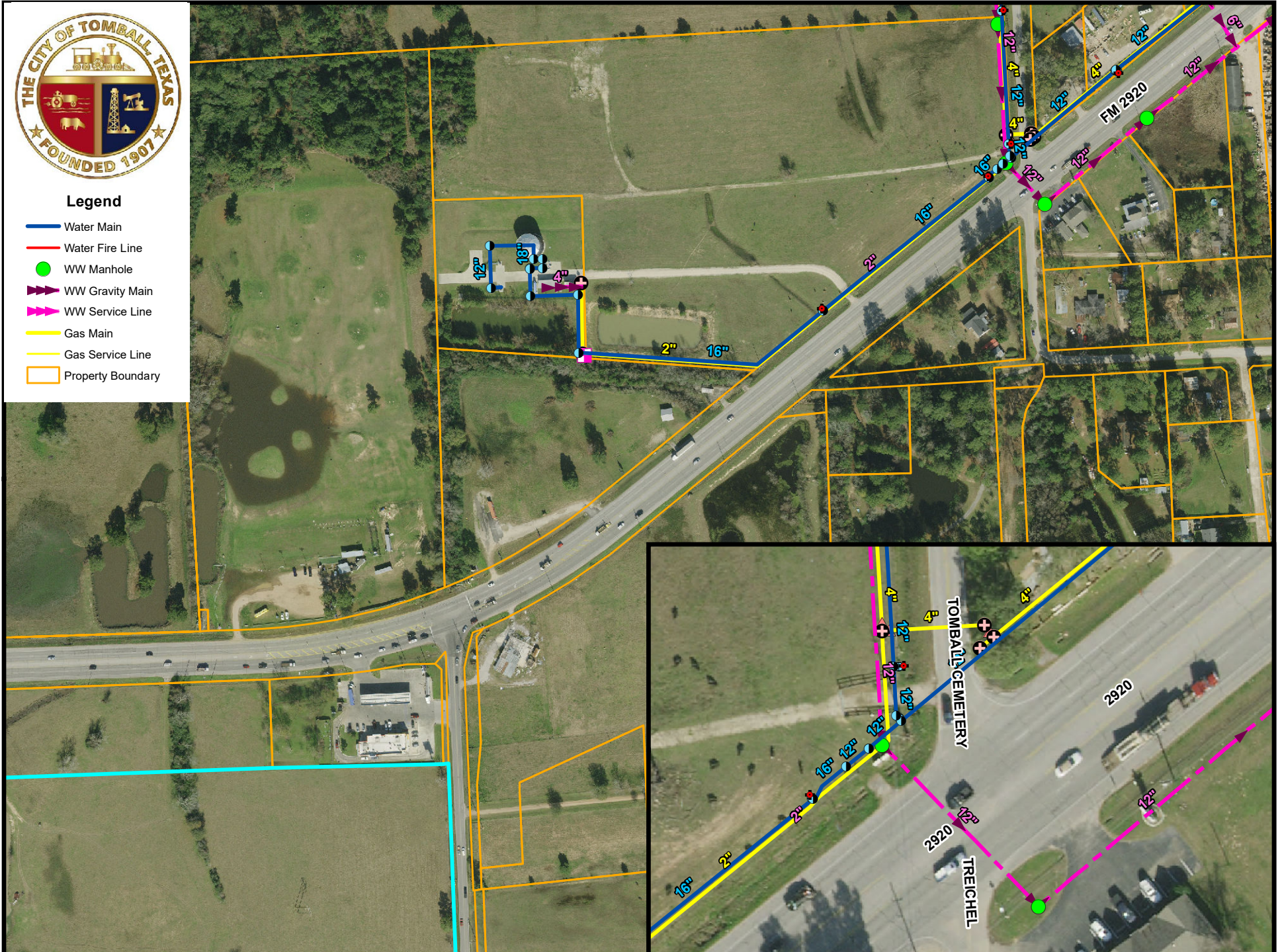
-  Property Boundary
-  City Boundary
-  City ETJ



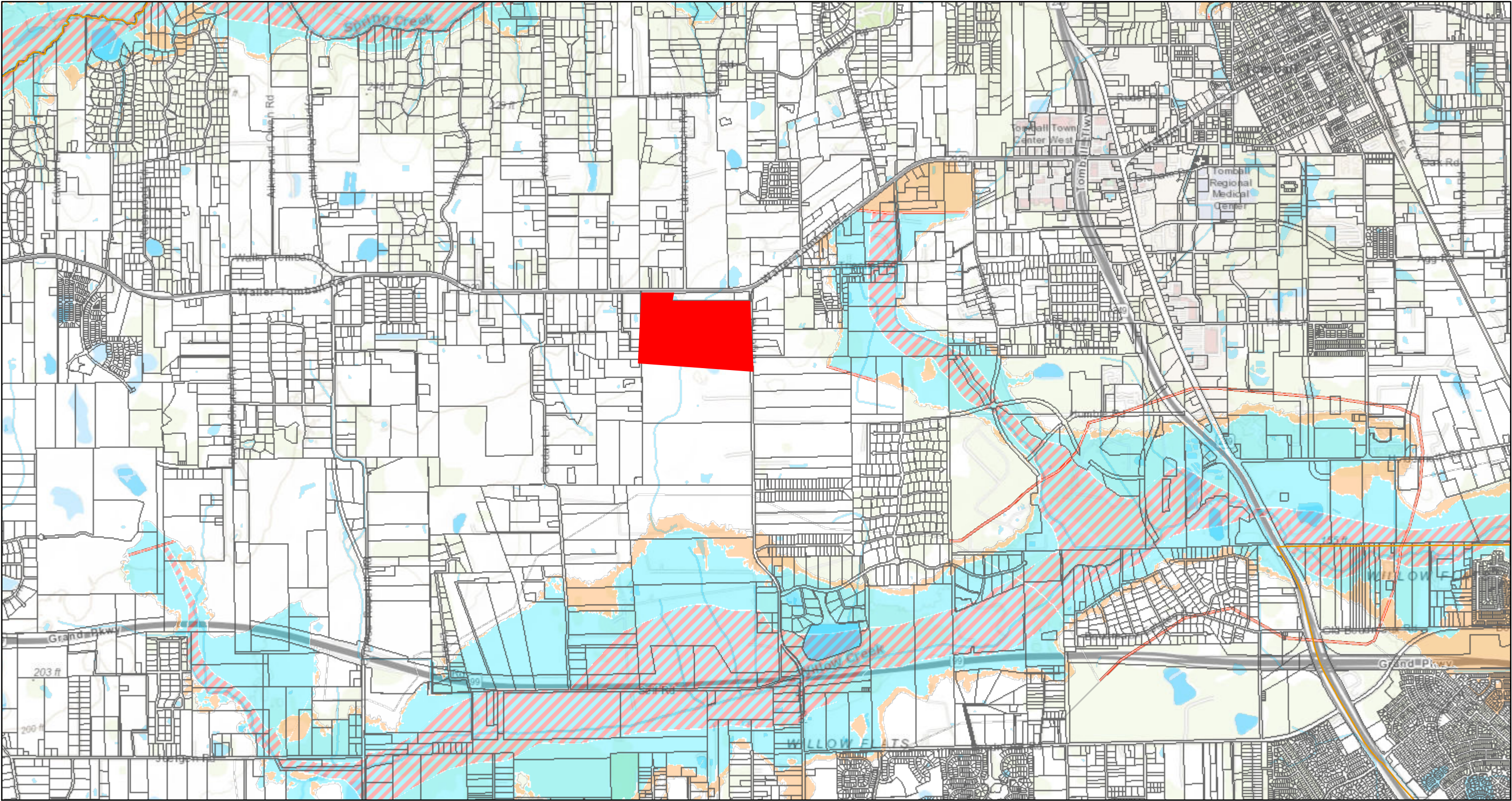


Legend

- Water Main
- Water Fire Line
- WW Manhole
- WW Gravity Main
- WW Service Line
- Gas Main
- Gas Service Line
- Property Boundary



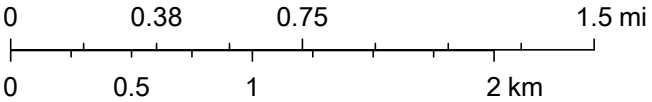
Regional Flood Information



10/29/2018 2:16:58 PM

1:36,112

- | | | |
|--------------------------------------|---|----------------------------|
| Texas_school_districts - school_ISDs | Regulatory Floodway | Flood Hazard Boundaries |
| HCITC_repository.SDE.HCAD_Parcels | Special Floodway | Other Boundaries |
| Water Bodies | Area of Undetermined Flood Hazard | Limit Lines |
| Streams | 0.2% Annual Chance Flood Hazard | SFHA / Flood Zone Boundary |
| Major Streams | Future Conditions 1% Annual Chance Flood Hazard | Cross-Sections |
| Flood Hazard Zones | Area with Reduced Risk Due to Levee | NFHL Available |
| 1% Annual Chance Flood Hazard | | |



Harris County Appraisal District, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors,



Trendmaker Homes Request to Annexation Cover Letter

119 Acre FM 2920/Telge Rd Tract

Doris Speer
City Secretary/RMO, TRMC, MMC
401 Market Street
Tomball, Texas

Dear Ms. Speer:

The attached annexation form is for a property that Trendmaker Homes Inc. is currently under contract to purchase from Ms. Pauline Daniel for the purpose of developing a single family community. We are respectfully requesting the City of Tomball's support to annex the property at this time in order to generate the necessary paper work that the City of Houston will require for their consent of this process as the property is currently located within City of Houston's ETJ. Due to being in the very preliminary stages of due diligence on this property, we do not have all the information requested under Item 4 on the form; however we will be more prepared to populate this section upon the 2nd resolution for the Council to accept and authorize the annexation. Per our purchase contract with Ms. Daniel the actual annexation of the property will need to take place once we have closed on the property.

Daniel Gillham

Land Development Manager

281-675-3722

Daniel.Gillham@TrendmakerHomes.Com

Annexation Request



The City of Tomball requires annexation as a condition of extending municipal water, wastewater and/or other utility services to property located outside of the City's full-purpose jurisdiction. Following annexation, available utility services will be provided to the annexed property under the same terms and conditions as for other property located within the City of Tomball.

The undersigned property owner requests full-purpose annexation of the subject tract into the City of Tomball's full purpose jurisdiction in accordance with Chapter 43 of the Texas Local Government Code.

Requesting annexation does not change the City's obligation to provide municipal services in accordance with Chapter 43 of the Texas Local Government Code.

For information regarding the City's annexation process, please contact the City Secretary at 281-290-1002 or the Community Development Department at 281-290-1405.

Annexation must be completed prior to extension of water, wastewater, and/or other utilities.

I/We, the undersigned, am/are the current owner(s) of the tract described above and I/we request annexation into the City of Tomball for full-purposes in accordance with Chapter 43 of the Texas Local Government Code.

Pauline Daniel PAULINE DANIEL
Name of Owner(s) (Type or Print)

Pauline Daniel 10/29/2018
Owner's Signature Date

Received by City Secretary Date

Received by Community Development Department Date

CITY OF TOMBALL
ANNEXATION REQUEST APPLICATION
Part A: Statement of Request

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

Mayor and Council:

1. I (we) the undersigned being the owner(s) of the property legally described as: SEE ATTACHED

(Insert legal description [metes and bounds] here or attach separately.

hereby request the annexation of described property into the City of Tomball. Included with this request for annexation are all pertinent property Harris County Appraisal District Account Numbers:
0430430000071, 0430430000108, 0430430000130, 0430430000131

(Obtainable through the County Clerk's Office)

2. The described property is contiguous to the City of Tomball's corporate city limits - X * Yes No. * seperated by Tegle R^c
ROW
3. Attached is proof of ownership of the property by the undersigned - X Yes No.

Pauline Daniel
Full Legal Signature

Pauline Daniel
Name (print)

Company Name (if applicable)

P.O. Box 1488
Mailing Address (print)

Tomball, TX, 77377
City, State, Zip

281-798-2792
Phone Number

lpdaniel@att.net
E-mail Address (print)

Oct 29, 2018
Date

Full Legal Signature

Name (print)

Company Name (if applicable)

Mailing Address (print)

City, State, Zip

Phone Number

E-mail Address (print)

Date

Part B: Annexation Property Evaluation & Anticipated Development Information

(Please print or type.)

1. Agent's Contact Information:

Please list any agents acting on behalf of the annexation property owner that should be notified of information pertaining to this annexation request.

(Attach a list of additional agents, if necessary.) _____

Name: _____

Company Name: _____

Mailing Address: _____
City/State/Zip

Phone Number: _____

E-mail Address: _____

2. Property Addresses:

Please list all property addresses associated with the proposed annexation property.

(Attach a list of additional property addresses, if necessary.)

- a. 21103 Telge Rd _____
- b. 0 Telge Rd _____
- c. 16451 FM 2920 Rd _____
- d. 16455 FM 2920 Rd _____
- e. _____
- f. _____
- g. _____
- h. _____
- i. _____
- j. _____
- k. _____

3. Nature of Existing Property:

Property Location: Southwest corner of FM 2920 and Telge Rd _____ Number of Acres: 119 ac

Existing Zoning: NA _____

Is development in conformance with existing zoning districts?

Yes ___ No ___ Don't know

Current Assessed Valuation of Land: \$4,852,142 _____

Improvements: \$516,036 _____

Total: \$5,368,178 _____

_____ Check if this property does not currently contain any structures, then proceed to #4.

a.) Residential (existing)

_____ Check here if there are no residential structures on the property.

No. of Units _____

No. of Lots _____ or Acres _____

Single-Family 2

Duplexes

Four-Plex

Patio Homes

Townhouses

Apartments _____

b.) Office and Commercial (existing)

 x Check here if there are no office or commercial structures on the property.

Size (Sq. Ft.) _____

Structure

Exterior Site Improvements

.....

Total Site Coverage _____

c.) Institutional (existing)

x Check here if there are no institutional structures on the property.

Size (Sq. Ft.) _____

Structure

Exterior Site Improvements

Total Site Coverage _____

d.) **Industrial** (existing)

x	Check here if there are no industrial structures on the property.
---	---

Size (Sq. Ft.) _____

Structure

Exterior Site Improvements

Total Site Coverage _____

4. Anticipated Development

a.) Platting Status *(Please check the applicable box below)*

 A plat pertaining to this property has been submitted to the Community Development Department for review

x A plat pertaining to this property will be submitted to the Community Development Department in the near future

A plat will not be submitted within the next 6 months

b.) Zoning Status - Please note that properties are annexed as Agricultural “AG”, unless zoning reclassification is requested by the property owner in conjunction with annexation.

 x If a zoning reclassification is desired in conjunction with the annexation process, please check this box and contact the Community Development Department.

x Yes If yes, please describe: 119 acres of 119
 No

 Check here if no residential structures are anticipated on the proposed property.

Single-Family _____
Duplexes _____
Four-Plex _____
Patio Homes _____
Townhouses _____
Apartments _____
Total _____

_____ Check here if no office and/or commercial structures are anticipated on the proposed property.

Size (Sq. Ft.) _____
Unit Value (\$/Sq. Ft.) _____
Total Estimated Value _____
Structure _____
Exterior Site Improvements _____
Total Site Coverage _____

 Check here if no institutional structures are anticipated on the proposed property.

Size (Sq. Ft.) _____
Unit Value (\$/Sq. Ft.) _____
Total Estimated Value _____
Structure _____
Exterior Site Improvements _____

Total Site Coverage _____

 Check here if no industrial structures are anticipated on the proposed property.

Size (Sq. Ft.) _____
Unit Value (\$/Sq. Ft.) _____
Total Estimated Value _____
Structure _____
Exterior Site Improvements _____

Total Site Coverage _____
Estimated Number of Employees _____

g.) Staging of Anticipated Development (In %)

	Current						
	Yr	Yr2	Yr3	Yr4	Yr5	Yr10	Yr20
Residential	_____	_____	_____	_____	_____	_____	_____
Office / Commercial	_____	_____	_____	_____	_____	_____	_____
Institutional	_____	_____	_____	_____	_____	_____	_____
Industrial	_____	_____	_____	_____	_____	_____	_____

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

Effective Date: **August 21, 2018**

GF. No. 3711000957

Commitment No.: Not Applicable issued: **August 28, 2018, 8:00 a.m.**
(if applicable)

1. The policy or policies to be issued are:

- (a) OWNER'S POLICY OF TITLE INSURANCE (Form T-1)
(Not applicable for improved one-to-four family residential real estate)
Policy Amount: **\$6,224,000.00**
PROPOSED INSURED: **Trendmaker Homes, Inc., a Texas corporation**
- (b) TEXAS RESIDENTIAL OWNER'S POLICY OF TITLE INSURANCE -
ONE-TO-FOUR FAMILY RESIDENCES (Form T-1R)
Policy Amount:
PROPOSED INSURED:
- (c) LOAN POLICY OF TITLE INSURANCE (Form T-2)
Policy Amount:
PROPOSED INSURED:
Proposed Borrower:
- (d) TEXAS SHORT FORM RESIDENTIAL LOAN POLICY OF TITLE INSURANCE (Form T-
2R)
Policy Amount:
PROPOSED INSURED:
Proposed Borrower:
- (e) LOAN TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)
Binder Amount:
PROPOSED INSURED:
Proposed Borrower:
- (f) OTHER
Policy Amount:
PROPOSED INSURED:

2. The interest in the land covered by this Commitment is:

Fee Simple

3. Record title to the land on the Effective Date appears to be vested in:

MARTENS LAND GERSHAFT, a Texas general partnership (SEE REQUIREMENTS)

4. Legal description of land:

TRACT I:

Field Notes for a 4.000 acre tract of land, out of a 14.2194 acre tract of land described under Harris County Clerk's File Number S391992; Exhibit "D", situated in the East-one-half (1/2) of the William Hurd Survey, Abstract 377, Harris County; Bearings are based on the North line of the said 14.2194 acre tract of land South 89°42'00" East. The said 4.000 acre tract of land being more fully described as follows:

BEGINNING: At a set 3/4-inch iron rod with plastic cap in the South right-of-way line of FM 2920, based on 120' width, the said set 3/4 inch iron rod with plastic cap marking the Northwest corner of said 14.2194 acre tract of land, the Northeast corner of a 2.16 acre tract described under Harris County Clerk's File Number C767820 and the Northwest

corner of the herein described tract from which a found 1/2 inch iron bears South 0°30'22" West, a distance of 0.85 feet;

THENCE: South 89°42'00" East, with the said South right-of-way line and the North line of the said 14.2194 acre tract of land, a distance of 834.47 feet to a set 3/4 inch iron rod with plastic cap for the Northeast corner of the herein described tract;

THENCE: South 00°18'00" West, departing said right-of-way line, a distance of 208.71 feet to a set 3/4 inch iron rod with plastic cap for the Southeast corner of the herein described tract in the North line of a 113.2797 acre tract of land described under said Harris County Clerk's File Number S391992, Exhibit "A", Tract One and the South line of the said 14.2194 acre tract of land;

THENCE: North 89°42'00" West, with the North line of the said 113.2797 acre tract and the South line of the said 14.2194 acre tract of land, a distance of 835.22 feet to a set 3/4 inch iron rod with plastic cap for the Southwest corner of the herein described tract and the Northwest corner of the said 113.2797 acre tract of land in the East line of a 20' road easement described under Harris County Clerk's File Number E658958 and in the East line of the said 2.16 acre tract of land from which a found 1/2 inch iron bears South 00°30'22" West, a distance of 0.79 feet;

THENCE North 00°30'22" East, with the East line of the said 20' road easement, with the East line of the said 2.16 acre tract of land, the West line of the said 14.2194 acre tract of land and along a wire fence a distance of 208.71 feet to the PLACE OF BEGINNING, containing 4.000 acres of land, more or less.

TRACT II:

Being 113.2797 acres of land, out of 354.0585 acres, the residue of the East one-half (1/2) of the William Hurd Survey, Abstract 377, Harris County, Texas, the Fritz W. Martens called 320 acre tract, deed filed of record March 6, 1899, in Volume 110, page 530, and further described in a deed to G.W.H. Martens, filed of record November 15, 1935, in Volume 1001, Page 22, as containing 357.7 acres. Being the same property as described in Exhibit "A" of the Partition Deed filed under Harris County Clerk's File No. S391992. Said 113.2797 acres more fully described by metes and bounds as follows:

COMMENCING at a fence corner post found in the North line of the Manuel Tijerino Survey, Abstract 763, being the South line of the Hurd Survey, marking the Southwest corner of said 354.0585 acre tract, the residue of said 357.7 acres, from which a square bar found bears South 89°35'27" West, 0.45 feet;

THENCE North 00°22'55" East, in the East line of the Arthur Krahn, et ux, 49.2865 acre tract recorded under County Clerk's File Number E658964, Film Code Number 134-09-1048 and continuing in the East line of the Ervin Krahn, et ux, 47.1315 acre tract recorded under County Clerk's File Number E658958, Film Code Number 134-09-1033, Official Public Records of Real Property, Harris County, Texas, and along a wire fence, a distance of 3317.15 feet to a 1/2 inch iron rod set for the Southwest corner and PLACE OF BEGINNING for the tract herein described;

THENCE, continuing North 00°22'55" East, in the East line of the 47.1315 acre Krahn Tract, passed his Northeast corner at 17.24 feet, continuing in the East line of that certain 20.00 foot wide access easement, recorded under County Clerk's File Number E658958, Film Code Number 134-09-1033, Official Public Records of Real Property, Harris County, and along a wire fence, in all a distance of 1675.05 feet to a 1/2 inch iron rod set for corner and lying South 00°22'55" West, a distance of 208.71 feet from a 5/8 inch iron rod found in the South right-of-way of F.M. 2920, marking the Northwest corner of said 354.0585 acre tract;

THENCE, South 89°42'00" East, departing the West line of said 354.0585 acre tract, at 208.71 feet South of and parallel to the West 2556.43 feet of the South right-of-way of F.M. 2920, in the common line between this tract and a 14.2194 acre tract, the residue of said 354.0585 acres, a distance of 2939.34 feet to a 1/2 inch iron rod set for corner in the West right-of-way of Telge Road, 60.00 feet wide, as monumented from which an old 2 inch iron pipe found marking the Northeast corner of said 354.0585 acre tract and shown on the State Highway Department Right-Of-Way Maps as Station 117- 24 bears North 00° 00' 39" West, 248.71 feet;

THENCE South 00°00'39" East, in said Telge Road right-of-way, 1.00 foot more or less East of a wire fence, a distance of 1139.83 feet to an angle point in said right-of-way;

THENCE South 00°15'13" East, continuing in said Telge Road right-of-way and 1.00 foot more or less, East of a wire fence, a distance of 483.99 feet to a 1/2 inch iron rod set for corner;

THENCE North 89°42'00" West, departing said right-of-way, in the common line between this tract and Tract Two (2), 113.2797 acres, 2954.14 feet to the PLACE OF BEGINNING containing 113.2797 acre of land, more or less.

SAVE AND EXCEPT two 1.250 acre tracts as further described as TRACTS III and IV herein.

TRACT III:

BEING 1.250 acre of land, out of 354.0585 acres, the residue of the East one-half (1/2) of the William Hurd Survey, Abstract 377, Harris County, Texas, the .Friz W. Martens called 320 acre tract, deed filed of record March 06, 1899, in Volume 110, Page 530, and further described in a deed to G. W. H. Martens, filed of record November 15, 1935, in Volume 1001. Page 22, as containing 357.7 acres; said 1.250 acres more fully described as follows:

COMMENCING at a 1/2 inch iron rod found in the South right-of-way of FM 2920 as acquired by Harris County by right-of-way deed dated September 01, 1940, recorded in Volume 1254, Page 644, Deed Records, Harris County, Texas and as shown on right-of-way maps prepared by Harris County, up-dated 1968, said rod marking the Northwest corner of said 354.0585 acre tract, lying and being situated South 00°18'00" West, 40.00 feet from the Northwest corner of said 357.7 acre tract;

THENCE South 00°22'55" West, with the East line of a 20 foot wide access easement, recorded under Harris County Clerk's File Number E658958, the West line of said 354.0585 acre tract, at 208.71 feet pass a 5/8 inch iron rod found for the Southwest corner of a 1.000 acre tract, continuing in all, a distance of 599.80 feet to a point for corner;

THENCE South 89° 42'00" East, a distance of 214.12 feet to a 5/8 inch iron rod with cap set for corner and PLACE OF BEGINNING for the tract herein described;

THENCE continuing South 89°42'00" East, a distance of 208.71 feet to a 5/8 inch iron rod with cap set for corner;

THENCE South 00°18'00" West, a distance of 260.89 feet to a 5/8 inch iron rod with cap set for corner;

THENCE North 89°42'00 West, a distance of 208.71 feet to a 5/8 inch iron rod with cap set for corner;

THENCE North 00°18'00" East, a distance of 260.89 feet to the PLACE OF BEGINNING, containing 1.250 acres, more or less.

TRACT IV:

Being 1.250 acre of land, out of 354.0585 acres, the residue of the East one-half (1/2) of William Hurd Survey, Abstract 377, Harris County, Texas, the Fritz W. Martens called 320 acre tract, deed filed of record March 06, 1899, in Volume 110, Page 530, and further described in a deed to G.W.H. Martens, filed of record November 15, 1935, in Volume 1001, Page 22, as containing 357.7 acres; said 1.250 acres more fully described as follows:

COMMENCING at a 1/2 inch iron rod found in the South right-of-way of FM 2920 as acquired by Harris County by right-of-way deed dated September 01, 1940, recorded in Volume 1254, Page 644, Deed Records, Harris County, Texas and as shown on right-of-way maps prepared by Harris County, up-dated 1968, said rod marking the Northwest corner of said 354.0585 acre tract, lying and being situated South 00°18'00" West, 40.00 feet from the Northwest corner of said 357.7 acre tract;

THENCE South 00°22'55" West, with the East line of a 20 foot wide access easement, recorded under Harris County Clerk's File Number E658958, the West line of said 354.0585 acre tract, at 206.71 feet pass a 5/8 inch iron rod found for the Southwest corner of a 1.000 acre tract, continuing in all, a distance of 599.80 feet to a point for corner;

THENCE South 89°42'00" East, a distance of 422.83 feet to a 5/8 inch iron rod with cap set for corner and PLACE OF BEGINNING for the tract herein described;

THENCE continuing South 89°42'00" East, a distance of 208.71 feet to a 5/8 inch iron rod with cap set for corner;

THENCE South 00°18'00" West, a distance of 260.89 feet to a 5/8 inch iron rod with cap set for corner;

THENCE North 89°42'00" West, a distance of 208.71 feet to a 5/8 inch iron rod with cap set for corner;

THENCE North 00°18'00" East, a distance of 260.89 feet to the PLACE OF BEGINNING, containing 1.250 acres, more or less.

Note: *The Company is prohibited from insuring the area or quantity of the Land. Any statement in the legal description contained in Schedule A as to area or quantity of land is not a representation that such area or quantity is correct but is for informal identification purposes and does not override Item 2 of Schedule B hereof.*

Tax Year: 2018

HARRIS COUNTY APPRAISAL DISTRICT
REAL PROPERTY ACCOUNT INFORMATION
0430430000071 [Print](#)  [E-mail](#)[File A Protest](#) [Similar Owner Name](#) [Nearby Addresses](#) [Same Street Name](#) [Related Map 4670A](#)[Ownership History](#) | [Related Accounts](#)

Owner and Property Information

Owner Name &	MARTENS LAND GERSHAFT	Legal Description:	TR 4
Mailing Address:	PO BOX 1488		ABST 377 W HURD
	TOMBALL TX 77377-1488	Property Address:	21103 TELGE RD
			TOMBALL TX 77377

State Class Code	Land Use Code	Building Class	Total Units
D2 -- Real, Unqualified Agricultural Land	2002 -- Res Vacant Override (Res. Use)		0
Land Area	Building Area	Net Rentable Area	Neighborhood
174,240 SF	0	0	9918.02
			400 -- ISD 26 - Tomball ISD
			Map Facet Key Map®
			287Q

Value Status Information

Value Status	Notice Date	Shared CAD
Noticed	09/28/2018	No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2017 Rate	2018 Rate	Online Tax Bill
None	026	TOMBALL ISD		Not Certified	1.340000		
	040	HARRIS COUNTY		Not Certified	0.418010		
	041	HARRIS CO FLOOD CNTRL		Not Certified	0.028310		
	042	PORT OF HOUSTON AUTHY		Not Certified	0.012560		
	043	HARRIS CO HOSP DIST		Not Certified	0.171100		
	044	HARRIS CO EDUC DEPT		Not Certified	0.005195		
	045	LONE STAR COLLEGE SYS		Not Certified	0.107800		
	648	HC EMERG SRV DIST 21		Not Certified	0.100000	0.100000	View
	673	HC EMERG SRV DIST 3		Not Certified	0.100000		

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at [HCAD's information center at 13013 NW Freeway](#).

Valuations

	Value as of January 1, 2017		Value as of January 1, 2018
	Market	Appraised	Market
Land	696,960	Land	696,960
Improvement	0	Improvement	0
Ag/Tmbr/Spc	220	Ag/Tmbr/Spc	0
Total	696,960	220 Total	696,960
			696,960

[5-Year Value History](#)

Land

Market Value Land

Line	Land Use	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	2002 -- Res Vacant Override (Res. Use)	AC	4.0000	1.00	1.00	1.00	--	1.00	174,240.00	174,240.00	696,960.00

[Building](#)

Vacant (No Building Data)

Tax Year: 2018

HARRIS COUNTY APPRAISAL DISTRICT
REAL PROPERTY ACCOUNT INFORMATION
0430430000108 [Print](#)  [E-mail](#)

File A Protest	Similar Owner Name	Nearby Addresses	Same Street Name	Related Map 4670B
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[Ownership History](#) | [Related Accounts](#)

Owner and Property Information

Owner Name & Mailing Address:	MARTENS LAND GERSHAFT PO BOX 1557 TOMBALL TX 77377-1557	Legal Description:	TRS 3C 3D 4A & 5A ABST 377 W HURD
		Property Address:	0 TELGE TOMBALL TX 77377

State Class Code	Land Use Code	Building Class	Total Units
D1 -- Real, Qualified Agricultural Land	9910 -- Agricultural Land		0
Land Area	Building Area	Net Rentable Area	Neighborhood
4,825,563 SF	0	0	9918.02
		Market Area	Map Facet
		400 -- ISD 26 - Tomball ISD	4670B
			287Q

Value Status Information

Value Status	Notice Date	Shared CAD
Noticed	07/20/2018	No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2017 Rate	2018 Rate	Online Tax Bill
None	026	TOMBALL ISD		Supplemental: 09/07/2018	1.340000		
	040	HARRIS COUNTY		Supplemental: 09/07/2018	0.418010		
	041	HARRIS CO FLOOD CNTRL		Supplemental: 09/07/2018	0.028310		
	042	PORT OF HOUSTON AUTHY		Supplemental: 09/07/2018	0.012560		
	043	HARRIS CO HOSP DIST		Supplemental: 09/07/2018	0.171100		
	044	HARRIS CO EDUC DEPT		Supplemental: 09/07/2018	0.005195		
	045	LONE STAR COLLEGE SYS		Supplemental: 09/07/2018	0.107800		
	648	HC EMERG SRV DIST 21		Supplemental: 09/07/2018	0.100000	0.100000	View
	673	HC EMERG SRV DIST 3		Supplemental: 09/07/2018	0.100000		

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Valuations

	Value as of January 1, 2017		Value as of January 1, 2018	
	Market	Appraised	Market	Appraised
Land	1,533,091	Land	4,046,282	
Improvement	0	Improvement	0	
Ag/Tmbr/Spc	6,093	Ag/Tmbr/Spc	6,093	
Total	1,533,091	6,093 Total	4,046,282	6,093

[5-Year Value History](#)

Land

Market Value / Agricultural Land

Line	Land Use	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	9910 -- Mkt Value of Ag Land AC6 -- Primary AC	AC	15.0000	1.00	1.00	1.00	--	1.00	43,560.00	43,560.00	653,400.00
2	9910 -- Mkt Value of Ag Land AC7 -- Primary AC	AC	60.0000	1.00	1.00	1.00	--	1.00	43,560.00	43,560.00	2,613,600.00
3	9910 -- Mkt Value of Ag Land AC8 -- Primary AC	AC	35.7797	1.00	1.00	1.00	--	1.00	21,780.00	21,780.00	779,282.00

Agricultural Value

Line	Land Use	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
------	----------	-----------	-------	-------------	-------------	-----------------	-----------------	-----------	------------	----------------	-------

1	9011 -- Harris Native Pasture	AC	110.7797	1.00	1.00	1.00	--	1.00	55.00	55.00	6,093.00
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[Building](#)

Vacant (No Building Data)

Tax Year: 2018

HARRIS COUNTY APPRAISAL DISTRICT
REAL PROPERTY ACCOUNT INFORMATION
0430430000130 [Print](#)  [E-mail](#)

File A Protest	Similar Owner Name	Nearby Addresses	Same Street Name	Related Map 4670A
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Ownership History

Owner and Property Information

Owner Name & Mailing Address:	VIRGINIA L MARTENS TRUST PO BOX 1557 TOMBALL TX 77377-1557	Legal Description:	TR 4A-1 ABST 377 W HURD 16451 FM 2920 RD TOMBALL TX 77377
		Property Address:	

State Class Code

A1 -- Real, Residential, Single-Family

Land Use Code

2003 -- Res Improved Override (Res. Use)

Land Area	Total Living Area	Neighborhood	Neighborhood Group	Market Area	Map Facet	Key Map®
54,450 SF	1,860 SF	2576	26001	400 -- ISD 26 - Tomball ISD	4670A	287Q

Value Status Information

Value Status	Notice Date	Shared CAD
Noticed	07/27/2018	No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2017 Rate	2018 Rate	Online Tax Bill
None	026	TOMBALL ISD		Supplemental: 09/07/2018	1.340000		
	040	HARRIS COUNTY		Supplemental: 09/07/2018	0.418010		
	041	HARRIS CO FLOOD CNTRL		Supplemental: 09/07/2018	0.028310		
	042	PORT OF HOUSTON AUTHY		Supplemental: 09/07/2018	0.012560		
	043	HARRIS CO HOSP DIST		Supplemental: 09/07/2018	0.171100		
	044	HARRIS CO EDUC DEPT		Supplemental: 09/07/2018	0.005195		
	045	LONE STAR COLLEGE SYS		Supplemental: 09/07/2018	0.107800		
	648	HC EMERG SRV DIST 21		Supplemental: 09/07/2018	0.100000	0.100000	View
	673	HC EMERG SRV DIST 3		Supplemental: 09/07/2018	0.100000		

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Valuations

	Value as of January 1, 2017		Value as of January 1, 2018
	Market	Appraised	Market
Land	47,225	Land	54,450
Improvement	236,368	Improvement	261,499
Total	283,593	283,593 Total	315,949

5-Year Value History

Land

Market Value Land

Line	Land Use	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	2003 -- Res Improved Override (Res. Use) SF1 -- Primary SF	SF	40,000	1.00	1.00	1.00	--	1.00	1.00	1.00	40,000.00
2	2003 -- Res Improved Override (Res. Use) SF2 -- Primary SF	SF	14,450	1.00	1.00	1.00	--	1.00	1.00	1.00	14,450.00

Building

Building	Year Built	Type	Style	Quality	Impr Sq Ft	Building Details
1	2001	Residential Single Family	101 -- Residential 1 Family	Average	1,860 *	Displayed

* All HCAD residential building measurements are done from the exterior, with individual measurements rounded to the closest foot. This measurement includes all closet space, hallways, and interior staircases. Attached garages are not included in the square footage of living area, but valued separately. Living area above *attached* garages is included in the square footage living area of the dwelling. Living area above *detached* garages is not included in the square footage living area of the dwelling but is valued separately. This method is used on all residential properties in Harris County to ensure the uniformity of square footage of living area measurements district-wide. There can be a reasonable variance between the HCAD square footage and your square footage measurement, especially if your square footage measurement was an interior measurement or an exterior measurement to the inch.

Building Details (1)

Building Data		Building Areas	
Element	Details	Description	Area
Cond / Desir / Util	Average	MAS/BRK GARAGE PRI	420
Foundation Type	Slab	BASE AREA PRI	1,860
Grade Adjustment	C	OPEN FRAME PORCH PRI	168
Heating / AC	Central Heat/AC	OPEN FRAME PORCH PRI	376
Physical Condition	Average		
Exterior Wall	Brick / Veneer		
Cost and Design	New / Rebuilt		
Element	Units		
Room: Total	6		
Room: Full Bath	2		
Room: Bedroom	3		

Tax Year: 2018

HARRIS COUNTY APPRAISAL DISTRICT
REAL PROPERTY ACCOUNT INFORMATION
0430430000131 [Print](#)  [E-mail](#)

File A Protest	Similar Owner Name	Nearby Addresses	Same Street Name	Related Map 4670A
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Ownership History

Owner and Property Information

Owner Name & Mailing Address:	DANIEL PAULINE E PO BOX 1557 TOMBALL TX 77377-1557	Legal Description:	TR 4A-2 ABST 377 W HURD 16455 FM 2920 RD TOMBALL TX 77377
		Property Address:	

State Class Code

A1 -- Real, Residential, Single-Family

Land Use Code

2003 -- Res Improved Override (Res. Use)

Land Area	Total Living Area	Neighborhood	Neighborhood Group	Market Area	Map Facet	Key Map®
54,450 SF	1,700 SF	2576	26001	400 -- ISD 26 - Tomball ISD	4670A	287Q

Value Status Information

Value Status	Notice Date	Shared CAD
Noticed	07/27/2018	No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2017 Rate	2018 Rate	Online Tax Bill
Residential Homestead (Multiple)	026	TOMBALL ISD	57,000	Supplemental: 09/07/2018	1.340000		
	040	HARRIS COUNTY	221,756	Supplemental: 09/07/2018	0.418010		
	041	HARRIS CO FLOOD CNTRL	221,756	Supplemental: 09/07/2018	0.028310		
	042	PORT OF HOUSTON AUTHY	221,756	Supplemental: 09/07/2018	0.012560		
	043	HARRIS CO HOSP DIST	221,756	Supplemental: 09/07/2018	0.171100		
	044	HARRIS CO EDUC DEPT	221,756	Supplemental: 09/07/2018	0.005195		
	045	LONE STAR COLLEGE SYS	80,000	Supplemental: 09/07/2018	0.107800		
	648	HC EMERG SRV DIST 21	0	Supplemental: 09/07/2018	0.100000	0.100000	View
	673	HC EMERG SRV DIST 3	5,000	Supplemental: 09/07/2018	0.100000		

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at [HCAD's information center at 13013 NW Freeway](#).

Valuations

	Value as of January 1, 2017		Value as of January 1, 2018	
	Market	Appraised	Market	Appraised
Land	47,225		54,450	
Improvement	233,485		254,537	
Total	280,710	280,710	308,987	308,781

5-Year Value History

Land											
Market Value Land											
Line	Land Use	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	2003 -- Res Improved Override (Res. Use) SF1 -- Primary SF	SF	40,000	1.00	1.00	1.00	--	1.00	1.00	1.00	40,000.00

2	2003 -- Res Improved Override (Res. Use)	SF	14,450	1.00	1.00	1.00	--	1.00	1.00	1.00	14,450.00
	SF2 -- Primary SF										

Building						
Building	Year Built	Type	Style	Quality	Impr Sq Ft	Building Details
1	2001	Residential Single Family	101 -- Residential 1 Family	Average	1,700 *	Displayed

* All HCAD residential building measurements are done from the exterior, with individual measurements rounded to the closest foot. This measurement includes all closet space, hallways, and interior staircases. Attached garages are not included in the square footage of living area, but valued separately. Living area above *attached* garages is included in the square footage living area of the dwelling. Living area above *detached* garages is not included in the square footage living area of the dwelling but is valued separately. This method is used on all residential properties in Harris County to ensure the uniformity of square footage of living area measurements district-wide. There can be a reasonable variance between the HCAD square footage and your square footage measurement, especially if your square footage measurement was an interior measurement or an exterior measurement to the inch.

Building Details (1)

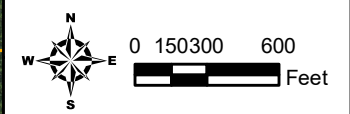
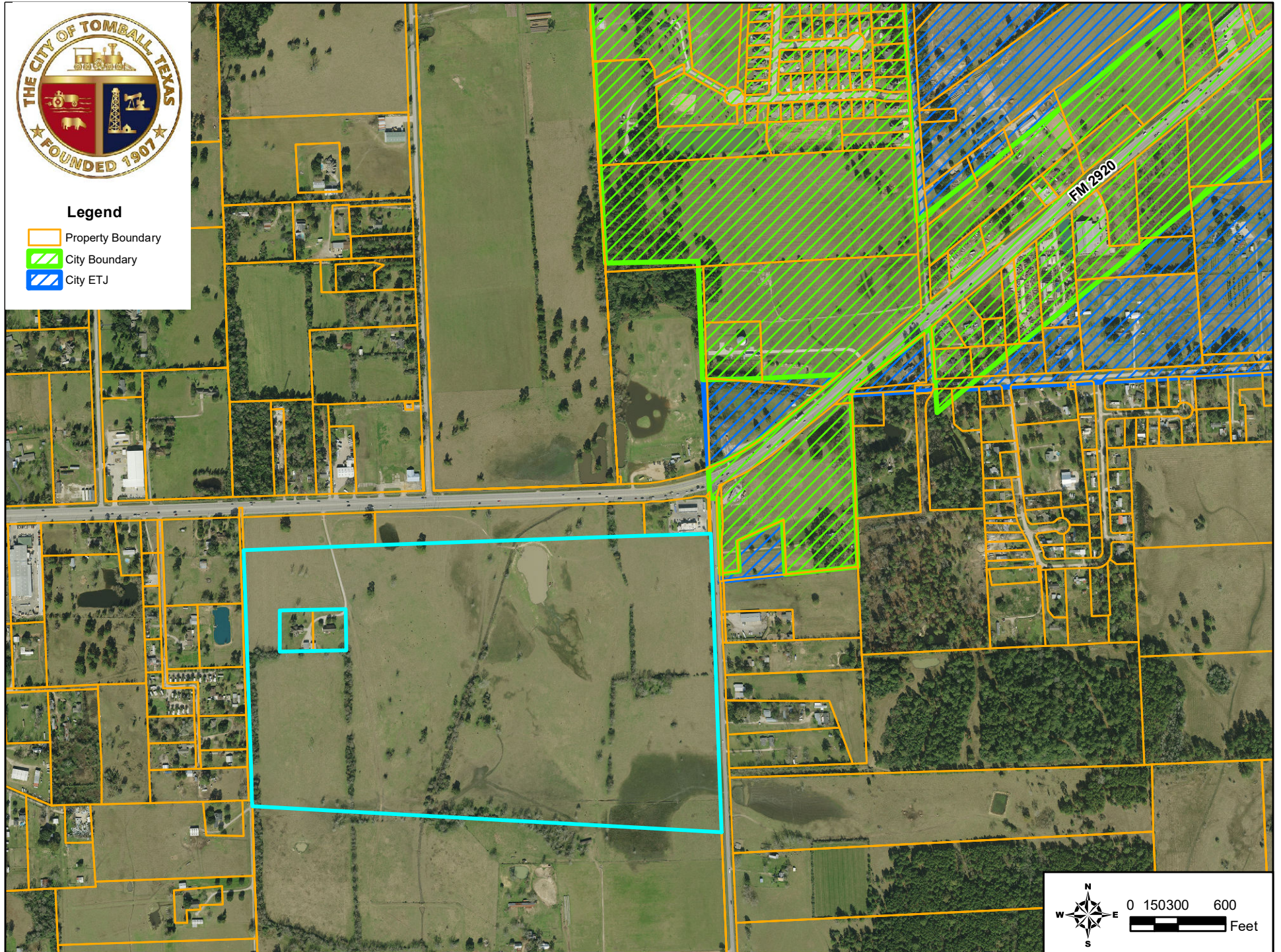
Building Data		Building Areas	
Element	Details	Description	Area
Cond / Desir / Util	Average	MAS/BRK GARAGE PRI	520
Foundation Type	Slab	BASE AREA PRI	1,700
Grade Adjustment	C	OPEN FRAME PORCH PRI	192
Heating / AC	Central Heat/AC	OPEN FRAME PORCH PRI	216
Physical Condition	Average		
Exterior Wall	Brick / Veneer		
Cost and Design	New / Rebuilt		
Element	Units		
Room: Total	6		
Room: Full Bath	2		
Room: Bedroom	3		

Extra Features					
Line	Description	Quality	Condition	Units	Year Built
1	4 Side closed Metal Pole Barn	Fair	Average	1,200	2001
2	4 Side closed Metal Pole Barn	Average	Average	1,200	2011
3	Metal Utility Shed	Average	Average	160	2009



Legend

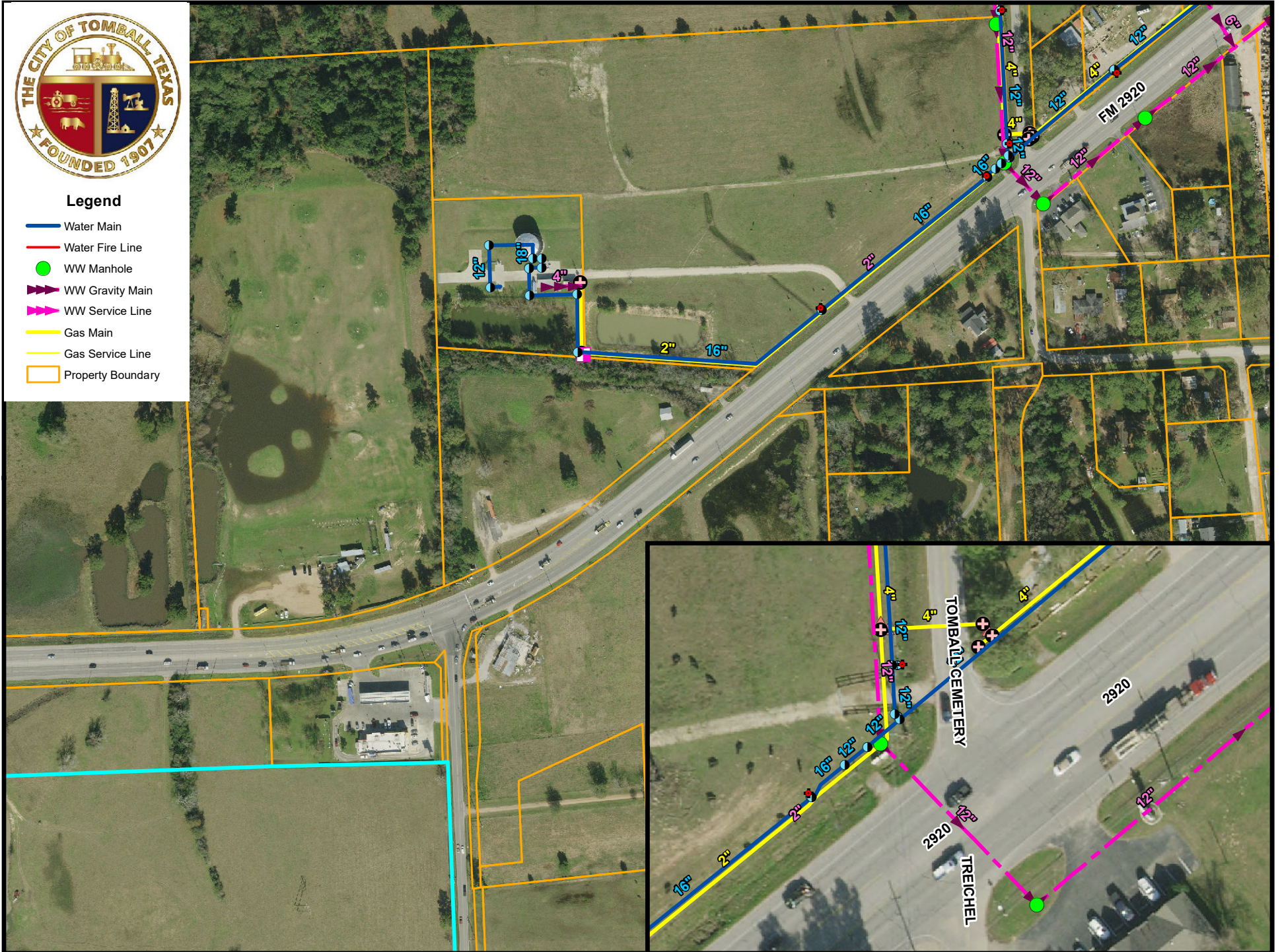
-  Property Boundary
-  City Boundary
-  City ETJ





Legend

- Water Main
- Water Fire Line
- WW Manhole
- WW Gravity Main
- WW Service Line
- Gas Main
- Gas Service Line
- Property Boundary



Regular City Council

Agenda Item

Data Sheet

Meeting Date: November 19, 2018

Topic:

Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.071 – Consultation with the City Attorney regarding a Matter that the Attorney's Duty Requires to be Discussed in Closed Session.
- Sec. 551.074 – Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee.

Background:**Origination:**

City Manager

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
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